

Health and Social Care Alliance Scotland (the ALLIANCE)

Good Food Nation (Scotland) Bill – ALLIANCE response

15 December 2021



The Health and Social Care Alliance Scotland (the ALLIANCE) welcomes the opportunity to respond to the call for views on the Good Food Nation (Scotland) Bill. We offer a range of suggestions for how the Bill could be improved, including:

- Provide greater clarity as to the parameters and requirements for the Good Food Nation plans
- Include stronger accountability and transparency measures
- Detail key policy targets
- Improve the transparency of process
- Ensure meaningful participation and co-production with people with lived experience.

Question: What is your view about the scope of the Bill? What else, if anything, would you have liked to see included in the Bill? Please explain your reasons.

The ALLIANCE welcomes the commitments in the Bill to require Ministers and public bodies to produce good food nation plans and publish and report on those plans. Keeping food as a key policy concern is important if Scotland is to counter injustices in our current food system. However, along with the wider membership of the Scottish Food Coalition, we suggest that the scope of the Bill should be expanded, and more detail added to key commitments, to see meaningful progress in this area.¹ In common with the Scottish Food Coalition, we suggest that the Bill should be amended to achieve the following:

Provide greater clarity as to the parameters and requirements for the Good Food Nation plans. Plans should acknowledge and respond to people’s right to access nutritious, sustainable and safe food, in a culturally appropriate manner. If the Bill does not provide further detail as to what plans are required to cover, there is a risk that some will default only to economic costs and goals.

Include stronger accountability and transparency measures. At present there is no clear method by which Ministers and public bodies will be held accountable for the delivery of commitments. In order to ensure that food remains a priority, and the follow best practice within human rights based

approaches, the Bill should empower an independent body to ensure good practice can be shared and problems with plans can be highlighted and countered. This would also aid in ensuring equitable access to food for people across Scotland. Without an accountability system to ensure minimum standards of planning are met, there is a risk that people in parts of Scotland will have different access to food – despite access to food being a human right.

Detail key policy targets. The Bill should include specific targets for Good Food plans, to assist in setting baseline activity and in keeping progress on food as a key priority. For example, this could include ensuring that all health and social care staff are trained in identifying malnutrition by 2023.

Improve the transparency of process. The Bill as it stands would benefit from being strengthened in terms of scrutiny and transparency. There is no stated obligation for public bodies to bring plans to Parliament, or for either Ministers or public bodies to involve Parliamentarians in drafting and developing plans.

Ensure participation and co-production rather than occasional consultation. While mention is made of occasional consultation, there is no commitment to meaningful co-production of plans, nor any guidance on the necessary range of stakeholders or feedback loops therein. It is essential that plans are co-produced with a range of stakeholders, including people with lived experience of food poverty and for whom access to food is difficult.

The ALLIANCE supports wider calls from Food Train, the Scottish Food Coalition, Nourish Scotland, and Common Weal (amongst others) that everyone should have access to high quality food, as a human right. We suggest that it is essential that people's equitable access to food is considered as part of the design and implementation of policy across Scotland (from the National Care Service to the Good Food Nation Bill). Such actions would be in keeping with wider Scottish Government commitments to ensure that "by 2025, Scotland will be a Good Food Nation where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve and eat each day".²

Everyone, including people who use social care, should have access to culturally appropriate choices of food, at times that suit them and their families. We know from *My Support My Choice: People's Experiences of Self-directed Support and Social Care in Scotland* that at present many people using social care experience limited choice when it comes to food. Many people (particularly those accessing Self-directed Support via Option 3) reported being served food at atypical and inconvenient times, that could vary each day (e.g. breakfast at 9am, lunch at 11am). One person outlined that they were offered a range of dietary choices by their care

provider each week – but that none of them were geared to food commonly eaten by people from their ethnic community:

“In the afternoon, I get afternoon tea, the service they have, to give you sandwich or soup or whatever it is. There’s a lot of options, and they ask me, ‘what do you want?’ I give them a week before what I would want that particular day. [...] But the point is that if you look at the things that they have written down, the food is not ethnic minority at all. Nothing to do with ethnic minority. The potatoes and veg that you get is all mashed up. Chips are also all mashed up! So, it’s very difficult.”³

Other people highlighted the need to include preparation time for hot food for people, and the importance of the social element of eating with people (including support with eating if required). Many people will have a paid carer provide support with food, but said support is often restricted to a very limited time period and food that is quick to prepare and eat. One person summarised the situation as follows:

“The only person they see all day! And [...] they come, open the fridge, they make them a sandwich – and they hate eating cold food!”⁴

Within our *My Support My Choice* thematic report on the experiences of people with sensory loss, people also highlighted the importance of proper support with shopping for food. However, while some people with sensory loss have that support included in their social care arrangements, this is not true across all parts of Scotland.

One blind participant was told that they could not have help with shopping, because that was outwith the purview of Self-directed Support, and that they should order food online instead – even though their screen reader struggled with online grocery ordering. They also found shopping stressful if reliant on assistance from shop workers who they did not know and who were not fully trained in how to assist blind and partially sighted people. In practice, they use their Personal Assistant (PA) hours for social engagement, in part, to shop; but this is not officially acknowledged in their outcomes plan.⁵

The ALLIANCE also supports calls from Food Train, the Scottish Food Coalition, Nourish Scotland, and Common Weal (among others) that health and social care staff should be trained in identifying people experiencing or at risk of malnutrition, and providing assistance to improve their access to high quality food. We suggest that as part of their Good Food Nation plans, Ministers, local authorities and Health and Social Care Partnerships should embed training on malnutrition and preventative action therein as a compulsory element of any training programmes and CPD schemes for health and social care workers. Existing material includes Food Train’s “Raising the Issue of Malnutrition Toolkit”.⁶ We recommend that Ministers and public bodies draw upon existing expertise in this area from within the third sector –

particularly given the sharp increase in food poverty and use of food banks during COVID-19.

Such actions would be in keeping with recommendations in the Good Food Nation consultation (and elsewhere) that the Scottish Government needs to ensure policy coherence across the varied actions being taken forward across this parliamentary term. The *Good Food National proposals for legislation* documentation summarises the situation as follows:

“[C]onsultation respondents noted that food impacts across a wide range of policy sectors and on all aspects of life and identified a need to ensure that the ethos of Good Food Nation is embedded across all sectors and all public authorities, for example, by linking into poverty initiatives. [...] There was also reference from a few organisations that the introduction of Good Food Nation implies a fundamental shift in how Scotland governs the food system and a need for policy coherence to achieve Good Food Nation status.”⁷

The ALLIANCE also supports the Scottish Food Coalition’s calls that the Bill should also establish an independent Scottish Food Commission which would have a role and remit similar to the Scottish Land Commission in monitoring and reporting on progress towards Sustainable Development Goals. This would include scrutiny of National and Local Food Plans, facilitation of partnership working, commissioning and/or undertaking food systems related research, data gathering and innovation, provision of advice and guidance, ensuring legislative compatibility and policy coherence, and supporting citizen engagement.

Question: What is your view of the decision not to incorporate the ‘right to food’ into Scots law through the Good Food Nation Bill? Please explain your reasons.

The ALLIANCE is disappointed that the Bill did not take this opportunity to embed the right to food into Scots Law. While we understand the intention to embed that right within the wider suite of human rights legislation being discussed for the future, that is no reason not to start now, and set a precedent that indicates how seriously Scotland takes both the right to food and human rights. We recommend that a redrafted Bill should enshrine a right to food.

In 2018, Ruth Maguire MSP, then Convenor of the Equalities and Human Rights Committee, summarised the importance of human rights as follows:

“Our recommendations present an opportunity to be bolder and to strengthen our existing procedures and processes, to make human rights more central to our work and how we undertake our scrutiny function and to be an exemplar of international best practice to other parliaments. Taking a human rights-based approach to scrutiny will ensure the Parliament is aware of any decline

of human rights protections and is able to identify opportunities to advance human rights to help build a fairer, more just society.”⁸

The Good Food Nation Bill should set out the right to food in law, with clear duties placed upon Ministers and public bodies that they should keep access to food under consideration across a wide range of connected policy work.

Furthermore, the ALLIANCE recommends that there should be explicit connectivity between the proposed national and local Good Food plans – both to ensure consistent implementation of the right to food across Scotland, and the share good practice across different local areas.

The Bill should strengthen its linkages to human rights law. Rather than proposing in 3(2) that Ministers should only “have regard” to certain articles and clauses of certain international instruments, in a limited way, and allowing for Ministerial discretion to further limit this requirement, there should be concrete commitments to ensuring people have access to nutritious, sustainable and safe food, in a culturally appropriate manner. The Good Food Nation Bill should take legislation such as the Children and Young People Act 2014 as an exemplar, in its requirements for Ministers to implement measures in regard to the whole Convention.

The ALLIANCE supports calls from the Scottish Food Coalition that the Equalities, Human Rights and Civil Justice Committee should be asked to examine this aspect of the Bill and to make recommendations on the desirability and practicability of incorporating the right to food into Scots law as part of this Bill, or otherwise advancing human rights protection with regard to food in Scotland.

We suggest that in order to meaningfully demonstrate a commitment to human rights based approaches, the Bill should set out more clearly its provision for participation, accountability and non-discrimination, following PANEL principles.⁹

Question: How should the Bill and/or the Good Food Nation plans link to other food policy initiatives, for example the current process of producing a Local Food Strategy, and addressing global impacts of food and drink supply chains – for example taking up any of the Global Resource Initiative recommendations?

Good Food Nation plans, and the Bill, should acknowledge and pro-actively support existing work across connected policy areas, both those that explicitly mention food policy and those that do not (but do affect it). For example, the ALLIANCE recommends that the Bill should position access to food as a human right, to continue the work of embedding human rights in Scots law.

The ALLIANCE supports calls from the Scottish Food Coalition that the Good Food Nation Bill must establish high-level principles, a direction of travel and clear goals for the food system over the next couple of decades, and a process for delivering and reporting on progress. Recognising the interconnectedness of the food system, and its key role in delivering on the Sustainable Development Goals, the Bill must be designed to enable Policy Coherence for Sustainable Development.

It is also important that connected (and significant) legislative and policy change are considered in the design of Good Food plans. For example, the National Care Service has strong overlaps with access to food for people who access social care; planning should consider overlaps with health and social care, education, justice, and environmental concerns, with an explicit focus on the impact of any plans on people from seldom heard from groups (e.g. disabled people, people living with long term conditions, and unpaid carers).

Question: What outcomes, indicators and policies should Scottish Ministers and 'relevant authorities' include in their Good Food Nation plans? Please explain your reasons.

As with much of our work, the ALLIANCE suggests that outcomes and indicators for successful policy implementation should be focused on people with lived experience. These should include (but not be restricted to), to following:

- Does everyone have access, in a dignified and culturally appropriate manner, to nutritious, sustainable, and safe food?
- Have plans been co-produced with key stakeholders, including people with lived experience? Co-production should include involvement in design, implementation, and assessment processes.
- Do plans acknowledge the rights of seldom heard from and minority groups, and respond to their requirements?
- Are plans published in an accessible format and freely available to all?
- Is there a clear and transparent system of accountability for when plans and targets are not met, or stakeholders deem them not fit for purpose?
- Do plans respond to the requirements of the community and set ambitious targets to develop Scotland as a Good Food Nation, where “by 2025, Scotland will be a Good Food Nation where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve and eat each day”?¹⁰

Question: The Bill requires that Scottish Ministers and 'relevant authorities' must, when exercising a specific function or a function falling within a specific description, have regard to the national good food nation plan. Those “specified functions” will be set out in secondary legislation. In your view, what should those functions be? Please explain your reasons.

The ALLIANCE suggests that the specified functions wherein Ministers and relevant authorities should regard the National Good Food Plan should include (but not be restricted to):

- The provision of food within educational and childcare contexts (including nurseries, childminders, schools, and colleges).
- The provision of food within social care contexts (including care at home, residential care, day centres, and short break facilities). This provision and consideration should encompass the requirements of people accessing care, unpaid carers, and those providing social care and support (including auxiliary staff and workers).
- The provision of food within hospital and healthcare contexts. This provision and consideration should encompass the requirements of people accessing healthcare, unpaid carers and the families of people accessing healthcare, and those providing healthcare and support (including auxiliary staff and workers).

The ALLIANCE supports calls from the Scottish Food Coalition that the Health and Sport Committee, the Equalities, Human Rights and Civil Justice Committee and the Local Government and Communities Committee have input into the development of the Good Food Nation Bill, as it is entirely relevant to their remits. This relates back to the need set out above for legislative compatibility and policy coherence.

Question: The Bill does not provide for a body to oversee how the Scottish Government and 'relevant authorities' are implementing the Bill; what is your view on this? Please explain your reasons.

The ALLIANCE supports the Scottish Food Coalition's calls for the establishment of an independent statutory body to review food plans and ensure policy coherence across Government and public bodies – including assessment of how the Government and relevant authorities are implementing the Bill.¹¹ The Land Reform Act 2016 provides a useful example of how an independent body can help monitor progress. This Act established the Scottish Land Commission with accountability powers:

“Functions of the Land Commissioners are, on any matter relating to land in Scotland

- (a) to review the impact and effectiveness of any law or policy,
- (b) to recommend changes to any law or policy,
- (c) to gather evidence,
- (d) to carry out research,
- (e) to prepare reports,
- (f) to provide information and guidance”¹²

Without an independent body to oversee the work of the Bill, there is a risk that it will bring legislative change without meaningful action – and it will not help those people who do not currently have access to nutritious, sustainable, and safe food.

Question: What impact will the Bill have for local authorities and health boards?

The Bill brings potential additional work for local authorities and Health and Social Care Partnerships (or the proposed Community Health and Social Care Boards). However, many public bodies already develop food plans; this work would expand and add structure to existing work.

However, it is vital that these plans are co-produced with people with lived experience – and particularly people with lived experience of food poverty or for whom access to food is difficult. Done properly, co-production takes time, and involved investment in people to support their input. Such systems bring significant benefits and expertise, that would deliver better Good Food plans – but they would require engagement from local authorities and Health and Social Care Partnerships, as well as Ministers.

Local authorities and health boards will need resources to develop and deliver good food policies. The Financial Memorandum for the Good Food Nation Bill has no additional budget allocated to health boards to support the development and delivery of their national food plans, stating that “The Bill will not require significant additional activity by the health boards and any new costs are negligible.” It is not effective to put the duty on local authorities and health boards to produce plans with no resource to do so – especially as co-production and accessibility costs must be met in order to meaningfully develop Good Food Nation plans with disabled people, people living with long term conditions, and unpaid carers.

Question: Does the Bill provide for opportunities to participate in the production of national and local good food nation plans? You may wish to consider, for example, how the views of vulnerable people or those whose voices are seldom heard would be sought.

The ALLIANCE welcomes the obligation in the Bill for relevant authorities to publish and consult on a draft plan and regard responses to the consultation process. However, we support the Scottish Food Coalition's suggestion that this element of the Bill should go further and include an obligation to co-produce plans with people with lived experience (from design through to implementation and assessment) – and particularly people with lived experience of food poverty or for whom access to food is difficult. Consultation is not synonymous with co-production, and risks being tokenistic; further work needs to be done to ensure that the Bill ensures that the voices of lives experience are at the forefront of service design and delivery, and that

everyone has access to nutritious, sustainable and safe food, in a dignified and culturally appropriate manner.¹³

Furthermore, there should be an explicit duty on relevant authorities that their co-production work and how they seek input and views on Good Food plans should be both intersectional and fully accessible. Relevant authorities should use accessible and inclusive communication to work with people with lived experience in the design of Good Food plans and implementation, including formats such as Community Languages,¹⁴ BSL, Braille, Moon, Easy Read, clear and large print, and paper formats. Additionally, the Government should be required to engage with communities whose right to food and health outcomes are most likely to be at risk. In addition to an explicit focus on co-production with intersectional stakeholders with lived experience, there should also be an obligation to include impact assessments. The equality framework provided for by the provisions of the Equality Act 2010, Public Sector Equality Duty, and Scotland Specific Duties forms an important element of a human rights based approach. Improvement and plans should therefore also be planned and measured in alignment with equality, including use of Equality Impact Assessments (EIAs) and Human Rights Impact Assessments (HRIAs). The Scottish Human Rights Commission and Equality and Human Rights Commission have developed a means to combine EIAs and HRIAs, called Equality and Human Rights Impact Assessments (EQHRIAs).¹⁵ This is a practical tool that should be used both at the early stages to inform Good Food plans, and after the plans have been implemented to assess its impact.

About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. We have a growing membership of over 3,000 national and local third sector organisations, associates in the statutory and private sectors, disabled people, people living with long term conditions and unpaid carers. Many NHS Boards, Health and Social Care Partnerships, Medical Practices, Third Sector Interfaces, Libraries and Access Panels are also members.

The ALLIANCE is a strategic partner of the Scottish Government and has close working relationships, several of which are underpinned by Memorandum of Understanding, with many national NHS Boards, academic institutions and key organisations spanning health, social care, housing and digital technology. Our vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

The ALLIANCE has three core aims; we seek to:

- Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.
- Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.
- Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.

Contact

Hannah Tweed, Senior Policy Officer

Email: hannah.tweed@alliance-scotland.org.uk

Rob Gowans, Policy and Public Affairs Manager

Email: rob.gowans@alliance-scotland.org.uk

Telephone: 0141 404 0231 (switchboard)

Website: <http://www.alliance-scotland.org.uk/>

References

- ¹ The Scottish Food Coalition, “The Good Food Nation Bill is here” (2021), available at: <https://www.foodcoalition.scot/the-good-food-nation-bill-is-here.html>.
- ² Scottish Government, *Recipe for Success: Scotland’s national food and drink policy, becoming a Good Food Nation* (June 2014), p. 5, available at: <https://www.gov.scot/publications/recipe-success-scotlands-national-food-drink-policy-becoming-good-food/>.
- ³ The ALLIANCE and Self Directed Support Scotland, *My Support My Choice: People’s Experiences of Self-directed Support and Social Care in Scotland* (Oct 2020), p. 57, available at: <https://www.alliance-scotland.org.uk/wp-content/uploads/2020/10/ALLIANCE-SDSS-MSMC-National-Report-Oct-2020.pdf>.
- ⁴ As above, p. 87.
- ⁵ The ALLIANCE and Self Directed Support Scotland, *My Support My Choice: Blind and Partially Sighted People’s Experiences of Self-directed Support and Social Care* (Dec 2020), p. 36, available at: <https://www.alliance-scotland.org.uk/wp-content/uploads/2020/12/ALLIANCE-SDSS-MSMC-Blind-and-Partially-Sighted-Report-Dec-2020.pdf>.
- ⁶ Food Train, “Raising the Issue of Malnutrition Toolkit”, available at: <https://www.eatwellagewell.org.uk/toolkit>.
- ⁷ Scottish Government, *Good Food Nation proposals for legislation: analysis of consultation responses* (Sept. 2019), p. 29, available at: <https://www.gov.scot/publications/good-food-nation-proposals-legislation-consultation-analysis-report/>.
- ⁸ Scottish Parliament, *Getting Rights Right: Human Rights and the Scottish Parliament* (2018). Available at: <https://digitalpublications.parliament.scot/Committees/Report/EHRiC/2018/11/26/Getting-Rights-Right--Human-Rights-and-the-Scottish-Parliament-3>.
- ⁹ Scottish Human Rights Commission, *Human Rights Based Approach*. Available at: <https://www.scottishhumanrights.com/projects-and-programmes/human-rights-based-approach/>.
- ¹⁰ Scottish Government, *Recipe for Success: Scotland’s national food and drink policy, becoming a Good Food Nation* (June 2014), p. 5. Available at: <https://www.gov.scot/publications/recipe-success-scotlands-national-food-drink-policy-becoming-good-food/>.
- ¹¹ The Scottish Food Coalition, “The Good Food Nation Bill is here” (2021), available at: <https://www.foodcoalition.scot/the-good-food-nation-bill-is-here.html>.
- ¹² Scottish Parliament, *Land Reform (Scotland) Act 2016* (2016), available at: <https://www.legislation.gov.uk/asp/2016/18/part/2/chapter/1>.
- ¹³ The Scottish Food Coalition, “The Good Food Nation Bill is here” (2021), available at: <https://www.foodcoalition.scot/the-good-food-nation-bill-is-here.html>.
- ¹⁴ Community Languages are languages spoken by members of minority groups or communities within a majority language context. Examples in Scotland include: Arabic, Hebrew, Hindu, Makaton, Punjabi, Polish, Urdu.
- ¹⁵ Scottish Human Rights Commission and Equality and Human Rights Commission, *Equality and Human Rights Impact Assessment*, available at: <https://eqhria.scottishhumanrights.com/eqhriatrainingrelationship.html>.

END OF DOCUMENT.