



Proposed Right to Food (Scotland) Bill consultation response

On behalf of an organisation

- Third Sector
- **Optional:** You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).
- The Food Train works across Scotland, providing a necessary lifeline and valuable practical support to older people in nine regions- Dumfries and Galloway, West Lothian, Stirling, Dundee, Glasgow, Renfrewshire, the Scottish Borders, East Renfrewshire and Clackmannanshire.¹ The Food Train also has National reach through the national neighbourhood meal-sharing service, Meal-Makers² and the 'Eat Well, Age Well'³ project which works to tackle malnutrition in older people living at home and operates throughout Scotland and 'Food Train Connects', which was launched in 2020 and provides one to one shopping and phone calls for older adults across Scotland.⁴ The Food Train works to proactively assist older people at their time and point of need, helping those wishing to live independently at home, with a particular focus on supporting older people to eat well, age well and live well. Food Train has been in existence since 1995. Food Train as an organisation therefore has invaluable expertise on food security of older people in Scotland.

Please choose one of the following: *

- I am content for this response to be published and attributed to me or my organisation
- I would like this response to be published anonymously

¹ <https://www.thefoodtrain.co.uk/>

² <https://www.mealmakers.org.uk/>

³ <https://www.eatwellagewell.org.uk/>

⁴ <https://www.foodtrainconnects.org.uk/Home/About>

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- I would like this response to be considered, but not published ("not for publication")

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 (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication".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

Food Train

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

tilly@eatwellagewell.org.uk

1. Which of the following best expresses your view on enshrining the human right to food into Scots law? *

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

The Covid-19 pandemic has emphasised why enshrining a right to food into Scots law is vital, for both government and its population. The Government has a duty to ensure everyone in Scotland has the “fundamental right to adequate food”⁵. In relation to older people, as shown by Food Train’s 69% increase in demand for its grocery delivery service across Scotland there are physical access challenges to getting food, that have been emphasised by the pandemic.

A right to food also acknowledges the importance of the wider dimensions to food beyond physical and financial access. Michael Fakhri, UN Special Rapporteur on

⁵ <http://www.fao.org/policy-support/policy-themes/right-to-food/en/>

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right to food said, “I think the right to food is the right for everyone to celebrate life through their meals, with each other in communion...food is a point of people’s pride and pleasure”⁶. Former Special Rapporteur Jean Ziegler stressed right to food has three main elements: availability, adequacy, and accessibility.⁷

Prior to the pandemic, the prevalence of Malnutrition amongst older people in Scotland was unacceptable, this is likely to have been exacerbated by changing circumstances, including the increase of risk of social isolation for older people due to shielding and self-isolation measures. Social isolation is a social risk factor of malnutrition.⁸ The latest community-based data estimates 1 in 10 people in the UK over the age of 65 are malnourished or at risk of suffering from preventable malnutrition,⁹ based on the most up-to-date population data this equates to approximately 103,000 people in Scotland¹⁰. Eat Well Age Well’s prevalence data suggests this figure is likely to be higher at approximately 30 percent of older people living at home in Scotland. Older people are particularly at risk of becoming malnourished, particularly those over the age of 65.¹¹ Malnutrition has a devastating impact on the physical health, wellbeing and quality of life of older adults.

Research commissioned by Food Train (Eat Well Age Well), by the University of Glasgow, found “the physical need for food must be paired in the context of meaningful social interactions in order to reduce the risk of isolation and loneliness which creates a vicious cycle of under-eating, poor self-care and low mood”¹² As demonstrated by the UN Special Rapporteur, the right to food approach recognises the importance of food as a social connector and as integral to wellbeing, prioritising a whole-systems approach. “Better and more coherent policies are achieved through inclusive and transparent processes”¹³. Integration of fight to food into Scots law and adoption of a rights-based approach is vital to tackle issues across the food system in a holistic and joined up way, which is a useful tool for government and vital for it’s population.

⁶ <https://www.youtube.com/watch?v=iaBMwzGdzcc>

⁷ <https://www.righttofood.org/work-of-jean-ziegler-at-the-un/what-is-the-right-to-food/>

⁸ <https://www.herts.ac.uk/about-us/media-centre/news/2020/government-action-is-urgently-required-to-prevent-malnutrition-amongst-older-adults-due-to-covid-19>

⁹ 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

¹⁰ <https://www.nrscotland.gov.uk/files//statistics/rgar/2018/rgar18.pdf>

¹¹ <https://www.bapen.org.uk/malnutrition-undernutrition/introduction-to-malnutrition?start=1>

¹² <https://policyscotland.gla.ac.uk/covid-19-and-food-train-more-food-security-kindness-and-dedication-to-vulnerable-older-people-at-home/>

¹³ <http://www.fao.org/policy-support/policy-themes/right-to-food/en/>

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2. Which of the following best describes your view on the creation of an independent statutory body with responsibility for the right to food?

- Fully supportive
- Partially supportive
 - Neutral (neither support nor oppose)
 - Partially opposed
 - Fully opposed
 - Unsure

Please explain the reasons for your response.

Scotland's food system encompasses a range of individuals and organisations from production to consumption, each who are experts in different elements of this complex system. It is important individuals who have direct experience of challenges and opportunities within the food system are integral to the process and are at the heart of decision-making. This independent statutory body is also important in the delivery of a whole-systems approach. As outlined in response to Question 1, a right to food recognises the need to provide solutions that recognise the interconnections between challenges across the system. For instance, as demonstrated by research commissioned by Food Train (Eat Well Age Well), by the University of Glasgow, in relation to older people this includes connection between food security, (including physical food access and social eating) and public health issues, particularly malnutrition and social isolation¹⁴. An Independent organisation, separate from government, is also important to ensure accountability in the delivery of a Right to Food Approach, which is outlined by the Food and Agricultural Organisation (FAO) as a key element to its delivery,¹⁵ Additionally, an independent body provides an opportunity to ensure right to food is delivered with parity across the country, to an agreed set of standards that delivery bodies can be held accountable to. Delivery bodies should be in the heart of communities to ensure the bill recognises differences across the country and at different scales. Although £30 million was made available to local authorities¹⁶ at the outset of the pandemic to "support those most in need". The national Covid-19 pandemic response significantly relied on third sector organisations and community action to feed people¹⁷. There is limited

¹⁴ <https://www.eatwellagewell.org.uk/images/ExecutiveSummary.pdf>

¹⁵ <http://www.fao.org/policy-support/policy-themes/right-to-food/en/>

¹⁶ <https://www.gov.scot/publications/coronavirus-covid-19-food-fund-guidance-to-local-authorities/pages/the-food-fund/>

¹⁷ <https://tfn.scot/2020-06/NILe9t5TVHrok8W7>



information thus far to demonstrate how and where allocated money to local authorities was spent. It is vital delivery bodies exist in communities and have standards that they can be held accountable to, to ensure parity across Scotland, so everyone knows where and how money and resources are spent and used.

3. What would be the main practical advantages and disadvantages of the proposed bill?

It is important to enshrine the right to food into Scots law because everyone has a right to be able to eat well as part of a fair and sustainable food system. Government must show a commitment to this. This Bill would help to ensure that human rights are central to government's decisions on the food system. The FAO argue delivering this with dignity is central to this¹⁸ and should be a priority of government in relation to food in Scotland. The inclusion of the establishment of an independent statutory body would ensure accountability; whilst providing experts across the food system and with lived experience a central role to the process. As the UN Special Rapporteur on Right to Food said "the right to food is the right for everyone to celebrate life through their meals, with each other in communion...food is a point of people's pride and pleasure"¹⁹. It is crucial government acknowledge the importance of the breath of the right to food, a limited focus solely recognising economic impact would ignore nuances and the significant opportunity a rights-based approach provides to prioritise human rights and wellbeing.

4. Which of the following expresses your view of enshrining a right to food into Scots law as a priority in advance of any further Scottish Government legislation on wider human rights?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

¹⁸ <http://www.fao.org/policy-support/policy-themes/right-to-food/en/>
¹⁹ <https://www.youtube.com/watch?v=iaBMwzGdzzc>



It is positive that government has made a wider commitment to human rights, but as the pandemic has demonstrated, shown in question 1, in relation to food, integration of a right to food is urgent and should not and cannot be delayed if we are to ensure everyone has the “fundamental right to adequate food,”²⁰ especially with the ongoing challenges posed by Covid-19. Enshrining a right to food into Scots law provides government with a meaningful and practical tool to deliver this and ensure the role and importance of food and the food system are prioritised. The central and integral role food plays for individuals and wider society must be central as it intersects with multiple human rights.

5. What advantages or disadvantages would there be to establishing a statutory body with responsibility for the right to food?

See answer to question 2

A statutory body with responsibility for the right to food is necessary to ensure the right to food is delivered with parity across Scotland, there must be agreed standards to ensure this. The statutory body is also vital to ensure accountability of the process. The Independent Statutory Body should have outcomes that serve to eradicate food poverty, eradicate food banks and promote Scotland as a food secure country.

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

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

As demonstrated by the response of the third sector to the Covid-19 pandemic, there are underlying challenges within the food system in terms of food, including physical

²⁰ <http://www.fao.org/policy-support/policy-themes/right-to-food/en/>



access. This includes Food Train’s 69% increase in demand for its grocery delivery service since March and the establishment of a new service- ‘Food Train Connects’²¹ to meet challenges older people face in accessing nutritious food that meets their dietary needs and food preferences. But the third sector has also been vital to supporting individual’s with wider support in relation to food. For example, Eat Well Age Well, Food Train’s National malnutrition project, through its Small Ideas Big Impact Fund, has supported community projects, across Scotland, to adapt, to ensure individuals still receive social interaction and connection, whilst receiving nutritious food, for instance through telephone befriending support or online Zoom cooking classes.²²

It is governments responsibility to deliver the right to food for everyone in Scotland, as although a right to food is a human right, thus far and as emphasised in recent months Scotland need to make policy and practical change to ensure this human right is reality for everyone in Scotland. Government must hold responsibility, whilst ensuring those with direct expertise on this are key to process, including third sector organisations whose role has been vital, especially over the past 6 months, in ensuring vulnerable members of society have availability, adequacy and accessibility of food. As outlined by the FAO Council in adoption of the right to food guidelines in November 2004, states have: an obligation to respect, protect and fulfill, in delivering a right to food for their population.²³

7. What impact do you believe bringing the right to food into law would have on:

	Significant impact	Some impact	No impact
(a) Reducing food insecurity	<input checked="" type="radio"/> (a) Reducing food insecurity Significant impact	<input type="radio"/> (a) Reducing food insecurity Some impact	<input type="radio"/> (a) Reducing food insecurity No impact
(b) Improving people's health	<input checked="" type="radio"/> (b) Improving people's health Significant impact	<input type="radio"/> (b) Improving people's health Some impact	<input type="radio"/> (b) Improving people's health No impact

Please explain the reasons for your response

²¹ <https://www.foodtrainconnects.org.uk/Home/About>

²² <https://www.eatwellagewell.org.uk/covid>

²³ <https://www.righttofood.org/work-of-jean-ziegler-at-the-un/what-is-the-right-to-food/>





a) As outlined thus far in this response, enshrining right to food into scot's law provides a significant opportunity to improve people's health across Scotland as it encourages changes in the food system that promote better public health, both physically and mentally. We believe it is important to consider a reduction in food insecurity and improving people's health together, as they are interconnected issues, especially in older age. In relation to older people, approximately 103,000 older people in Scotland are malnourished²⁴. Food Train's (Eat Well Age Well) commissioned research by the University of Glasgow identified social risk factors on an individual's food security in older age can result in unintentional weight loss and subsequently increase risk of underweight malnutrition. These risk factors include: difficulty accessing services, loss of autonomy to make decisions, fewer opportunities for 'social eating' and a change in local access to food.²⁵ As right to food prioritises "ensuring that all people have the capacity to feed themselves with dignity²⁶", which is cross-cutting across the identified social risk factors, enshrining right to food into scot's law has the potential to reduce food insecurity and improve people's health, especially for older people, which is vital in a country with an ageing population²⁷.

8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Government and the public sector	<input type="radio"/> (a) Government and the public sector Significant increase in cost	<input checked="" type="radio"/> (a) Government and the public sector Some increase in cost	<input type="radio"/> (a) Government and the public sector Broadly cost-neutral	<input type="radio"/> (a) Government and the public sector Some reduction in cost	<input type="radio"/> (a) Government and the public sector Significant reduction in cost	<input type="radio"/> (a) Government and the public sector Unsure

²⁴ <https://www.nrscotland.gov.uk/files//statistics/rgar/2018/rgar18.pdf>

²⁵ <https://policyscotland.gla.ac.uk/covid-19-and-food-train-more-food-security-kindness-and-dedication-to-vulnerable-older-people-at-home/>

²⁶ <https://www.righttofood.org/work-of-jean-ziegler-at-the-un/what-is-the-right-to-food/>

²⁷ <https://www.nrscotland.gov.uk/files//statistics/rgar/2018/rgar18.pdf>

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(b) Businesses	<input type="radio"/> (b) Businesses Significant increase in cost	<input checked="" type="radio"/> (b) Businesses Some increase in cost	<input type="radio"/> (b) Businesses Broadly cost-neutral	<input type="radio"/> (b) Businesses Some reduction in cost	<input type="radio"/> (b) Businesses Significant reduction in cost	<input type="radio"/> (b) Businesses Unsure
(c) Individuals	<input type="radio"/> (c) Individuals Significant increase in cost	<input type="radio"/> (c) Individuals Some increase in cost	<input type="radio"/> (c) Individuals Broadly cost-neutral	<input type="radio"/> (c) Individuals Some reduction in cost	<input type="radio"/> (c) Individuals Significant reduction in cost	<input checked="" type="radio"/> (c) Individuals Unsure

Please explain the reasons for your response

Although in the short-term delivery of a right to food in Scotland will require financial investment by government, the public-sector and businesses, this must be considered a long-term sustainable investment. Significant years of underinvestment in our food system, have led to failings, which have been emphasised during the Covid-19 pandemic, for instance, the decline of meal-delivery services for older people to their own homes²⁸, which could have provided a necessary lifeline prior to, during the pandemic and beyond. Government’s creation of the Emergency Food Fund²⁹ during the pandemic, demonstrates a degree of financial commitment to prioritising food, but delivery and enshrining of right to food in Scot’s law will ensure food is invested in in the longer term. As discussed throughout this response, the prevalence of malnutrition amongst older adults in Scotland is unacceptable, but investment in prevention rather than cure, can reduce this and in the long-term save money. Those who are malnourished are twice as likely to visit their GP, have 3 times the number of hospital admission and stay in hospital longer than well-nourished people³⁰. Based on calculation by the British Association of Parenteral and Enteral Nutrition (2018), the cost of malnutrition to the UK health service was £23.5 billion and older people contribute to 52 percent of this³¹. “The health and social care costs are estimated to be 3x greater for a malnourished patient (£7408) than a non-

²⁸ <https://thirdforcenews.org.uk/tfn-news/meals-on-wheels-withdraws-from-scotland>

²⁹ <https://www.gov.scot/news/helping-communities-affected-by-covid-19/>

³⁰ Guest JF, Panca M, Baeyens JP, et al. Health economic impact of managing patients following a community-based diagnosis of malnutrition in the UK. *Clin Nutr.* 2011;30(4):422-429. doi:10.1016/j.clnu.2011.02.002

³¹ <https://www.bapen.org.uk/pdfs/reports/mag/managing-malnutrition.pdf>



malnourished patient (£2155)³². Therefore, as outlined above, if approximately 103,000 older people are at risk of or suffering from malnutrition in Scotland, their health and social care could be costing £763,024,000, instead of £221,965,000. Therefore, through investment in the food system, government have the opportunity to prioritise wellbeing and make significant long-term financial savings.

9. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

As outlined in response to Question 8, adoption of a preventative approach in relation to public health can provide significant cost savings, particularly in relation to tackling malnutrition amongst older adults. It is difficult to quantify the direct impact a prioritisation of food would have across Scotland; but there is strong evidence that prioritising wellbeing, through a preventative approach and adoption of a social model of health can save financial cost. Wellbeing should be at the heart of government and this is one crucial way government can deliver this; whilst in the long-term delivering significant financial savings.

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

As a membership organisation with the primary aim of supporting older people to eat well, age well and live well, we believe enshrining the right to food into Scots law is a positive step in relation to equality. The aim of a right to food approach is to improve the food system, for all. The Covid-19 pandemic has emphasised existing challenges in the food system, for instance ensuring physical access to food for older people. This is demonstrated by Food Train's 69% increase in demand for its grocery delivery service since March. Additionally, as highlighted in the joint-letter³³ to government ministers from experts in the field of older people and malnutrition, the pandemic has emphasised wider challenges, particularly in relation to the interconnection between food and wellbeing for older people and the issues of social isolation and malnutrition.

The proposed Bill provides an opportunity to recognise the key and diverse role food plays in the lives of older people. Commitment to a Human Rights based approach in relation to food will support Scotland in creating a food system that "ensur[es] people

³² <https://www.bapen.org.uk/pdfs/reports/mag/managing-malnutrition.pdf>

³³ <https://www.herts.ac.uk/about-us/media-centre/news/2020/government-action-is-urgently-required-to-prevent-malnutrition-amongst-older-adults-due-to-covid-19>



are healthy, happy and secure in older age”³⁴ and will therefore have a positive impact on equality.

11. In what ways could any negative impact of the bill on equality be minimized or avoided?

It must be recognised that how that an individual relates to food is dependent on their specific life circumstances, for instance what someone prioritises in relation to food may differ at different life stages. In relation to age it is important the independent statutory body prioritises lived experience and ensures there is representation across the age range in the consultation and accountability process, people are experts of their own experience. Whilst acknowledging that one individual over the age of 65 years does not and should not represent the views of the ‘older person’ and right to food in Scotland. Delivery of an effective right to food Bill must not make assumptions about any of the protected characteristics under the Equality Act 2010 about groups/ types of people. Food and food choice and values are steeped in personal circumstances.

12. Do you consider that the proposed Bill can be delivered sustainable, i.e. without having likely future disproportionate economic, social and/ or environmental impacts?

Yes

Please explain the reasons from your response

As outlined in this response, the social impacts of integration of a right to food into Scots law have the potential to significantly and positively impact the lives of older people across Scotland, in relation to physical access to food, but also more broadly in terms of wellbeing and the importance of food in other issues affecting older people in Scotland, particularly malnutrition, food insecurity and social isolation.

As a country with an ageing population³⁵, it should be a duty of government to support change that will positively impact this growing population group; particularly if it wants to “ensur[e] people are healthy, happy and secure in older age”³⁶

In terms of economic impact, as demonstrated in response to question 8, integration of a right to food into Scot’s Law and a focus on prevention rather than cure in relation to food and older people, has the potential to save money. A preventative

³⁴ <https://www.gov.scot/publications/fairer-scotland-older-people-framework-action/>

³⁵ <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2010/11/demographic-change-scotland/documents/0108163-pdf/0108163-pdf/govscot%3Adocument/0108163.pdf>

³⁶ <https://www.gov.scot/publications/fairer-scotland-older-people-framework-action/>



approach to public health is not optional, it is necessary to prioritise wellbeing, whilst being a sustainable investment.

13. Do you have any other comments or suggestions on the proposal?

Integration of a right to food into Scot's Law provides government with an opportunity to demonstrate and deliver a commitment to prioritising human rights. Covid-19 and the challenges discussed in this response has demonstrated how vital prioritising food and the food system is in Scotland's future.

Successful and effective integration of the right to food must recognise the complexities of food and the food system in Scotland, a narrow-minded focus on economic challenges would be a missed opportunity and ignore serious issues affecting Scotland's food system. In relation to older people, malnutrition and the social and wellbeing value must be central to this discussion.

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Impact and Policy Officer

15/09/2020

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