

Right to Food (Scotland) Bill

Introduction

A proposal for a Bill to incorporate the right to food into Scots law.

The consultation runs from 25 November 2021 to 16 February 2022.

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

Scottish Food Coalition is an alliance of over 40 organisations including: small-scale farmers and growers, academics, workers' unions and charities focused on the environment, health, poverty and animal welfare. We know that the challenges facing our food system are connected and we need to work across the whole system to achieve a healthy, fair and sustainable future.

See full membership here: <https://www.foodcoalition.scot/who-we-are.html>

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Scottish Food Coalition

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

Aim and Approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposal to incorporate the right to food into Scots law?

Fully supportive

Please explain the reasons for your response.

Scotland's food system – like the global food system – is failing to meet the challenges of the 21st century. It is driving climate change and a critical loss of biodiversity, and generating an epidemic of diet-related disease while leaving too many people hungry. Incomes of producers – especially small producers – are squeezed, and many jobs in food are insecure and poorly paid. Food waste is endemic. This is a systemic challenge; the food system must fundamentally transform to fulfil social, environmental and economic purposes.

The Scottish Food Coalition's hope and expectation for the future of the food system is one where the right to food is realised and nobody suffers from hunger in Scotland. Alongside access to healthcare and education, everyone must have access to adequate food that is nutritious, culturally appropriate, safe and affordable. Population-wide measures to guarantee access to good food would provide freedom and security and allow people to get on with their lives without anxiety about where the next meal will come from. Governments – at national and global level – have a key part to play in this transformation.

The Scottish Food Coalition (SFC) believes that enshrining the right to food into Scots law is a vital step in transforming Scotland's food system. We feel that the Good Food Nation bill, as cross-cutting framework legislation, is the best vehicle with which to incorporate the right to food. The Good Food Nation bill was due to be introduced in Spring 2020, but the Scottish Government took the necessary decision to prioritise legislation directly pertaining to the COVID-19 pandemic, resulting in an indeterminate delay to the Good Food Nation bill. The SFC is calling for the Good Food Nation bill to be introduced as soon as possible, and by enshrining the right to food into law, it will redefine the relationship between citizens, government and the food system through taking a rights-based approach to food governance. In implementing the right to food, the government takes on an explicit duty to ensure that the food system delivers on social and environmental goals as well as economic ones. This means cross-cutting action in many areas of government from social security and taxation through to health, agriculture, industry, environment and climate change.

SFC is supportive of the proposals in this consultation as we welcome the opportunity to progress the push for implementation of the right to food, especially with the delay to the Good Food Nation bill. We are pleased that this consultation has drawn attention to this important issue, and increased awareness and engagement from the public and civil society, as well as policy-makers and media.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

Legislation is required. It helps to maintain progress and prevent going backwards. Delivering on the commitments laid down by legislation will be the same no matter which political party is in power, or if Ministers and Scottish Government officials change. Legislation can help to establish the core purpose of the food system in law, track progress across the whole food system and hold the Government to account if they are not delivering the right to food.

Q3. Which of the following best expresses your view on an independent statutory body being given responsibility for overseeing and reporting on progress towards realising the right to food?

Fully supportive

Please explain the reasons for your response.

The SFC believes that in order for the right to food to be successfully realised by everyone in Scotland, an independent statutory body must be in place to scrutinise Government decisions on food policy. The challenges facing the food system are diverse and interrelated. It is imperative that a specialised body is implemented to ensure that policy and legislative decisions are cohesive when they affect a range of Governmental portfolios. We feel that transparency, accountability, compliance and coherence can only be achieved with the oversight of an independent, statutory body. In order to be most effective, this body must have the power and resources to commission research, and oversee policy coherence and progress towards food system goals.

Q3. Which of the following best expresses your view on an independent statutory body being given responsibility for overseeing and reporting on progress towards realising the right to food?

To enable Parliament to scrutinise future statements/plans and progress effectively, and to carry out democratic, participatory functions, we need a body to collate information in a systematic way and provide clear, evidence-based recommendations. An independent statutory body can perform these functions with a secretariat, staff and financial resources.

- A statutory food commission reads across all food-related issues, from the rights of migrant fisheries workers to community food-growing, from the obesogenic food environment to agroecology, from ending the need for food banks to the wider impacts of pesticides.
- At its core it asks: 'how well are we delivering on the right to food, across the three pillars of access, health and sustainability? How could we work together to do better?'
- Crucially – as with the UK Committee on Climate Change – it can take a 'systems' approach, recognising the need for joined-up policy across departments and between local and national government. It will help national and local government to make more effective and efficient use of public and private resources to deliver better social, economic, environmental and health outcomes.
- The commissioners would be supported by a small staff team, much like the Scottish Land Commission.
- A statutory Scottish Food Commission should have a clear and transparent process for engaging with civil society networks.

In terms of its activities, the Commission would, for example:

- a. Undertake research and make recommendations based on evidence and current progress towards targets.
- b. Produce an annual report on the state of Scotland's food system and progress made on realising the right to food, drawing on national and local data and indicators.
- c. Facilitate and support partnership working to drive food systems change
- d. Advise on opportunities to enhance legislative compatibility and policy coherence,
- e. Support a dynamic process of citizen engagement and public consultation at both national and local level;

The Scottish Land Commission is a useful model for a commission which has taken an active role in pushing forward a progressive agenda, commissioning research, engaging with stakeholders, hosting public meetings and roadshows.

Q4. Should an independent body be given responsibility for overseeing and reporting on the right to food, do you think it should be:

A newly created body

Please explain the reasons for your response.

The challenges facing the food system have not yet been adequately addressed by any existing body, and we have seen many of these issues worsening. Rather than adding additional responsibilities to an existing body that has an established agenda and staff already committed to delivering a specific work plan, it is necessary to establish a newly created body. This body's sole focus is on taking 'food systems' approach, recognising the need for joined-up policy across departments and between local and national government.

SFC believes that the body / Commission be a standalone body, reporting and being accountable to Parliament. It should include a number of commissioners with a range of experience and skills who represent a breadth of interests and lived experiences. The process for appointing commissioners should be transparent.

Q5. Which of the following best expresses your view of enshrining a right to food into Scots law as a priority in advance of, and in a manner which is compatible with, any further Scottish Government legislation on wider human rights?

Fully supportive

Q5. Which of the following best expresses your view of enshrining a right to food into Scots law as a priority in advance of, and in a manner which is compatible with, any further Scottish Government legislation on wider human rights?

Please explain the reasons for your response.

The SFC believes that stronger protections for the right to food must be brought forward into legislation as soon as possible.

The First Minister's Advisory Group's report recommended the development of new legislation to enhance the protection of human rights for every member of Scottish society. This legislation would both restate rights already provided for in the Human Rights Act 1998, as well as provide for economic, social, cultural and environmental rights that are not yet incorporated into domestic law. Strengthening of legal protection of the right to food within the Good Food Nation Bill is complementary to, and supportive of, any forthcoming human rights legislation. The Advisory Group's report recommends that "the Scottish Parliament would give further effect to these rights through subsequent primary legislation." The report also states that nothing in their recommendations for new human rights legislation should "supersede, undermine or otherwise negatively impact any more comprehensive proposals for the protection of human rights by the Scottish Government."

The SFC believes that stronger protections for the right to food must be brought forward into legislation as soon as possible. We are fully supportive of efforts to strengthen rights-based governance. The challenges facing the food system are urgent, and the COVID-19 pandemic has exposed and worsened many of these challenges. While the current government is laudably committed to the human rights agenda, there is no guarantee that future governments will be equally supportive.

Q6. Which of the following best expresses your view of placing responsibility for guaranteeing the right to food on the Scottish Government?

Fully supportive

Please explain the reasons for your response.

The right to food recognises that it is the Government that has the responsibility to deliver the right to food for everyone in Scotland. Charities have been filling the gaps left by the Government when it comes to addressing the growing levels of food insecurity; this has led to more reliance on food banks. Workers in the food sector suffer high levels of job insecurity and poor wages. The way we produce food is harmful to animals and the environment.

The right to food recognises that these problems are Government failures as it is their responsibility to ensure everyone has enough money to afford nutritious food, through fair wages or adequate benefits, and our food system promotes the wellbeing of people, animals and our environment.

Covid-19 Pandemic

Q7. What impact do you consider the effects of, and response to, the Covid-19 pandemic has had on the need for a right to food to be incorporated into Scots law?

Increased the need for the Bill

Please explain the reasons for your response.

The pandemic has exacerbated some of the challenges that have long plagued the food system. Long and complex supply chains have weakened Scotland's resilience, and left the country vulnerable to disruptions in global supply. Scotland is dependent on imports such as fertiliser and animal feeds. In the meantime, producing food for export has been given precedence over producing food to eat. Local food chains are limited. Jobs in this sector remain amongst the least well paid and the most precarious.

The COVID-19 pandemic has exposed the vulnerability of these individuals - and the families who depend on their wages - with hundreds of thousands facing job losses, low levels of statutory sick pay and unfair

Q7. What impact do you consider the effects of, and response to, the Covid-19 pandemic has had on the need for a right to food to be incorporated into Scots law?

compensation. Relatedly, there has been a significant rise in demand for food banks. Poor diet, and dietary inequalities, are a major cause of ill health in Scotland. Obesity has been found to be a risk factor in COVID-19 severity and outcomes - there is an increased need to address the unhealthy food environment we currently live in.

The right to food makes it clear that it is the Government's responsibility to ensure that everyone can access food that is of good quality, nutritious, safe to eat and available with dignity. Charities and food banks should not be responsible for dealing with these issues. Putting the right to food into Scots law will ensure more Government resources go towards finding better alternatives to addressing food insecurity than charity and food banks, for example, ensuring a compassionate benefits system which enables people to eat well and access food with dignity. It is important that we have more than words on paper; putting the right to food into law will not end food banks overnight, and we need additional measures like an independent statutory body to monitor the Government's plans and decisions and make sure that it is taking appropriate actions.

Putting the right to food into law will ensure the Government acts to change the food system so that it promotes better public health – both physically and mentally. Fairer wages, more secure employment and adequate social security benefits will mean that people are better able to afford nutritious food for them and their families. This will likely have a positive impact on mental health as stress, anxiety and depression associated with financial worries will lessen. Diet-related illnesses are a longstanding issue and enshrining the right to food into Scots law will ensure that policy and law makers treat the food system as a health priority. Poor diet contributes to greater vulnerability to COVID-19; diabetes and other diet-related health conditions are risk factors for COVID-19 mortality. An NHS audit in the UK revealed that over three quarters (76.5%) of critically ill COVID-19 patients are overweight. Obesity has been identified as the biggest COVID-19 risk factors. A study published in the Clinical Infectious Diseases journal found that obese under 60s were twice as likely to be admitted to hospital care and require ventilation. Early clinical observations have found overweight and obesity to be associated with more severe complications from COVID-19.

High prevalence of diet-related illness are an issue that pre-dates the COVID-19 pandemic and enshrining the right to food into Scots law will ensure that policy and law makers treat the food system as a health priority. For example, by ensuring food governance facilitates progression towards a food environment which enables positive dietary choices, and food governance prevents regression from legislation, policy, or practice where this primarily promotes unhealthy dietary choices (e.g. price promotions, advertising, sponsorship, licensing, city planning etc.).

Financial Implications

Q8. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:

some increase in costs

Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.

It will cost the Government and the public-sector some money to make the necessary changes as it is underinvestment which has led to the failings we have long seen in our food system. For example, establishing an independent statutory body will be an investment. Currently, diet-related illnesses place huge avoidable costs on our health service, ensuring the food system improves public health will put less strain on the NHS.

Businesses may have some increases in cost due to pay raises for staff whose wages are too low to afford nutritious food for them and their families. However, there are also savings for businesses by changing these unfair practices. For example, there are likely to be fewer sick-days for staff who are mentally and physically healthier. A healthier workforce will be a more productive workforce and this will benefit the businesses. The food sector has struggled with job retention, but better conditions and fairer wages will attract more people into the sector providing more financial stability for businesses.

Q8. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:

However, individuals that are unable to afford nutritious food for themselves and their families will see a reduction to their costs. Putting the right to food into law will place the responsibility on the Government to ensure everyone can afford nutritious food, for example, through fair wages or adequate benefits. Though this is not about making food cheaper; it is about making sure everyone in Scotland can access healthy food with dignity. So, individuals and families would see a reduction in their costs relative to their income.

The purpose of the Bill is long term investment in the food system. This requires ambition and big changes across the whole food system. The focus of any Bill on the right to food should be about strong social security, fair employment, protecting animals and the planet, and improving people's lives. This is worth our investment.

Equalities

Q9. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Positive

Please explain the reasons for your response. Where any negative impacts are identified, you may also wish to suggest ways in which these could be minimised or avoided.

The right to adequate food is a human right that protects all human beings' right to live in dignity, free from hunger. Equality is at the heart of the right to food, with every individual entitled to having their human rights realised. We know that certain groups in society are more vulnerable to acts of discrimination such as unfair employment practices, low wages or reliance on inadequate social security benefits. For example, the latest community-based data estimates 1 in 10 people over the age of 65 in the UK are malnourished or at risk of suffering from preventable malnutrition, which equates to 103,000 older people in Scotland. These inequalities have been compounded by COVID-19 pandemic and the economic fallout from it - adults with part-time employment have been found to be at a higher risk of economic food insecurity compared to adults with full-time employment.

The international framework notes that each State party is obliged to guarantee that the rights enunciated in the International Covenant on Economic, Social and Cultural Rights are exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The right to food puts obligations on Government to take the necessary measures to prevent, diminish and eliminate the conditions and attitudes that cause or perpetuate substantive or de facto discrimination, ensuring no one is left behind.

Sustainability

Q10. In terms of assessing the proposed Bill's potential impact on sustainable development, you may wish to consider how it relates to the following principles:

- living within environmental limits
- ensuring a strong, healthy and just society
- achieving a sustainable economy
- promoting effective, participative systems of governance
- ensuring policy is developed on the basis of strong scientific evidence.

With these principles in mind, do you consider that the Bill can be delivered sustainably?

Yes

Please explain the reasons for your response.

The impact of the bill will have positive sustainable development. Making farming and fishing less wasteful and less polluting will have a positive environmental impact. Improving wages and social security so that individuals and families can afford a healthy diet will have a positive social impact. And improving business employment practices may come at an initial cost increase, but the benefit of job retention, a healthier workforce, and better public perception of those businesses should have a long term positive economic impact. This Bill's proposal to establish a body to oversee the food system could promote participative systems of governance by enabling people across Scotland to input into plans that will shape their food system, and ensure that policy is developed on the basis of scientific research and evidence.

General

Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

The transition to a fair, healthy and sustainable food system based on the right to food will enhance national wellbeing in Scotland and play a key role in our economic recovery from COVID-19 – safeguarding our future prosperity. The SFC believes that any protections for the right to food must be brought forward into legislation as soon as possible. We are fully supportive of efforts to strengthen rights-based governance.

The SFC remains committed to seeing a Good Food Nation bill that is centred on the right to food introduced into parliament as soon as possible. Progressing the right to food in law will redefine the relationship between citizens, government and the food system through taking a human rights approach. This means cross-cutting action in many areas of government from social security and taxation through to health, agriculture, industry, environment and climate change. COVID-19 pandemic has exposed and exacerbated the many challenges facing Scotland's food system, and has also highlighted the vulnerability of the system. Reforming the food system in line with stronger protections for human rights would strengthen our resilience, and refocus our efforts on social justice and environmental stewardship now and for future generations.