Food (Scotland) Bill

Nourish Scotland

Background

1. Nourish Scotland is a not-for-profit organisation campaigning for a fairer food system. We want to see a sustainable food system in Scotland based on ecological farming practices and short supply chains. Changing our food culture and our public health and consumer policies is key to achieving this. Nourish facilitates this change through engaging with organisations, community initiatives, politicians and officials. We work to influence policies from local to EU level and provide a platform for networking and sharing best practice. We make sure that food is brought to the fore in public debates of various kinds, making the link between a localised food system and its positive outcomes for economic development, job creation, skills development, public health, environmental stewardship and justice.

2. Nourish is pleased to be able to comment on the Food (Scotland) Bill. Our answers to the questions set out in the Committee’s call for evidence are set out below.

Creating a new stand-alone body for food in Scotland

3. Nourish generally supports the creation of a new stand-alone body to replace the FSA (Scotland). As noted in the accompanying documents, Scotland has distinct diet and nutrition issues and a distinctive food and drink industry. The creation of the new body should allow specifically Scottish solutions to be developed.

4. However, we also recognise that much of the policy in this area is driven by the implementation of European Directives. It will therefore be important that the new body finds ways of ensuring that it has an effective voice in Europe and that it works effectively with UK partners to ensure that policies are implemented in a way that maximises consistency where this is both possible and desirable. Many Scottish producers sell UK wide and consumers also move around. Nourish would wish to minimise any additional compliance costs on producers who might have to comply with more than one regime and reduce any scope for consumer confusion. It will also be particularly important to work closely with UK colleagues on the handling of any food borne or animal disease outbreaks or other such emergency responses.

Scope, Objectives and Sustainable Development

5. Nourish agrees that the new body should have the primary responsibility for protecting the public from risks to health arising from food and protecting consumers interests in relation to food. Many of the roles the body will play in relation to these powers can be characterised
as technical, advisory, administrative and enforcement based and these roles are appropriately held by an arm's length agency. Nourish is not entirely convinced that the policy role of promoting a healthier Scottish diet sits well with these other functions. Given the fundamental importance of promoting public health in Scotland there is an argument that this should remain a core government and NHS role. We are concerned that the current proposed mix of functions will make for an uneasy organisational culture mix. Should this proposal go ahead there will have to be considerable effort put into recruiting staff with appropriate expertise and ensuring that these staff operate in a joined up way with central government, the NHS and Health Scotland.

6. In the event that the new body does take on a policy role, Nourish would recommend that this role encompass a more holistic range of food based matters rather than just being diet-related. Food policy in Scotland is very much a jigsaw of overlapping departmental responsibilities and we see little sense in removing one small piece and giving it to a separate body. It will be difficult to make serious progress on improving the Scottish diet without also tackling issues of access and affordability, cultural change, food labelling, advertising and so on. For these reasons we believe that if the body is to have a policy-making role, it should be a broad and holistic one, encompassing food poverty, provenance, environmental impact and other considerations rather than just being diet-related. Rather than just promoting a healthier diet, it should be considering the role that food can play in achieving Scotland’s public policy objectives. To make real progress we must adopt not just a healthier, but also a more sustainable diet in order to become healthier, wealthier, fairer, greener, stronger and safer.

Administrative and Governance arrangements

7. With the caveat set out above in relation to policy, we agree with the decision to constitute the new body as a non-ministerial office reporting to the Scottish Parliament. It is important that food safety, labelling, research and other consumer protection measures are within an arm’s length body, independent of ministerial interference.

8. Nourish recognises that the FSA (Scotland) generally operated in a transparent way, with open meetings and the publication of its advice to Ministers. It will be important for that to continue. We also support the provisions requiring the new body to publish a statement setting out how it will perform its functions. We welcome the requirements for the body to operate in a way that is proportionate, transparent and accountable and to consult those affected by decisions, to base decisions on best available information and to make the reasons for decisions publicly available. Transparency and accountability must also flow through to the composition of the body and it is important that the board and any committees it establishes are representative. While we recognise the need for industry input to ensure services are effectively
designed and delivered, the body needs to put consumer protection and public health at the heart of its ethos and to guard against capture by “big” food interests. For example, research should not be funded by industry and decisions about commissioning research should be made independently. We would like to see civic and consumer based organisations more involved in consultation and research decisions to ensure that the design of these reflects public needs and enhances participation levels.

**Enforcement, Investigation and Sanctions**

9. Nourish supports the new provisions in relation to food information law. It is important that consumers have confidence that food is what it is claimed to be and is labelled as. We also support the introduction of fixed penalties for minor, low-risk breaches and the introduction of compliance notices as a more flexible enforcement tool. However, it will be important to retain the ability to prosecute for serious, high-risk fraud or food safety breaches. It would be good to see some early actions taken against operators who mis-label or otherwise fraudulently sell foodstuffs, in order to send out a deterrent message.

**Conclusion**

10. Nourish generally welcomes the creation of a new stand-alone body to deal with food safety and consumer protection issues. We have reservations about that body adopting a policy role. However, if this role goes ahead we recommend that the body’s policy role should be a wide-ranging one, allowing it to take a lead on the development of a healthier and more sustainable food system in Scotland rather than just dealing with the promotion of a healthier diet.