

Nourish Scotland, Report to UN Committee on Economic, Social & Cultural Rights

- On the Right to Food

(58th Session, UK 6th Period Review - Full Session)

May, 2016

Responding to the Committee's List of Issues, this report reviews the obligations of the UK Government, and the Scottish Government where the matter concerned is devolved, under Article 11 of ICESCR, specifically in relation to the right to food.

Nourish Scotland is a Non-Governmental Organisation working on a local, national, and international level for a fairer, healthier, and more sustainable food system.

Part 1: Introduction and an update on initial concerns raised at the PSWG (Aug 2015); [1]

- | | |
|---------------------------------------|---|
| 1) incorporation of the Covenant, | 2) framework legislation on the right to food, |
| 3) monitoring of food insecurity, and | 4) regression on the right to food (financial access) |

Part 2: Overview of the Right to Food in UK, focusing on Scotland

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Part 1: Introduction and an update on initial concerns raised at PSWG

We are deeply concerned about the numerous and intersecting failures to incorporate and realise Covenant obligations on the right to food across the UK.

Reiterating the **main points of concern** from our Pre-Sessional Working Group evidence (August 2015);

- 1) the Covenant has not been incorporated in to the domestic legal system and is not justiciable,
- 2) there is an absence of legislation and policy cohesion to make real the right to food,
- 3) there is no periodic monitoring of the real level of food insecurity, and
- 4) regression, particularly on financial accessibility, which has been discriminatory in impact.

- We believe all of these concerns remain outstanding.

Rather than remaking the case for each concern, we will reiterate briefly and provide strengthened recommendations on **concerns 1, 2 and 3**. We then provide a fuller analysis of the initial **concern 4** and extend this beyond financial accessibility to provide an overview of UK's performance across all pillars of the right to food in **Part 2** of this report.

On concerns 1, 2 and 3:

The Committee has many times made clear the case in favour of full incorporation. In short, we agree that the combination of not incorporating the Covenant and not signing up to the Optional Protocol on the Covenant, has made the Covenant rights an empty promise in the UK – the rights are unenforceable by individuals, and are not integrated in law, policy or decision-making. The judiciary in the UK have for some time had regard to unincorporated covenants where relevant to interpretation of domestic law and policy, but this is very different to guaranteeing the protection of rights. On that point, Lord Kerr, Supreme Court Judge, noted *'If the government commits itself to a standard of human rights protection, it seems to me entirely logical that it should be held to account in the courts as to its actual compliance with that standard.'*¹

Specifically on the right to food, UK law and policy is disparate and incoherent; fragmented between decision-making portfolios on agriculture, environment, health, employment and social security. There is no strategic direction or framework for progressively realising the right to food, and no monitoring of household food insecurity by minimum core content to ensure the immediate right to be free from hunger is protected.

Recommendation 1: Incorporate the Covenant into domestic law and use this as a framework for ensuring the protection of an adequate standard of living including the right to food.

Recommendation 2: Develop legislation specifically to bring policy coherence across the food system on access, adequacy and availability. Integrate disaggregated monitoring within existing monitoring frameworks, and establish a statutory independent Food Commission to oversee progressive realisation towards the right to food, including compliance with statutory targets, and to report annually to Parliament on progress.

Part 2: An overview of the Right to Food in UK, focusing on Scotland

Here we consider the UK's performance across various aspects of the right to food, including regression on financial accessibility having a discriminatory impact – as raised in Concern 4 of our Pre-Sessional evidence. For interpretative ease the analysis is organised in to the three pillars of **accessible**, **adequate**, and **available** demarked by a dashed line. Where we are providing a **Scotland-specific analysis the text appears in blue**.

Accessible: Financially

The UK has a high level of income inequality that is predicted to increase further as a direct consequence of the UK Government's **austerity reforms disproportionately impacting on people with the lowest incomes**.² In the period since the Committee last reviewed the UK's performance, the net income of the poorest fifth of people in the UK has fallen by 6%. **The reforms implemented since May 2015 are anticipated to further reduce the incomes of the poorest fifth by 12% by 2019**, whilst the wealthiest will see less than a 1% reduction on average.³

The cost of living has considerably increased over this period by **30% on average across essentials including food**.⁴ People with low income spend more for less across essential goods and services because they are unable to benefit from economies of scale. This is often referred to as the poverty premium and **in Scotland is estimated to be an additional average annual sum of £1280, largely accrued due to fuel costs**.⁵ People with low incomes spend much less in absolute terms on food, but **food comprises a higher proportion of total expenditure at about 23% of income** compared to the national average of 11%.⁶

Decreasing income and increasing costs have resulted in more people experiencing financial hardship and consequent food insecurity. **There is no official monitoring of food insecurity** in the UK. One food bank provider, the Trussell Trust, gave out **1,109,309 3-day food parcels**, 415,866 of these for children in 2015/16. Benefit delay, low income, and benefit changes were the most frequently cited reasons.⁷

UK Poverty Lines:⁸

The official **relative poverty line** is as any income below 60% of the median income. We use After Housing Costs (AHC) figures that more realistically reflect income for non-fixed spending like food.

The median income in the UK AHC in 2013/14 was £18,528.

Below 60% of this is £11,116 or £232 a week for a couple without children.

21% of the UK population fell below this poverty line – 13.2 million people.

- including 3.7 million children (28%) and 5.1 million disabled people (27%)

The official **absolute poverty line** is any income below 60% of the 2010/11 median income (this still is a *relative measure* and is not fixed according to the cost of living but it is fixed to a point in time).

The median income in the UK AHC in 2010/2011 was £19,360

Below 60% of this, plus inflation, is £11,616 or £242 a week for a couple without children.

23% of the UK population fell below this poverty line – 14.5 million people.

- including 4.1 million children (31%) and 5.6 million disabled people (30%)

The **Minimum Income Standard** is the minimum needed for a socially acceptable standard of living, including nutrition as calculated independently according to the cost of living.

The MIS in 2015/16 AHC was £12,528 or £261 a week for a couple without children.

27% of the UK population fell below this standard.

Wages:

A huge number of people working in the UK have low-paying jobs, are underemployed or are not secure in their jobs. This is a major contributor to food insecurity, highlighted by the fact that **63% of the total number of people living below the poverty line are employed.**⁹ Household income for people in the lowest income-decile has remained stagnant since 2003 – predating and including the recession.¹⁰

In the period since the Pre-Sessional Working Group met in October 2015 a new *National Living Wage* (NLW) has been introduced at £7.20 an hour. This is still significantly below the real *Living Wage* (LW) of £8.25 an hour – the minimum needed to have a socially acceptable standard of living based on the cost of essentials calculated independently by the Living Wage Foundation.¹¹

The NLW does not apply to people aged under 25 or apprentices whose pay is regulated by various tiers of the *National Minimum Wage* (NMW); £6.70 for people aged 21-24, £5.30 for people aged 18-20, £3.87 for people aged under 18, and £3.30 for apprentices. These low wages fundamentally exploit young people and prevent them from living independently.

The difference between the monthly take home pay of someone working full time on the NLW versus someone on the LW after tax and national insurance contributions is £108 – **this impacts directly on non-fixed expenditure including food, resulting in people with low income regularly eating less and trading down on nutritional quality.**¹² A single person without dependents on the NLW will still be entitled to *Working Tax Credit* – an in-work benefit topping up low wages, effectively subsidising low paying employers.

The number of people earning below the LW in the UK last year was 6 million – equating to a fifth of the workforce.¹³ There is a significant gender gap in this respect; 29% of women are paid less than the LW compared to 18% of men. Many of the people earning very low wages work in the food and drink industry; 70% of people working in hospitality and catering, and 35% of people working in agriculture, forestry and fishing earn less than the LW.¹⁴

Whilst unemployment has been falling in the UK this is overwhelmingly due to people taking up **part-time work** – there are now 8.35 million part-time workers. There is a significant gender gap here too, with 6.15 million women compared to 2.2 million men.¹⁵ In addition, 744,000 people are believed to be working on zero-hours contracts (this is 2.4% of the workforce and disproportionately women) with no certainty as to how many hours they will work in a week.¹⁶

Wages are reserved to Westminster, preventing the Scottish Government from legislating for the LW. The Scottish Government have incentivised the LW through Scottish Business Pledge and by funding the Poverty Alliance to promote Living Wage Accreditation, with 531 Living Wage Employers now accredited. However, 19% of people employed in Scotland still earn below the LW – 445,000 people. Recent research has highlighted that an hourly rate that covers basic needs such as food is the most important factor for decent work in Scotland.¹⁷

Recommendation 3: Raise all tiers of the National Minimum Wage and the National Living Wage to the real Living Wage enabling all citizens to have financial access to food with dignity and choice. The real Living Wage should continue to be independently calculated according to the Minimum Income Standard – the minimum needed to have a socially acceptable standard of living, its implementation should be monitored, and prosecutions brought for non-compliance.

Social security:

The UK Government has dramatically reformed social security over the reporting period. The majority of these reforms have negatively impacted on financially vulnerable and marginalised people, pushing many into food insecurity and even destitution.

The UK's social security system has historically been confusing and payments too low to cover the essentials needed. However, recent reforms have increased the complexity, reduced most of the payments, and shifted from a system based on entitlement and security to one based on conditionality and insecurity.

Whilst the method of delivering a social security system is at the discretion of government, the UK Government's approach has so greatly undermined the right to social security that a large number of people who are eligible and greatly needing support have been excluded.¹⁸ The Government has created a narrative in which people claiming social security are demonised as undeserving, deceitful, and a drain on the economy; the misinformation and intolerance coupled with a significant reduction in actual support now perversely results on more people exiting the social security system than finding work through it.¹⁹ **Rather than supporting people back in to meaningful work, or supporting them to live with dignity, if they are unable to work the social security system in the UK now frightens and abandons people at their most vulnerable.**

In Scotland, new social security powers have just been allocated for devolution by the Scotland Act 2016, this includes control over the unemployed benefit work programs, disability benefits, discretionary welfare payments, discretionary housing benefits, the Regulated Social Fund, and the power to top-up benefits and create new benefits. When fully devolved this will give the Scottish Government significant power to reverse the social security cuts implemented by Westminster. The Scottish Government has committed to establishing a new agency to deliver social security, and senior cabinet ministers have promised to make the principles of dignity and fairness sit at the core of the new system.²⁰

- see appendices for a visual overview.

An overview of some of the most significant social security reforms made over reporting period;

The Welfare Reform Act 2012; made dramatic changes across social security in the UK, including:

- The introduction of a **Claimant Commitment** for unemployment benefit with the imposition of harsh sanctions for failure to comply
- Abolition of **Disability Living Allowance** which supported disabled people with disability-related living costs, replaced by stricter **Personal Independence Payments**
- Reform of **Housing Benefit**, including an **Under-Occupancy Penalty**, often referred to as the **bedroom tax** – deducted from payments where the recipient has a 'spare room'
- The introduction of a **household Benefit Cap** limiting the total amount of social security that can be claimed
- The introduction of **Universal Credit** – a single social security payment to replace 6 of the main means-tested benefits for low paid and unemployed workers (including Housing Benefit, tax-credits, and unemployment benefits)
- Abolition and devolution in unprotected funds of the **Social Fund**, making discretionary hardship payments, and **Council Tax Benefit**, reducing the cost to people with low-income.

Negative and discriminatory financial impact of some measures;

Budget (2014) Cap on Annually Managed Expenditure – The Welfare Cap;

The Budget committed to a national deficit reduction plan comprised of 80% from reduced spending and 20% from increased taxes. This plan included the introduction of **a cap on most social security spending with the exception of pensions**. It has been criticised for arbitrarily and ideologically cutting social security expenditure without regard to need. The cap is predicted to be breached until 2019, in many cases because of the administrative cost of reform outweighing savings.

Welfare and Work Reform Act 2016; further restricted social security, including;

- Repealed much of the Child Poverty Act 2010, including abolishing statutory targets on income-related child poverty, and renamed it as the **Life Chances Act 2010**
- Required a **4 year freeze** on number of unemployment and low-income benefits
- The reduction of the **household Benefit Cap** introduced in 2012 from £23,000 to £20,000 in London, and £15,410 to £13,400 everywhere else
- The limitation of **Child Tax Credit** under Universal Credit to 2 children

The household Benefit Cap

The household *Benefit Cap*, recently lowered to £13,400, is discriminatory in its impact on women, children, and disabled people. The cap, introduced by the UK Government with the intention of incentivising work over social security is based on a false premise – the majority of the people in receipt of the benefits now capped are either in-work or unable to work.²¹ Benefits that are included in the cap include *Housing Benefit, Child Tax Credit, Child Benefit and Carers Allowance*, **impacting on 150,000 adults and 395,000 children**.²²

The impact has been deeply unfair in practice; reducing the already stretched incomes of lone-parents and disabled people’s carers, overwhelmingly women. This has exacerbated food insecurity, and forced many people to move away from some areas of the UK – notably London, where in combination with the selling of tens of thousands of council homes has led to **accusations of social cleansing**.²³ Recent research found that ‘families requiring two bedrooms in the private rental sector will not get enough housing benefit to meet their rent in any part of Inner or Outer London’.²⁴

The High Court recently ruled that the cap had discriminated against disabled people by including *Carer’s Allowance*.²⁵ In another case the Supreme Court acknowledged the cap had a discriminatory impact on women and children but that it was justified by the policy aim – but that it would not have been had the Convention on the Rights of the Child been incorporated in to UK law.²⁶

The Under-Occupancy Penalty (*Bedroom Tax / Spare Room Subsidy*)

People receiving Housing Benefit who are deemed to have more bedrooms than they need have their benefit reduced by 14% for one room and 25% for two or more. This further restricts the very low income of people in receipt of the benefit resulting in food insecurity, rent arrears and eviction. The majority of people affected are unable to downsize to a smaller house because of the chronic shortage of appropriate housing – especially accessible housing. **Two-thirds of people impacted by the policy are disabled**, 100,000 of which live in specially adapted homes.²⁷

The Court of Appeal recently declared that the penalty unlawfully discriminated against victims of domestic violence and disabled children, though the UK Government is appealing this to the Supreme

Court.²⁸ [The Scottish Government have mitigated the impact of the penalty through Discretionary Housing Payments.](#)²⁹

Unemployment benefits and support – inadequate, conditionality, sanctions, and cuts:

The combination of harsh conditionality and even harsher sanctions across the two main unemployment benefits, *Job-Seekers Allowance (JSA)* and *Employment Support Allowance* have resulted in more people falling out of the social security system than finding paid work.³⁰ The quality of employment is also low, resulting in 20% of people becoming unemployed within a year.³¹

People who are unemployed are entitled to JSA of £73.10 a week or £57.90 if under 25. People who are unemployed and disabled or suffering from an illness are entitled to one of two levels of ESA depending on whether the DWP believes the person will be able to take up employment within a year (the work related activity group – WRAG) or not (the support group). People in the WRAG are then entitled to up to £102.15 a week and people in the support group up to £109.30 a week. All of these rates are well below the Minimum Income Standard - **on average only covering 40% of the essentials**, almost certainly leaving a person food insecure.³²

All people receiving unemployment benefits are now required to agree to a *Claimant Commitment*. This operates like a contract - stipulating expectations from a person claiming the benefit. The expectations range from attending appointments and assessments on time, to applying for a certain number of jobs, to accepting job offers. Until recently many people on JSA were also required to work for their entitlements under a Mandatory Work Programme. Non-compliance can lead to a sanction – **reducing payments to zero for between 4 weeks and 156 weeks** (3 years). People considered vulnerable may be entitled to a discretionary hardship payment during a sanction of 60% of their previous entitlement, though people are often not informed of this.³³ Sanctions reached a peak in 2013/14 impacting on 18.4% JSA applicants, with some evidence of target-driven sanctioning, though has slightly declined since. 50% JSA appeals and **70% of ESA appeals have been successful**, but the rate of appeals is very low – local authority budget cuts have decreased access to advice services and contributed to this.³⁴

The Work and Welfare Act 2016 recently cut ESA by £30 for new applicants in WRAG. There are also wider concerns with the assessments used to decide whether a person is fit to work, including the cost of paying for medical evidence which sometimes exceeded a person’s weekly benefit.³⁵ [The Scottish Government will receive some control over work related programmes for people on JSA and ESA WRAG, but decisions relating to sanctions will remain reserved to the Department for Work and Pensions \(DWP\).](#)

Disability benefits and support – eligibility criteria, assessments and cuts

In the Welfare Reform Act 2012 the government committed to progressively abolishing *Disability Living Allowance (DLA)*, a non-means tested benefit which contributes towards the extra costs of being disabled, and that disabled people would have to apply for a new benefit – *Personal Independence Payments (PIP)*. The reformed criteria for PIP are much more limited and are anticipated to reduce or stop payments to 55% of people previously eligible for DLA.³⁶

The reformed mandatory approach towards assessments has been heavily criticised by both applicants and workers as unfair and not fit for purpose. The largely computerised assessments are undertaken by private agencies staffing healthcare professionals, mostly physiotherapists, and focus on a person’s ability to undertake physical tasks. There is a lack of consideration to and appropriate training for assessing the barriers that pain, fatigue and mental health present.³⁷ Assessor reports to the DWP have been routinely criticised for inaccuracies and falsification, **with up to 56% of reports written not meeting contractual standards.**³⁸

The assessment process has also received criticism for the geographical and physical inaccessibility of assessment centres and the treatment of people by some assessors.³⁹ Notable improvements have been made in relation to the time taken for a decision; in **mid-2014 on average a person had to wait 42 weeks, with some 3,000 people waiting over a year** – leaving many disabled people without financial support over that time.⁴⁰ These delays have now dropped to a 13-week average after the High Court declared them unlawful.⁴¹ The Department makes the final determination and on average awards PIP to 30% of applicants, though on appeal **60% of decisions are successfully overturned**.⁴²

Further reforms to PIP were announced in the 2016 Spring Budget that would have cut £4bn of payments by 2020, but were dropped amidst opposition and the resignation of the responsible Cabinet Minister.⁴³ Despite the severity of the reforms, the amount of money spent on disability benefits has actually increased; **more money is spent on PIP assessments and appeals than has been saved by the reforms**, strengthening the suggestion that the reforms have been ideologically driven.⁴⁴ [The phasing out of DLA in Scotland and delivering PIP has been devolved to the Scottish Government who have been critical of the UK Government reforms to eligibility and assessment, though plans for how the benefit will operate in Scotland have not yet been confirmed.](#)⁴⁵ [The Scottish Government have also committed a small amount of funding for advocacy agencies to support people applying for PIP.](#)⁴⁶

Universal Credit – an overview of the new framework

Universal Credit has been the Government’s long-term plan for completely restructuring means-tested social security payments – merging the payment of some in-work and unemployment benefits in to one monthly payment. The payment includes *JSA, ESA, Working Tax Credit, Child Tax Credit, and Housing Benefit*. The project has been costly, significantly delayed, and has both acted as a disincentive to work and resulted in debt and destitution where it has been introduced.

Some of the main problems include,

- Lengthy processing time and the payment of Universal Credit **a month in arrears** has left people without any income, increasing vulnerability to high interest debt.⁴⁷
- Monthly payments are not preferred by the majority of people in receipt – the risk of running out of money for longer periods of time being a major concern.⁴⁸
- Removing the direct payment of housing benefit to landlords has in some pilot areas resulted in **89% of people in rent arrears**.⁴⁹
- Introducing conditionality to in-work benefits risks forcing people who work part-time, notably lone-parents who are mostly women, to find full time work or face sanctions. For many the childcare costs outweigh the income from working additional hours.⁵⁰
- In the context of vast social security cuts already implemented, Universal Credit will further **reduce the income of 2.4 million people**. Another 2.5 million people will see no financial difference, and there are 2.5 million people whose incomes will marginally increase – though on average will still have less than before the Welfare Reform Act and far below the Minimum Income Standard.⁵¹

Universal Credit fails to tackle the structural causes of unemployment and underemployment; rather than making work pay it pushes people in to in-work poverty. The whole-life cost of implementation has been estimated at nearly £16bn and has been delayed by several years.⁵² [Universal Credit will remain largely reserved, but with some flexibility to the Scottish Government on frequency of payments, and to vary housing benefit and pay it directly to landlords.](#)⁵³

Are the UK progressively realising rights to the maximum of available resources? – an unfair balance

The UK has a national deficit of approximately 80% of GDP – this is historically and internationally relatively low and stable. Whilst national borrowing has significantly decreased, the national deficit has not decreased as economic growth remains relatively stagnant.⁵⁴ The UK's deficit reduction plan, including reform of social security, has disproportionately impacted on the most financially vulnerable people in the UK, in a way that has severely impacted on household food security.

The UK Government has treated people receiving social security as if they have made a lifestyle choice rather than as people exercising a socio-economic right. A false and damaging narrative has been perpetuated by the government in seeking to justify the cuts, including that people are undeserving 'skivers', and that people are en masse committing fraud to live a life of luxury. Social security fraud equates to 0.7% of spending, much less than the 0.9% of underpaid social security, and far surpassed by the government's spending on reforming, assessing, and appealing the entitlements of people who require support to live a life of dignity.⁵⁵ Using the government's estimates, fraud in personal and corporate **tax evasion and avoidance outweighs that of social security by over 2600%** though has received much less government intervention.⁵⁶

The 2016 Spring Budget continued to make significant austerity cuts to social security and services whilst simultaneously reducing the tax burden of the most wealthy earners and businesses. This included raising the threshold of the higher rate of Income Tax from £43,000 to £45,000, and cutting Corporation Tax to 17%, down from 28% in 2010. Even the increase of the tax free personal allowance to £11,500 which appears to be in the interest of low earners, will have no benefit to 43% of workers who earn less than the allowance. Forecasts predict that the most recent changes mean that **the highest 20% of earners will have been granted the same amount in 'shadow welfare' or tax breaks as the lowest 20% receive in social security** – approximately £10,000 by 2020.⁵⁷

Some senior government officials deny the causal link between the cuts and the dramatic rise in food banks. This prevents discussion of measures to tackle the systemic roots of food insecurity, and move away from the institutionalisation of food banks.

– see 'culturally appropriate' heading, under section on Adequacy, for fuller discussion of crisis provision

Recommendation 4: Undertake a cumulative impact assessment of the impacts of welfare reform, paying particular attention to the non-discrimination aspects of the Covenant, and use this to inform the delivery of a social security system that enables people to live with dignity, and supports people to find appropriate and rewarding work. Ensure that any crisis provision is person-centred, protects choice and dignity.

Accessible: Geographically

- this section focuses on people who do not have geographical access due to illness, disability or age, also see section on Adequacy, under heading 'planning out poverty' for further comment on geographical food deserts

People living at home who are unable to independently access food because of illness, disability, or age are systematically failed. **Local authorities are not legally required to ensure vulnerable people who would otherwise not be able to geographically access food are supported with such access.** Many have historically provided low-cost community meals or 'meals on wheels' home delivery service, paid for by the individual. Councils have significantly reduced this service over the reporting period with **over 60% of service suspended, and have more than doubled the cost** of the service pricing many older people out.⁵⁸

People with more complex care needs have nutrition included in their personalised care plan, but there is a growing body of evidence depicting failings in the delivery of home care. The concerns include access to food with provision often not meeting the person's care plan or preferences, and carers not giving essential support to eat to people who require assistance. The incorrect recording of food given and consumed makes it difficult to trace errors and ensure the effectiveness of medication.⁵⁹

The abolition of the *Independent Living Fund* (ILF), making discretionary payments to enable disabled people to live in their communities rather than in residential care, risks further exacerbating geographical access to food. Relevant funds were devolved to local authorities and devolved administration, though as the money is not ring-fenced it risks becoming absorbed in to overstretched council budgets, creating an unfair postcode lottery⁶⁰ [The Independent Living Fund Scotland was established with ring-fenced funding following the closure of the UK ILF.](#)

50% of older people admitted to hospital are undernourished, significantly increasing the length, cost, and probability of recovery.⁶¹ The cost of malnutrition in the UK is estimated in excess of £13bn a year.⁶²

Recommendation 5: Provide statutory protection and guidance on pricing and nutrition to community food or 'meals on wheels' services for people unable to independently access food. Increase the power of the care regulators to suspend non-compliant care service providers and to prevent the re-establishment of failed providers under different names without rigorous preliminary compliance review. Review care-workers' employment conditions to ensure there is adequate time and training to provide care that meets care plan and needs.

Adequate: Dietary need

'The diets of typical British families now pose the greatest threat to their health and survival.'⁶³

Currently 2/3 adults and 1/3 children in the UK are overweight or obese, 3 million people are believed to be malnourished and many more are at risk of becoming malnourished.⁶⁴ UK diets consistently fail across national dietary recommendations, [and in Scotland all of the Scottish Dietary Goals have been missed every year since monitoring began in 2001.](#)⁶⁵ The impacts of this on health, quality of life, and life expectancy are profound. The UK Government has failed to take the necessary interventions to reduce persistent dietary related health inequalities.

When diet is assessed by reference to socio-economic background, all income-deciles fail to meet all dietary recommendations. However there is a clear margin of difference; people in the lowest income-deciles have the poorest diets – people with low incomes eat less fruit, vegetables, fibre and oily fish, but much more sugar than people with higher incomes.⁶⁶

The impact of poor nutrition on health includes increased risk of coronary heart disease and stroke, high blood pressure, type 2 diabetes, dental decay, and is associated with a third of cancers.⁶⁷ Diet-related health inequalities significantly affect both quality of life and life expectancy.⁶⁸ Poor diet is related to 30% of life years lost in early death and disability, and people with lower incomes are disproportionately impacted.⁶⁹

The crux of the problem is that healthier foods, particularly raw ingredients are on average three times more expensive than processed foods high in sugar, salt, and fat.⁷⁰ Correspondingly, studies of purchasing habits have consistently found that price is the most important factor in food choices.⁷¹ Despite this clear trend, government action has focused overwhelmingly on education for behaviour change, with almost no regulatory or fiscal intervention to alter the broader food environment.

***'The environmental drivers of poor diets we face are just too big.'*⁷²**

We now consider the effectiveness of measures on *education for behaviour change, fiscal intervention, regulation of advertising and promotions, planning and land-use, and schools, hospitals, and care homes.*

Education for behaviour change is an important aspect of addressing poor diet and related health inequalities, the recently revised visual *Eatwell Guide*, formally *Eatwell Plate*, has over the last 9 years raised awareness and had some impact on levels of overweight and obesity. However, people with the lowest incomes have been affected least by the messaging with levels of overweight and obesity increasing over this period.⁷³

There is strong evidence that education for behaviour change in the absence of real choice inhibits action. The decreased value of income together with the increased cost of living has put a significant strain on non-fixed budgets such as food and household energy.⁷⁴ This reduces choice in favour of cheaper energy-dense foods, often high in fat, sugar and salt that require minimal additional energy to prepare, over raw healthier ingredients.⁷⁵ A significant number of people with low incomes have seen their choices completely eradicated and rely on charitable parcels from food banks. Whilst some food banks provide a nutritionally balanced parcel, this does not appear to be the norm – largely because of the logistical challenges of storing donations of fresh food.⁷⁶

Prices and fiscal intervention; adjusting for inflation, the real price of food in 2012 peaked at 12% higher than in 2007, though gradually decreased by 2015 to 8% above 2007 prices.⁷⁷ Households in the lowest income-decile spent 22% more on food in 2012 than 2007 but were purchasing 6% less food.⁷⁸ On average, lower income households spend at least 5% more of their income on food than the average household, and on less healthy foods.⁷⁹

The Chancellor announced the introduction of a *Sugar Levy* in the 2016 Spring Budget. The Levy will apply to sugar-sweetened soft drinks from April 2018, with estimated revenue of £520mn in the first year redistributed to school sports in England, and unrestricted funds to devolved administrations. Healthcare professionals have long advocated that a tax on sugary drinks is an important aspect within a broader package of interventionist measure to improve dietary health, citing successes in countries that have adopted similar measures.⁸⁰ Rather than the 20% tax favoured by proponents, the *Sugar Levy* is closer to a 10% tax based on a two-tiered approach of 1.8p per 100ml for drinks with over 5g per 100ml and 2.4p per 100ml for drinks with over 8g per 100ml.⁸¹

The Office for Budget Responsibility anticipates that the cost of the tax will be passed entirely on to the consumer where manufacturers choose not to reduce the sugar content of their products.⁸² Whilst this is likely to have the effect of raising the cost of high sugar soft drinks to the consumer, impacting more on people with lower incomes with high sugary drinks intake, it fundamentally **does nothing to bring down the cost of healthier foods.**

Regulation of advertising and promotions; advertising is heavily skewed towards unhealthy foods – 60% of food advertising is of convenience foods and confectionary, whilst fruit, vegetables and pasta together account for just 3%.⁸³ There are two important regulations on the advertising of food to children however both have significant limitations. Firstly, the *UK Code of Broadcast Advertising*⁸⁴ prohibits the advertising products high in fat, sugar or salt during programmes commissioned for children, but fails to address the fact that 71% of children's viewing is outside children's air time.⁸⁵

Secondly, the *UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing*⁸⁶ requires that marketing communications 'must not condone or encourage poor nutritional habits or an unhealthy lifestyle in children' but fails to define poor nutritional habits or an unhealthy lifestyle. This means that in practice manufacturers of foods high in fat, sugar or salt have been able to market their products through

sponsorship of events which promote a healthy lifestyle, for example Coca Cola's sponsorship of the Special Olympics for children and adults with learning disability.⁸⁷

40% of food and drink expenditure in the UK is on goods on promotion, the highest in Europe.⁸⁸ Supermarkets tend to promote more foods high in fat, sugar and salt than healthier foods.⁸⁹ This is reflected in purchasing habits; people buy more promotional non-perishable less-healthy foods than promotional healthy foods.⁹⁰ In the absence of government regulation limiting the promotion of foods high in fat, sugar and salt this trend is unlikely to change.⁹¹ [Scotland's ban on off-trade alcoholic drink promotions led to a 2.6% reduction in sales, highlighting the importance of regulating promotions for public health.](#)⁹²

The voluntary front of pack traffic light labelling scheme introduced as part of the *Public Health Responsibility Deal*, which complements mandatory EU back of pack nutritional labelling, has had considerable uptake with 75% of foods sold carrying the label.⁹³ However, 40% of people report the labels causing confusion. The absence of industry guidelines on portion size has led to inconsistent references across similar products, and many product groups systematically underestimate the average portion size consumed, thereby misrepresenting the realistic dietary reference intake.⁹⁴

Planning out poverty; there is a strong correlation between geographical areas of low income, the abundance of fast food outlets, the underrepresentation of shops selling fruit and vegetables, and health inequalities.⁹⁵ Planning regulations can be used more effectively to control the ubiquity of unhealthy foods, especially in close proximity to schools, and ensure geographical access to shops selling essential healthy foods at a reasonable price.

[In Scotland, the *National Planning Framework*, the strategic vision for land use, scarcely mentions health except for in relation to the environment. The more detailed action plan, the *Land Use Strategy* mentions health in the context of communities but fails to identify or challenge the barriers inequality and poverty present.⁹⁶ The Scottish Government are developing strong policy positions on poverty, inequality, and health but unless these are integrated in to spatial planning then they will **fail to tackle the infrastructural drivers of dietary health inequality.**](#)⁹⁷

[At a regional level, Strategic Development Plans, across Scotland's four largest cities, could do much more beyond planning for growth to identify strategic cross-cities measures for poverty reduction.⁹⁸ At a local authority level, there is significant divergence in the approach taken in Local Development Plans to reducing poverty, with some entirely silent on this, and others adopting proactive food poverty strategies.⁹⁹ Likewise, Local Outcome Improvement Plans, formerly Single Outcome Agreements, by Community Planning Partnerships have a significant opportunity to reduce health inequalities through planning, but without strategic guidance the outcomes can be inconsistent.](#)

[New duties including those stemming from the Community Empowerment Act \(Scotland\) 2015 will require local authorities to develop a food growing strategy. This is a positive step towards ensuring access to growing facilities, with statutory recognition of the need to ensure impact especially in areas of socioeconomic disadvantage.¹⁰⁰ Though the issue of **food-market distortion in areas of multiple-deprivation still remains strategically unaddressed.**](#)

[Looking specifically at the regulation of new fast-food developments in close proximity to schools, there has been significant difference in practice across the UK. Generally, the proximity of a fast-food outlet to schools may be a material consideration in planning decisions,¹⁰¹ but the weight to be attributed to the relevance of the proximity is entirely up to the decision-maker unless the area plans provide guidance. A recent Scottish example of the health shortcomings of the current policy framework include a group of snack van operators successfully challenging a local authority ban on snack vans near schools.¹⁰²](#)

Schools, hospitals and care homes; present unique challenges in the vulnerability of individuals, as well as unique opportunities for dietary health improvement through personalised care. All operate as relatively closed settings enabling control over the wider food environment to move action beyond disseminating information, but they have had dramatically differing successes.

Across the UK, school children from families with a low household income are entitled to free school meals. In Scotland, free school meals are also universal to all children from P1-P3, with recent announcements promising to extend this to nursery school children. There are strong policies on nutritional content of school meals, sourcing guidelines, and many schools have adopted whole-school policies that include practical growing and cooking.¹⁰³

There's still much work to be done to increase uptake of free school meals, though universal eligibility in P1-3 has also increased uptake in children who would have previously qualified by means-tested eligibility in some areas by up to 8.5%.¹⁰⁴ More could be done to increase uptake of school meals where universal entitlement does not apply, especially in light of research suggesting that **only 1% of packed lunch boxes meet school nutritional standards though tend to cost much more than a school meal.**¹⁰⁵

Whilst improvements within the school environment have been significant there are worrying indications that for a growing number of children the school meal is the only nutritious meal of the day. Childhood food insecurity and poor nutrition significantly impacts on children's educational attainment, social development and long-term health and wellbeing, and therefore demands strategic action to ensure provision beyond the school-gate. In this respect support within the first 1000 days, including pre-natal, is crucial – the devolution of social security powers on welfare foods, including Healthy Start vouchers, will provide an important opportunity for the Scottish Government to impact positively.¹⁰⁶

Scotland has led the UK in developing hospital food nutrition policy but still falls short in many areas including procurement, person-centred delivery, and provision for children. On average **24% of patients are identified as undernourished on admission to hospital**, concerningly this figure tends to increase on discharge.¹⁰⁷ Nutritional screening policies are more prevalent and more routinely actioned in Scottish hospitals, but some hospitals still do not have a policy and many do not offer guidance on nutrition in discharge letters.¹⁰⁸ The broader hospital food environment still suffers from the abundance of foods high in fat, sugar and salt, with many hospitals in the UK contractually bound to provide commercial food outlets as part of Private Finance Initiative deals.¹⁰⁹

Dietary health is particular problem for older people in care, with 50% of people admitted to hospital from care homes identified as at risk or malnourished.¹¹⁰ **The figure is notably lower in Scotland at 43%**, but the problem is nonetheless evident and requires urgent person-centred review.¹¹¹

- Recommendation 6:** Introduce a *Retailers Levy* to align market sales with nutritional guidelines, incentivising manufacturers and retailers to promote greater nutritional balance through market taxation. Re-evaluate the effectiveness of VAT across foods, especially in fruit, vegetables, foods high in fibre and oily fish.
- Recommendation 7:** Extend the advertising ban on foods high in fat, sugar and salt to all broadcast advertising before the 9pm watershed, and adopt tighter regulations on marketing of these foods to children including through sponsorship. Regulate promotions on foods high in fat, sugar and salt, and introduce industry guidelines on portion size.
- Recommendation 8:** Integrate poverty reduction into the *National Planning Framework* and *Land Use Strategy*, ensuring its consideration in Strategic Development Plans and the development and implementation of food poverty strategies within Local Development Plans.

Recommendation 9: Ensure schools maintain high nutritional standards and adopt a whole-school approach by introducing school inspection criteria on food. Embed universal free school meals in statutory regulations to create certainty as to legal entitlement and incentivise local authorities to increase uptake of meals. Financially support schools to impact positively on nutrition beyond the school-gate through inclusive and empowering measures. Ensure person-centred food in hospitals and care homes by raising the importance of food and nutrition in the inspecting and reporting regime, screen for malnutrition at all hospitals, and ensure care workers are properly trained in delivering good nutrition.

Adequate: Free from adverse substances

Whilst food safety in the UK is generally very good there are a number of areas that require improvement to protect the health of consumers. The adulteration of alcohol, the theft and sale of livestock not fit for human consumption, and the online sale of food supplements containing harmful substances present significant health challenges.¹¹²

There is also a broader problem with food dishonesty resulting in unknowing consumption of foods not appropriate on religious or ethical grounds – including the mislabelling of meat as halal and the misuse of organic labelling. The recent *Elliot Review* highlighted many of the gaps in the regulatory framework following the major horsemeat incident in 2013, some of which have since been filled by the establishment of a UK-wide [and a Scotland-specific food crime unit](#).¹¹³ Crime detection still remains relatively low, especially because people are often not aware of having been a victim.¹¹⁴ 42% of UK consumers are concerned about food safety in shops and supermarkets.¹¹⁵

Pesticide residues are now found in 46% of fresh foods sold in the UK, almost doubling from 24% in the last decade.¹¹⁶ The EU licensing framework has resulted in the withdrawal of hundreds of chemicals from routine use as pesticides, however there are still a significant number that are licenced and test positive for carcinogenicity, reproductive and neuro-development disorders and endocrine disruption.¹¹⁷ Despite EU law requiring member states to create action plans establishing a timetable for the reduction of pesticide use the UK Government have refused to add any dates to their plan; the Director of Chemical Regulation has expressed that they are ‘not in favour of quantitative pesticide reduction targets’.¹¹⁸

The UK complies with the relatively comprehensive EU monitoring framework on pesticide residues in food and samples all major components of the national diet. Samples occasionally indicate residues over the Maximum Residue Level (MRL), the maximum concentration, however there is evidence that MRL levels do not always align with maximum safe consumption levels.¹¹⁹ Relying on MRL limits also does not protect for the cumulative effect of consumption, or the impact of concentration on children. Groundwater contamination from pesticides has steadily declined, with nitrates from fertilisers and heavy metals now more prominent pollutants.¹²⁰

Healthcare professionals, environment and animal welfare advocates have for some time raised concerns about the risk of antibiotic resistance from the routine preventative use of antibiotics on livestock.¹²¹ Antibiotics are heavily used in factory farming where conditions increase the risk of infection. Important steps have been taken to reduce unnecessary antibiotic use in humans, but equivalent action is urgently needed for **livestock that represents 45% of UK antibiotic use**.

Scotland and Northern Ireland opted for a moratorium on the use of genetically modified crops citing a number of concerns including the inability to prevent contamination of non-GM crops.¹²² This could be undermined by the case-by-case approach to authorisation adopted in England and Wales.

Recommendation 10: Develop a comprehensive register of food businesses to enable effective monitoring of potential criminal activity and increase food chain transparency. Show leadership through procurement by reducing links in supply chains and adopting statutory targets on organic food in public kitchens.

Introduce a time-bound strategy for the reduction of pesticide use and encourage alternatives such as organic and integrated pest management through free and proactive extension services and advice. Limit routine preventative use of antibiotics on livestock, and adopt a full ban on genetically modified crops across the UK.

Adequate: Culturally appropriate – choice & dignity

The implications of the financial inaccessibility of food is that over a million people in the UK are accessing food through charitable donations and redirected supermarket surplus or waste foods.¹²³ Whilst charitable providers are certainly well meaning, reliance on food banks is not a culturally appropriate or fair means of accessing food in the UK or addressing food waste.¹²⁴ In addition to the stigma and loss of dignity associated with relying on charitable food provision, individuals are deprived of food choice – especially people from minority ethnic backgrounds or people with specific dietary requirements.

The discretionary Social Fund, which provided emergency financial support including to access food, was abolished in 2012 and non-ring-fenced funding devolved to local authorities and the devolved administrations. [The Scottish Government protected discretionary grants through the Scottish Welfare Fund.](#)¹²⁵ There are two grants which do not have to be repaid; Crisis Grants address immediate financial threats to personal health and safety including food poverty, and Community Care Grants enables people to live independently including one-off fixed costs such as a cooker. The process of applying to the Fund can be inaccessible; means-tested applications are made to local authorities, but can currently only be made online or by telephone. Applications are usually made when a person is already in crisis meaning they may not receive support for an additional 15 days whilst their application is processed.

[North Lanarkshire Council has sought to ensure that everyone potentially eligible for the Fund is informed of it by developing cross-sectorial referral pathways directly to the Fund.](#)¹²⁶ The Fund then acts as a hub in turn referring to other relevant service providers including food banks. Whilst a positive step towards integrating services there has been some evidence of this acting as a barrier to accessing food urgently.¹²⁷

The lack of culturally appropriate food has also been raised as a cause for concern in health and social care settings across the UK. [In Scotland, inspection reports show that many complaints on nutrition have been upheld, but the information is not further disaggregated.](#)¹²⁸

Recommendation 11: Develop an early warning mechanism to alert relevant public service providers of people whose income falls below the minimum required for an adequate standard of living, including access to food, and take immediate action to support through crisis grants and vouchers. Provide a comprehensive person-centred service including independent financial and practical advice on resolving the cause of income crisis and preventing chronic crisis. Invest in community-based alternatives to food banks including community food hubs – to act primarily as spaces for local food and culture and also offer discreet nutritious emergency support with dignity and choice. Monitor cultural appropriateness of food in health and social care, publish findings and best practice and take action to resolve shortcomings.

Available: Land and other resources

Agriculture accounts for 71% of UK land use, though access to land to grow in the UK, both in rural and urban areas, has been in steady decline since the Second World War. Access to land is dominated by the question of land affordability; with high prices inflated by land use speculation **making land ownership prohibitively expensive for most new entrants**. Low farm-gate prices have pushed many producers to closure with the result being fewer, larger farms in which production is increasingly mechanised and intensified. Over the last decade **the number of UK holdings has decreased from 307,100 to 212,000** and the average size increased from 55 hectares to 81 (much larger than the EU average of 16 hectares, and with significantly larger averages in Scotland – distorted by large estates).¹²⁹

Tenant farmers operate around 30% of farms in the UK. This is one of the lowest rates in Europe and is in decline, largely believed to be because of the unfavourable rental conditions. **A central challenge across the UK – but the subject of recent legislative attention in Scotland – is that most new tenancies are relatively short term and insecure, with limited provision for tenants to buy the land they work.** Amongst other things this makes it difficult for tenants to raise capital for equipment and farm diversification.¹³⁰ The reforms made **have not fundamentally challenged the inequitable patterns of land ownership in Scotland**, or brought much needed increases in transparency, but have mostly made improvements to already secure tenancy agreements and strengthened provisions on community right to buy.¹³¹

Local authorities largely control access to land to grow in urban settings in the form of allotments and community gardens. Some authorities have allotment waiting lists of over 10 years, **though recent legislative reforms in Scotland are likely to significantly reduce this by requiring local authorities to increase allotment provision and to develop food-growing strategies – with particular attention to impacting on areas with socio-economic disadvantage.**¹³²

Scotland's inshore and territorial waters are deteriorating from over and high-impact fishing and climate change. **Legislation on marine planning provided a strong framework for protecting and restoring resources, but application has to date been limited.**¹³³ Other important resource barriers to note but beyond the limited scope of this report include skills and the genetic diversity of crops and livestock.¹³⁴

Recommendation 12: Take urgent action to increase the accessibility of land for food production, including the cost of purchasing land, security of land tenure, and tenants' right to buy. Regularly review the impact of provisions on urban access and community right to buy, checking that the benefits are felt across socio-economic background. Ensure marine planning protects marine ecosystems, and is inclusive of fisherfolk and fishing communities.

Available: Processing, distribution & markets

There is a significant power imbalance between producers and the operators of processing, distribution and retail in the UK. This is reflected in the healthy profit margins of all but producers, many of who operate at a significant loss and rely heavily on subsidies under the Common Agricultural Policy. **As many as a third of Scottish farms could fail overnight without subsidies**, yet the prices paid by consumers have been steadily increasing – raising concerns that subsidies are perversely acting as corporate welfare.

The average farm income in Scotland of £23,000pa is in real terms a fall of 55% from 2010.¹³⁵ When costs are considered **over a third of UK farms have a net farm income of less than zero, and 46% of farms are failing to recover their annual costs** – concerningly, DEFRA predict that incomes will continue to decrease significantly across all farm-types.¹³⁶ Large retailers can effectively stipulate production and price to

producers; **4 chains account for 70% of food purchased for consumption in the home**, with only 5% of the remainder attributable to independent shops.¹³⁷

Milk prices have drawn considerable attention recently, with the farm-gate price of milk falling dramatically from an average of 32p per litre in 2014 to an average 23p per litre in 2016. **This is far below the minimum cost of production** estimated at 30p per litre, while retail price has remained steady at 50p per litre.¹³⁸ In the last decade **the number of dairy farmers has decreased from 21,616 to 13,815**.¹³⁹

The Groceries Code Adjudicator was established in 2013 to oversee the relationship between supermarkets and suppliers to ensure compliance with the statutory Code of Practice, including that market dominance is not used to compete unfairly.¹⁴⁰ The Adjudicator has only undertaken one formal public investigation in which they were critical of Tesco for delaying payments to suppliers to over-state profits, but **largely overlooked the unfairness of such practice on producers**.¹⁴¹

A significant barrier to smaller-scale production in Scotland is the limited number of indigenous processing, distribution and retail companies – **multiples operate in Scotland as a branch-economy, diverting away much of the control and the profits from Scottish produce. Increasingly producers are diversifying in to farm shops, though this doesn't always ensure produce is marketed effectively.**

Recommendation 13: Invest in local processing, distribution and markets – including food hubs to support smaller-scale producers sell their products for a fair price, and protecting employment in rural communities. Ensure the Groceries Code Adjudicator has adequate resources and remit to challenge unfair supermarket practices. Legislate for policy coherence across the food system aligning production beyond export targets with nutrition and environment.

Available: Now and into the future

The intensification of agriculture is responsible for multiple ecological crises, the costs of which are largely externalised. Significant water usage, impacts on air and water quality, animal welfare, soil erosion, biodiversity loss and climate change all undermine the availability of food now and in to the future. We briefly expand on the three latter issues, with further reading available in the endnotes.

Soil protection is largely centred on voluntary action; the Government fiercely lobbied to scrap EU proposals for a Soil Directive despite research highlighting that the UK may only have 100 harvests left.¹⁴² Biodiversity loss is occurring at alarming rates, including 60% decrease across UK farmland species.¹⁴³ Food production is highly vulnerable to climate change, **in Scotland this includes the impact of extreme weather, sea level rises, the warming of territorial waters, and logistical challenges as a peripheral region of Europe**.¹⁴⁴ The UK imports 50% of food and feed, the cost of this is expected to significantly increase.

Food contributes significantly to Scotland's emissions, with just agriculture and related land-use accounting for 23% of total emissions – including nearly all non-carbon dioxide emissions.¹⁴⁵ Scotland has performed better than the UK average but has still consistently missed statutory targets on emissions reductions. It is important to note the significant gaps in whole-food chain emission accounting, including in the public sector where there is no specific duty to report on food.¹⁴⁶

Organic food production has significantly lower impacts across the board, yet the UK land area and number of producers farming organically has steadily declined since 2008 – the latter **by 33%**.¹⁴⁷

Recommendation 14: Develop closed-loop methods for reducing environmental impacts across the food system and provide producers with practical and financial support to convert to more sustainable practices. Adopt statutory targets on impacts with independent monitoring.

Part 3: Responding directly to the Committee on ESCR's November 2015 LOIs

21. Please clarify how the **poverty line** is determined, and where it currently stands in relation to the **cost of living**. Please provide updated **disaggregated data** on the poverty rate and information on **measures adopted to reduce** poverty, particularly among **children** and **marginalized and disadvantaged** individuals and groups.
22. Please provide information on how the State party ensures that all individuals, in particular members of **disadvantaged and marginalized** groups, have access to adequate and affordable food. Please provide information on **measures adopted to address** food insecurity and to reduce the reliance on emergency food aid from food banks.

[emphasis added]

21: The **official measurements** of poverty in the UK are relative to median income – there is no absolute poverty line calculated by reference to the cost of living – *see page 2 UK Poverty Lines box*.

The **'relative poverty line'** is 60% of the median income; it is equalised according to household need, for example number of people – **21% of the population fall below this** in 2013/14 (most recent data).

The UK also reports on **'absolute poverty'** – this too is not fixed to the cost of living and is calculated as 60% below of median income in 2010/11 – **23% of the population fall below this**.

Combined material deprivation (the inability to afford necessities) and **low income** (calculated at 70% of the median income) was developed specifically to understand child poverty, **impacting 13% of children**.

These measures do not disaggregate by gender, and offer very limited disaggregation by ethnicity. Disaggregation is mainly by household type, working and retirement-age, children and disabled people from which some inferences can be made – for example 94% of lone-parent households are women.

Many other **unofficial measurements** of poverty exist in the UK, including;

- **Minimum Income Standard (MIS)**; independently measured by reference to the cost of living according to what the UK public believe is the minimum needed to have a socially acceptable standard of living. **27% of people fall below this**.¹⁴⁸
- **After Housing and Childcare Costs (AHCC)**; the existing relative poverty measurements do not include other essential fixed costs such as childcare, which on average is 30% of household spend. Including childcare as a fixed cost provides a more accurate reflection of poverty – **increasing the total number of people below poverty line by 81,000**.¹⁴⁹
- **Severe poverty** is defined as below 50% of the median income. [Analysis by the Scottish Government has indicated that 14% of people \(710,000\) in Scotland live in severe poverty after housing costs](#).¹⁵⁰
- **Extreme poverty** is defined as below 40% of the median income. [Analysis by the Scottish Government has indicated that 10% of people \(500,000\) in Scotland live in extreme poverty after housing costs](#).¹⁵¹
- **Destitution**; there are **1,250,000 people living in destitution in the UK, including 312,000 children**.¹⁵² Destitution is a subset at the sharpest end of poverty measured as **the inability to afford a combination of essentials** such as shelter, food, heating, or basic toiletries. For up to 75% of people experiencing destitution in the UK it is not a one-off episode, but extends over considerable time with chronic rotation between destitution and poverty tied to specific shocks.¹⁵³

Poverty is also measured within national wellbeing monitoring frameworks. [In Scotland the National Performance Framework aligns all public-sector action with outcomes, and measures performance with indicators and targets. This is an accessible measuring framework and guides strategic action but omits specific indicators on household food insecurity – though this is anticipated to change following the realignment of the Framework with the Sustainable Development Goals](#).¹⁵⁴ In the last year in Scotland there has been a reduction in the number of people living in relative poverty and a reduction in the gender pay gap, but there have been increases in the number of children with unhealthy weight and the number of children in combined material deprivation and low-income households.¹⁵⁵

The UK model is weaker with the focus being on the measurement of outcomes rather than alignment for improvement; there has been improvement in 40% of measures including median income but regression across 19% of measures, including on the adequacy of income, accommodation and mental health.¹⁵⁶

- 22:** The UK Government’s response to the List of Issues claim that they are ‘committed to an all-out assault on poverty’. Their actions have had the opposite effect; the reform of social security **has been an all-out assault on the right to an adequate standard of living, impacting most intensely the right to food.** As highlighted in detail in Section 2 of this report social security reform has exposed the most vulnerable people in the UK to even greater financial hardship, with food, as a non-fixed expenditure, often the first to be cut in household budgeting. The failure to ensure the minimum wage meets the basic cost of living is a damning reflection of the Government’s ambition – the rhetoric around work being an effective route out of poverty is simply not true for chronically low-paid and underemployed workers.

There is no state level monitoring of food insecurity; **the Food and Agriculture Organization’s world review suggests 10% of people in the UK are food insecure – ranking in the bottom half in Europe.**¹⁵⁷ Extrapolations based on people living below the relative poverty line suggest estimates closer to 20%.

The UK has taken no meaningful action to reduce the need for food banks. An All-Party Parliamentary Inquiry into Hunger made welcomed recommendations to protect incomes and reduce expenditure though little action has followed from the Government.¹⁵⁸ The Inquiry also recommended continued redistribution of surplus food and greater connectivity between emergency food providers through a national network. Whilst the kindness and support offered by food bank volunteers is commendable the entrenchment of food banks as a legitimate arm of social security is deeply concerning. **Food banks do not satisfy the Government’s obligation to progressively realise the right to food to the maximum of available resources; feeding vulnerable people waste food fundamentally denies choice and dignity.**

The Scottish Government has taken some action to prevent the need for food banks, notably investing £300mn to mitigate the impact of welfare reform through financial support and the protection of services.¹⁵⁹ The Scottish Government’s Fair Food Fund is this year accepting applications beyond the Trussell Trust and FareShare to include community organisations developing long-term rights-based solutions. Some local authorities have also adopted cash-first initiatives; referring people experiencing an income crisis to appropriate advice services before referring to a food bank – *see page 14 for comment.*

In 2015 the Cabinet Secretary for Social Justice established a civil society Working Group on identifying issues that push people in to food insecurity. As a member of the Working Group Nourish has pushed for a recommendation on the right to food and is hopeful that this will be reflected in the final report, and is actioned by the next Scottish Parliament. Three of the main political parties elected in the recent Scottish Parliament election made manifesto commitments to introducing legislation on Food, Farming and Health, which could provide much needed strategic action on the right to food. Some parties also made commitments to incorporating covenants **but were not explicit in their endorsement of ICESCR.**

The UK Government has regressed in the progressive realisation of the right to food, with many austerity measures having a discriminatory impact on the right in a way prohibited by the Covenant. The UK Government is in breach of the immediate right to be free from hunger and lacks a strategic plan on the realisation of Article 11 rights, including monitoring and access to justice.

The failures on the right to food extend beyond financial accessibility and include failures across dietary adequacy, freedom from adverse substances, cultural appropriateness, access to land and other resources, processing, distribution and markers, and sustainability in to the future.

Women

There is still a **persistent gender pay gap of 11% in full-time work and 34% in part-time work**.¹⁶⁰ Women are often underemployed and in insecure low paid work – 75% of the part-time workforce are women, and **29% of women earn below the Living Wage**.¹⁶¹ Women bear a larger burden of unpaid caring responsibilities, and lone parents - 92% of who are women - face some of the highest childcare costs in the world. These and other structural barriers to women's participation in the formal labour market mean more women receive social security support than men.

The government's programme of scrapping, freezing, down-rating, limiting, and capping social security has therefore **disproportionately impacted on women, who have borne 85% of the cuts**.¹⁶² Yet the UK Government has failed to undertake a cumulative impact assessment of the reforms. An assessment undertaken for the Equality and Human Rights Commission suggested that **at every income-decile women stood to lose more than men in cash, services, and percentage of income**.¹⁶³ The impacts have been even greater for women who are disabled, are lone-parents or carers. When disaggregated by ethnicity, over **40% of households headed by a Black or Minority Ethnic person are below the poverty line**, compared to 19% headed by a White British person. These figures rise significantly when looking just at households headed by women, and are highest for BME women.¹⁶⁴

Children

The Chancellor many times referred to the 2016 Spring Budget as 'a Budget for the next generation', sadly this is not the case for **4.1 million children (28%) in the UK living below the absolute poverty line**.¹⁶⁵ The UK Government has done little to reverse the trend or the impact of growing up in a low-income household on children's wellbeing, and have in many ways exacerbated the problem.

Some aspects of social security reform were known to have a disproportionate impact on children, such as that the inclusion of child benefits and tax credits would mean that **94% of households impacted by the benefit cap have child dependents**.¹⁶⁶ The cumulative impact of social security reform has also disproportionately impacted on households with dependent children, especially **lone parents who are estimated to lose around £1800 a year**.¹⁶⁷ **71% of lone-parent households have less income than the Minimum Income Standard**.¹⁶⁸

The UK Government's mantra of protecting 'hardworking families' and incentivising work as the way out of poverty stigmatises people out of work or unable to work, and also fundamentally overlooks the fact that for many people work simply does not pay enough – **nearly two-thirds of children living in poverty are in working households**.¹⁶⁹ Yet the UK Government has undermined the framework for measuring and reducing child poverty by abolishing the income poverty related targets established by the Child Poverty Act 2010 (now Life Chances Act 2010). Replacing those measures and targets with ones on worklessness and educational attainment also obscured the reality that the government **were widely predicted to fail to meet the previous targets**.¹⁷⁰

Children in poverty, living in food insecure households, are more likely to be solitary and struggle to make friends, more likely to have a lower educational attainment, more likely to internalise coping mechanisms such as skipping meals, and more likely to develop illness that impacts on adult quality of life.¹⁷¹ Children's needs have not been adequately considered, and there have been few meaningful attempts to include children in the decision-making process of social security reform.

Improvements to the nutritional balance of food served in schools, and the integration of food across the curriculum and practice using whole-school food approaches have had notable effects, however there are growing challenges beyond the school gate. **73% of low-income families struggle to afford to feed children outside of term-time**, during which food bank referrals increase by 21%.¹⁷²

Disabled People

- see Part 2, especially pages 5-9 for further analysis

‘Disabled people currently pay a financial penalty on life’ – on average disability related expenses add £550 a month to living costs, yet the social security framework designed to support with these costs has become smaller and harder to access.¹⁷³ Disabled people also face a number of structural barriers to employment that often result in significantly lower pay.¹⁷⁴ The combination of these factors has resulted in a large number of disabled people living in poverty and food insecurity.

27% of disabled people live below the relative poverty line and 30% below the absolute poverty line.¹⁷⁵ There are now 500,000 more disabled people living below the poverty line than in 2010.¹⁷⁶

Placing disability benefits within the UK Government’s self-imposed cap on welfare spending creates constant cost reduction pressures, encouraging reforms that are arbitrary and penalise disabled people requiring financial support to live a life of dignity. The government’s reform of disability benefits has left people **without any income, in some cases for over a year**. Disabled people report that assessments are inaccurate and undermine the barriers that pain, fatigue and mental health present. **Two-thirds of people impacted by the Under-Occupancy Penalty or ‘bedroom tax’ are disabled**, many have no option but to make up the shortfall in housing benefit from an already limited food budget because of the limited availability of appropriately sized accessible housing.

In addition to the tremendous stress and hardship that social security reform has had, it has also perversely resulted in over 50,000 disabled people becoming **unable to work because of unaffordable mobility costs**.¹⁷⁷ The predicted saving of £145m from limiting PIP mobility criteria is far outweighed by the estimated £464m additional cost of supporting formerly employed disabled people. Similarly the **cost of assessing and challenging appeals has cost significantly more than reforms have saved**.¹⁷⁸

Refugees, Asylum Seekers & Migrants

The violent crises on-going in numerous countries across Asia and Africa have increased the number refugees fleeing to Europe. The UK Government has sought to restrict refugees from seeking asylum in the UK, including by funding tens of millions of pounds of fencing to prevent people boarding vehicles at the French port of Calais. Until recently there were **over 6000 refugees camped near the port in makeshift accommodation with limited access to food or sanitation**. Of the 1.3million people displaced to Europe in 2015 the UK granted asylum to just 13,900, 1337 of who were Syrian and resettled under the Vulnerable Persons Resettlement Scheme.¹⁷⁹

People seeking asylum in the UK are not entitled to any of the social security benefits we have discussed in this report. Asylum seekers are not allowed to work in the UK, some very limited financial and housing support known as *Asylum Support* may be awarded under the Immigration and Asylum Act 1999. The reformed rate of financial support as of 2015 is £36.95 a week – this is a flat rate for any adult or child and is a **30% reduction** from the previous child rate of £52.96, predicted to impact over 27,800 people. The UK Government believes that the previous support gave asylum seeking families ‘significantly more cash than necessary’ to meet essentials. In reality the opposite is true, both the previous and current payments effectively keep asylum seekers destitute, most are unable to access basic food or hygiene products.¹⁸⁰

Despite the prevalence of often xenophobic rhetoric to the contrary, economic migrants in the UK are financial net contributors, contributing more in taxes than they receive in social security support.¹⁸¹ The UK Government’s EU renegotiation deal secured earlier this year included provision for an ‘emergency break’ of up to 4 years on in-work benefits to European migrants – this would extend existing migrant eligibility restrictions to further unfairly penalise people who are in-work but on low pay, overwhelmingly women lone-parents.¹⁸²

- ¹ The sentences immediately preceding this quote are also of relevance; ‘Standards expressed in international treaties or conventions dealing with human rights to which the UK has subscribed must be presumed to be the product of extensive and enlightened consideration. There is no logical reason to deny to UK citizens domestic law’s vindication of the rights that those conventions proclaim.’ – Lord Kerr at paragraph 256, the dissenting opinion in [R \(on the application of SG and others \(previously JS and others\)\) v Secretary of State for Work and Pensions \[2015\] UKSC 16](#), (on the disproportionate effect of the benefit cap on women and children)
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