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16<sup>th</sup> November 2016

Dear Martin,

## **SCOTTISH GOVERNMENT RESPONSE TO THE REPORT OF THE SHORT-LIFE WORKING GROUP ON FOOD POVERTY**

It was good to meet you on the 30 June when you handed over the Short Life Working Group's report *Dignity: Ending Hunger Together in Scotland*. I would like to take the opportunity again to thank you and the members of the Group for dedicating your expertise and a considerable portion of your time to helping shape policy in this important area. The Group's consideration has been thorough and I am extremely grateful for the comprehensive report you have produced as a result.

I share your view that food poverty is a symptom of wider poverty and that the UK Government's welfare reforms and a punitive sanctions regime are pushing more people into acute income crisis. I therefore agree that much of our work to tackle food poverty must be embedded within a broader set of actions to tackle poverty and inequality.

That is why the work of the Group was also intended to inform the development of the Fairer Scotland Action Plan (FSAP). The Scottish Government is committed to doing all it can to create a fairer, more equal Scotland and the FSAP, published on 5 October, commits the Scottish Government to taking 50 key actions to tackle poverty and inequality in this Parliament. Many of these actions directly address your Group's recommendations: for example, actions to reduce child poverty, deliver fair work, and tackle the poverty premium. There are also a range of actions relating to the development of our new Scottish social security system and a specific



commitment on enabling more people to have access to affordable, healthy, nutritious food in a dignified way.

In addition to delivering the commitments in the FSAP, we will be taking action on a range of food-related manifesto commitments, including the development of a Good Food Nation Bill. Our aspiration is that Scotland becomes a Good Food Nation: a country where people from every walk of life take pride and pleasure in, and benefit from, the food they buy, serve, and eat day by day. Tackling food poverty will be vital to achieving this aspiration and in doing so our actions must also be coherent across a wide range of policy areas including health and nutrition, tackling food waste and working with the food and drink sector. In this context, I would particularly welcome continuing to work with your Group and its members to develop a coherent, partnership-led approach that tackles food poverty and supports the delivery of our wider Good Food Nation objectives. A key part of this engagement would be exploring further your recommendation regarding the right to food and whether this ought to be considered for inclusion within the Good Food Nation Bill. My officials will be in touch with you again shortly to discuss how we might best work together on this.

The annex to this letter sets out the Scottish Government's response to each of the Group's recommendations in turn. We believe it constitutes a coherent plan through which we can deliver sustainable solutions for people affected by food poverty and I look forward to working with the Group to deliver it.



**ANGELA CONSTANCE**

## **ANNEX: Detailed Scottish Government Response to the Recommendations of the Short-Life Working Group on Food Poverty**

This annex sets out the Scottish Government response to each of the recommendations made by the Short-Life Working Group on Food Poverty in its report *Dignity: Ending Hunger Together in Scotland*, published 30 June 2016.

### **1. The Independent Working Group on Food Poverty should continue to work in partnership to help deliver the recommendations in this report.**

The Scottish Government would like to continue to work with the Group to deliver our sustainable food strategy. We recognise that there is significant knowledge and expertise amongst group members and look forward to continuing to work together to share practice and inform policy development. The Group has already informed the development of the Fair Food Fund.

#### **Dignity**

### **2. Any organisation which secures Scottish Government funding and support to work on tackling food poverty must demonstrate how its approach promotes dignity and is helping to transition away from emergency food aid as the primary response.**

This recommendation is consistent with the Fairer Scotland Action Plan, in which dignity and respect is a significant theme. We have already put this recommendation into action. Projects which applied to the Fair Food Transformation Fund were assessed to ensure they meet the principles for dignified food provision. The 21 supported projects to date, therefore, align with this recommendation. The Good Food Nation Fund 2016/7, which is supporting 14 projects, also applied the dignified food principles.

#### **Understand**

### **3. The Scottish Government should explore how the right to food can be enshrined within Scots Law.**

The Scottish Government is happy to accept the recommendation to explore the potential to enshrine the right to food within Scots Law in consultation with key partners. It is consistent with a number of existing commitments, including:

- The Scottish Government's established commitment to exploring how to incorporate human rights treaty obligations into domestic law. That is an explicit undertaking within Scotland's National Action Plan for Human Rights (SNAP). The Scottish Government has undertaken to work with SNAP partners: "To explore the value of incorporating economic, social and cultural rights, learning from other countries across Europe and beyond".
- The 2016 manifesto commitment to "seek to... establish social and economic rights ... engaging with people across Scotland ... to advise on the guaranteed protections we should seek to enshrine in law".

It is also consistent with recommendations regularly made by United Nations treaty bodies. As a general principle “legally binding international human rights standards should operate directly and immediately within the legal system of each State party, thereby enabling individuals to enforce their rights before national courts and tribunals”. (UN Economic and Social Council, General Comment 9).

There is a clear human rights imperative for action which confronts hunger and gives further and better effect to the right to food. That includes examining whether, and how, to reflect that right within domestic legislation. The proposition does, however, present a number of technical and legislative challenges. Not least of these are questions around the scope of a statutorily-recognised right, the nature of practical delivery mechanisms, the specific actions which public authorities would be required to take, and the need to avoid unintended consequences.

The Scottish Government is therefore happy to give a commitment to working constructively with civil society partners across Scotland to explore a range of potential options and models. That undertaking aligns closely with the existing commitment to explore the incorporation into domestic law of human rights more generally. It recognises too that the rights already enshrined in the Human Rights Act and Scotland Act represent a floor and not a ceiling, and that Scotland can go further in making rights real for every member of society. This is not however a promise to legislate without due consideration. Any legislative proposals would necessarily require to be preceded by a very clear, robust, and widely-supported specification of both the policy aims and the practical benefits of legislation.

#### **4. The Scottish Government should introduce and fund a robust system to measure food insecurity in Scotland, alongside wider measures of poverty.**

We agree that the measurement of food insecurity is an important aspect of understanding and tackling poverty. The proposal is therefore to include the Food and Agriculture Organisation (FAO) of the United Nations Food Insecurity Experience Scale (FIES) in the Scottish Health Survey. This will allow baseline data on food insecurity in Scotland to be available in 2019, and to provide data comparable with the UK. Data for Scotland would be available annually thereafter.

#### **5. The Scottish Government, having established reliable population data on household food insecurity, should set stretching targets to reduce it and explore how these could be integrated within the National Performance Framework.**

The Scottish Government will consider the value of targets once the baseline data is established. Without baseline data in place it is difficult to know what future targets on food insecurity may look like, and where these should sit.

**6. The Scottish Government should lead in communicating clearly and consistently the causes of food insecurity as identified by research.**

The Scottish Government will continue to lead in producing and promoting evidence on food insecurity. This is in part why the short life working group was called together, to allow stakeholders to investigate and suggest the best way forward. The Scottish Government will continue to lead on and communicate messages around food insecurity, particularly by way of learning from the Fair Food Fund and from improved data once available. In addition, the Scottish Food Commission will play a role in advocating the importance of good food. Part of this role relates to increasing awareness and understanding of food insecurity and potentially driving behavioral change in the food industry.

**Prevent**

**7. The Scottish Government should use all available devolved powers, including procurement rules, to ensure work is a reliable route out of poverty, including payment of the Living Wage as defined by the Living Wage Foundation and the promotion of decent work more widely.**

The Scottish Government is currently undertaking a wide breadth of activity to promote fair work and will continue to do so through the Fair Work Convention and the range of activities set out below:

- Publication of the Labour Market Strategy in August 2016 set out a vision for a strong labour market that drives inclusive, sustainable economic growth, characterised by growing, competitive businesses, high employment, a skilled population capable of meeting the needs of employers, and where fair work is central to improving the lives of individuals and their families.
- The Procurement Reform (Scotland) Act 2014 took every opportunity to tackle the Living Wage through procurement, recognising that employment law is a reserved matter:
  - The Act requires public bodies' Procurement Strategy documents to include a statement of their general policy on payment of a living wage to people involved in delivering public contracts.
  - The Act also included provision to enable Scottish Minister to publish statutory guidance (October 2016) on 'Addressing Fair Work Practices, including the Living Wage, in Procurement'. This makes it clear that SG considers payment of the Living Wage to be a significant indicator of an employer's commitment to fair work practices.
- We established the independent Fair Work Convention which published its Fair Work Framework on 21 March 2016. We are now working with the Convention, employers and Unions to promote the framework across Scotland.
- We are committed to abolishing Employment Tribunal fees in Scotland when we are clear on how the transfer of powers and responsibilities will work.
- We are supporting the Living Wage Accreditation Initiative, which has now accredited over 637 Scots, based employers.
- We introduced the Scottish Business Pledge, which now has around 300 pledge companies.

- We have invested £250 million per year as part of our 2016/17 budget to protect and grow social care services, providing the resources to enable local authorities to commission care services that pay care workers the full Living Wage of £8.25 per hour.
- The Fairer Scotland Action Plan, published in October 2016, includes a number of actions that we will take forward to encourage employers to offer more flexible working to employees. This should enable them to better meet any caring responsibilities they may have while maintaining a good work-life balance.

**8. The Scottish Government should use new social security powers to improve the value of social security support, initially prioritising households with children through a top up to Child Benefit.**

The Scottish Government's overriding priority with the new social security powers is to ensure the safe and secure transition of the 11 benefits being devolved. We will continue to engage the people of Scotland to inform how we evolve our social security policies. These benefits currently support 1.4 million people in Scotland and we need to make sure that the new system absolutely delivers for them. Where we can make relatively straightforward changes to the new devolved benefits, we will do so - we have already announced that we will increase Carer's Allowance to the same rate as Jobseeker's Allowance and the new Best Start Grant will see support for all children being increased and substantially help families on low incomes. Under the Best Start Grant, support for the first child will increase from £500 to £600 at birth. Second and subsequent children who currently receive no payments will receive £300 at birth. All children will then receive two additional payments of £250 in the pre-school years.

In addition to this, the Fairer Scotland Action Plan sets out a range of other actions which the Scottish Government will take in this parliamentary term to tackle child poverty, including introducing a new baby box of essential items and a substantial increase in early learning and childcare provision.

The Plan also makes clear that we will introduce a Child Poverty Bill in the coming year, with ambitious targets, and the ultimate aim of eradicating child poverty. To meet our targets will take concerted effort from all of Scotland over the period to 2030.

We will continue to engage the people of Scotland to inform how we evolve our social security policies. The social security consultation which closed last month is an example of the open and inclusive approach we are taking. All of this however, is set against the backdrop of a tough financial climate and difficult decisions will be needed to ensure we deliver a system that best meets the needs of everyone in Scotland. Where we can, the Scottish Government wants to use our powers and resources to lift people out of poverty not just to mitigate continually to a standing start.

**9. The Scottish Government and local authorities should prioritise investment in benefits advice and information services in order to maximise people's incomes and should carry out a review to enhance the quality of the service provided**

The Scottish Government continues to direct significant investment into advice services for people on low incomes. In addition, the Fairer Scotland Action Plan sets out action on affordable credit and a new Financial Health Check service for people on low incomes and for older people to help them make the most of their money.

Ensuring that an effective advice sector is in place will also be a critical consideration as we develop Scotland's new social security system. We are currently taking forward a review of the Scottish Government's support to advice services. This will review the current landscape, seek to develop a coherent policy framework and identify opportunities for better collaboration and coordination of funding.

**10. The Scottish Government should ensure key stakeholders, especially those with direct experience of the social security system, are fully involved in consultation on the forthcoming Scottish Social Security Bill, the development of the new Social Security Agency, and the creation of its new employment programmes.**

The Scottish Government is fully committed to working with a range of stakeholders to take forward the work needed to inform a social security bill and the development of the new social security agency. A range of organisations have played an important role to date in helping to shape the vision and principles we will use to support our policies and delivery ambitions and we will ensure there are opportunities going forward for them to continue to do so. Our three month consultation has now closed, following direct engagement across the country. Just over 120 supporting events have been held, in partnership with key organisations working with those who receive benefits and have experience of the current system, as part of an exercise in public engagement which has reached thousands of people across Scotland. At least 470 separate responses to the consultation have been received, giving views on what sort of social security system the Scottish Government should create, when powers are transferred from the UK Government.

We are setting up 'Social Security Experience Groups' to involve at least 2,000 people who have recent experience of receiving benefits to help to design and test the new system to ensure it works for them. The Experience Groups will be set up from spring 2017, and will build on the feedback gathered through the consultation. We are working to make sure that the groups are accessible to all who want to take part.

On employment, our consultation ended on 9 October 2015 and we had 218 responses with approximately 40 from individuals. The Scottish Government published its response to the consultation and set out our future delivery plans on 22 March 2016.

**11. The Scottish Government should continue to make strong representation to the UK Government with a view to reducing the risk of sanctions, maladministration, error and delay in the UK benefits system.**

Scottish Ministers are clear in their belief that the current benefit conditionality and sanctions regime is neither fair nor proportionate, with both Scottish Government and stakeholder reports highlighting the impact on individuals across Scotland. We will continue to discuss this matter with the UK Government and welcome trials of a new process which aims to cut the numbers of sanctions. Scottish Government analysis published in 2014 highlighted that sanctions tend to affect the most vulnerable in society, including lone parents, young people and disabled people. Claimants who face sanctions are often unable to comply with conditions for a range of complex reasons, including: lack of awareness, knowledge and understanding of the process, practical and personal barriers.

Ministers have already stated that they believe devolved employment programmes should be voluntary and in response to correspondence from Jamie Hepburn, UK Government Ministers have confirmed they will respect that decision.

**12. The Scottish Government and local authorities should use all available devolved powers to reduce the costs for energy, rent, transport and the school day for low income households.**

A significant amount of work is already being undertaken by the Scottish Government in response to this recommendation, including:

- **Rent:** The Scottish Government is supportive of taking action to help enable better access to the private rented sector. The Private Housing (Tenancies) Act 2016, will support this by creating simpler tenancies and offering stability and security to the 700,000 private rented sector tenants in Scotland, whilst ensuring predictability over rent increases. In addition, local authorities will be able to implement rent caps in areas where there are excessive rent increases. These measures represent a significant change in private renting in Scotland. It is expected that the new tenancy will come into effect at the end of 2017, coinciding with the launch of the First Tier Tribunal Housing and Property Chamber, which will hear cases from the private rented sector.
- **Energy:** The powers at the Scottish Government's disposal are limited to tackling the energy efficiency of the home, one of the three drivers behind fuel poverty. Key actions we are taking forward in this area are:
  - Allocating almost £650 million since 2009 and committing over £1 billion by 2021 to tackle fuel poverty and improve energy efficiency.
  - Funding Home Energy Scotland (HES) to provide free and impartial advice on energy efficiency to all householders, including advice on Scottish Government schemes they may be eligible for. This includes a community liaison service to join up with other service providers to reach the most vulnerable people in the community.

- Undertaking work to encourage people to check their tariffs and consider switching through a referral mechanism to Citrus Energy who assist the more vulnerable of consumers through the switching process.
  - Backing the launch of Our Power, a new community-based Energy Service Company seeking to provide cheaper energy for up to 150,000 social tenants. We are also considering how best to use new powers in the Scotland Act. This includes considering how to make the Energy Company Obligation and Warm Homes Discount schemes more targeted to Scottish issues. We have a manifesto commitment to extend the eligibility of Winter Fuel payments to families with disabled children who are on the higher level of Disability Living Allowance.
  - By the end of the year, hosting a summit of energy companies, as set out in the Fairer Scotland Action Plan, to ensure low income customers get a better deal on their energy bills.
- Transport: In order to ensure public and lifeline transport remains affordable, the Scottish Government subsidises bus services, funds the National Concessionary Bus Travel schemes, the Air Discount Scheme (offering from 1 January 2016 a 50% discount on air fares for travellers from remote communities), Road Equivalent Tariff on ferries routes on the Clyde and Hebrides Network, and regulates some ScotRail rail fares.
  - Cost of the school day: Ministers have clearly stated a belief that all children in Scotland should have equal access to education regardless of their financial circumstances and have welcomed the work of Child Poverty Action Group in detailing the key financial barriers affecting participation and experiences at school for children from low income households. A number of actions have been taken including The Education (Scotland) Act 2016 which enables Scottish Ministers to introduce regulations which specify a minimum amount for school clothing grants. The aim of this power is to end the wide disparity across Scotland in clothing grants and remove this potential barrier to education. Scottish Ministers would prefer to deliver this aim through negotiation and agreement with COSLA. The regulation making power provides an alternative route should this not prove possible.

**13. The Scottish Government and local authorities should prioritise investment in healthy meals at school, and further explore the potential for providing healthy meals as part of school holiday programmes.**

The Scottish Government remains committed to on-going work to support healthy school meals and continues to encourage local authorities to explore ways of helping those most in need in their communities. Ministers are proud of the achievements the Scottish Government has made to date on investment in healthy meals at school.

- Our most recent extension to provide free school meals for all P1-3 pupils ensures all children have access to a balanced, nutritious meal, while saving parents around £380 a year per child.
- The latest statistics show that more children than ever before are benefitting from a nutritious meal and learning about the importance of good food choices to their overall health and wellbeing.

- The proportion of pupils taking school meals, both free and paid for, has risen overall to 58.1% in 2016 from 56.5% in 2015. 81.7% (over 134,000) of P1-3 pupils present took a free meal in the week of the survey (February 2016). This is an increase of around 5,000 compared to the same time last year.

The Scottish Government has a long history of taking steps to ensure children receive healthy meals at school.

- In 2003, 'Hungry for Success' introduced significant steps towards balanced and nutritious school meals. Legislation passed in 2007/8 ensures that all food and drink served in schools must meet strict nutritional standards; this includes lunches, tuck-shops and breakfast clubs.
- In addition, the Better Eating, Better Learning (2014) measures have been put in place to encourage everyone involved with school food provision and education to work more closely with each other to drive further improvements and ensure that our children and young people are making the best choices possible to help them avoid diet related conditions in the future.
- The Scottish Government also provides funding for the Food for Life Catering mark which encourages schools to meet standards in provision of fresh, traceable food meeting nutrition guidelines with silver and gold awards requiring more locally sourced, ethical, and organic food. Forty eight per cent of primary schools now serve FFL Catering mark meals.

Decisions relating to school holiday provision are a matter for local government; however, the Scottish Government continues to encourage Local Authorities to allocate their total financial resources on the basis of local needs, priorities and circumstances. Local Authorities have flexibility to provide meals to children outwith term time and some choose to use this flexibility during school holidays to provide holiday lunch clubs such as those offered in East Renfrewshire and North Ayrshire in the past few years.

## **Respond**

**14. The Scottish Government, along with local authorities and all those responding to acute food insecurity, should ensure widespread use of the Scottish Welfare Fund as the first port of call for emergency support and ensure the Fund is administered in a way that allows this.**

The Scottish Government along with COSLA will continue to work with the third sector and others to raise awareness of the Scottish Welfare Fund and how to apply. Since its establishment in April 2013, £97.9 million of Community Care Grants and Crisis Grants have been awarded to nearly 204,000 vulnerable households, including around 67,000 families with children.

**15. If demand for the Scottish Welfare Fund grows, the Scottish Government should increase investment in it accordingly.**

The Scottish Government has invested £38 million each year in the Scottish Welfare Fund since it was established in 2013 and the SNP manifesto committed to protecting the fund. Since 2013, £89 million of Community Care Grants and Crisis

Grants have been awarded to more than 190,000 vulnerable households, including around 63,000 families with children.

The SWF provides a vital lifeline for tens of thousands of families in Scotland each year and is a great example of Scottish social security already delivering a more generous offer than is available in the rest of the UK. Unfortunately however, the SWF is not intended as an income replacement scheme and the severe cuts which the UK Government continue to place on low income households will inevitably create a high demand for the fund. We will continue to express our grave concerns about welfare reform measures to the UK Government.

To help local authorities manage demand for the fund, a new, fairer model for distributing funding was introduced in April 2016. The model will be phased in over three years and is designed to align funding more closely with need. This will help to ensure that the areas with most deprivation are able to provide increased support over the coming years. Scottish Government will continue to work very closely with local authorities to monitor how this is working and we will review this where further changes are needed.

**16. Community food providers (including those providing food in an emergency) should work together to improve the quality of the food provided and create opportunities to enable the sharing of meals, the provision of choice, and culturally appropriate nutritious foods.**

The Scottish Government is committed to providing support to alternatives to emergency food provision and can point to the following:

- We provided £2.6 million of funding to Community Food and Health Scotland (CFHS) from 2012-2016 to enable it to work within low-income communities to improve access to and take-up of a healthy diet. CFHS works with individuals, groups and agencies at local, regional and national levels, providing networking, skills development and training, practice and policy development. In 2016, there are two funding streams community groups can apply to CFHS for funding. The Capacity Building Fund, which provides up to £500 to develop skills and expertise, and an Annual Development Fund, which provides £500 to £2,000 to develop a one year activity plan. CFHS hold an annual networking conference in October which is an opportunity for community food providers to learn about each other's work and explore how they can work together.
- The new £1 million a year Fair Food Fund provides support to community food providers to develop dignified sustainable approaches to tackle food poverty and reduce reliance on emergency food providers. The Fair Food Transformation component of this fund was designed taking into account the recommendations of the Short Life Working Group.
- The new £240,000 Good Food Nation fund also provides some support to communities to improve access to affordable, healthy food.

## **Invest**

### **17. The social enterprise and community sector should continue the development of community food hubs across Scotland, supported by the recently expanded Fair Food Fund.**

The Scottish Government supports the social enterprise and community sector to continue to develop community food hubs and can point to the following commitments:

- The £1 million a year Fair Food Fund provides support for community-based organisations to transition from emergency food provision to more dignified and sustainable models.
- In 2015/16, the Scottish Government spent £85,000 supporting and establishing food networks in Scotland. Three existing networks in Edinburgh, North Lanarkshire and North East Scotland were given £25,000 each as core funding and up to £10,000 was committed to exploring the possibility of establishing a Glasgow food network.

### **18. The Scottish Government, assisted by the Independent Working Group on Food Poverty, should work with non-government donors to increase the capacity of funding and expertise to tackle food insecurity.**

The Scottish Government is committed to working in close partnership with non-government donors to tackle poverty. An example of this is the joint investment with STV Appeal and The Hunter Foundation in the Centrestage exemplar project.

### **19. Local authorities should work with others including those with lived experience of food poverty to develop and implement Community Food Plans, of which a central element should be reducing food insecurity and hunger.**

This recommendation is for local authorities; however, the Fairer Scotland Action Plan has committed to providing Scottish Government start-up funding for three new locally-based organisations, modeled on the Poverty Truth Commission. This will help ensure that the voices of people with lived experience of poverty have a greater profile going forward.