

Summary

Scottish Food Coalition (SFC) welcome the thoroughness of the Rural Affairs, Islands and Natural Environment (RAINE) Committee's Stage 1 scrutiny of the Bill and its Report. We recommend that the Scottish Parliament agrees to the principles of the Bill at Stage 1. However, we urge the Parliament to strengthen the Bill during Stage 2 in the following ways:

- 1) The Bill should establish an **independent Food Commission** to provide, among other things: **advice** to Government and other public bodies in drawing up their plans; **assessments** of those plans and their implementation; and **reports** to Parliament to assist in its scrutiny of the National Good Food Nation (GFN) Plan and overall progress towards Scotland becoming a Good Food Nation
- 2) The Bill should have a purpose clause setting out what the Government intends through the Act as a whole. This clause should outline **the purpose of the Act and the purpose should include giving practical effect to the right to food.**
- 3) The Bill should specify a common set **of high-level objectives** for the GFN Plans aligned to the UN Sustainable Development Goals and the National Performance Framework which would guide both the National GFN Plan and the plans developed by local authorities and health boards. Objectives should be measurable to improve the utility and effect of reporting and scrutiny provisions.
- 4) The Bill should include provisions for greater **Parliamentary scrutiny**, providing for Parliamentary approval of the National GFN Plan. The Bill should **enhance participation** and engagement by expanding the provisions related to the consultation of the plan
- 5) The Bill should place a duty on **Ministers to act in accordance with the National GFN Plan**

In this briefing we outline our main areas of concern with the current Bill. Please refer to our [written evidence](#) for further information.

Introduction

The SFC¹ welcomes the introduction of the Good Food Nation Bill for which we have been campaigning for the past 5 years. However, we believe that the Bill must be strengthened as it currently has no clear goals, principles or direction, and minimal mechanisms for participation and accountability. Additionally, it does not strengthen human rights, nor does it acknowledge the food system's pivotal role in contributing towards the nature, climate and public health crises. We keenly anticipate the opportunity to work with Parliamentarians, Ministers and Government officials to amend the Bill by addressing these omissions.

¹ The Scottish Food Coalition is an alliance of over 45 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>

The Bill provides a framework for policy and future legislation to tackle a interconnected set of problems with food in Scotland: widespread food insecurity; persistent diet-related ill health; the impact of our food system on climate and nature; high levels of food waste and insecure employment in the food sector. Brexit, the COVID-19 pandemic and the ongoing crisis in Ukraine have highlighted how essential it is that we have a resilient food system which can withstand shocks, and which is both less dependent on external inputs of energy, fertiliser and imported feed and able to balance openness to global trade with thriving local food systems.

Done better, food can deliver on positive environmental goals, reduce greenhouse gas emissions, and reverse biodiversity loss, drive better educational attainment, support a healthier workforce and population, and empower island and rural community rejuvenation. The Good Food Nation Bill is fundamental to unlocking these positive deliverables – it provides the framework to enable and inform future food-related policy and legislation so that it is coherent and effective.

1) Establish a statutory, independent Food Commission

The Commission would be responsible for monitoring and reporting to Parliament on food-related progress towards Sustainable Development Goals; assessment of National and Local Good Food Nation Plans, facilitation of partnership working, provision of advice and guidance, including on legislative and policy coherence, and supporting citizen engagement. The Food Commission should be a standalone body, that – from its inception – would take a ‘systems approach’ as with the UK Committee on Climate Change. The Commission’s remit would read 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. This Commission 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.

Whilst we appreciate that there are already a number of public bodies in existence, their remits are narrowly focused. This was noted in the SPICe briefing on the Good Food Nation (Scotland) Bill when it noted “Food Standards Scotland is currently the public body in Scotland with responsibility for food, though its remit covers food safety and dietary guidelines, which is more narrowly defined than what a Good Food Nation is understood to mean.”² A Food Commission would need to be strategic, systems-focussed and cross-cutting. Issues of duplication or overlap with existing bodies can be avoided by appropriate joint working arrangements or Memorandums of Understanding.

²SPICe Briefing: The Good Food Nation (Scotland) Bill <https://sp-bpr-en-prod-cdnep.azureedge.net/published/2021/12/17/a205d14c-249f-410a-a405-6b170ce68389/SB%2021-85.pdf>

The Scottish Government's position on the need for an oversight body has shifted. Stating in December 2018 that they did "not see value in establishing an independent statutory body for the purpose of overseeing the Good Food Nation policy. Scottish Ministers have a presumption against the establishment of new statutory bodies in all but exceptional cases. This is not such a case."³ We have seen this position reconsidered in the Bute House Agreement published in August 2021, which said: "consideration should be given to the need for a statutory body, such as a Food Commission"⁴ The increased recognition of the value of an oversight body is encouraging and we urge decisive action to establish such a body.

SFC welcomes RAINE's key recommendation that the bill is amended to enhance oversight functions, in particular we note section 159 which calls for proposals on what role a national oversight body could have to support and monitor relevant authorities' progress against good food nation plans and outcomes. We further note section 154 and 155 which reference a number of local authorities recognising the value of oversight by a particular body, rather than as a "add-on to Food Standards Scotland" or a "bolt-on to existing roles and responsibilities".

Members may wish to ask Ministers if they would support amendments that would establish a statutory body to provide guidance and oversight of the development and implementation of national and local GFN Plans and independent assessment of progress towards achieving good food nation ambitions.

2) Purpose

It is essential that the Good Food Nation Bill has a clear purpose. The purpose of the Bill should be to establish a framework for legislation and policy which over time ensures that everyone in Scotland can fully realise their right to food: the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and culturally acceptable food that is produced and consumed sustainably, preserving access to food for future generations.

The Scottish Government has described the Bill as 'giving practical effect to the right to food'. However, the Bill is weak in its linkages to human rights law, proposing only that Ministers should 'have regard' to certain articles and clauses of certain international instruments, in a limited way.

SFC have always argued that this Bill was an opportunity to incorporate the right to food into Scots Law ahead of any further Human Rights legislation. However, even without formally incorporating the right to food, this Bill can help to progress that right by establishing it as a guiding principle in this Bill and resulting food policy in Scotland. By defining the purpose of the Bill as fulfillment of the right to food, the Scottish Government would be demonstrating leadership in a global context.

³ Consultation on Good Food Nation Proposals for Legislation <https://bit.ly/3udHzfA>

⁴ Scottish Government and Scottish Green Party Draft Shared Policy Programme <https://bit.ly/3KTUZ6S>

SFC welcomes section 25 of RAINE's report recognising that, to be effective, the bill should provide detail of the purpose and direction of travel for Scotland's food system. We further welcome section 69 of RAINE's report calling for the bill to align closely to the right to food. We encourage Members to consider that defining the purpose of the Bill as fulfilment of the right to food would be in line with RAINE recommendations.

Members may wish to ask Ministers if they would support amendments that explicitly state the purpose of the Good Food Nation Bill is to give effect to the right to food.

Objectives

SFC members want the Bill to specify that the national and local plans should include a common set of ambitious and achievable high-level objectives. These objectives should be measurable to improve the effect of reporting and scrutiny. These objectives should be aligned to the UN Sustainable Development Goals and the National Performance Framework.

We would like to see the objectives of the of GFN plans include —

- a) Encouraging, both on land and at sea, sustainable food harvesting, production and consumption (including minimising food waste) that contributes to achieving climate and biodiversity targets, and improved animal welfare,
- b) improving health and wellbeing, including through nutritious food and other food related matters,
- c) ensuring universal and dignified access to high quality, culturally-appropriate, nutritious and sustainable food,
- d) building resilient local economies and food supply chains, including fair work standards,
- e) addressing Scotland's international footprint including by seeking to ensure that the food and animal feed that is imported meets the same standards as food produced in Scotland.

It is important to have clear indicators which measure progress towards these objectives, we recommend the independent Food Commission be tasked with consulting on and agreeing a full-set of indicators. However, we propose that a small number of key indicators appear on the face of the bill, such as:

- a) Halving the environmental impact of the food system including halving food waste by 2030,
- b) Halving Childhood obesity by 2030,
- c) Achieving the Scottish Dietary Goals by 2035,
- d) No households are experiencing severe household food insecurity by 2030,
- e) By 2030, 60% of food served on the premises of public bodies is from Scotland, and 25% is organic
- f) Food workers employed by public bodies or through public sector contracts paid at least the real living wage by 2030

SFC broadly welcome RAINE's report, section 43 and 149, that the bill is amended to include high-level objectives to reflect the broad vision and ambitions for the good food nation policy.

We believe the bill should also include some key indicators. In line with RAINE recommendations in section 42, we ask for further information on how targets would be reflected in the National GFN Plans.

Members may wish to ask Ministers if they would support amendments that would put objectives and indicators in the Bill, and ensure that measurable targets are in GFN Plans.

3) Scrutiny and Accountability

The SFC would like to see a requirement placed on Ministers to report regularly to the Scottish Parliament on the implementation of the National GFN Plans and progress towards targets. Additionally, Parliamentary approval for the National GFN Plans should be required. There should also be more inclusive participation in the development of GFN Plans – particularly for those whose right to food is most likely to be at risk including refugees and asylum-seekers; people suffering from chronic illnesses; children and young people; people working in the food system with low-paid or insecure jobs; people living in residential care or prison; disabled people. We are keen to see an inclusive and participatory process ahead of consultation on draft GFN Plans. This would be akin to the approval processes for the National Performance Framework, and the Climate Change Plan – both similar cross-cutting Government planning documents. The scrutiny and reporting processes must be adequate to match the intent and potential influence of GFN Plans.

SFC welcome RAINE's recommendation that Parliament have a greater role in relation to the GFN Plans. We support their recommendation in section 57 that the bill is amended to require parliamentary approval after the National GFN Plan has been laid, and any revised plans subsequently laid. We further welcome RAINE's recommendation in sections 77 and 164 calling for any consultation undertaken by Ministers and relevant authorities to be as wide, inclusive and participatory as possible, in line with Scottish Government's guidance and equalities duty.

Members may wish to ask Ministers if they would support amendments that require greater Parliamentary scrutiny of the National GFN Plans. Members may also wish to ask if Ministers would support amendments that enable participation from communities whose right to food and health outcomes are most likely to be at risk.

4) Implementation Duty

At present the Bill provides a limited duty for Ministers to 'have regard to' the National GFN Plans, in relation to functions that are to be specified. The SFC want to see this strengthened with a duty on Ministers to 'act in accordance with' National GFN Plans in functions related to, or impacting on, a food-related issues. Additionally, Ministers should have due regard to National GFN Plans in making relevant policies – including proposals for legislation. This would help to ensure that the Good Food Nation Bill lays the foundation for

future relevant legislation such as the Circular Economy Bill, Public Health Bill, Environment Bill, Agriculture Bill and the Human Rights Bill.

SFC disagrees with the RAINE's report, section 108, which accepts the duty on Ministers to 'have regard' to the National GFN Plans. Whilst this is a well-worn phrase used in legislation it is a weak duty and we favour the strengthening of this to 'act in accordance'

Members may wish to ask Ministers if they would support amendments that strengthen the duty on Ministers to act in accordance with the National GFN Plans when making relevant policies – including proposals for legislation.

Conclusion

SFC supports the principles of the Good Food Nation (Scotland) Bill, and much of the RAINE Committee Stage 1 Report. We hope to see this vital Bill strengthened in line with our Stage 1 evidence through amendments brought forward at Stage 2.

For further information contact:

Stephanie Mander

stephanie@nourishscotland.org.uk

07949179754