



Briefing 20 - 81

September 2020

APSE Consultation Response on 'Proposed Right to Food (Scotland) Bill'

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland

For information only to England, Northern Ireland and Wales

Key Issues

- This APSE briefing includes APSE's response on the Scottish Parliament Proposed Right to Food (Scotland) Bill which has been put forward to incorporate the human right to food into Scots Law
- A link to the full consultation can be found [here](#)

1.0 Background

On 23 June 2020, Elaine Smith MSP lodged a proposal for a Bill to incorporate the human right to food into Scots Law. The associated consultation to gather responses on this proposed Bill ran from 24 June to 15 September 2020. Following an analysis of the information gathered, Elaine Smith MSP will have the opportunity to lodge a final proposal in Parliament along with a summary of these responses. If the final proposal secures the required amount of support in Parliament and the Scottish Government does not indicate its intention to legislate in this area, Elaine Smith MSP will then have the right to introduce a Member's Bill. It should be noted that the current Bill session has now closed and therefore a proposal for such a bill would be taken forward in the next session (beginning in May 2021).

The full consultation document can be accessed by [clicking here](#). The remainder of this briefing replicates APSE's response to the consultation.

2.0 APSE Response

APSE was pleased to be given the opportunity to respond to the consultation. APSE's full response is outlined below:

APSE's (Association for Public Service Excellence) aims and values are to support and promote the delivery of excellence in frontline local government services. APSE works with

over 300 local authorities throughout the UK specialising in frontline service delivery issues. All local authorities within Scotland are members of APSE. In responding to this consultation APSE have considered their views in our response, covering the areas of discussion through our Scottish Soft FM advisory group. We have also drawn upon APSE research including our 'state of the market' surveys within the Soft FM sector alongside drawing upon data from APSE's Performance Networks service, which is the largest voluntary data benchmarking service in local government. As a representative body of our member local councils we have not endeavoured to answer every point raised in the consultation but to cover the main themes on behalf of our membership.

As signposted by the Scottish Human Rights Commission, "the key international provision on the right to food is article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)". This is the right to an adequate standard of living with specific mention of food as well as housing, clothing and living conditions (Article 11 (1)). Article 11 (2) also highlights that State Parties recognise the "fundamental right of everyone to be free from hunger". The importance of food is also highlighted by the United Nations Food Systems Summit which will take place in 2021, which confirms "The aim of the Summit is to deliver progress on all 17 of the Sustainable Development Goals (SDGs) through a food systems approach, leveraging the interconnectedness of food systems to global challenges such as hunger, climate change, poverty and inequality". It is therefore hoped that by enshrining a right to food into Scots Law this will provide a further focus for tackling food insecurity and other related issues. This would also be in line with work already underway as part of the Scottish Government's Social Renewal Advisory Board, which has food as one of the areas to be addressed through its Policy Circles. It has also been confirmed in the Scottish Government's Programme of Government for 20/21 that it is committed to incorporating the United Nations Convention on the Rights of a Child into Scots law by the end of this parliament, therefore ensuring this right is enshrined for all living in Scotland should provide more synergy across all aspects of public policy. However, it is important to note that consideration in terms of how this would be delivered at a local level, including any additional funding and resource requirements will be fundamental to the success of adopting a policy which supports the 'Right to Food'.

As has been outlined in the supporting consultation document, local authorities continue to work towards overcoming challenges surrounding food. From North Lanarkshire's Club 365 to East Renfrewshire's holiday programme or more recently through the work local authorities undertook to provide and/or help co-ordinate food via community food projects/community larders during COVID lockdown, there are many areas in which food policy is connected including climate change, health and wellbeing, poverty and sustainability. APSE's 2020 State of the Market research report for Local Authority Catering Services (survey conducted in December 2019 and January 2020) provides evidence of the links to food and sustainability, with the report highlighting some of the initiatives which are currently/or due to be undertaken by local authority caterers who responded to the UK wide survey.

	Plan to implement	Have Implemented	Not applicable
Introduced a process to reduce food waste	46.51%	48.84%	4.65%
Purchase products from a local supplier	13.16%	73.68%	13.16%
Reduce single use plastics	28.89%	71.11%	0.00%
Installed equipment to reduce energy consumption	37.14%	45.71%	17.14%
Introduced more meat free options	33.33%	59.52%	7.14%

The report also confirms that **81.67%** of those responding to the survey agree or strongly agree that school meals should be free to all school pupils, providing further evidence of the commitment local authorities have made towards ensuring all children within schools have access to a healthy, nutritious meal.

It is therefore important to highlight that enshrining a 'Right to Food' into Scots law should provide: -

- A recognition of the interconnectedness of other social policy issues surrounding poverty, nutrition, the role of school meals and free school meals, food provenance and sustainability of food supply chains.
- A recognition that the 'Right to Food' should not be viewed as a further burden on services but as a way of delivering on other social policy outcomes such as the value of food and nutrition on educational attainment, such as the 'Better Eating Better Learning' guidance and its role in seeking to help improve educational attainment, alongside combatting obesity and ill-health.
- A recognition that a 'Right to Food' in the context of local authority caterers should ensure that adequate finances and resources are made available to the service, including skills and training, to make the most effective use of the sector in delivering on the Scottish Government's policy aims. In this regard the financial aspects are critical with the Government's own Social Justice Delivery Unit reporting an increased use of food banks, with 823,145 parcels April to September 2019 distributed by the Trussell Trust across the UK. With just over a third of parcels going to children which was a 25% increase on 2018 figures.
- A recognition that the 'Right to Food' would be of great significance at the very start of a child's educational experience and hence resources to support the local authority catering sector should be embedded not just within the primary and secondary sector but from Early Years through to Further Education settings, including colleges where the learning is taken into adulthood.
- A recognition that food provenance and greater strides for sustainability in food production, food miles through transport, reductions in food waste, and minimising the use of plastic in food production, storage and service, will all help to ensure a future 'Right to Food' is delivered in a more affordable and sustainable way.

In conclusion therefore the evidence from APSE member councils is broadly supportive of the value of a 'Right to Food' being adopted but the key to that policy being successful, is in its integration with other policies and ensuring adequate resources to deliver on these objectives.

APSE would be pleased to provide further more detailed evidence of the matters raised herein to the Scottish Government or its advisors. In the first instance please contact Louise Melville on lmelville@apse.org.uk

3.0 APSE Comment

As outlined within the consultation response above, the evidence from APSE member councils is broadly supportive of the value of a 'Right to Food' being adopted but the key to that policy being successful, is in its integration with other policies and ensuring adequate resources to deliver on these objectives.

APSE Scotland Soft FM members will continue to discuss this and all related issues within its advisory group meetings, which are currently taking place online at the moment.

APSE will also continue to work with our member authorities on Scottish Government consultations.

Reminder: APSE has set up a COVID-19 Information Hub to deal with frontline service issues as they arise, ensuring greater resilience and learning between each other during this difficult time. You can access this hub by [clicking here](#) and you can also join our WhatsApp Support Network by [clicking here](#).

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