

Consultation response: Good Food Nation Proposals for Legislation Scottish Food Coalition

Introduction

The Scottish Food Coalition (SFC)¹ is pleased to see a consultation on proposed legislation for a Good Food Nation. We are a cross-sectoral network of organisations keen to see fundamental change to secure a socially and environmentally just food system in Scotland. We have for a long time been very supportive of framework legislation to help us achieve the Good Food Nation vision.

The SFC's priorities for a new law on food are:

1. Full incorporation of the **right to food** in Scots law;
2. A requirement for a comprehensive **National Food Plan**, which covers the full spectrum of issues related to food, from farm to fork to waste;
3. Robust **targets** on the face of the bill, including:
 - a. All workers in the food sector paid at least the living wage and included in collective bargaining agreements by 2025 at the latest.
 - b. Halving of moderate to severe household food insecurity by 2030
 - c. Halving childhood obesity by 2030
 - d. Halving the environmental impact of the food system, including halving food waste by 2030
4. **Duties** on public bodies; and,
5. Legislating for an **independent food commission**, with the power and resources to commission research, and oversee policy coherence and progress towards food system goals.

We are encouraged to see some of these reflected in the consultation proposals, but consider it imperative that Scottish Government takes a stronger leadership role, with a much more ambitious approach to this agenda. In this response, we will offer a more general view of the consultation before answering the questions set out in the consultation document.

Background

The Scottish Food Coalition formed in response to a recognition that the sectoral problems we were seeking to address were in fact all a result of the same fundamental problem – that the Scottish food system is broken. This is evidenced by:

¹ This consultation response is on behalf of: Common Weal, Compassion in World Farming, Eat Well Age Well, Eco-Congregation Scotland, FRIED – Food Researchers in Edinburgh, Glasgow Allotments Forum, Global Justice Now, Health and Social Care Alliance Scotland (the ALLIANCE), Independent Food Aid Network, Interfaith Food Justice Network, Leith Crops in Pots, Mary Brennan (SFC Chair, member of FRIED & Chair of Food Marketing and Society at University of Edinburgh), Nourish Scotland, Obesity Action Scotland, OneKind, Open Seas, RSPB Scotland, Scottish Crofting Federation, Slow Food Youth Network, Transition Edinburgh, Trussell Trust, Unison, Unite the Union, WWF Scotland. In addition, as a supporter of the SFC, Menu for Change supports this consultation response.

- **Food poverty.** Many households in Scotland cannot afford to eat according to recommended guidelines². To meet the UK Eatwell Guide recommendations³, the poorest in Scotland would have to spend a large proportion of their income on food; for the very poorest this would be up to 70% of their income after housing costs. The Food Foundation estimates that hundreds of thousands of children in Scotland live in families who cannot afford healthy food. It is also widely recognised that school meals are a lifeline for many children whose families struggle to provide food.
- **Public health.** Two-thirds of Scottish adults are overweight or obese (one-third have obesity); Over a quarter of children (12-15 years) are at risk of being overweight or obese (13% are at risk of obesity).⁴ This has not changed substantively since the Scottish dietary goals came into being in 2008. 1 in 10 people in the UK over the age of 65 are malnourished or at risk of malnutrition⁵. Many of the Scottish Government's health and social care priorities are undermined by insecure access to food. For instance, a healthy diet is key, not just in preventing the development of long term conditions, but also to supporting people to self-manage long term conditions.
- **Climate change.** Around a quarter of Scotland's greenhouse gas emissions come from agriculture and related land use, including 68% of Scotland's methane, and 79% of Scotland's nitrous oxide emissions.⁶ Further emissions arise from the food sector as a whole, in the processing, sale and waste of food. 630,000 tonnes of food are wasted each year by Scottish households,⁷ most of which is avoidable.⁸ The IPCC report in 2018 argued that any transition pathway to limit global warming to 1.5 degrees Celsius would include changes in land use⁹; with food production being our greatest land use, this will undoubtedly have an impact on food systems. Without both mitigation and resilience measures, this leaves Scotland's food and drink sector vulnerable to a changing climate.
- **Wildlife declines.** While many farmers and crofters already do great things to support wildlife, global food production has been identified as one of the key drivers of habitat loss and wildlife

² Children and Young Peoples' Commissioner Scotland (2018). Healthy diets "increasingly unaffordable" for 220,000 of Scotland's children, says new research. News article. Available from: <https://www.cypcs.org.uk/news/in-the-news/healthy-diets-increasingly-unaffordable-for-220000-of-scotlands-children-says-new-research-published-today>

³ HM Government (2018). The Eatwell Guide. Online. Available from: <https://www.gov.uk/government/publications/the-eatwell-guide>

⁴ Scottish Government (2018). Scottish health survey 2017: volume one - main report. Online. Available from: <https://www.gov.scot/publications/scottish-health-survey-2017-volume-1-main-report/>

⁵ Malnutrition Task force (2017). State of the Nation Report: Older people and malnutrition in the UK today. Online. Available from: http://www.malnutritiontaskforce.org.uk/wp-content/uploads/2017/10/AW-5625-Age-UK-MTF_Report.pdf

⁶ Scottish Government (2016). Scottish Greenhouse Gas Emissions 2016. Online. Available from: <https://www.gov.scot/Resource/0053/00536542.pdf>

⁷ Scottish Government. (2014). Recipe for Success: Scotland's National Food & Drink Policy Becoming a Good Food Nation. Online. Available from: <https://beta.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2014/06/recipe-success-scotlands-national-food-drink-policy-becoming-good-food/documents/00453219-pdf/00453219-pdf/govscot:document/>

⁸ Zero Waste Scotland. Reduce Food Waste. Online. Available from: <https://www.zerowastescotland.org.uk/Looking-For-Ways-To-Reduce-Food-Waste>

⁹ Intergovernmental Panel on Climate Change (2018). Global Warming of 1.5°C. Summary for Policymakers. Online. Available from: https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_stand_alone_LR.pdf

declines.¹⁰ In Scotland, there are continuing declines in farmland birds. For some species such as kestrel, curlew and lapwing, more than half have been lost since 1994.¹¹ There are continuing large declines in insect populations, including pollinators. 75% of crops on the planet benefit from insect pollination.¹² Intensification of food production¹³ is part of this problem.

- **Animal welfare.** The welfare of animals needs to be recognised as part of food quality. An estimated 45% of the antibiotics used in the UK are given to livestock, mainly to those farmed intensively.¹⁴ And while many farmers and crofters go above and beyond, animals are often kept in systems that are harmful to their well-being and many are pushed to very fast growth rates or high yields that have a detrimental impact on their health and welfare. The export of un-weaned dairy calves, intensive salmon farming, poor welfare during transport to slaughter, and the continued confinement of hens in cages are just some of these on-going issues. The Farm Animal Welfare Committee, which advises all UK administrations, has long advocated developing policy to move beyond the so-called Five Freedoms to a point where citizens are reassured that “all farm animals have a life worth living and a growing number have a good life.”¹⁵
- **Rural communities.** Many farmers, crofters and farm workers across Scotland struggle to make a living and average farm business income without subsidies is a loss of nearly £15,000.¹⁶ There have been attempts, which have thankfully been unsuccessful, to abolish the Scottish Agricultural Wages Board and the setting of minimum pay rates.
- **Food sector jobs.** These are often some of the most insecure and poorly paid¹⁷. Workers in the sector are more likely to be paid below the minimum wage, employed on precarious contracts and subjected to forced labour. Research Funded by the Joseph Rowntree Foundation and conducted by the Universities of Sheffield and Bath found a failure to monitor outsourced recruitment is resulting in companies inadvertently employing victims

¹⁰ WWF (2018). Living Planet Report 2018. Online. Available from:

https://wwf.panda.org/knowledge_hub/all_publications/living_planet_report_2018/

¹¹ Scottish Natural Heritage (2018). Index of Abundance for Scottish Terrestrial Breeding Birds, 1994 to 2016. Official Statistics Publication for Scotland. Online. Available from:

<https://www.nature.scot/sites/default/files/2018-02/Official%20Statistics%20-%20Terrestrial%20Breeding%20Birds%20-%20Index%20of%20abundance%201994-2016.pdf>

¹² Nourish Scotland (2018). Food Atlas 2018-2030: Mapping out a sustainable food future. Online. Available from: http://www.nourishscotland.org/wp-content/uploads/2018/08/Food-Atlas_FINAL_online.pdf

¹³ ‘Intensification’ refers to farming methods such as increasing use of pesticides, herbicides and fertilisers which can directly affect wildlife or impact their ability to find food, often leading to declines. More intensive farming methods also refers to the loss of wildlife habitat such as field margins, hedgerows, and overwinter stubble.

¹⁴ Alliance to save our antibiotics (2015). Antimicrobial resistance - why the irresponsible use of antibiotics in agriculture must stop. Online. Available from: <https://www.ciwf.org.uk/media/7247793/antibiotics-alliance-40pp-report-2015.pdf>

¹⁵ Farm Animal Welfare Council (2009). Farm Animal Welfare in Great Britain: Past, Present and Future <https://www.gov.uk/government/publications/fawc-report-on-farm-animal-welfare-in-great-britain-past-present-and-future>

¹⁶ Scottish Government (2017). Estimates of average Farm Business Income (FBI) 2016-17. Online, Available from: <https://www.gov.scot/Topics/Statistics/Browse/Agriculture-Fisheries/Publications/FBI>

¹⁷ ONS (2013), Annual Survey of Hours and Earnings, available at: <http://www.ons.gov.uk/ons/publications/reference-tables.html?edition=tcm%3A77-328216>

of forced labour and was most common in the food and construction sectors of the economy¹⁸.

- **Connection to food.** Our ability to grow our own food and buy local food is limited. Local food and growing opportunities need to be better integrated into urban planning to foster better connection to food and shorter supply chains. The food we proudly export around the world is often not available locally in mainstream shops, restaurants and public kitchens. We need to ensure food served in schools, hospitals and other public service catering is fresh, healthy and sustainable.
- **International impacts.** We live in a globalised world and a globalised food system, and consequently, 2/3 of the environmental impacts of our diets are located abroad as a result of land use practices and changes¹⁹.

These multiple related crises point to a failure of the food system. However, the solution to many of these problems is also food: if we can produce, process, market, sell and encourage consumption of food in the right way, with minimal waste, we have the key to solving many of our society's trickiest issues. And indeed, the Scottish Government is committed to solving some of these problems.

A Good Food Nation Bill

For the reasons stated above, we need a Good Food Nation Bill to set a framework for a socially and environmentally just food system fit to address 21st century challenges. We absolutely support the proposal for framework legislation to create necessary new powers, duties and structures to achieve true policy coherence in this area, and believe that secondary legislation will also be needed to focus on particular issues.

Key to the success of this process is:

- **To incorporate the right to food in Scots law.** This is not only one of the most important changes that needs to be made to the Scottish food system, but also an important legislative tool to give weight to the ambition to become a healthy, sustainable food nation. The burden of ill-health disproportionately falls on people who live in Scotland's most deprived areas (where on average, men experience 23.8 fewer years of good health and women experience 22.6 fewer years of good health) who are more likely to struggle to afford food, suggesting that access to healthy, appropriate, and affordable food is part of a package of preventative measures. Likewise, the need to guarantee access to sustainable food for current and future generations adds weight to the intergenerational requirement to look after our food system. While there is no question in the consultation about the proposals on the right to food, we suggest that this should be central to future legislation, and we would strongly favour the incorporation of the right to food in the Good Food Nation Bill, regardless of any forthcoming broader legislation. The First Minister's Advisory Group on Human Rights Leadership was set up by Scotland's First Minister to make recommendations on how Scotland can continue to lead by example in the field of human rights. Central to the Advisory Group's final recommendations is a proposed Act of the Scottish Parliament to establish a new framework of human rights designed to improve people's daily lives. The Advisory Group concluded that such a Bill should include Economic, Social and Cultural Rights, including

¹⁸ Crane, A., LeBaron, G., Allain, J., Behbahani, L. (2017). Governance gaps in eradicating forced labor: From global to domestic supply chains. *Regulation & Governance*. 13(1).
<https://www.sheffield.ac.uk/news/nr/forced-labour-study-1.728171>

¹⁹ Nourish Scotland (2018). Food Atlas 2018-2030: Mapping out a sustainable food future. Online. Available from: http://www.nourishscotland.org/wp-content/uploads/2018/08/Food-Atlas_FINAL_online.pdf

the right to adequate food. The right to food is a matter of urgency in this parliament, and while the current government is laudably committed to the human rights agenda, there is no guarantee that future governments will be equally supportive.

- **A well-resourced Good Food Nation Team embedded throughout Scottish Government.** While we very much appreciate the work of the current Bill team, we feel strongly that this issue is such that it should not be dealt with by one team working in isolation from other overlapping portfolios (including health, environment, agriculture, fisheries, business and trade). We ask that the team is strengthened specifically with support spanning across portfolios and bringing together expertise from different parts of government, including on Open Government and policy coherence.
- **A clear timeframe for the bill.** To date, we have been frustrated with the lack of clarity in the timetable for the Good Food Nation Bill. We expect a bill to be tabled by Autumn 2019 at the latest so that there is a full and considered hearing in Parliament as we approach elections in 2021.
- **Clarity of purpose.** We point to the Land Reform (Scotland) Act 2016, as an exemplar of legislation with good clarity of purpose, particularly expressed in the preamble. We would strongly favour a Bill which was explicit and purposeful in its design to solve interrelated food system problems.
 - For the same reason we believe it is crucial to have **headline targets on the face of the bill.** These guide the policies and proposals put forward in future Statements of Policy, and drive the development of, and give purpose to, secondary legislation. The headline targets we would support are detailed above.
- **A clear timeframe for duties and powers within the bill.** Like in many recent bills, it is vital to be clear about the timeframe for creating new structures, and for new duties and powers to come into effect. We feel that a 12-month timeframe after the Act is passed would be appropriate.
- **Ambitious public and stakeholder engagement.** To date, there has been limited outreach initiated by Scottish Government to either the public or stakeholders on the potential of a Good Food Nation Bill, despite the subject necessitating broad input. Unfortunately, feedback from the Scottish Food Coalition's network has been that the consultation itself is difficult to understand and engage with. While the consultation includes proposals on the technical subject of legislation, this is also the first time that questions have been put to the public on the subject of Good Food Nation legislation, and allowing more space and flexibility to register challenges, opportunities, and opinions on the future of this policy area would have been appropriate. The 'citizen space' format unfortunately doesn't offer the opportunity to add any other thoughts, suggest appropriate additional questions, or approach consultations in a more open-ended way to facilitate true participation. Scottish Government also has a commitment to Open Government, with a team based at Victoria Quay (Ingage) dedicated to improving Scottish Government's own practices with regards to transparency, participation, empowering people, and so on. Indeed, the Scottish Government's Open Government's Action Plan was published in January 2019.²⁰ Commitment 2 in the Action Plan is: 'Providing a framework to support overall change in Scottish Government to improve the way people take part in open policy-making and delivering services' (p.14). This commitment was made in response to feedback that:
 - 'That [the government] rely too much on formal consultation, and too often at a point where the options have been narrowed or all but fixed.'

²⁰ Scottish Government (2018). Scotland's Open Government Action Plan: 2018-2020. Online. Available from: <https://www.gov.scot/publications/scotlands-open-government-action-plan-2018-20/>

- 'Our consultation documents are often complicated and long. They are unsuitable for anyone who is not familiar with the arguments, the type of language or the actions involved, and so make many people feel excluded...
- 'There is not enough support available to make sure a wide range of people can fully take part in things like consultation events and online discussions and that we value their time properly.' (p.15)

It is clear that the Scottish Government's consultation process continues to have some of these pitfalls.

We elaborate more on the desired content of the Good Food Nation Bill below, in answer to the four questions set out in the consultation document.

Q1 - To what extent do you agree with the framework proposals for Ministers and public authorities to prepare statements of policy, have regard to them in the exercise of relevant functions, and report on implementation, with regard to international obligations and guidance?

The Scottish Food Coalition **agrees** with the proposal for Ministers and public authorities to prepare statements of policy, and report on implementation.

On the statement and the duties on Scottish Ministers:

We welcome the duty to produce a statement of food policy, but emphasise that this should take the form of a plan with policies and practices, measurable indicators, monitoring in place to facilitate progress reporting, and which identifies resources needed to deliver. In addition:

- Any enabling legislation for the statement/plan should include a clear timeline for when the statement/plan should be brought forward. We suggest a 6 or 12 month timeframe would be reasonable, and that indicators and measures of success, as proposed in the consultation document, would also need to be identified within the same timeframe.
- We agree that a reporting cycle should be at least every 2 years and a revision cycle at least every 5 years, and that reports should be produced with regard to progress against the targets set out in the bill and the statement/plan, in addition to our international obligations and guidance. However, we strongly feel that each new revision must be laid before Parliament for **scrutiny**, with Scottish Government required to have regard to the views of parliament, rather than simply for information. Being that the statement/plan must be cross-cutting, has cross-party backing, and is part of a shift in governance and policy making to prioritise policy coherence, we believe that this level of scrutiny is crucial.
- Any enabling legislation should set out what the statement/plan must include. We strongly feel that:
 - The statement/plan should address issues in each of the outcome categories of the National Performance Framework: Children and Young People, Communities, Culture, Economy, Education, Environment, Fair work and Business, Health, Human Rights, International and Poverty. We are pleased to see a well-rounded list of issues to cover suggested in the consultation document, but feel that it would be helpful and contribute to policy coherence to align with the NPF framework. Within this framework, we would like to see issues related to production (environmental impact, animal welfare, fairness for farmers, crofters, farm workers and fishermen

- and women, our global food footprint, access to growing space etc.), processing (short supply chains and supporting local and rural economies, workers' rights, animal welfare, environmental impacts, etc.), sale (promoting healthy food environments, workers' rights, sustainability etc.), consumption (healthy and sustainable choices, food insecurity and accessibility of food, etc.) and waste.
- The statement/plan should have clear targets on the face of the bill. As outlined above, the Scottish Food Coalition recommend that we adopt the following targets:
 - All workers in the food sector paid at least the living wage and included in collective bargaining agreements by 2025 at the latest.
 - Halving of moderate to severe household food insecurity by 2030
 - Halving childhood obesity by 2030
 - Halving the environmental impact of the food system, including halving food waste by 2030
 - The statement/plan should outline clear steps for how we address each of the targets on the face of the bill, identify what secondary legislation or regulatory requirements are needed to deliver on the targets, and metrics for measuring progress towards the targets.
 - The statement/plan should indicate how an impact assessment will be carried out, with the aim of assessing how policies and proposals impact the goals of the bill and the targets set out. In addition, an impact assessment should take a global perspective, assessing the ramifications on Scottish policies of any trade deals that the UK Government proposes, and the extraterritorial impact of decisions and actions taken here in Scotland related to our food system – especially the environmental and social impact on the countries that we import food and feed from.
 - The statement/plan should seek continual enhancement and progress in all areas of the food system.
 - Ministers and local authorities, in exercising any functions relating to Good Food Nation Policy or the food system and its impacts, must **'act in accordance with'** or **'ensure the application of'** the objectives set out in the Good Food Nation Bill and the statement/plan. We feel that in order for framework legislation to be effective, ministers and public authorities must be required to do more than 'have regard to' the statement/plan.
 - The government should consult on the content of the statement/plan. We are pleased to see this provision already in the consultation proposals.
- We agree that the plan/statement should cohere with international obligations and guidance, but feel that clarity and commitment needs to be strengthened. Both the framework legislation, and the statement/plan should:
 - Outline how it contributes to delivery of international commitments, including the Sustainable Development Goals (of which a number refer to the food system, including production, consumption, health, food access and so on) which many sectors can contribute to achieving, UN Convention on Economic, Social and Cultural Rights and in particular on the right to food, the Paris Agreement on climate change, the Convention on Biological Diversity and its Aichi Targets, Article 55 of the UN Convention on the Law of the Sea, international animal welfare standards such as the standards of the World Organisation for Animal Health, Article 13 of the Treaty for the EU, and which should be maintained in full should Scotland leave the EU, and

the UN Decade of Action on Nutrition 2016-2025,²¹ among others. The statement/plan should also be developed in line with the EU Environmental Principles of precaution, prevention, rectification at source and polluter pays, which Scottish Government reaffirmed its commitment to maintaining in the concurrent Principles and Governance consultation.

- Require ministers and public authorities to **‘act in accordance with’** or **‘ensure the application of’** international obligations and domestic commitments. To ‘have regard to relevant international obligations and guidance’ alone is not strong enough and is already a requirement of signing up to the international commitment. We ask that this is strengthened such that Ministers must comply with their established food commitment. We appreciate that this may take time to build up to, and would therefore favour the ‘sunrise clause’ proposed in the report from the First Ministers Advisory Group on Human Rights Leadership that ministers must ‘have regard to’ such requirements for e.g. the first five years, after which time there is a requirement to **‘act in accordance with’** or **‘ensure the application of’** them²².

On the duties for specified public authorities:

- We agree that it would be helpful for public authorities to produce their own food plans, with the aim of outlining their contribution to the aims and ambitions of the Good Food Nation legislation and the national statement/plan. However, we would like to see greater clarity on the resources available to them to take on this additional piece of work.
- The consultation document states reasonable points which public authorities’ plans must include. We also suggest that these should cohere with and cover the same topics that a statement of policy or national plan must cover. Recent experiences with e.g. Local Authority Food Growing Strategies has shown that there is little coordination and sharing experiences, so guidance and requirements for the plans would be welcome. We would like to see these included in the legislation, ensuring that each public authority plan takes a comprehensive view of the food system, and providing clarity on the purpose of the food plans.
- Public procurement should be included as a specific duty on ministers and public bodies. The way that public kitchens serve food should set an example for others to follow, serving food that is healthy, sustainable, and delicious. Public kitchens should look to serve menus that reflect sustainable and healthy dietary guidelines and support local food economies, with little processed food, less but better meat and dairy, more vegetables and whole grains, seasonal, locally sourced produce, and so on. Other countries, for example Denmark, have successfully done this, and this can be done in a cost neutral way that supports environmental and social objectives. Several councils across Scotland have been trialling better procurement policies. Gillian Dore, purchasing officer with North Ayrshire Council, who have achieved the Scottish Government funded Food for Life Gold standard explains, ‘You can balance the costs. People say, “Oh, we can’t afford it” but you can. Buying processed food is expensive. Cutting it out, using fresh food and having meat-free days helps us balance food spend. We started with the menu; we made sure it was nutritious and that

²¹ United Nations System Standing Committee on Nutrition.

The UN Decade of Action on Nutrition 2016-2025. Online. Available from:

<https://www.unscn.org/en/topics/un-decade-of-action-on-nutrition/action-and-commitments>

²² First Minister’s Advisory Group on Human Rights Leadership (2018). Recommendations for a new human rights framework to improve people’s lives. Report to the First Minister. December 10, 2018. Available from: <http://humanrightsleadership.scot/wp-content/uploads/2018/12/First-Ministers-Advisory-Group-on-Human-Rights-Leadership-Final-report-for-publication.pdf>

we could afford it; and then that everyone liked it.’ They have changed the way they source and cook their food, plan their menus, receive deliveries and so on to create an overall better picture of the kind of food system they support through their procurement. And they have increased uptake of school meals by 29% since 2013. In the primary 1-3 years, uptake of school meals is 85%, one of the highest in the UK.²³ In addition, specifically emphasising short supply chains can have a beneficial impact on the local economy. A recent EU-funded research project showed that from a set of case studies in the UK, Croatia, Italy, Serbia, and Greece, where public procurement contracts have criteria related to local sourcing placing a greater emphasis on retaining as much of the school food budget within their local region (including staff costs), the local economic multiplier can be much higher; in the most beneficial case study, for every €1.00 spent from a school meals budget, an additional €1.46 was generated for the local economy. This is compared to a ratio of 1:0.59 for the case study with the greatest focus on lowest cost procurement where no local sourcing was specified.²⁴

On the duties on Scottish Ministers and public authorities:

- We will elaborate more on this in question 2, but do not think it realistic to simply ask Scottish Ministers and public bodies to collaborate to ensure a joined-up approach, without setting up structures and processes which allow them to do this, and place a statutory requirement on how this will function.
- The plan should specify how ministers and public authorities will collaborate on the development of policies that touch on the food system. This should be done with the help of an independent food commission.

Q2 - Whilst we do not plan to require all sectors to prepare statements of policy on food, they do all have a role to play in achieving our Good Food Nation ambition. To what extent do you agree that Government should encourage and enable businesses in particular to play their part?

We **strongly agree** that Government should encourage and enable businesses to play their part.

By businesses, we mean the whole spectrum of private enterprises involved in the food system, from farms, crofts, and fisheries, to processors, abattoirs, logistics, retailers, social enterprises, hospitality, catering and waste management.

The Good Food Nation Bill and subsequent targeted legislation should **drive changes to incentives, regulation and other government-controlled mechanisms** to allow businesses to play their part in achieving the four headline targets identified above and the wider Good Food Nation vision. For example, a Good Food Nation Bill should drive changes to rural policy and funding to ensure that support for food production and related land use and agricultural activities enable the transition to a Good Food Nation. Any public incentives should reward actions above and beyond regulatory baselines and support continual progress towards the headline targets. A subsidy system which

²³ Soil Association Scotland (2018). Buying local, organic and quality food affordably. Case study on North Ayrshire Council’s attainment of Food for Life Gold, funded by Scottish Government.

²⁴ Tregear, A., Sayed, M., Brennan, M., Brecic, R., Colic Baric, I., Lucic, A., Bituh, M., Ilic, A., Sincic Coric, D., Tsakiridou, E., Mattas, K., Karelakis, C., Gkatsikos, A., Papadopoulos, I., Arfini, F., Biasani, B., Del Rio, D., Donati, M., Giopp, F., Lanza, G., Rosi, A., Scazzina, F., Filipovic, J., Anicic, Z., Quarrie, S. (2019). Strengthening European Food Chain Sustainability by Quality and Procurement Policy. EU Horizon 2020 funded research report. Online. Available from: <https://www.strength2food.eu/wp-content/uploads/2019/03/D6.3-Evaluation-of-environmental-economic-and-social-impacts-of-different-PSFP-models-compressed.pdf>

supports the best practices in fair, green and healthy food production and processing is good for the environment, health, animal welfare and rural communities. This is one of many examples, and any other incentives paid to businesses involved in the production, processing, sale or waste of food should not be directly or indirectly subsidising movement away from the goals of a Good Food Nation. The right incentives are key to policy coherence, and are key to meeting some of our international commitments, for example Aichi Target 3²⁵.

We are also keen that the Good Food Nation Bill and statement/plan **harness the opportunities to business of being part of a Good Food Nation** in terms of quality, reputation and economic resilience. Businesses are continually showing that they are willing to play an active role, and government should enable those who are leading the way. We are clear that in a Good Food Nation, short supply chains should be a priority, to give the best chance for social, environmental and local economic benefits to be delivered. The proposed Scottish National Investment Bank should have in its remit a requirement to support those businesses which contribute most to becoming a Good Food Nation, and which have the most positive impact on communities across Scotland and on the environment. In addition, business engagement, for example in procurement, can play a major role in reducing business food impact, and supporting the environment, animal welfare, and workers' rights.

In particular, Scotland has the opportunity to harness the innovation and development potential of becoming a Good Food Nation. At a time when food and food issues are increasingly in the spotlight, the Good Food Nation Bill and agenda has the potential for Government to create the conditions for, and invest proactively in, Scotland being at the forefront of innovation to solve whole-of-food system problems.

In general, Government business and trade policy must be aligned with the Good Food Nation objectives. In addition to incentives and advice, this may also require progressive moves toward regulation in the future. For example, it may be necessary to have secondary legislation requiring businesses to pay a living wage, or create a level playing field in procurement in promoting health or environmental outcomes, or the highest standards of animal welfare. This would not be unlike the existing regulations on businesses, for example the continually enhancing food waste regulations.

Scotland is a country rich in natural resources and with a strong food tradition, but there remains substantial scope for increasing the economic impact of Scotland's food system, and this will have a disproportionately beneficial impact on parts of Scotland such as rural areas which often have acute economic difficulties.

Q3 - To what extent do you agree with the proposed approach to accountability of Scottish Ministers and specified public authorities?

We **strongly disagree** with the proposed approach to accountability of Scottish Ministers and specified public authorities, and therefore remain of the view that an independent Food Commission must be established.

We feel that transparency, accountability, and compliance can only be achieved with the oversight of an independent, statutory body. While the consultation document suggests that this is not a situation that warrants establishing such a body, we strongly disagree. The complexity, need for cross-government approach and the cross-societal implications are unprecedented, as are the number of interrelated crises that food system change will tackle.

²⁵ Convention on Biological Diversity (2010). Aichi Biodiversity Targets. Online. Available from; <https://www.cbd.int/sp/targets/>

“Unhealthy and unsustainably produced food poses a global risk to people and planet. More than 820 million people have insufficient food and many more consume an unhealthy diet that contributes to premature death and morbidity. Moreover, global food production is the largest pressure caused by humans on Earth, threatening local ecosystems and the stability of the Earth system.”²⁶- EAT-Lancet Commission.

“...pandemics of obesity, undernutrition, and climate change represent the paramount challenge for humans, the environment and our planet. As we describe below, these interacting pandemics represent The Global Syndemic with common, underlying drivers in the food, transport, urban design, and land use systems. Strong and concerted efforts are required by multiple actors to implement double-duty and triple-duty actions to address the systems that drive The Global Syndemic. These synergistic actions will be essential to achieve planetary health, which we define as the health and wellbeing of humans and the natural environments we depend on.”²⁷- Lancet Commission on Obesity

Successive global reports are underscoring the environmental and public health crisis and the central role that the food system plays. The IPCC report in 2018 argued that any transition pathway to limit global warming to 1.5 degrees Celsius would include changes in land use²⁸; with food production being our greatest land use, this will undoubtedly have an impact on food systems. Moreover, successive reports detailing the scale of insect declines report strong links to the food system: “The conclusion is clear: unless we change our ways of producing food, insects as a whole will go down the path of extinction in a few decades (Dudley et al., 2017; Fischer et al., 2008; Gomiero et al., 2011). The repercussions this will have for the planet’s ecosystems are catastrophic to say the least”²⁹. Those repercussions will be most apparent in the food system itself and in global food security.

At the same time, the UK is facing ongoing animal welfare issues, rising food insecurity and use of food banks, high inequality in the food system and diet-related ill-health, with many unable to earn a decent living, from farmers and crofters to workers in the food system. 8% of Scottish people are food insecure³⁰, and this figure rises within certain groups.

This amounts to what is in no uncertain terms an exceptional situation, that requires exceptional solutions.

²⁶ Willet, W. et al. (2019). Food in the Anthropocene. EAT-Lancet Commission on healthy diets from sustainable food systems. *The Lancet*. 2019; 393. P.448

²⁷ The University of Auckland, World Obesity, Milken Institute School of Public Health (2019). The Global Syndemic of Obesity, Undernutrition and Climate Change: The Lancet Commission report. *The Lancet* 2019. P.1 https://marlin-prod.literatumonline.com/pb-assets/Lancet/stories/commissions/obesity-2019/GlobalSyndemicCommission_policybrief.pdf

²⁸ Intergovernmental Panel on Climate Change (2018). Global Warming of 1.5°C. Summary for Policymakers. Online. Available from: https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_stand_alone_LR.pdf

²⁹ Sanchez-Bayo, F. Wyckhuys, K.A.G. (2019). Worldwide decline of the entomofauna: A review of its drivers. 232: April 2019. P.22 Available from: <https://reader.elsevier.com/reader/sd/pii/S0006320718313636?token=3F66107701B6031622ACC0032A4EA60AB0801C57D51B6C98ADE97A18B423FCDF83E78E281DA5316CA1AF58DC95D9B370>

³⁰ Scottish Government (2018). Scottish health survey 2017: volume one - main report. Online. Available from: <https://www.gov.scot/publications/scottish-health-survey-2017-volume-1-main-report/>

The most recent report from the International Panel of Experts on Sustainable Food Systems advocates for a common good food policy for the European Union, which gives considerable support to the cross-cutting approach we are aiming for in Scotland with the Good Food Nation agenda. In shifting focus from agriculture, to food, the report argues

“it will pave the way for powerful alliances to be built between all of those with an interest in moving away from the current low-cost, high-externality model, and making it pay to produce healthy, sustainable food. This includes farmers, sustainable food businesses, consumer and health groups, development and anti-poverty campaigners, environmental agencies, school officials, locally-based civil society movements, and policymakers seeking to resolve complex and costly problems at various levels of governance.”³¹

Such cross-cutting collaboration, oversight and coordination can only be delivered with a body that is able to work above and across existing organisations and structures. The success of the Good Food Nation agenda hinges on achieving policy coherence. This is why Scotland needs an independent statutory food commission.

Moreover, a statutory food commission would have the power and oversight to drive innovation in this area. In getting this right, Scotland has the potential to become not only a leader in food systems innovation, but also in governance solutions, gaining an international reputation for policy coherence.

To date, we have not been encouraged by the level of cross-portfolio engagement or awareness of this cross-cutting agenda in different sectors, nor with the engagement with civil society, or the transparency of the development of the Good Food Nation consultation and wider agenda. 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. A statutory food commission can perform these functions with a secretariat, staff and financial resources.

What should a statutory food commission look like?

- A commission should include a number of commissioners with experience across the sectors, taking into account the perspectives of businesses (from production to consumption), workers, via their trade unions, citizens, the environment, livestock, etc. The process for appointing commissioners should be transparent.
- A Food Commission would have the power to commission research and make recommendations based on evidence and current progress towards targets. Framework legislation should grant these powers and also place a duty on ministers to report on and explain why they have or have not taken on board the Commission’s recommendations.
- A statutory food commission should have a clear and transparent process for engaging with civil society networks. A good example is the Agriculture and Rural Development stakeholder group, which provides a communications route between stakeholders and the government or governing body.
- The Land Commission is a useful model for a commission which has taken a very active role in pushing forward a progressive agenda, commissioning research, engaging with stakeholders, hosting public meetings and roadshows. This is an excellent example of

³¹ De Schutter, O., *et al.* (2019). Towards a Common Food Policy for the European Union: The Policy Reform and Realignment that is Required to Build Sustainable Food Systems in Europe. IPES-Food. Available from: http://www.ipes-food.org/img/upload/files/CFP_FullReport.pdf

positive action from Scottish Government to create a cross-cutting, participatory governance body.

Q4 - To what extent do you agree with the proposal for targeted legislation relevant to specific policy areas as an alternative to a single piece of legislation?

We **strongly disagree** with the proposal for targeted legislation as an alternative to a single piece of legislation.

We believe a cross-cutting framework bill is essential and the most effective and coherent way of delivering a Good Food Nation. Part of the reason we have failed to realise best outcomes for many parts of our food system is that they are currently working in competition and not in unison. We see this as a massive opportunity to resolve this.

We acknowledge that framework legislation may not deliver everything, but we need to use it to recognise and create the conditions necessary to deliver change across the whole food system. As stated above, we feel that this cross-cutting legislation needs to be purposeful, and look to the preamble of the Land Reform (Scotland) 2016 Act, and the Social Security Act as examples of where such preambles have created good, purposeful legislation.

We do agree that secondary or targeted legislation will be necessary, but they will be driven by the overall ambition and headline targets set by a Good Food Nation Bill. It is not clear from the consultation document which policy areas Scottish Government think that we need targeted legislation for, so current proposals do not contain enough detail to reach a conclusion. We feel that this needs to be subject to an assessment across the food system, and to be driven by the overall goals of a Good Food Nation Bill.

Part of the role of an independent statutory body would be to support alignment of targeted legislation with a framework bill.

It is crucial to remember that a Good Food Nation Bill could put a cross-cutting food system approach into practice to achieve substantial co-benefits, where nutritious food, environmentally sustainable production methods and more equitable economic outcomes could come together. As Prof Corinna Hawkes and Dr Kelly Parsons put in their recent policy brief³²:

“Food systems could combine the goals related to diet-related health, environment and economy if they involved farmers, entrepreneurs, small- and medium-sized enterprises and big businesses generating jobs and creating equitably-shared wealth for themselves and local and national economies by producing, distributing, trading, processing, marketing and selling nutritious foods aligned with dietary guidelines to European citizens at affordable prices, using a skilled and decently paid workforce and environmentally-sustainable methods and processes that protect biodiversity, water, soils and air and minimize environmental health risks, food waste and greenhouse gas emissions, with high standards of animal welfare.”

³² Hawkes, C. and Parsons, K. (2019) Policy Brief 31. Connecting food systems for co-benefits: How can food systems combine diet-related health with environmental and economic policy goals? World Health Organization Regional Office for Europe, Geneva. Available at: http://www.euro.who.int/_data/assets/pdf_file/0007/387070/policy-brief-31-austria-eng.pdf?ua=1

