

Equality Impact Assessment Record

Good Food Nation (Scotland) Bill

October 2021

Equality Impact Assessment Record

Title of policy/ practice/ strategy/ legislation etc.	Good Food Nation (Scotland) Bill	
Minister	Cabinet Secretary for Rural Affairs and Islands	
Lead official	Tracy McCollin	
Officials involved in the EQIA	Name	Team
	Tracy McCollin	Good Food Nation Bill Team
	Aileen Bearhop	Good Food Nation Bill Team
	Pamela Blyth	Good Food Nation Bill Team
	Fred Foxtan	RESAS
	Peter van der Meulen	RESAS
	Leigh Edwardson	Creating Health Team
	Peter Faassen de Heer	
	Douglas Forrester	Support and Wellbeing Unit
	Lyndsey Fogg	
	Stuart Johnston	Local Government Policy and Relationships
John Davidson	Food and Drink Industry Growth	
Keith McWhinnie	Agriculture Climate Change	
Elli Kontoravdis	Social Justice	
Directorate: Division: Team	Directorate for Agriculture and Rural Economy: Food and Drink Division: Good Food Nation Team	
Is this new policy or revision to an existing policy?	New policy	

Screening

Policy Aim

1. The Good Food Nation (Scotland) Bill is a high level Bill that places duties on the Scottish Ministers to set out a national good food nation plan and makes provision as to the effect of that plan. The Scottish Ministers are required to have regard to the plan in the exercise of functions to be specified in secondary legislation. The Bill requires the Scottish Ministers to have regard to certain international instruments when preparing the plan.

2. The national good food nation plan required by the Bill must set out:

- the main outcomes in respect of food-related issues which the Scottish Ministers want to be achieved in relation to Scotland,
- indicators or other measures by which progress in achieving the outcomes may be assessed, and
- the policies which the Scottish Ministers intend to pursue in order to secure the achievement of the outcomes.

3. Similar requirements are placed on health boards, local authorities and other public authorities (collectively referred to as “relevant authorities”) as may be specified, who are required to publish a good food nation plan and to have regard to that plan when exercising specified functions. They are required to have regard to the Scottish Ministers’ national good food nation plan when preparing their own plan.

4. The plans may include such other material in relation to food-related issues as the Scottish Ministers and relevant authorities consider appropriate. The Scottish Ministers and relevant authorities are to have regard to the scope for food-related issues to affect outcomes in relation to social and economic wellbeing; the environment; health; and economic development when determining the content of their plans.

5. The Bill is cross-cutting in nature and this is reflected in the contribution it makes to several National Outcomes set out in the National Performance Framework. Consideration of the good food nation plans will lead to a more co-ordinated approach to delivery of the Good Food Nation ambition in Scotland and to achieving the National Outcomes listed below.

- **Health:** We are healthy and active;
- **Children and Young People:** We grow up loved, safe and respected so that we realise our full potential;
- **Education:** We are well educated, skilled and able to contribute to society;
- **Poverty:** We tackle poverty by sharing opportunities, wealth and power more equally;
- **Economy:** We have a globally competitive, entrepreneurial, inclusive and sustainable economy;
- **Environment:** We value, enjoy, protect and enhance our environment;
- **Communities:** We live in communities that are inclusive, empowered, resilient and safe;
- **Human Rights:** We respect, protect and fulfil human rights and live free from discrimination.

Who will it affect?

6. The Bill underpins work that is being carried out across the Scottish Government to deliver the Good Food Nation ambition. The progress report on the 'Good Food Nation Programme of Measures'¹, published in November 2019, confirms that excellent work continues to be carried out across Government. The Good Food Nation ambition is:

- To make a real and positive difference to the lives of the people of Scotland by helping to improve their access to, and understanding of the benefits of, healthy local foods;
- To ensure the sustainability of Scotland's food industry; and
- To look to grow Scotland's reputation as a Good Food Nation, from which other countries can learn.

7. The Good Food Nation ambition is wide-ranging and the Bill underpins work that is already happening or planned across a wide range of policy areas.

8. This Bill will ensure that there is a more co-ordinated approach to the setting of main outcomes which Scottish Ministers and certain other bodies want to be achieved in relation to food, and their policies to achieve those outcomes, supported by indicators or other measures to assess progress. This means that when the Scottish Ministers and relevant authorities are exercising certain specified functions in relation to food-related issues there will be a statutory requirement to consider the determined outcomes, indicators and policies set down in good food nation plans. It is therefore intended that the plans will support a more co-ordinated, coherent and joined up approach to delivery of the Good Food Nation ambition in Scotland.

9. In taking forward this Bill, the Scottish Government is mindful of the three needs of the Public Sector Equality Duty (PSED): eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. Where any negative impacts have been identified, we have sought to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We will seek to do this through support and guidance.

10. The benefits will be both direct and indirect for example, in relation to the protected characteristic of age, the plan could benefit those having school meals by requiring consideration beyond what is already required by statute i.e. more than just the provision of the meal (direct impact) but also developments around procurement or food waste (indirect impact) or policy around healthy eating and nutrition for young people (direct impact).

What might prevent the desired outcomes being achieved?

11. Nothing identified that might prevent the desired outcomes being achieved.

¹ Good Food Nation Programme of Measures 2019 Update <https://www.gov.scot/publications/good-food-nation-programme-measures-2019-update/pages/2/>

Stage 1: Framing

Results of framing exercise

12. A framing exercise to discuss the impact assessments associated with the Bill, including EQIA, was held in December 2019 and included analysts and policy leads from health, education, local government, social justice, food and drink industry and agriculture.

13. The discussion covered a wide range of topics but the overall conclusion was that, as the Bill mainly includes enabling powers, which in themselves cannot directly impact on specific groups, it is not possible to identify at this stage how specific groups will be impacted by the Bill.

14. It was noted that the Bill underpins work that is already underway and introduces a statutory requirement to have regard to the good food nation plan when exercising specified functions. The plans will support a more co-ordinated, coherent and joined up approach to delivery of the Good Food Nation ambition in Scotland. The group undertaking the framing exercise considered that this more co-ordinated approach would have an indirect positive effect.

Extent/Level of EQIA required

15. The framing exercise identified that as the Bill is high level and mainly includes enabling powers, at this stage, it is not possible to identify impacts on specific groups. However, the framing exercise resulted in some high level findings: a more coherent framework as suggested by the Bill could have a positive effect and in some cases could help contribute to faster progress of measures that are already in place. However, based on the proposed content of the Bill, the group was unable to identify any impacts on specific groups. The framing exercise concluded that there should be a high level EQIA at this stage of the Bill process. However, as the Bill progresses this EQIA may be subject to revision.

16. Any secondary legislation that results from the powers within the Bill will be subject to consultation and impact assessment. The content of the national good food nation plan will also be subject to consultation and assessment.

Stage 2: Data and evidence gathering, involvement and consultation

17. The framing exercise discussed each of the characteristics in turn and found that for most there were examples of ongoing policies that would have a positive impact on a wide range of people e.g. in relation to school food and action to tackle food insecurity. However, it was not possible to identify any direct impacts of the Bill as it is a high level and mainly includes enabling powers, which in themselves cannot impact on specific groups. The framing exercise also concluded that impact assessments would have been carried out for the policies that are currently underway and would be part of the process for any planned future work.

18. The framing workshop discussed a very similar range of topics to those that were raised during the consultation 'Good Food Nation: Proposals for Legislation'², which closed in April 2019. An analysis of the responses is provided in the 'Good Food Nation Proposals for Legislation: analysis of consultation responses'³ which was published in September 2019. The consultation did not include any specific question on equality but the responses covered issues such as local, small-scale or community growing of food, the need to address poverty and food insecurity, access to quality, healthy food, the need to consider public health and the link between diet and health, fair pay for farmers and farm workers, promotion of plant-based diets and less meat production and concerns over the problems of accessing healthy food in all areas of Scotland.

19. The conclusion of the framing exercise was that the statutory requirement in the Bill to have considered the good food nation plans when carrying out specified functions in relation to food would lead will support a more co-ordinated, coherent and joined up approach to delivery of the Good Food Nation ambition in Scotland. The group considered this to be a positive effect across the protected characteristics, as it would assist with speeding up progress towards measures already in place to benefit protected characteristics, e.g. improved maternal nutrition or better school food. The gender reassignment and sexual orientation were the only characteristics where the framing exercise identified a neutral impact as no direct or indirect impact on these groups could be identified. Assessing the impact on specific groups of people will be an ongoing process and more detailed assessments will be carried out for the secondary legislation that will be put in place as a result of the Bill, and for the content of the national good food nation plan.

² Good Food Nation Proposals for Legislation consultation <https://www.gov.scot/publications/good-food-nation-proposals-legislation/>

³ Good Food Nation Proposals for Legislation: analysis of consultation responses <https://www.gov.scot/publications/good-food-nation-proposals-legislation-consultation-analysis-report/>

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			✓	The Bill is high level and mainly includes enabling powers which in themselves cannot impact on specific groups. The Bill will apply to all age groups although the good food nation plans may focus on a particular target group e.g. this may be influenced by the particular needs and demographic within a local authority area.
Advancing equality of opportunity	✓			The Bill underpins work already being carried out or planned and, by establishing a statutory requirement to have regard to good food nation plans when carrying out specified functions, will require a more co-ordinated approach across policy areas to deliver the Good Food Nation ambition. The framing exercise concluded this to be a positive effect as it could mean faster progress of measures that were already in place.
Promoting good relations among and between different age groups	✓			The Bill is designed to promote Good Food Nation principles and so will provide the basis for promoting discussion and understanding of what good food is and why it is important. This is likely to have a positive impact on promoting good relations between different age groups by encouraging discussion and consideration of good food.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination,			✓	The Bill is high level and mainly includes enabling powers which in themselves cannot impact on specific groups. The

harassment and victimisation				Bill will apply to all people although the good food nation plans may focus on a particular target group e.g. this may be influenced by the particular needs and demographic within a local authority area.
Advancing equality of opportunity	✓			The Bill underpins work already being carried out or planned and, by establishing a statutory requirement to have regard to good food nation plans when carrying out specified functions, will require a more co-ordinated approach across policy areas to deliver the Good Food Nation ambition. The framing exercise concluded this to be a positive effect as it could mean faster progress of measures that were already in place.
Promoting good relations among and between disabled and non-disabled people	✓			The Bill is designed to promote Good Food Nation principles and so will provide the basis for promoting discussion and understanding of what good food is and why it is important. This is likely to have a positive impact on promoting good relations by providing the basis for discussions around the food requirements for different groups of people.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	The Bill is high level and mainly includes enabling powers which in themselves cannot impact on specific groups. The Bill will apply to all people although the good food nation plans may focus on a particular target group e.g. this may be influenced by the particular needs and demographic within a local authority area.
Advancing equality of opportunity	✓			The Bill underpins work already being carried out or planned and, by establishing a statutory requirement to have regard to good food nation plans when carrying out specified functions, will require a more co-ordinated

				approach across policy areas to deliver the Good Food Nation ambition. The framing exercise concluded this to be a positive effect as it could mean faster progress of measures that were already in place.
Promoting good relations between men and women	✓			The Bill is designed to promote Good Food Nation principles and so will provide the basis for promoting discussion and understanding of what good food is and why it is important. This is likely to have a positive impact on promoting good relations by providing the basis for discussions around the food requirements for different groups of people.

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	The Bill is high level and mainly includes enabling powers which in themselves cannot impact on specific groups. The Bill will apply to all people although the good food nation plans may focus on a particular target group e.g. this may be influenced by the particular needs and demographic within a local authority area.
Advancing equality of opportunity	✓			The Bill underpins work already being carried out or planned and, by establishing a statutory requirement to have regard to good food nation plans when carrying out specified functions, will require a more co-ordinated approach across policy areas to deliver the Good Food Nation ambition. The framing exercise concluded this to be a positive effect as it could mean faster progress of measures that were already in place.
Promoting good relations	✓			The Bill is designed to promote Good Food Nation principles and so will provide the basis promoting discussion and understanding of what good food is and why it is important. This is likely to have a positive impact

				on promoting good relations by providing the basis for discussions around the food requirements for different groups of people.
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Do you think your policy impacts on transsexual people?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	The Bill is high level and mainly includes enabling powers which in themselves cannot impact on specific groups. The Bill will apply to all people although the good food nation plans may focus on a particular target group e.g. this may be influenced by the particular needs and demographic within a local authority area.
Advancing equality of opportunity			✓	The framing exercise could not identify any impacts on transsexual people.
Promoting good relations			✓	The framing exercise could not identify any impacts on transsexual people.

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	The Bill is high level and mainly includes enabling powers which in themselves cannot impact on specific groups. The Bill will apply to all people although the good food nation plans may focus on a particular target group e.g. this may be influenced by the particular needs and demographic within a local authority area.
Advancing equality of opportunity			✓	The framing exercise could not identify any impacts on people because of their sexual orientation.
Promoting good relations			✓	The framing exercise could not identify any impacts on people because of their sexual orientation.

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	The Bill is high level and mainly includes enabling powers which in themselves cannot impact on specific groups. The Bill will apply to all people although the good food nation plans may focus on a particular target group e.g. this may be influenced by the particular needs and demographic within a local authority area.
Advancing equality of opportunity	✓			The Bill underpins work already being carried out or planned and, by establishing a statutory requirement to have regard to good food nation plans when carrying out specified functions, will require a more co-ordinated approach across policy areas to deliver the Good Food Nation ambition. The framing exercise concluded this to be a positive effect as it could mean faster progress of measures that were already in place.
Promoting good race relations	✓			The Bill is designed to promote Good Food Nation principles and so will provide the basis for promoting discussion and understanding of what good food is and why it is important. This is likely to have a positive impact on promoting good relations by providing the basis for discussions around the food requirements for different groups of people.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	The Bill is high level and mainly includes enabling powers which in themselves cannot impact on specific groups. The Bill will apply to all people although the good food nation plans may focus on a particular target group e.g. this may

				be influenced by the particular needs and demographic within a local authority area.
Advancing equality of opportunity	✓			The Bill underpins work already being carried out or planned and, by establishing a statutory requirement to have regard to good food nation plans when carrying out specified functions, will require a more co-ordinated approach across policy areas to deliver the Good Food Nation ambition. The framing exercise concluded this to be a positive effect as it could mean faster progress of measures that were already in place.
Promoting good relations	✓			The Bill is designed to promote Good Food Nation principles and so will provide the basis for promoting discussion and understanding of what good food is and why it is important. This is likely to have a positive impact on promoting good relations by providing the basis for discussions around the food requirements for different groups of people.

Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership ⁴	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination	Not applicable	Not applicable	Not applicable	

⁴ In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

- **Have positive or negative impacts been identified for any of the equality groups?**

Yes, a potential positive impact has been identified for age (may contribute to improved school food and childhood nutrition); disability (may help the disabled to access food by enabling a more co-ordinated approach); sex (may help improve access for food for single men, who are especially vulnerable to food insecurity); pregnancy and maternity (improved nutrition for pregnant women, especially young mothers still at school); race and religion or belief.

- **Is the policy directly or indirectly discriminatory under the Equality Act 2010⁵?**

No.

- **If the policy is indirectly discriminatory, how is it justified under the relevant legislation?**

Not applicable.

- **If not justified, what mitigating action will be undertaken?**

Not applicable.

Describing how Equality Impact analysis has shaped the policy making process

20. The Equality Impact analysis has helped shape the policy making process by confirming that at this stage it is not possible to identify impacts on specific groups and that more detailed impact assessments will be required for the secondary legislation and the plan. Ongoing assessment of potential impacts will be carried out during the process of drafting the Bill.

Monitoring and Review

21. The content of the Bill will be reviewed by the Bill team throughout the drafting process to take account of any changes that may require further assessment. The more detailed impact assessments for the secondary legislation and the plan will provide information for ongoing monitoring and evaluation.

⁵ See EQIA – Setting the Scene for further information on the legislation.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for the Good Food Nation (Scotland) Bill and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

Name: George Burgess
Position: Deputy Director, Food and Drink Division
Authorisation date: 31/08/2021



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