

Ending the need for food banks: a draft national plan

Scottish Government consultation

Response of the Children and Young People's Commissioner Scotland

25 January 2021

Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

The Commissioner is fully independent of the Scottish Government.

Introduction

Food insecurity significantly affects children and young people across Scotland and the realisation of their human rights. Urgent action is needed to address the root causes of food insecurity and ensure that children and young people's right to food is universally realised. [Ending the need for foodbanks](#) is a key part of realising the right to food, but it must be accompanied by systemic change that ensures all children and young people have access to quality, affordable, healthy and nutritious food. This change must be underpinned by a child rights-based approach.

We have made several recommendations aimed at ensuring that the draft plan complies with international human rights standards, particularly the [United Nations Convention on the Rights of the Child](#) (UNCRC) and the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR). This would be in line with the Scottish Government's commitment to incorporate the UNCRC into Scots law and its aspiration for Scotland to be the best place for children to grow up.

Human rights framework

The right to food as a human right is enshrined in international human rights law in article 11 of the ICESCR. Article 11 recognises that:

- everyone has the right to an adequate level of food,
- governments must take measures to improve the production, conservation, and distribution of food,
- governments must tell people about the principles of nutrition,
- governments should develop or reform the ways they produce food so that natural resources are developed and used in the most efficient way, and
- the world's food supplies should be distributed in an equitable way.

The [UN Committee on Economic, Social and Cultural Rights](#) provided further guidance in its [General Comment no. 12 on the right to adequate food](#). The right to food is comprised of four key elements: 1.) availability, 2.) adequacy, 3.) accessibility, and 4.) sustainability – for present and future generations. ‘Adequacy’ refers to the dietary needs of an individual which must be fulfilled not only in terms of quantity but also in terms of nutritious quality. ‘Accessibility’ includes affordability; individuals in all settings should be able to have an adequate diet without it affecting their other basic needs, such as housing, fuel, and other key costs.

The right to food directly engages the following human rights enshrined in the UNCRC:

- Article 6 – the right to life, survival, and development
- Article 26 – the right to social security
- Article 27 – the right to an adequate standard of living

The right to food is also closely linked to children’s rights to health (UNCRC article 24) and education (UNCRC articles 28 and 29), among others.

The impact of food insecurity on children and young people in Scotland

Children and young people in Scotland have told us that poverty is the single-most important issue for them. This includes food insecurity. The [2019 Children’s Future Food Inquiry](#) highlighted that food insecurity is a longstanding serious problem for children UK-wide, particularly those already living in poverty. Thousands of children across Scotland currently live with food insecurity - where they do not have consistent access to sufficient affordable, nutritious food.

[Food insecurity affects](#) children’s physical and mental health and lifelong development. Children who experience food insecurity are more likely to face adverse health outcomes, developmental risk, obesity, malnutrition and also adverse educational outcomes.

[Three of the main causes](#) of food insecurity are low income, benefit delays, and benefit changes. These, combined with increasing housing, food and fuel costs, affect parents/caregivers’ ability to afford essential material needs, including food. As a result, children and their families are reliant on both food banks and free school meals for access to food.

Prior to 2021, there was [no single nationwide government measure for hunger](#) in the United Kingdom (UK)¹ and quality disaggregated data remains lacking at devolved or UK level. Prior to the pandemic, [an estimated 1.9 million children](#) experienced food insecurity across the UK. In 2019, 720,504 children UK-wide, including 80,623 in

¹ The Department for Work and Pensions (DWP) measured food insecurity for the first time in its annual Food and Resources Survey, with first data sets available in March 2021.

Scotland, [received food from 1,200 foodbanks](#),² with a 13% increase in food bank use in Scotland to feed children between 2018/19 and 2019/20. In January 2021, [2.3 million children in the UK](#) lived in households that had experienced food insecurity in the previous 6 months (12% of households with children) and 10% of households with children reported food insecurity in January 2021 alone.

Scottish Government analysis of the [Households Below Average Income, 2019/20 data tables](#)³ found that 25% of children in Scotland lived in households with marginal, low, or very low food security in 2019/20. Furthermore, children living in poverty in Scotland were less likely to have high food security: just 48% of those in relative poverty and 49% of those in absolute poverty lived in high food security households.⁴

Food insecurity [has also worsened](#) since the onset of the Covid-19 pandemic. To-date, there is no comprehensive data on the number of children affected by food insecurity in the wake of the pandemic.

Children and young people across Scotland [have told us](#) how food insecurity affects them. In 2016, one child pointed out, *“When you’re hungry all you can think about is food.”* Another told us of the impact of food insecurity on learning, *“It’s really hard to concentrate.”* Children also talked about the potential impact of financial insecurity and not having enough to eat, stating that they feel upset, stressed, worried, and scared. Children across Scotland face stigma for visiting foodbanks, receiving free school meals, and having to rely on others in order to eat.

When talking about causes and solutions, children across all research groups for [our 2016 report](#) identified poverty as the most significant reason why some children may not have the food they need. When talking about the role of politicians in addressing food insecurity, one child said, *“They’re meant to look after us, they shouldn’t just be sitting there not caring and eating all the food.”* Children further identified the need for action, including steps to address poverty and homelessness, as well as practical measures, such as making fruit and vegetables cheaper and increasing the price of sweets to ensure healthy eating. Finally, they highlighted the importance of engaging with children when making decisions about the right to food. One child told us, *“... listen to everything that every child says [...] and take it all in and write it down and do all [she] can.”*

² This represented around two-thirds of foodbank provision.

³ Most of the figures in these data tables come from DWP, 2021, *Family Resources Survey: financial year 2019 to 2020*, <https://www.gov.uk/government/statistics/family-resources-survey-financial-year-2019-to-2020>. The Family Resources Survey includes ten questions on household food security but the questions do not directly ask about the food security of children. Social Market Foundation, 2020, *Measuring and mitigating child hunger in the UK*; <https://www.smf.co.uk/wp-content/uploads/2020/12/Measuring-mitigating-child-hunger-Dec-20.pdf>

⁴ Scottish Government, March 2021, *Poverty and Income Inequality in Scotland 2017-20*, <https://data.gov.scot/poverty/>; *Child Poverty Trends Food Security*, https://data.gov.scot/poverty/#Child_poverty.

The UN Committee on the Rights of the Child,⁵ the [UN Committee on Economic, Social and Cultural Rights](#), and the [UN Special Rapporteur on Extreme Poverty and Human Rights](#) have expressed concern about the links between poverty and food insecurity in Scotland, their impact on children, barriers to the right to food for children and young people and the lack of effective response to food insecurity.

Recommendations

In order to ensure that a national plan on ending the use of foodbanks addresses the root causes of food insecurity and ensures universal access to healthy, nutritious food, we recommend the following:

- **Rights-based approach:** The provisions in the Bill must be underpinned by a child rights-based approach. A comprehensive child rights-based approach should include data collection and monitoring, consideration of children's rights in decision-making, meaningful engagement with children and young people in decision-making processes, child rights budgeting, and transparency in resource allocation. [Child Rights Impact Assessments](#) (CRIAs) should be routinely undertaken and published on all legislative and policy decisions affecting children and children should be consulted throughout.
- **Incorporate the right to food into domestic Scots law:** The right to food should be central to all legislation, policy, and practice concerning food insecurity. As set out in [our response](#) to the Rural Affairs, Islands and Natural Environment Committee's call for views on the [Good Food Nation \(Scotland\) Bill](#), we have previously called for the incorporation of the right to food into Scots Law as part of the Good Food Nation legislation. The UNCRC (Incorporation)(Scotland) Bill and Scotland's National Taskforce on Human Rights Leadership have committed to incorporating a number of international human rights treaties into national law. This Bill does not fully reflect those commitments. The Bill only requires that Scottish Ministers' and public bodies' plans are prepared *having regard to* elements of the right to food. Incorporating the right to food into Scots law would help reduce inequalities and support compliance with international human rights obligations and the 2030 Sustainable Development Goals.
- **Comprehensive, targeted response to child poverty:** We welcome the Scottish Government's focus on prevention in planning for the ending of foodbanks, particularly the focus on ensuring families have the necessary income and social security support. Such an approach must be evidence-based, prioritise children living in poverty, and include comprehensive, targeted

⁵ In its [2016 findings and recommendations](#) and its [request for information for the current reporting cycle](#).

steps to reduce the number of children in poverty. This includes ensuring parents/carers have enough to support their families, strengthening the social security protections, reviewing eligibility for such supports to ensure all those in need can access them, and protecting families from increasing living costs. The Government should retain positive measures introduced to support people in poverty in response to the pandemic and apply these more widely. Sufficient human and financial resources should be allocated to implement, monitor, and evaluate child poverty measures.

- **Cash-first approach:** The pandemic has demonstrated that a cash-first approach is effective. When schools closed at the beginning of the pandemic, [alternatives to free school meals were provided](#) via meal replacements, cash replacements or food vouchers. The availability of direct payments and the value of substitution varied across local authorities (from £10-20) per week. Take-up by parents increased if provision was via a cash payment. Families experiencing food insecurity should have choice in how their needs are best met, to deliver better results.
- **Local authorities:** Local authorities should be sufficiently funded to support children and families living in poverty and be able to react in a responsive, flexible manner in crisis situations. Local authorities should also produce child poverty strategies consistently and integrate these with local service planning and budgets.
- **Free school meals:** Free school meals are another crucial measure that help ensure children are receiving nutritious, balanced meals, address root causes of food insecurity, and meet their right to food. Alongside the phasing out of food banks, the extension of nutritious and adequate universal free school meals helps to address concerns around eligibility for support, need, and stigma.
- **Participation of children and young people in decision-making processes concerning them:** Children and young people should be involved in a meaningful way in the development of the draft national plan to end foodbanks and in other legislative and policy-making processes concerning Good Food and food insecurity. This is in line with Article 12 of the UNCRC, which sets out that children and young people have a right to participate in decision-making processes relevant to them, in line with their evolving age and maturity.⁶ Engagement with children and young people must be meaningful, tailored, and accessible, including targeted consultations.

⁶ The UN Committee on the Rights of the Child provides additional guidance concerning children's right to be heard in its [General Comment no. 12](#).

- **Data collection, targets, monitoring and reporting:** Government should ensure, through the Good Food Nation (Scotland) Bill, that targets, indicators, and timeframes for mandatory reporting on the right to food are set in law. In line with [recommendations received from the UN Committee on the Rights of the Child](#), the Bill should include requirements for the systematic collection of quality, disaggregated data concerning food security and nutrition, including for children, and regular monitoring and analysis of this data and of the effectiveness of policies and programmes on food security and nutrition. Such policies and programmes include those for children, such as school meal programmes, food banks, and programmes addressing infants and young children.

One child, describing the impact of food insecurity, stated, “*living is more important than surviving.*”

Multi-level, multi-stakeholder actions are required to ensure that children and young people see their right to food realised in law, policy, and practice. Ending the need for food banks and addressing root causes of food insecurity by lifting people out of poverty are central to achieving this.

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