

Magic Breakfast's response to call for views on the Good Food Nation (Scotland) Bill from the Rural Affairs, Islands and Natural environment Committee

Introduction to Magic Breakfast

[1] Magic Breakfast is one of the UK's leading school breakfast providers. With 21 years of experience Magic Breakfast supports over 1,000 schools in all age groups across England and Scotland. In Scotland we directly support hunger focused and barrier free breakfast provision for around 3,800 pupils on every school day. Magic Breakfast's model has received academic verification for its impact on educational attainment and long-term life outcomes whilst being affordable at a national level. Magic Breakfast also campaigns for publicly funded hunger focused and barrier free breakfast provision for all children and young people in state funded full-time education. Magic Breakfast is also a member of the Scottish Food Coalition.

Consultation Response

[2] The questions below are numbered according to the numbering of the online consultation form. Magic Breakfast has decided to not respond to every question in the consultation.

8. What is your view about the scope of the Bill? What else, if anything, would you have liked to see included in the Bill? Please explain your reasons.

[3] Magic Breakfast believes the Good Food Nation Bill is too narrow in its scope. The bill focuses solely on provisions to compel Scottish Ministers and "relevant authorities" to publish good food nation plans. As members of the Scottish Food Coalition Magic Breakfast is saddened that the bill doesn't contain the five proposals that the coalition put forward.

[4] Magic Breakfast believes the good food nation plans which will be produced as a result of the bill will be able to link together a number of food insecurity fighting measures. These should include universal free school breakfasts, which the Scottish Government has committed to.

[5] Magic Breakfast will establish elsewhere in this consultation our belief that the bill should include a right to food in Scots law.

[6] Magic Breakfast also believes the bill should include duties on public bodies. Currently public bodies must publish their plans and 'have regard' to them when exercising a 'specified function' but there are no specific details on whether these plans should mandate change. Magic Breakfast believes the language of the bill could be strengthened to ensure that public bodies will incorporate the good food nation plans into their decision-making processes.

- [7] Magic Breakfast also believes the bill should include sectoral measures and targets to stimulate immediate action. Whilst the bill compels Scottish Ministers to publish and lay before parliament a national good food nation plan this plan will have no statutory authority. If targets were included in the bill these would have statutory authority and allow the Scottish Parliament to hold Scottish Ministers to account. These targets could include halving of childhood obesity by 2030 and halving moderate to severe household food insecurity by 2030. Targets of this sort being laid on a statutory basis has precedent. The Child Poverty (Scotland) Act 2017 introduced child poverty targets and the Good Food Nation Bill could do similar for the food sector.
- [8] Magic Breakfast believes the bill should provide for a body to oversee the implementation of the bill in order to ensure good food nation plans are realised. A new statutory body would also be the first body to put the entire food system at the heart of their agenda.
- [9] Magic Breakfast believes one of the key areas the bill should be strengthened is in scrutiny. Whilst the national plan must be laid before parliament there is no power for MSPs to ensure the plan is debated or approved. If parliament had to approve the national food plan it would ensure the plan was scrutinized and amended in order to be the best in can be for the people of Scotland.
- [10] Local authorities must publish their local good food nation plans but the bill provides for no way for local councillors to scrutinize the plans. Without scrutiny local plans may be a missed opportunity to devise strong plans which can tackle food insecurity. Magic Breakfast would like to see good food nation plans be approved either by a council committee or a full council meeting.

9. What is your view of the decision not to incorporate the 'right to food' into Scots law through the Good Food Nation Bill? Please explain your reasons.

- [11] Magic Breakfast believes the bill would have been strengthened by the inclusion of a 'right to food.' Incorporation of the right to food would have been a key measure in the bill as it would place a duty on all public authorities to take a rights centered approach to food policy and food insecurity.
- [12] Whilst the main right to food is found within Article 11 of the International Covenant on Economic, Social and Cultural Rights the right can also be found with Article 24 of the UN Convention on the Rights of the Child (UNCRC). The Scottish Parliament have already passed a bill incorporating the UNCRC into Scots law. Despite the bill now awaiting redrafting after being rejected by the UK Supreme Court, the Scottish Government have demonstrated a commitment to the right to food by supporting this bill.
- [13] Magic Breakfast is aware that the Good Food Nation Bill requires ministers to have regard to international conventions detailing the right to food and that the government is planning a new cross cutting human rights bill. These plans would support a right to food in this bill rather than negate the need for it.

[14] Incorporating a right to food in this bill would show a commitment from the Scottish Government to real change in the food system. For children and young people this would be a significant step forward as they are the group with the least involvement in procuring their own food. A right to food would ensure that not only was food supplied to children and young people at risk of hunger but also that that food is adequate and nutritious.

[15] Magic Breakfast knows that incorporating a right to food into law is a popular proposal. Polling conducted for Magic Breakfast by Opinium found that 53% of the public believe that the government should embed a right to food into law. Looking solely at Scottish respondents this rises to 54% with only 14% being against the idea.

10. How should the Bill and/or the Good Food Nation plans link to other food policy initiatives, for example the current process of producing a Local Food Strategy, and addressing global impacts of food and drink supply chains – for example taking up any of the Global Resource Initiative recommendations?

[16] The intersection of national good food nation plans, and their local counterparts could be key to effective delivery of food policy initiatives. Whilst the national plan would lay out a nation-wide high-level strategy local plans can be used to transparently design how national plans can be implemented efficiently at the local level.

[17] For example, Magic Breakfast is campaigning for the Scottish Government to introduce full free school breakfasts in all primary and special school and for the government to pilot free school breakfast in secondary schools. Free school breakfasts are affordable – Pro Bono Economics showed the Magic Breakfast model has a 50x return on investmentⁱ. They make academic sense – the Institute for Fiscal Studies found that the Magic Breakfast model can increase attainment in younger years in key subjects by up to two monthsⁱⁱ. They also make moral sense – the Magic Breakfast model is designed to be hunger focused and barrier free in order to ensure that no child is too hungry to learn.

[18] Initiatives like free school breakfasts could form a key part of good food nation plans. The plans should take account for food related policy across policy fields, for example free school breakfasts are a positive food policy, anti-poverty policy and educational policy.

11. What outcomes, indicators and policies should Scottish Ministers and 'relevant authorities' include in their Good Food Nation plans? Please explain your reasons.

[19] The Good Food Nation Bill states in clause 1(5) that good food nation plans should have regard to outcomes in relation to: social and economic wellbeing, the environment, health, and economic development. The bill does include the phrase 'among other things' in order to not limit the plans.

[20] However, Magic Breakfast believes that the bill should explicitly include education as an outcome indicator. 704,723 children and young people are in schools in Scotlandⁱⁱⁱ, this marks just over 12% of the Scottish population^{iv}. For children in primary and special schools this figure is just over 7%. The Scottish

Government has announced plans for Scotland to move to a system where all primary and special school pupils are offered breakfast and lunch in school, this means 7% of the population receiving 2/3 of their main food intake in educational settings. It is therefore clear that food and education are becoming increasingly more connected in Scotland. It would therefore make sense that education is considered a specific outcome to be accounted for in good food nation plans.

[21] It may not be appropriate for health boards or certain specified public authorities to include education outcomes in their good food nation plans. Therefore, it would be understandable for the bill to make account for education outcomes only being included in the national plans, those from local authorities, and those from most specified public authorities.

15. Does the Bill provide for opportunities to participate in the production of national and local good food nation plans? You may wish to consider, for example, how the views of vulnerable people or those whose voices are seldom heard would be sought.

[22] Clause 2 (2) of the Good Food Nation Bill requires consultation to take place during the creation of the national plan with 'those who the Scottish Ministers consider appropriate.' Similarly, clause 8 (2) provides for consultation in the good food nation plans of relevant authorities whereby those who are to be consulted are 'those who the relevant authority considers appropriate.'

[23] Magic Breakfast believes the bill should give guidance to ministers and relevant authorities on how consultation should be conducted. The biggest risk is that those drafting the plans could consider it appropriate to only consult internally within their organisations. This, coupled with the lack of official scrutiny the bill provides for, further risks the plans failing to be impactful upon food insecurity.

[24] Magic Breakfast believe it would be appropriate for the bill to detail how plans should be consulted on whilst not prescribing a list of organisations who should be consulted. All plans should include consultation from the public and private sectors and from a wide range of third sector organisations. Ministers and relevant public authorities should identify organisations relevant to the four outcome areas included in the bill (and also the fifth proposed outcome area of education) and directly consult them whilst developing the plans. Ministers and local authorities should also have a wider public consultation period once plans have been drafted before they are finalized.

End Notes

i "ROI Report 2021." *Magic Breakfast*. Feb. 2021, <https://tinyurl.com/mbgfnc1>

ii "Revised EEF Evaluation." *Magic Breakfast*. 13 Dec. 2019, <https://tinyurl.com/mbgfnc2>

iii "Summary statistics for schools in Scotland." *Scottish Government*. 14 Dec. 2021, <https://tinyurl.com/mbgfnc3>

iv "Mid-2020 Population Estimates, Scotland." *National Records of Scotland*. 25 June. 2021, <https://tinyurl.com/mbgfnc4>