



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Health, Social Care and Sport Committee

**Tuesday 24 January 2023**

**Session 6**



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Pàrlamaid na h-Alba

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**Tuesday 24 January 2023**

**CONTENTS**

	<b>Col.</b>
<b>INTERESTS</b> .....	1
<b>DECISION ON TAKING BUSINESS IN PRIVATE</b> .....	2
<b>INDEPENDENT REVIEW INTO RACISM IN SCOTTISH CRICKET</b> .....	3
<b>FOOD STANDARDS SCOTLAND</b> .....	31

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**HEALTH, SOCIAL CARE AND SPORT COMMITTEE**

**3<sup>rd</sup> Meeting 2023, Session 6**

**CONVENER**

\*Gillian Martin (Aberdeenshire East) (SNP)

**DEPUTY CONVENER**

\*Paul O’Kane (West Scotland) (Lab)

**COMMITTEE MEMBERS**

\*Stephanie Callaghan (Uddingston and Bellshill) (SNP)

\*Sandesh Gulhane (Glasgow) (Con)

\*Emma Harper (South Scotland) (SNP)

\*Gillian Mackay (Central Scotland) (Green)

\*Paul Sweeney (Glasgow) (Lab)

\*David Torrance (Kirkcaldy) (SNP)

\*Evelyn Tweed (Stirling) (SNP)

Tess White (North East Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Gordon Arthur (Cricket Scotland)

Forbes Dunlop (sportscotland)

Heather Kelman (Food Standards Scotland)

Anjan Luthra (Cricket Scotland)

Geoff Ogle (Food Standards Scotland)

Kaukab Stewart (Glasgow Kelvin) (SNP)

**CLERK TO THE COMMITTEE**

Alex Bruce

**LOCATION**

The Sir Alexander Fleming Room (CR3)



**Scottish Parliament**  
**Health, Social Care and Sport**  
**Committee**

*Tuesday 24 January 2023*

*[The Convener opened the meeting at 09:04]*

**Interests**

**The Convener (Gillian Martin):** Good morning, and welcome to the third meeting in 2023 of the Health, Social Care and Sport Committee. I have received apologies from Tess White.

Before we commence this morning's meeting, we have a change of membership to inform everyone about. Carol Mochan has left the committee and will be replaced by Paul Sweeney. I thank Carol Mochan for all the work that she has done on the committee in the past couple of years and wish her all the best in whatever is next for her committee-wise.

Our first item today is to welcome Paul Sweeney to the committee and to invite the new member to declare any interests that are relevant to the committee's remit.

**Paul Sweeney (Glasgow) (Lab):** Thank you, convener, for your kind welcome. *[Inaudible.]*

**The Convener:** We will get Paul's microphone unmuted and ask him to declare his interests again.

**Paul Sweeney:** Sorry, convener. Thank you for the welcome to the committee. I have two relevant interests to declare: I am a member of the GMB and Unite the union.

**The Convener:** Thank you very much.

**Decision on Taking Business in**  
**Private**

09:05

**The Convener:** The second item on our agenda is to decide whether to take items 5 and 6 in private. Are members agreed?

**Members** *indicated agreement.*

## Independent Review into Racism in Scottish Cricket

09:05

**The Convener:** The next item on our agenda is an oral evidence session with Cricket Scotland and sportscotland. This is an opportunity to receive an update on those organisations' progress towards implementing the recommendations of the independent review into racism in Scottish cricket, and it is the second such meeting that we have had. I think that the last one was around October last year.

I welcome Kaukab Stewart, who is not a committee member. She is attending for this item, and I hope that we will be able to give Kaukab the opportunity to ask some questions after members have asked questions of the panel.

I welcome to the committee Gordon Arthur, the chief executive officer of Cricket Scotland, and Anjan Luthra, the chair of Cricket Scotland. We also have with us Forbes Dunlop, the chief executive officer of sportscotland. Welcome to you all, and thank you for making the time to come back. Anjan Luthra will make a brief opening statement.

**Anjan Luthra (Cricket Scotland):** Thank you, convener, and thank you to the committee for providing me with the opportunity to present today.

As you may know, I was appointed the chair of Cricket Scotland in October last year. A major motivation for me to join the organisation was the opportunity to entirely rebuild it, starting with a focus on how to approach anti-racism and equality, discrimination and inclusion. I was really angry and upset when I read the report. What happened should never have happened, and it is our responsibility to ensure that we tackle racism and discrimination and build a brighter future. That is our commitment.

What have we done so far? First, in addition to my appointment, we have appointed two new independent board members. We have met several times over the past few months. In addition, we have delivered three key documents that are foundational and will drive a lot of the work in the coming months: the governance review, the anti-racism and EDI strategy and the review of the handling of the discipline issues at the Western District Cricket Union. In addition, we have put together an anti-racism and EDI advisory group to provide on-going consultation.

We also recognise that we cannot tackle racism if we do not invest in human resources, and that is why we have contracted a specialist third-party provider to deliver a full suite of high-quality HR

services. Following on from that appointment, a review of all the job descriptions, contracts and performance plans is on-going and will be completed by the end of February. In addition, we have launched two initiatives with the Scottish Association for Mental Health to provide support to our employees and to the individuals who are going through the referral process.

We also recognise that we need to be a lot more transparent in Cricket Scotland. Transparency around our selection processes was identified as a key area. That is why we carried out a review of all our selection processes for the men's and women's international teams. A new policy has been implemented and will continue to be refined over the coming months. In addition, we have partnered with the South Asian Cricket Academy, which is an amazing initiative supporting south Asian cricketers in Scotland.

In addition to everything that I have just mentioned, we decided to take the groundbreaking decision to professionalise the women's game: for the first time in Cricket Scotland's history, we now have paid women cricketers. We are extremely proud of that.

With regard to the referrals process, the initial review has been completed. The most significant cases, once fully investigated, will be passed on to a series of committees, and they will adjudicate on the findings. We understand that this is urgent, but we also understand that due care, process and attention need to be given to these highly complex cases.

Overall, we have made a lot of progress over the past few months, but there is a tonne of work to go. We are moving as fast as we can; my commitment is that we will continue to move as quickly as we can and work tirelessly until we make cricket the most inclusive sport in the country.

**The Convener:** Thank you, Mr Luthra.

I will now hand over to Forbes Dunlop, who also has a statement.

**Forbes Dunlop (sportscotland):** Thank you, convener, and thank you for the opportunity to come back to update the committee.

It is important that we do not lose sight of the reason why we are here. I remind the committee that the independent review found more than 440 cases of racism, discrimination and inequalities in Scottish cricket. More than half of those cases were to do with the policies and procedures in cricket, and more than 200 were individual concerns that were raised around racism, discrimination and inequalities. It is our responsibility in sportscotland, working closely with Cricket Scotland, to address the findings in the

review and to make sure that every person who had the courage to come forward to share their experiences is listened to, that their case is investigated and that action is taken.

I previously talked to the committee about doing things in the correct order and with the correct process so that long-term change is implemented. That started with the board appointments, and it continues with the governance review. Most importantly, the change will be captured through the anti-racism EDI workstream that Anjan Luthra talked about.

The complexity of and the challenges in the process cannot be an excuse for slowness of pace. I talk weekly to Gordon Arthur about that, and I know that Cricket Scotland and sportscotland agree that, now that the foundations are in place, we need to increase the pace of that work.

We have supported Cricket Scotland over the last year with £465,000 of investment to help it to deliver the change. Since the publication of the review, we have provided other, significant additional resources to help with the referrals process and the HR processes that Anjan Luthra touched on. Now that the foundations are in place, we are in discussions about further investment in order to accelerate the anti-racism and EDI strategy and to look at the appointment of an EDI manager in Cricket Scotland.

It is important to recognise that the work that we are doing is focused not just on cricket. We know that there is more to do to support the wider sporting sector and other sporting bodies in Scotland to address issues of racism, discrimination and inequalities. That is why, last week, I was pleased to announce a new partnership with the United Kingdom-wide anti-racism and discrimination charity, Sporting Equals. The partnership will help us to build trust and capability in the sector, tackle racism and inequality and champion anti-racist behaviours.

As a national agency for sport, it is our job and role not only to help Cricket Scotland but to hold it to account on the progress that it needs to make. The foundations are in place, and it is now important to work with Cricket Scotland to invest further in order to allow that faster pace of change.

**The Convener:** Thank you.

I have a couple of questions. My first question was going to be, "When is your action plan going to be published?", but I note that the Cricket Scotland action plan was published yesterday afternoon—members are catching up with it in real time.

Mr Luthra, you talked a little about the efforts that have been made to engage with

stakeholders—I guess that that is everyone in cricket across Scotland—on the action plan. What will your programme be for disseminating the information in that action plan? More specifically, what about the recommendations in relation to the Western District Cricket Union, where quite a lot of the complaints came from? Can you address the wider question of how you will disseminate the action plan and say what specific measures you are taking in the western district?

**Anjan Luthra:** On your first point, which was on stakeholder engagement, a lot of my time over the past few months has been spent speaking to as many people as possible in not only the Scottish but the global cricketing community. Understanding what is going on on the ground before putting anything forward as an action plan or strategy is fundamental. For the first eight to nine weeks that I was in post, all I did was to speak to everyone on the ground in order to understand what was going on. I made myself very visible in the community. That work will continue.

Along with our new head of communications, we are putting together a road map—a very detailed plan—for us to be out on the road every week or month, engaging with the community over the medium to long term to make sure that the initiative that we started is not just forgotten about. We will continue to do that for a long period, because it is fundamental to change. I will be part of that, and I will be very visible in the cricketing community.

09:15

As chief executive, Gordon Arthur is a lot closer to the detail on the WDCU and will be able to provide you with the specifics of the very next steps. From my multiple discussions with him over the past couple of weeks and months, I know that he has held a number of engagement sessions and is working closely with the WDCU to make sure that everything is driven appropriately. I am sure that Gordon can provide you with the exact detail.

**Gordon Arthur (Cricket Scotland):** We have been working closely with the WDCU in particular and all the regional chairs and representatives over the past three or four months. The action plan was published only yesterday, but the work in it has been on-going. I have been in dialogue with the appropriate people for different bits of the action plan as we have gone through the process.

We have completed the review of how disciplinary issues have been handled in the WDCU. That report has been fed into the overall governance review of the sport. We have communicated with the WDCU, shared the report

with it and received feedback from it, so it has been involved. At the start of September, an almost completely new WDCU committee was elected, the previous committee having resigned a month or so earlier. Khizar Ali is the new chair; I am working very closely with him and I speak to him probably every week about a whole range of issues.

Following the overall governance review, in the coming weeks we will propose a new approach to handling discipline in cricket across the whole of Scotland. In the past, broad processes and policies have been in place, but the five different regions have had quite a high degree of latitude over how they have interpreted those and put them into practice. One of the reasons that we have had such inconsistent outcomes in the area of discipline is that the different regions have been doing things in different ways. That clearly needs to change because it has been unhelpful and needs to be tightened up. The new process will bring a much more coherent, national approach to the way in which discipline issues are handled. That is one of the big issues. We should have the proposed framework ready in the next week or two. We then need to discuss that with the regions and have it put in place by the start of the season, which is only 12 weeks away. There is a lot of work to do prior to that.

**The Convener:** I will stop you there. I am looking at your timetable in the action plan. One of the actions is to:

“Develop and implement a new disciplinary framework”

and you have a timetable for that to be in place by 30 April 2023. However, it also says that the recruitment of an independent disciplinary panel is on-going.

**Gordon Arthur:** Yes.

**The Convener:** Do you not want that panel to be in place for the start of the season?

**Gordon Arthur:** Absolutely. The panel is practically in place now. A couple of disciplinary cases from the end of last season have been escalated, and that is why we needed to start recruiting the conduct in sport panel. The advert went out in, I think, late November. We have 12 applicants for the panel. We have been talking to a lot of different people and encouraging Running Out Racism and other organisations to get people to come forward for the panel, and I think that we will get another 10 or 12 people. The panel will be the pool and each committee will consist of three people.

The panel is almost in place and ready to go in relation to two things. First, it will deal with the cases that come out of the referrals process. Those cases will come to Cricket Scotland, and

the more significant ones will go to the conduct in sport committees. Secondly, the conduct in sport panel will be up and running and ready to pick up any disciplinary issues that occur in the early part of next season. I think that the first games of the season are around 26 April.

**The Convener:** Okay, thank you.

**Sandesh Gulhane (Glasgow) (Con):** Anjan, we had a meeting before, and I was very impressed with the drive and the change that you have brought to your personal business and which you are bringing to this issue. That is very important. What barriers are you facing right now?

**Anjan Luthra:** Thank you for your question and the kind words. We are facing lots of barriers. The number 1 barrier is the lack of hours in the day, because we are working 12 to 15 hours every day to make sure that we stay on top of things and that we move as quickly as we can.

The second barrier is resources. Throughout my past 10 years in business, the way in which I have always thought about capital is that it equals speed. There are a lot of things that we could be doing in parallel rather than step by step, but we have to do them step by step because we do not have unlimited funds. Therefore, we have to take our time and do things while balancing a budget.

Those are the biggest two barriers right now. However, another big barrier is the ability to add a massive, new and ambitious strategy, vision, mindset and change to an organisation that has been run in a different manner for so long. I am trying to bring a lot of energy and, alongside Gordon, to bring in a very big, ambitious and global strategy that will take Cricket Scotland to heights that have never been seen before.

We started with the professionalisation of the women's game, which had never been done before. We made that a priority and did that within two months of being appointed. Getting everyone to adapt to the new big ambitious strategy will take a bit of time, and we are wary of that. We do not want to scare anyone, so we need to make sure that we are consulting with all the various stakeholders in Cricket Scotland and that we take them on this journey with us. We have very big ambitions.

**Sandesh Gulhane:** You made reference to your budget, and we heard from Forbes Dunlop that £460,000 is being given to Cricket Scotland. Is that enough? What is the realistic cost of the change that you want?

**Anjan Luthra:** Overall, we will get about \$2 million over the next 12 months from various parties, including sportscotland, which supports us very well. We have been able to put forward a very

good balanced budget that builds the organisation holistically and across all verticals.

There has been an overspend in specific areas of Cricket Scotland over the past five to 10 years, and many other areas have been neglected. When I first arrived at the organisation, there was no marketing function, no women's contracts and barely an operations function. A lot of things did not exist, which was because a lot of the money was invested in one area.

The money that we have now is absolutely enough, first, to make sure that we are spending our money effectively and wisely. We have done a cost-optimisation exercise, which has saved us a lot of money. Secondly, it is enough money to run the sport.

Of course, we need more capital to do certain projects that have been outlined in the report "Changing The Boundaries—The Plan4Sport Independent Review into Racism in Scottish Cricket", and, as Forbes Dunlop mentioned, we are working closely with sportscotland to unlock that funding over time. We absolutely need more capital, but we will have to earn it, work for it and go out to get it.

**Sandesh Gulhane:** One of the things that I was very pleased to hear about was the appointment of an HR team. At our meeting last October, Tess White was very clear about the importance of HR. I was very disappointed with the answers that we got back about that, so that is a very pleasing step that you have taken.

Gordon, you said that you have different districts doing things differently, but surely you accept that the unacceptable is unacceptable. It does not matter how you break it down: what happened was totally unacceptable.

**Gordon Arthur:** It was completely unacceptable, and I am breaking it down only in the context of trying to understand what led us to that point so that we can try to fix it. It is quite clear that the discipline system has not worked and has led to some of the problems that we are now dealing with. I made that point only in that context.

**Sandesh Gulhane:** This is a leading question for either Forbes or Anjan: what is the ethnic diversity mix of your players at differing age groups?

**Gordon Arthur:** At this stage, we do not have those data. One thing that we need to do through the programme is to build a data-gathering system so that we have a baseline that we can then measure our progress against over time. Anecdotally, we have between 6,000 and 7,000 people playing organised cricket in Scotland, but we have a lot more playing, particularly when you get down to the junior and grass-roots levels. As

you get further down the age groups, the ethnic mix is much higher.

In the club scene, there have been fewer coming through over time, but, in general, across the country, there has been change in some clubs. Drummond Trinity Cricket Club in Edinburgh is a good example. Four or five years ago, it was struggling to put out two teams and almost all its members were white people. Now, it puts out around five teams a week and something like 90 or 95 per cent of the people who play cricket at the club are from diverse backgrounds. There has been a huge shift but, at this time, we do not have the data. Getting that data, so that we can baseline and measure our progress and to see the impact and outcomes of the work that we are doing, will be crucial.

**Anjan Luthra:** I echo exactly what Gordon has said. Not having the data is criminal. We cannot answer your question specifically, because we do not have the systems to provide us with those numbers. As Gordon said, it is all anecdotal right now. The priority is to design, implement and roll out a system that allows every player in Scotland to get on board and become a member of Cricket Scotland, and for that data to flow through all the clubs up to Cricket Scotland, so that we can sit here and tell you that we have X number of cricketers from a particular age group, ethnicity, sex and everything else. That is where we want to get to, but we need to do that work.

**Sandesh Gulhane:** When will you do that?

**Anjan Luthra:** In addition to everything that we are doing, we want to do that as soon as possible. It is in our 100-day plan. We are working on putting together a system to design and roll that out, but that is a big project.

**Sandesh Gulhane:** Okay. When will that be?

**Anjan Luthra:** That is to be determined. I cannot commit to that right now. I do not know the dates, because the "Changing the Boundaries" report takes priority right now. There is a lot going on at the moment, but it will be done as soon as possible.

**Sandesh Gulhane:** For me, that is vital.

**Anjan Luthra:** Absolutely.

**Sandesh Gulhane:** How can you possibly look at racism and at what is going on with the drop-out rate if you do not know about that? That is vital.

I have a final question. Anjan, what is your commitment with other sport around Scotland? Also, what barriers do other sport face?

**Anjan Luthra:** I am not an expert on other sport across Scotland, but I played tennis for Scotland when I was younger and I have had conversations with individuals at Tennis Scotland, as well as the

Lawn Tennis Association in England, to learn about how others are tackling the issues that they face.

Many of my conversations with multiple individuals in other sports have been around that learning, and asking: “How are you guys tackling this? What are you doing? What resources are you putting into it? What policies have you got in place?” We need to constantly upskill ourselves and learn and understand what big organisations are doing, because that is what we want to get to; we want to strive for the best.

I have also spent a lot of time with the England and Wales Cricket Board to learn about how it is tackling those issues, and with cricket boards globally to understand what they are doing about the very issues that we are tackling.

I do not know what the impact is across sport in Scotland. I would not be surprised if there were issues in other sport, but I am sure that everyone is watching us closely and that they are, I hope, learning from the steps that we are putting into place, because our ambition is to ensure that we become best in class. We are committed to doing that and happy to help other sport if they need it.

09:30

**The Convener:** I will bring in Evelyn Tweed, who wants to pick up on something that was said.

**Evelyn Tweed (Stirling) (SNP):** Yes, thanks, convener. Will you say more about the HR approach and how it will work with the rest of the organisation?

**Anjan Luthra:** Yes, sure. Gordon can probably give you a bit more detail and I will give you the high-level picture. We have appointed a third-party full-service company to provide us with on-going monthly support to cover pretty much everything in the HR hemisphere.

That is an immediate solution. It is quicker than hiring an internal team; it is cost-effective; and it allows us access to a range of experts who cover the most complicated HR matters. It is a well-renowned firm. We used a comprehensive request-for-proposal process. We went to market and we did not just appoint the first organisation that we saw. We benchmarked the organisation against a number of others. We believe that it is a good firm—if I am not mistaken, it is a Scottish firm—and we will rely on it for everything to do with HR. We believe that it is a strong team that will help us to achieve what is needed

Gordon can maybe add any detail that I have missed.

**Gordon Arthur:** Anjan has covered the main parts of it. The organisation has all the HR

services under one roof, so we can go to it for advice on a range of things and it has experts who can help us.

One reason why we were keen to take that approach is that, if we had employed an HR manager, they would likely be skilled in, perhaps, one or two areas but would be unable to help us across the piece. This way, we have access to all elements.

Importantly, through that, we also get an HR system. There has never been any HR in place in Cricket Scotland, really, so that system will allow us to do everything from properly logging people’s holidays to having job descriptions, proper performance indicators and learning and development plans in place to support appraisal processes. It is a simple and easy-to-use HR system that will back up all the services that are provided for us as and when we need them.

**Evelyn Tweed:** Mr Arthur, how can you ensure that there will be an open and accessible relationship with the HR organisation given that it is external?

**Gordon Arthur:** We have an appointed relationship person who will be in the office every month. They will run sessions with us regularly over the coming months so that all the understand the services that are available. There is a helpline that staff can go to directly if they have issues that they want to raise.

It is all about the way in which and how closely we work with the organisation. In the post-Covid world, when so many people work remotely, people are often not in the office anyway, so the external provision will not be that different from having a member of staff who is working remotely. We have as much access as we need through the agreement not only for the senior leadership team but for the staff.

**Evelyn Tweed:** Thank you.

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** To pick up on what you have said, Anjan, your commitment and your passion for the role are clear to us and very much appreciated. You mentioned that, right now, you are working 12 to 15-hour days, which will not be sustainable without burn-out. I remember Gordon saying something similar at the previous meeting, too. I am slightly concerned that people who are putting in so many hours and working seven days a week reach a point at which it becomes easy to make mistakes, regardless of how committed they are. How sustainable is that, and when do you expect it to be a more normal working environment?

**Anjan Luthra:** First, I fully agree with you. That is not sustainable, and I would not advocate it or

expect anyone else to do it. If it is sustained for a long period, it will, as you have correctly said, lead to burn-out. Unfortunately, we are in a crisis and, during a crisis, you sometimes need to go above and beyond to make sure that things move in the right direction at the right pace.

However, as you correctly said, over the long term, the situation will normalise, especially as we add to the organisation's headcount, which is on-going. Recently, a very high-quality individual joined the firm as head of communications. He will take a significant workload away from Gordon. Over the coming weeks, multiple contractors and individuals will join us. I believe that the situation will normalise over time. Yes, it is a difficult period, but Gordon and I have committed to doing that to make sure that we get the job done as quickly as possible.

**Stephanie Callaghan:** This question is for you or Gordon. When do you expect the crisis to be over and for things to settle down?

**Gordon Arthur:** My first six months in the post have been about laying sustainable foundations, because there were no decent foundations when I came in. We have had to do a huge amount to put Cricket Scotland on a proper footing, as well as deliver the rest of the cricket season and start a huge programme of work, much of which needs to be in place by the start of next season.

To an extent, the answer to your question lies in two things. First, we are putting ourselves under huge pressure to get some things done by the end of April. We have a new cricket season coming and we believe that it is crucial that those things are in place by the start of April. Secondly, we have talked already about the HR situation and the head of communications, and we have another four jobs due to be advertised in the next week or so. The core team in Cricket Scotland is 10 or 11 people, so having four more people will make a huge difference to our ability to spread the workload and to find ourselves in a more sustainable position. Some of the pressure that we are putting ourselves under will drop a bit in May and June. By then, we will, I hope, have new people in the organisation to help spread the workload.

**Stephanie Callaghan:** Thanks, Gordon—that is reassuring. A 50 per cent increase will certainly make a difference. I hope that that will mean that you will start getting more sleep and more leisure time.

What implications does the delay to the development and approval of the action plan have for the overall timetable for addressing the recommendations of the independent review?

**Gordon Arthur:** Sorry—I missed the start of that.

**Stephanie Callaghan:** What implications does the delay to the development and approval of the action plan have for the overall timetable for addressing the recommendations of the independent review?

**Gordon Arthur:** I am not sure what delay to the approval of the plan you are referring to. Are you referring to the action plan that has come out of "Changing the Boundaries"?

**Stephanie Callaghan:** Yes.

**Gordon Arthur:** We published the action plan yesterday, but it has been in place since last August and we have been working with sportscotland on delivering it since then.

Although the plan was not published until yesterday, we have been working to the deadlines that are in it and to the deadlines that we have set ourselves for the work that needs to be done coming out of the plan.

The action plan is our latest view, with some quite aggressive timelines, of when the work will be done. That has developed over time, because we have had to work out what needs to be done and how we need to do it. We could then start to put dates on it.

We are, I think, up to where we would hope to be at this time, but we have a huge amount of work to deliver over the next three months. Does that answer your question?

**Stephanie Callaghan:** Yes, that is fine—that is a bit clearer.

I have a question for Forbes Dunlop. How likely is it that Cricket Scotland will need to remain in special measures beyond October 2023?

**Forbes Dunlop:** It is certainly our intention—I know that it is Gordon Arthur's and Anjan Luthra's intention—that, by the end of the period outlined in the action plans, all recommendations will be put in place and we will have the confidence to take Cricket Scotland out of special measures. Of course, we will keep a close eye on that and make a judgment at that time. The focus, as Gordon and Anjan have outlined, is absolutely on delivering those recommendations and, importantly, keeping up the pace with the referrals and the investigation process for those referrals.

We are very mindful that there are people at the centre of this, and that those people's concerns need to be heard, investigated and managed. Our focus is on making sure that each of the strands continues at pace, and, if we achieve that, our ambition is absolutely to have Cricket Scotland out of special measures by October.

**Stephanie Callaghan:** What measures do you have in place to ensure effective oversight?

**Forbes Dunlop:** We have a range of regular meetings, as you might imagine. Gordon Arthur and I have a fortnightly meeting with our respective teams. The focus of those meetings is on how we are progressing, where the blockages are that slow things up and how we can sort those. I also have a regular call with Anjan Luthra to check in on the board's progress and the developments in having a new board in place, how the board members are working together and the progress that they are making.

We also have an important monthly meeting between Cricket Scotland, sportscotland and Running Out Racism. Again, that is to make sure that we are listening closely to the feedback from Running Out Racism and to its concerns about pace, progress and particular actions. It is important for us to continue the live consultation with Running Out Racism and get its feedback. Therefore, there is a range of measures. The staff team at sportscotland speak to Gordon and his staff team daily. A number of other measures are in place to monitor progress and remove barriers to it.

**The Convener:** Before I go to Emma Harper, Evelyn Tweed wants to come back in with a quick supplementary question.

**Evelyn Tweed:** Mr Dunlop, you said that your job was to hold Cricket Scotland to account. You talked about the special measures and what you are doing now. How will you do that in the long term?

**Forbes Dunlop:** We have a number of tools for that, many of which we have been reviewing as part of this process but also as part of our EDI strategy, which we published in 2021. There are a number of existing tools. We carry out independent reviews of sports to check on progress across a range of areas, and we have reviewed them in light of what has happened in cricket. We use a range of tools to monitor the progress of sports. Our annual investment process with all sports has checks and balances built into it. We have had to review that to see where the gaps have been and how we can strengthen the process. There is an annual review process, and we have an on-going conversation with each sport. We continually look to improve and enhance how we oversee sports performance.

**Emma Harper (South Scotland) (SNP):** Good morning, everybody, and thanks for coming. Forbes Dunlop mentioned that there are people behind all the issues that we are hearing about. Some folk have very bravely come forward. I am interested in the progress that has been made in dealing with the complaints that are under formal investigation. Either Mr Dunlop or Mr Arthur said that a couple of disciplinary cases are outstanding from the end of last season and that those are still

under review. What progress has been made on those reviews? At the end of the action plan, a review of referrals is mentioned. The plan came out yesterday, and I am reading it right now. An update on the investigations into the complaints would be helpful.

**Forbes Dunlop:** The referrals process has been one part of the recommendations that we were mindful to set up in an appropriate and robust manner so that those referrals can be appropriately investigated and that any action that needs to come out of them cannot be challenged. That had to be set up. We therefore brought in an independent team, led by Harper Macleod LLP, to manage the referrals. Sporting Equals was also part of that team, and Running Out Racism is very involved in the referrals process as well. Therefore, a team of independent people is looking at all the referrals and has worked through them. Everyone who has come forward has been contacted, and the team is in the middle of live investigations into a number of them.

Clearly, it is inappropriate to get into any specific detail on those investigations, as they are live, but it is one of the areas where we are mindful of the pace, so the conversation with the referrals team is that the process needs to speed up. Certainly, by late spring or early summer, we expect the investigations phase of all referrals to be completed and those reports to have been passed to Cricket Scotland—to the committee that Gordon Arthur talked about earlier—which will then decide on further action.

09:45

**Emma Harper:** How are people being communicated with? Is it face to face?

**Forbes Dunlop:** That is partly down to the individual. There is certainly written communication, then follow-up phone communication and a number of face-to-face meetings. However, it is down to the individual who has come forward to say how they want the investigation to be progressed.

**Emma Harper:** In addition, sportscotland is supporting Cricket Scotland to take forward the investigation. The action plan includes lots of actions, one of which is to

"Develop and deliver an anti-racism, EDI, and cultural awareness education programme".

There are also issues around implementing different actions. That will obviously be an on-going process to help prevent the need for any further complaint investigations in the future. I see that everybody is nodding.

**Forbes Dunlop:** Absolutely. There are two strands to this. We need to strengthen the

systems and processes that are in place for when complaints come forward. We are taking a number of actions across sports so that, when a complaint comes forward, the correct policies, procedure and culture are in place in the organisation to hear those complaints, manage and investigate them and enable action to be taken. We need confidence in that, across sports.

The other strand—this is where our new partnership with Sporting Equals adds particular value—is to continue the work to support the education and awareness process and to check, challenge and support all sports before issues occur in order to prevent such cases coming forward.

When things happen, they have to be dealt with, and we need to do more to prevent cases coming forward.

**Emma Harper:** You mentioned Sporting Equals. What role does it have in the process?

**Forbes Dunlop:** Sporting Equals has helped us on a number of fronts. It is a well-established UK-wide race discrimination charity, and it has a range of expertise and has supported a number of bodies with this type of work. We have signed a new partnership with Sporting Equals. It will do things such as provide expert support to sports across Scotland; help those sports to better understand how to build trust, capability and capacity; and increase awareness and understanding of how we can better engage and work with diverse ethnic communities so that sport becomes more inclusive. Sporting Equals is very much working with us on that proactive piece.

We also engaged Sporting Equals at the start of the referrals process, because it brings some real expertise to the investigation phase. It has been working for the past three or four months on part of the referrals process, and we have supported it to do that because we recognise the need to have expertise as part of that process. Sporting Equals helps us to deal with not only the complaints and the investigations in the system but with the longer-term education process that is required.

**Emma Harper:** Thank you.

**Gillian Mackay (Central Scotland) (Green):** How are you ensuring that any learning from the complaints is influencing the changes that are made and that those changes are effectively communicated to those who have made complaints so that they can see that there is some resolution and impact beyond just the resolution of their complaint?

**Forbes Dunlop:** Everything that we are doing now is about learning lessons from what has happened. Why did an incident happen? Why was it not picked up earlier? Why were things not

addressed at the time? Why have we got to the situation that we are in? There is learning through the referrals, the individual cases, the governance review and the review that we are doing of our independent assessments of sports and where they are. All that continues to build in and feed our work with sports. There are multiple strands, and we are taking as many lessons as we possibly can from each of those strands and building them into our work.

**Gordon Arthur:** To answer your question, I will give you an example. We are not just waiting for the referrals to complete. Where we can learn as we go along from the information that is coming out, we are doing so. We have done a huge amount of work over the past couple of months, looking at the pathway for younger players coming through to junior international and full international level.

Many people have asked questions about that area. In fact, when I was at the committee previously, quite a few of the questions related to the pathway. The coaches who work on it across the country have generally been in place for quite a long time. It is the same group of people who were appointed in the past, and there has not really been any turnover of those coaches. New coaches have not really had an opportunity to get into the system so, last autumn, we put all those jobs out for recruitment. That has been a massive piece of work. Forty-five to 50 people have been interviewed to try to freshen up the regional coaching approach by bringing in new people and bringing better diversity into the mix.

We have also appointed regional talent spotters. Historically, it has generally been the role of coaches to spot talent and bring through those players. They just cannot properly and consistently cover a huge geographic area with perhaps 20, 30 or 40 clubs in it so, outside the coaching team, we have now appointed talent spotters to work across the regions to identify people who live in more remote communities and who do not play matches in Edinburgh or Glasgow or elsewhere in the central belt to be seen more regularly. That is done to try to improve the information coming into the selection processes for the under-15, under-17 and under-19 teams so that we can identify a better and more diverse pool of talent and give more people opportunities.

In addition, we have set up a software system whereby players, families and club coaches can post videos of young players so that the talent spotters can see people who have been put forward by their club, parents or others and go to watch them in match conditions to follow up on that. There will be a lot more that we can do in that space, but we have already completely shaken up the way in which we run the bottom end of the

pathway to try to improve the opportunity for more diversity to come through in the playing pool.

**Gillian Mackay:** How far has Cricket Scotland progressed in establishing a longer-term complaints-handling process? To what extent can we be confident that the process fully addresses the issues that have been identified by the Plan4Sport review, including the lack of confidentiality and clarity in the reporting process and the lack of a complaints process for members of the wider cricketing community? I am also interested in what mental health and wellbeing support has been put in place for those who come forward with a complaint.

**Gordon Arthur:** The Plan4Sport helpline remains open for anyone involved in cricket to come forward and make a complaint. We are in discussions with sportscotland about Cricket Scotland taking on that responsibility because it is really important that we own it. It is a crucial part of the whole process that Cricket Scotland steps forward and owns that properly.

There are two parts to that. There is the disciplinary process for cricket and the way in which that is managed in and around a match situation and the behaviour of people involved in cricket. On top of that, there is a complaints process that needs to give people confidence that they can come forward and that their complaint will be listened to and actioned.

The Plan4Sport process has been a crucial part of the past 12 months. I hope that that has given people confidence to come forward and confidence that their issues will be taken seriously. We need to build a process into Cricket Scotland to enable that. As I said, we are in discussions with sportscotland about how we take responsibility for that.

As I mentioned earlier, we are also planning to rebuild the disciplinary process completely. It will be called conduct in sport, which indicates that we will be undertaking a much wider process in order to have a consistent national system. We will then go out to all clubs to talk to them about the new system and to educate them about expectations, to try to accelerate the process of changing behaviour in and around the sport.

As Anjan mentioned in his opening comments, we started two partnerships with SAMH over the latter part of last year. One of those is to support complainants, as well as witnesses and, perhaps, people who have had complaints made against them, to ensure that anybody involved in the referrals has got mental health support that is completely independent and effectively provided through a partnership between Cricket Scotland and SAMH.

**Gillian Mackay:** I have one more brief question. What is being done, or what needs to be done, to support young players so that they are able to raise issues when they see them? I have no doubt that the complaints that we have heard about are the tip of the iceberg and that there are probably young players who have heard things but not raised them because of various factors. What is being done to ensure that young players' voices are heard and that they are able to make complaints, which might often be against adults, when they hear things that are inappropriate?

**Gordon Arthur:** It depends on the definition of "young" and where that kicks in. We have boys and girls aged five and upwards involved in cricket. There are a number of ways in which they get involved. Sometimes that is through their clubs; sometimes it is through community programmes that we run in partnership with groups such as the Lord's Taverners—for example, the Wicketz programme that we do in Edinburgh and Glasgow; and sometimes it is through the schools.

Consequently, there are different routes. Say something happens at school. Schools generally have very well-developed support mechanisms. Some clubs have better support mechanisms than others, so we will have to look into how we improve that in areas where that is needed. That will be part of the process. We are not quite at that stage yet; as I said, we are still leaning on the Plan4Sport process. That will be a key consideration as we move forward in finalising the arrangements.

**Gillian Mackay:** Does Anjan have any reflections on that?

**Anjan Luthra:** To build on what Gordon said, the development of young people generally is of paramount importance. Outwith the "Changing the Boundaries" report, a lot of the conversations that I have been having with stakeholders from around the world have been about how to amplify the investment in the development of cricketers in Scotland, starting at the grass-roots level. That is the bedrock of cricket in Scotland and we need to get more cricket bats into the hands of young people of all genders, ethnicities and abilities.

Many people want to support us in those programmes. There are some amazing charities, too. We already have a small programme with one charity that has an express desire and ambition to scale up the programme massively to try to hit every school in Scotland. It will also provide us with significant funding for that. However, we do not have in place the governance or the infrastructure to deliver that programme right now. We need to make sure that we work on that, so that we can take up those offers and work with partners to really develop young kids.

I see sport at a young level not just being about sport. My reflections on playing cricket as a young kid are that it taught me life lessons. At the time, it is about sport, because all you want to do as a young kid is go out to play sport. However, reflecting on that in later life, you see that you have learned valuable life lessons such as communication, not giving up, discipline, hard work and integrating with society when you are young. If we have any barriers and we are not maximising the development of young people, that is criminal. We absolutely need to do that, and that is very high up our agenda. Right now, however, the absolute priority is to make sure that we do everything in the “Changing the Boundaries” report.

**Paul O’Kane (West Scotland) (Lab):** Good morning. I am interested in cultural change and change across the whole organisation. Perhaps we can start, Gordon, with how you feel institutional racism has been tackled or is beginning to be tackled. In our previous exchange, you often talked about perceptions, which I slightly pushed back on. Running out Racism has expressed concern that there is still no grasp of the wider issue of institutional racism in Cricket Scotland. How do you respond to that? Does Cricket Scotland recognise that it is an institutional issue that goes beyond people’s perceptions and that that must be looked at in a systematic way?

10:00

**Gordon Arthur:** We have already started addressing that in a systematic way. I absolutely recognise that and the findings in the “Changing the Boundaries” report. We are working really hard to change the culture in the organisation.

There are two aspects to this—the organisation and the wider sport—but your question specifically focused on the organisation. We are working very hard to encourage a culture of openness and transparency. We are trying to ensure that the staff in Cricket Scotland feel confident that they can speak up and raise issues, which they have not always been able to do in the past. We are involving people in the organisation in a way that they have not been involved in the past. They have generally just been told what to do and not been given responsibility or accountability.

A huge amount of work is going on to improve the culture in Cricket Scotland. When we roll out the training and education programme, everyone involved in Cricket Scotland will be right at the front of that.

We have also been addressing some of the systemic issues around the way that the organisation is run and has run cricket. I talked a minute ago about the pathways and how we have

completely reinvented how those work to try to remove barriers. We have also taken a very strong approach to the way in which selection is done for our international teams, for example, to bring openness and transparency to the process, to bring a more diverse set of views into the selection committee meetings and to widen the pool of players that are being considered for selection, regardless of which team we are looking at. There is a lot of work going on to address that.

Last week, I looked at the “Changing the Boundaries” report and, for 29 of the 31 indicators that Plan4Sport said that we were failing on, we have work under way to address all the organisational issues that are mentioned in the report. Some of the issues are more pertinent to the wider sport. Over the coming months, we need to get out and do a huge amount of engagement with the clubs. That will be around the new expectations; the new code of conduct and disciplinary processes; and the culture that cricket is played in, particularly competitively at club level. That latter aspect will be to try to improve the culture and to remove some of the microaggressions and bad behaviours that have been accepted as banter and commonplace in the past. We just need people to understand that they are not acceptable and will never be acceptable.

**Paul O’Kane:** You recognise that there is a wider issue of institutional racism in the sport, which has proven to be challenging because of those aspects that you have just mentioned.

**Gordon Arthur:** Absolutely. It was not my intention to leave you with any other opinion when we were before the committee on 4 October. If I did, I am sorry; I never meant to do that. When I talked about perceptions last time, it was particularly in relation to barriers in the selection process. It is important that we address all the barriers in that process and understand whether they are real or not. That way, we can fix the things that need fixing. Sometimes, that might mean changing people’s understanding. If there is an issue around something that they are not comfortable with, we need to understand what that is and change it.

As I said, it was never my intention to leave you in doubt. I completely accept the findings of “Changing the Boundaries” in that regard, and we are trying to tackle the detail of that full on.

**Paul O’Kane:** Okay. You mentioned trying to assess where the barriers are and how they can be tackled. In our previous exchange, we spoke about the barriers that young people experience, and Gillian Mackay has picked up some of those issues. The last time that we had a discussion, you spoke about young people leaving the sport because of the pressure that they experienced

from their family to do well, to get qualifications and

“to go to university and become a doctor or lawyer”—  
[*Official Report, Health, Social Care and Sport Committee*,  
4 October; c 12.]

There is a perception that that is quite a stereotypical view of Asian families in particular. Would you accept that that comment could have been perceived as being stereotypical in itself? Those are barriers that would often be universally experienced by young people, so what work has Cricket Scotland done to speak to young people? I think that you were saying that that is what you had heard anecdotally, but what work has been done to understand whether those are significant issues, regardless of who the young people are and where they come from?

**Gordon Arthur:** After the previous evidence session, I had many conversations with Running Out Racism about those words and what my intentions had been. I was accused of casual racism on the basis of the words that I had used, which was not my intention. In fact, the session was two days before Anjan was appointed and his story was the one that I had in mind when I said that. He will tell you that, aged 19, he was pretty much told to pack in cricket and get a job.

That was the story that was in my mind when I said that at the committee last time. It was not intended to be a generalisation; that was what was in the back of my mind. I explained that to Paul Reddish and to a number of other people in Running Out Racism. I hope they understood that that was not my intention and that those words did not come out in quite the way I had intended them to come out.

We need to make sure that as many people as possible come through the age groups in cricket and that they get an equal opportunity to progress, should they wish to. We need to encourage and develop people. Much of what Anjan said a minute ago about learning life skills as much as cricketing skills is part of that process. I see it as our job to make sure that opportunity is available to everyone, regardless of where they are from or their background, to progress as far through the sport as they can. That is what we are seeking to do.

We have already done one session with Paul Reddish, who is helping to facilitate a session for us. That is about looking at the selection pathway, trying to identify all the barriers in there and then putting in place work to dismantle them where they need dismantling. That will take time. That goes back to the point about approaching this in a systematic way. If we do not do that, the problems will just recur in a year or two's time. As I said, that will take time, but I am confident that the work is under way to address a lot of the issues.

**Paul O’Kane:** Okay—thank you. I am sure that committee members will feel that that clarification has been helpful.

We know that training will be crucial across the board in cricket. There needs to be, for example, awareness, understanding and recognition of those microaggressions that you spoke about, with racism, particularly casual racism, being called out when it is present. What are the timescales for rolling out the training, and how is the development of that programme is progressing?

**Gordon Arthur:** There are two elements to that, and the timescale is broadly the same for both. The new disciplinary and conduct approach for the sport needs to be launched and communicated, with those throughout the system educated about that before the end of April.

I very much hope that we will have the first sport-wide cycle of the broader anti-racism and EDI training and education concluded before the start of the season. That is a massive ask, but I believe that it is achievable. Forbes Dunlop and I have had numerous conversations in that regard. I keep saying to him that, at some point early in 2023, we will come to him with a really important ask: to bring in external resources to help us to run an EDI training and education process for the sport in the February to April period in the lead-up to the new season. I do not want that to be done online; I want it to be done face to face. It is crucial. We need to get every club in Scotland deeply involved in that process. I do not see it as being a means to an end; I see it as the start of something that will take years to properly put in place and follow through.

The scale of cultural change that we are talking about is significant, so we need to start with a really big push in the first quarter of this year. Clearly, that training will go on throughout next season and in the longer term, but it is really important that, before the first ball of the season is bowled, we have a programme. We need to put that in place quickly, then get out there and deliver it.

**Sandesh Gulhane:** It is really important to say that everyone on the committee is united in how much we despise racism, and we all want to see the best players playing for Scotland and Scotland to be as successful as it can be.

On the back of Paul O’Kane’s questions, I want to say that I was personally quite upset by some of the words that Gordon Arthur used at the previous committee hearing. We know Anjan’s story, but we do not know whether that is the story for everyone, because you do not have the data. That is why it is so important that you get the data as a matter of priority. If you do not know why people are leaving, surely you cannot dismantle the barriers.

I will move on to my questions, turning to Forbes Dunlop first. Do you feel that there is institutional racism in other sports?

**Forbes Dunlop:** I do not feel as though I can give you a direct answer to that. I am definitely not trying to duck the question. I absolutely accept that there are instances of racism in other sports, but Louise Tideswell and Plan4Sport did a full deep-rooted review of cricket over six months that allowed her and her team to conclude that there is institutional racism in cricket. Without work like that, it is hard for me to say yes or no to the question. However, I absolutely accept that racism occurs in sport and that there is an awful lot more work to do.

It is important to mention to the committee that, back in April 2021—before the work on cricket—the sportscotland board signed off a new EDI strategy, within which there was a central pillar about race and ethnicity. It was in our strategy following research during which the sporting sector told us that we needed to do more work in that space. We had started several strands of work prior to the work on cricket, because we recognised that there is more work to be done and that there is racism in sport. I am not sure that I could answer directly on whether that translates into institutional racism in different organisations.

**Sandesh Gulhane:** I would not really expect you to be able to answer that question. Individual instances of racism can be stopped through education; it does not take much to move away from that. On the other hand, it takes a lot to move away from institutional racism. Do you feel that you should be undertaking work on that?

**Forbes Dunlop:** Again, I have discussed extensively with Louise and the Plan4Sport team how we assess and use the learnings and methodology from the Plan4Sport report to work with other sports to recognise where the gaps are and where progress needs to be made. We are building those conversations and the learning from that report into the work that we are doing.

10:15

We have just completed the equality standard review. That is a piece of work that all sports bodies go through. It looks at their policies, procedures and action plans and at how they progress. That review is being influenced by the Plan4Sport piece of work. It is another independent tool that we have, through which sports bodies work with a team of experts who sit down with them and look at their policies and procedures, at how they handle instances of racism and other inequalities that happen in their sport, and at how their action plan works against

those. That tool has been in place for a time and is being reviewed—

**Sandesh Gulhane:** I will pause you there. What is the timescale for that?

**Forbes Dunlop:** The equality standard review for sport was completed in the autumn. We are just waiting for the updated plan to be launched in the spring. We are taking the lessons learned from that and the work that Louise Tideswell and her team have done, and we are building all that into the equality standard.

**Sandesh Gulhane:** I asked Cricket Scotland about its data on ethnicity. Do you have that data for other sports?

**Forbes Dunlop:** We have some good data, but it is not complete or whole, and it does not exist in the way that we would all like to see it. Again, there is work to do in that space. A big part of the equality standard review is about the data that we hold. It is also a big part of our conversations with Sporting Equals. The Sporting Equals team will work with governing bodies and other sports to look at their data, how it is recorded and what it tells them.

**Sandesh Gulhane:** I asked Anjan Luthra whether he was in contact with people in other sports around Scotland. Would it be helpful to have regular meetings at chair level? Given that Cricket Scotland is going through a formal detailed process and is having to innovate on a lot of things, surely that is the type of work that should be going on throughout all sport in Scotland and, actually, UK wide.

**Forbes Dunlop:** Of course. We hold regular meetings with the chairs of all the governing bodies. We invite them together on topic-based agendas. The Cricket Scotland review and report have been discussed, as have a number of other pieces of work. In good time—recognising the pressure on Anjan—his contribution, experience and expertise will be really important in that forum. We meet regularly, and those types of issues and discussions are brought up with the chairs of all the governing bodies. That discussion is led by our chair, Mel Young.

**David Torrance (Kirkcaldy) (SNP):** Good morning, everyone. How could the Scottish Government support sportscotland in embedding a culture of anti-racism and EDI in Scottish sport?

**Forbes Dunlop:** Several members of the committee and other MSPs are working closely with us behind the scenes and are having conversations with us about that very thing. They ask, “How can we support you? How can we help more?” The fact that there is, rightly, such an interest and focus is important, because we need to continue to raise the profile and importance of

anti-racism and of dealing with matters such as racism. It is important that we continue to work with various members of the committee and other MSPs to discuss their experiences and their expertise, to help us to shape the work that we are doing.

**Kaukab Stewart (Glasgow Kelvin) (SNP):** Thank you very much to the committee for allowing me the opportunity to come along today. As you know, I have an interest in this area.

Fortunately, a lot of the points that I was going to raise have been raised already. I want to ask about two areas: the first is sportscotland's communications with the Scottish Government, and the second is safeguarding.

The first question is probably for Forbes Dunlop. Will you give us a wee outline of what support and scrutiny you have been getting from the Scottish Government, given that, obviously, commitments were made on the back of the motion that I brought to the chamber for debate?

**Forbes Dunlop:** Of course. We have a regular meeting with Minister Maree Todd, who works directly with us. We meet her once a month, and the Cricket Scotland review has been on the agenda at every meeting that we have had. The cabinet secretary, Humza Yousaf, also joins those meetings regularly and asks for updates—he joins our calls and has shown interest. He has given us clear direction that his expectations are that this work will be progressed in a timely manner. We have direct and regular engagements with those ministers. As I mentioned, a range of other MSPs, including you, are in direct contact with us and are, rightly, holding us to account for the progress made and the pace of change.

**Kaukab Stewart:** Moving on to what you said about being held to account, obviously, in light of the report, trust was at an all-time low, so a lot of the process is about not only rebuilding trust but enhancing it so that we can have truly transformational change. None of us wants to be here in five or 10 years' time thinking that we did all that work with all these resources but nothing changed. I am interested in all the sporting bodies, so I would like to hear from Forbes Dunlop and from Cricket Scotland on this. Do you think that sporting bodies have, or will have, sufficiently robust and effective safeguarding procedures in place that mean that what occurred in Cricket Scotland will not repeat itself and we will not lose another generation of ambitious young sporting people?

**Forbes Dunlop:** I am happy to go first. It is absolutely critical that the checks and challenges in the system are robust and root out any issues before we get to the situation that we are in. We are just about to launch a new investigatory

service for governing bodies to help them with the most complex investigations.

We recognise the challenges in sports in Scotland and across the UK where investigations have not been sufficient to deal with the problems and issues that have been raised, because they have not been done with the right empathy and compassion or with an understanding of the issues at their heart. A new service that we are about to launch will help with those more complex investigations. We will do that alongside the ongoing education, support and awareness-raising work that we do with Sporting Equals and a range of other organisations that are keen to work with us and help us in that space.

There will be a package of measures to deal with issues when they happen because, unfortunately, although we want to minimise them, we recognise that there will always be complaints in sport. We need to ensure that sporting bodies have in place robust policies and procedures and the correct culture to deal with them. As I mentioned, we are enhancing the support for when the issues become very complex and governing bodies do not have the capacity or expertise to deal with them.

Most importantly, our effort and energy need to go into education and upskilling so that we reduce and, we hope, eliminate the need for complaints.

**Kaukab Stewart:** If anybody wants to add to that, feel free. You mentioned Sporting Equals. I appreciate and value its expertise. What work has it done to understand the Scottish context and build trust in that process?

**Forbes Dunlop:** It is really important. As I said, that is a UK-based charity, but part of our conversation with it, ahead of signing the partnership agreement, was about the need for it to completely understand the communities and people of Scotland so that the expertise that it provides is tailored and specific rather than being a generic programme. It was closely involved in the referrals process over the autumn, which helped to build our confidence that the work that it does proactively with sportscotland, the sector and other sports bodies in the sector will be targeted, specific and informed by the Scottish population rather than being a generic approach.

**Emma Harper:** I have a final question, which is directed to Gordon Arthur. Dumfries Cricket Club, which is based at Nunholm, has adopted a one-club ethos as part of its strategy to grow the club. Its website states:

"We are an open and inclusive cricket club. We welcome everyone of any age, sex, sexual orientation, ability or ethnicity."

It also talks about the one-club ethos being critical as part of its development. Will Cricket Scotland

monitor that on the ground? Though the Western District Cricket Union, will you adopt and deliver that as something that you want to emulate across all cricket clubs?

**Gordon Arthur:** That is one example of the many clubs that are doing fantastic work, and it is really important for all the volunteers who run clubs and who are doing fantastic work that they get recognition for what they are doing. There has clearly been a lot of inconsistency across the sport, so we need to bring everybody up to that level. The work that we will do in the months ahead through talking to clubs about the relationship among Cricket Scotland, the regions and the clubs needs to result in that relationship changing completely. Cricket Scotland has tended to look away at the international set-up and has not really taken enough interest in the way in which clubs are run.

We need to modernise and professionalise the clubs, and we also need to understand that they are all run by volunteers. We need to encourage people to come up to a level of that example of Dumfries Cricket Club, so that all clubs are pushing the opportunities for everybody to be involved. That will require a big cultural change in some clubs. As I said, some clubs are in a great space already, and safeguarding and child protection are crucial parts of the process. Cricket Scotland has had all the necessary measures in place. The clubs have had the necessary measures in place in the past. Have we done enough to support them and then to monitor and upscale that support? I am not sure that we have.

We will put more resources into doing that in the months ahead to try, on all those matters, to lift the club scene. The best way in which to do that is to highlight good practice that is already going on in clubs in the regions in order to give people a clear view of what good looks like so that they can change and develop their approach to all the issues. We will be getting right into that in the next four to six weeks.

**Anjan Luthra:** I will add one point. The best way in which to think about cricket in Scotland now is that Cricket Scotland is at the top and there are then hundreds of very fragmented clubs that are unbelievably well supported by volunteers on the ground who are doing their utmost to run cricket in Scotland. That should really be Cricket Scotland's responsibility, and we need to centralise everything and make sure that all the policies, support, infrastructure, guidance, education and training are delivered downstream in collaboration with them.

As part of the governance review, which is an absolutely massive piece of work and is a 50-page document, that will be front of mind. It is about resetting the relationship and making sure that the

Cricket Scotland structure and all the stakeholders around the country allow for that flow of information and support to be provided. We want people to see Cricket Scotland as a great governing body that provides the support, education and knowledge that they desperately need and want. Things therefore need to change, and the governance review is fundamental to that happening.

**The Convener:** I thank Anjan Luthra, Gordon Arthur and Forbes Dunlop for attending and providing that update. As I said, it was our second update on the work that you are doing.

We will now suspend the meeting and have a short break to allow for a change of panel.

10:29

*Meeting suspended.*

10:38

*On resuming—*

## Food Standards Scotland

**The Convener:** Welcome back. The fourth item on our agenda is an evidence session with Food Standards Scotland. I welcome Heather Kelman, who is its chair, and Geoff Ogle, who is its chief executive. Heather—I believe that you want to make an opening statement.

**Heather Kelman (Food Standards Scotland):** I will make just a short statement. Thank you.

Good morning, convener and members of the committee. Geoff and I welcome the opportunity to represent Food Standards Scotland for the first time in this process of, we hope, regular parliamentary scrutiny.

Food Standards Scotland is Scotland's independent public sector food body. We collaborate closely with the Scottish Government, the Food Standards Agency, the Department for Environment, Food and Rural Affairs and the United Kingdom Health Security Agency to represent Scotland's interests in food-related issues at UK level.

Our purpose is public health protection. We have an annual budget of about £22.9 million and employ about 300 staff, about half of whom are in the field. Our annual report and accounts, which were laid before Parliament last autumn, summarised our performance for 2021-22, which was a period of significant restructuring as we created the capacity and capability to deal with the consequences of European Union exit.

The report also highlighted publication of our second strategy. Building on the achievements of the previous six years, it addresses challenges arising from EU exit, Covid-19 and climate change. A key priority for the board is that we strengthen our influence over policies to improve Scotland's diet, which is one of the nation's most significant public health challenges. The committee is very aware of the impact of obesity on individuals and of the growing and unsustainable demand that it places on the national health service, other public services and the economy.

Last year, we also published our first joint report on food standards, "Our Food 2021". It was developed collaboratively with the Food Standards Agency and is a data-based and evidence-based annual status tracking report that tracks the safety and standards of food in the UK, and aims to ensure that consumers and parliamentarians remain sighted on the changes and threats to our food system.

There are key challenges affecting Food Standards Scotland. Like most public sector bodies, we are financially constrained. For us, the consequences of exiting the EU are not short term; instead, they are expanding and shall continue to do so. Despite that, the resource spending review indicates a flat-line budget, going forward. The board has responded by undertaking a prioritisation exercise that aims to ensure that our top priorities are delivered and that staff wellbeing is maintained. The financial constraints will impact on delivery of our strategy and involve a number of actions being paused or delivered over a longer period.

The capacity and resilience of the food law-enforcement regime is also compromised. The inability to fill vacancies, budget shortfalls and an increase in workload have placed local authority environmental health teams in a precarious position. We have developed a programme of work to increase efficiency and improve the capacity and capability of those vital teams. It will be delivered in partnership with local authority partners and has the support of the Society of Chief Officers of Environmental Health in Scotland and the Society of Local Authority Chief Executives and Senior Managers. As it requires the introduction of a new centralised database to facilitate an intelligence-driven system, the programme will take several years to fully implement.

Given that tomorrow is Robbie Burns day, I shall borrow his words:

"The best-laid schemes o' Mice an' Men  
Gang aft agley".

The Retained EU Law (Revocation and Reform) Bill, if enacted in its present form, will divert us from our strategy and core purpose. I make no apologies for stating that so bluntly. As Burns ended:

"An' forward, tho' I cannot see,  
I guess an' fear!"

**The Convener:** Thank you very much, Heather. A lot of our members want to speak to you about EU exit in detail and how that is impacting on the standards of, and access to, food.

I want to take us to other events of the past year. There have been some significant global events, including the conflict in Ukraine, which is a major supplier of food to Europe, the UK and beyond. The cost of living has increased dramatically, and inflation is 9 per cent and was 10 per cent; it has come down slightly—not that you would know from the price of food in the supermarkets. How are the supply chain issues that are being caused by the conflict in Ukraine, by EU exit and by the cost of living impacting on families who are finding it difficult to access good-

quality food? How are you reprioritising your work around those issues? What impact is that having? How are you responding?

**Heather Kelman:** I agree that it has been a challenging year, especially coming straight off the back of Covid. Geoff Ogle will talk about some of the work that has arisen from the Ukraine situation and its impact on the availability of products such as oil and food. It has also contributed to inflation, especially in food prices.

My greatest fear is that the inflation has several drivers: the cost of energy, fuel and fertiliser. Inflation is not 9 per cent for food prices: it is far higher and is not equally distributed across all the food groups. The high-fat, high-salt and high-sugar foods—the discretionary foods, as we call them: biscuits, cakes and crisps—are experiencing far less price inflation than fresh foods such as fresh fruit and vegetables. The worst-hit foods are dairy products.

For us, that has a significant consequence for health inequalities. Our role in tackling inflation is, obviously, about providing evidence of the impact of that. We have very little control over the energy and fuel costs drivers: from my point of view, I would love to see Westminster making more effort to drive down energy costs. Dairy products are very energy dependent because of refrigeration requirements. There is more that could be done. I have not seen a reduction in food price inflation yet. It continues to be very high and it will take a while for that to work through the system. Will prices drop or stay where they are?

**The Convener:** It is interesting that high-sugar, high-fat and salty foods are not being impacted as much as fresh food. It does not take a genius to work out that a family with a very limited budget trying to keep the kids from being hungry has to make choices. The long-term impact of that on health inequalities and children's health could be significant.

10:45

**Heather Kelman:** There is an impact on the health of children, and on the health of elderly people as well, because the energy-to-nutrient balance requirement changes again as we get older. Families with fixed or limited incomes have to get the calories into their children, but the protein that is required for growth and development is not necessarily represented in the same amount in those foods and nor are the essential vitamins and minerals. There is a risk that we will see increasing health inequality, which has the potential to affect things such as educational attainment, growth and development. It is not a small problem.

We have been providing additional information. We set up the “Eat Well, Your Way” database last year, and we have been adding information to that to guide people in making healthier choices. More information has been put on there, including tips on how to keep the balance right. Over the summer last year, I spoke to retailers about trying to make sure that promotions were focused on healthier products and not so much on the high-fat, high-salt and high-sugar products. The response was mixed; I can only ask them to do that because we do not yet have legislation to drive it. However, we had good responses initially from the people whom we spoke to. We are carrying on those conversations. We hope to invite all the retailers to present to the board over the next 12 months or so to try to encourage them to work towards our goal of having a healthier food environment.

**The Convener:** You have pre-empted what I was going to ask. Big retailers have a big part to play in this.

With the cost of living crisis, high energy costs and the other issues that you have mentioned, do we run the risk of seeing the return of health conditions that, we thought, were banished to the past?

**Heather Kelman:** We have no evidence of that yet, but it is early days. We have done a survey on how consumers' eating trends are, as a consequence, changing. We are seeing that people are trying to use food that is past its sell-by date and trying to extend the life of products in order to have less food waste. However, there is more research to be done. There is definitely a risk, but it is too early to say whether that risk will be realised on the basis of the evidence so far.

**The Convener:** We will not know until it has happened.

Geoff—you want to come in.

**Geoff Ogle (Food Standards Scotland):** I have a couple of quick points to make. Every six months, we do a consumer tracker survey. Wave 15 was in July last year, and we are just going through the results of the latest one. Consumers expressing concern about food supply shortages increased from 65 per cent to 70 per cent. Consumers expressing concern about the price of food went from 64 per cent to 75 per cent, so three quarters of consumers are concerned about food prices.

Another point that is worth emphasising about the cost of living is that lower socioeconomic groups spend proportionally far more of their income on food and basics. Therefore, particularly on issues such as food price inflation, there is not an even impact across socioeconomic groups; it impacts some disproportionately. If you have a low

income, the chances are that you will want your money to go further. High-fat, high-salt and high-sugar foods have high energy and all those sorts of things, so people are potentially forced to make difficult choices that they do not necessarily want to make.

**The Convener:** Of course, a lot of those foods do not need to be cooked, and people might be unable to afford to put on their gas or electricity.

Geoff, before I allow my colleagues to come in, Heather said that you had some information about the impact of the war in Ukraine, which I mentioned. Can you talk about that?

**Geoff Ogle:** I worked with the retail sector quite a lot on preparations for EU exit and during Covid. The industry across the piece had a fair amount of resilience, planning and experience to deal with the situation in Ukraine. The impact has primarily been around sunflower production; I think that Ukraine has about 80 per cent of the world's production. There was an initial hit and concern, but generally the market has adapted pretty well in respect of alternatives and alternative sources of supply.

Where are we now? I suppose that some impacts have come through from the war, but the food supply market has generally adapted. The issue is more the import costs of energy and so on, which are making a much bigger impact.

From a consumer perspective, I will add something about food inflation, in particular. I cannot remember who it was who said that prices tend to rise like a rocket and fall like a feather. It was Martin somebody; a money expert. Obviously, if prices do not fall quickly and inflation and food prices stay high, even though prices are coming down, the pressures on consumers will last longer.

**The Convener:** That is another thing that we see, to a certain extent, with energy prices. The trading prices of energy come down a bit, but that is not passed on to the consumer. Similarly, there is an increase in food costs, and I guess that there might be some reluctance to bring the prices down in line with any of the inputs.

**Geoff Ogle:** It is easier to bring prices down in some areas than it is in others. Many large organisations, in particular, will hedge their costs. The costs are fixed in, so if they are fixed in at the wrong point when they are high, that high cost will be maintained. However, we say that where prices are coming down, that decrease should be passed on so that consumers feel the benefit. Given the pressures across the food industry, the temptation is to keep prices high, due to the impact of Brexit and Covid and what they have meant for profit margins and everything else. There is a real issue.

**The Convener:** You mentioned the Covid pandemic. Supermarkets were recording record profits at that time. Is that still the case? Are the major supermarkets still making the same levels of profits while food prices are going up for ordinary families?

**Geoff Ogle:** I have also had discussions with the retailers on that. It is an interesting thing. I am not here to defend retailers, by the way. I want to put that on the record. However, in a sense, the explanation relates partly to the fact that during Covid, in particular, the whole hospitality sector shut down, so the only place to go for food was the retail sector. There was, therefore, a natural distortion of the market.

When I talk to retailers, they say that they are getting requests from their suppliers for large increases in costs, and that they are also under pressure to keep costs down so that consumers are not hit too hard. They have said consistently that there is a level beyond which they are not able to absorb the costs and they have to be passed on. That is what we are seeing now. The questions about where the markets end up and about profits are for somebody at another pay grade, but they are questions that need to be asked in order to understand the market dynamics.

**The Convener:** Yes; it is a fundamental question. I will pass on to my colleagues; I have hogged the mic for long enough.

**David Torrance:** Good morning. What impact has Brexit had on your work on risk management and oversight functions?

**Heather Kelman:** I will pass that question to Geoff Ogle.

**Geoff Ogle:** Thanks. EU exit has had a major impact on us. If you look at the legal base, you will see that the extent of EU-derived food law is significant. Around 200 Scottish statutory instruments are affected by retained EU law. It is a pretty complex system.

We have lost access to the likes of the European Food Safety Authority, so all the risk assessment that used to be done by it has been lost, and we now have to do that with the FSA. We have also lost access to the rapid alert system for food safety issues, so we have had to look at alternatives. On things such as food crime, Scotland and the UK had a major influence on developing food crime capability and intelligence after the horsemeat issue. We no longer have access to that, so we have lost our ability to influence such critical issues.

In organisational terms, EU exit has had a massive impact on us. We got some increase in resourcing for EU issues but, in reality, the live

experience of leaving the EU is showing that the resourcing that we have is not enough. By comparison, in staffing our science capability, for example, we have increased by nine and the FSA has increased by 90, so there is a real disparity in our abilities.

If any product needs a risk assessment, we now have to do it ourselves. We will still use international data and research as part of that, so it would be quite reasonable for us to take into account any efforts or opinions on science, as any other Administration can, but we are pretty much having to go it alone. On food safety, we are, in effect, replicating pretty much the whole of the EU institutions.

**David Torrance:** What benefits have emerged from collaboration between the FSS and the Food Standards Agency, as set out in the 2020 memorandum of understanding? How well is that collaboration working compared with the working arrangements that existed prior to the UK's exit from the European Union?

**Geoff Ogle:** Our relationship with the FSA is pretty good and solid, partly because, before Food Standards Scotland came into being, we were Food Standards Agency Scotland, so we basically moved from the FSA. We have regular liaison with the FSA at all levels. I usually have a weekly catch-up with the chief executive. Heather Kelman can talk about her regular catch-ups with the chair. Under the memorandum of understanding, we have six-monthly joint chair and chief executive meetings.

Generally, the relationships with the FSA are pretty solid and good. That is not to say that there is not the occasional difference of opinion or different view. We have taken the approach generally that we will not be different for the sake of being different, but we will be different where it is in Scotland's interests to be so, and we have pretty much maintained that.

**David Torrance:** In light of evidence as at December 2022, only one of the 32 common frameworks has been finalised. What risks are there to Scottish food supplies, safety and production if the common frameworks in the remit of the FSS are not finalised?

**Geoff Ogle:** Some of the mechanics of the formal agreements of the frameworks cannot be formalised because of the situation in Northern Ireland. The common frameworks were set up as a means of being—the clue is in the name, really—common frameworks, but they allow for divergence where an Administration could make a case for that divergence according to particular needs. For example, there could be a health issue.

However, we have found that, because the frameworks have no legal basis, the United

Kingdom Internal Market Act 2020 could pretty much undermine the process and purpose of a framework, as an Administration can decide what it wants to do and, under that act, a good that has been produced in one country can be sold in another against the terms in which it was produced in the country that it was produced in. That means that you could have goods on the shelves in Scotland that could be made in England, Wales or Northern Ireland. When you are looking at the good from an enforcement perspective, for example, you find that you cannot apply Scots law; you have to understand the law that applied in the country in which the good was produced. Therefore, an environmental health officer in Scotland has to understand the legal basis of that good being produced in England in order to be able to decide whether it meets the legal requirements.

To be honest, the frameworks were not given time to be tested before the United Kingdom Internal Market Act 2020 was introduced. That is the honest answer to that question.

**David Torrance:** Thank you very much. I have no further questions.

11:00

**Gillian Mackay:** I have a follow-up question to David Torrance's last question. Does that in essence mean that there is no way in which to enforce divergence for the different nations of the United Kingdom if goods that have been made in another country can be sold in, for example, Scotland against decisions that have been made here for public health reasons?

**Geoff Ogle:** On the vagaries of the 2020 act, if we want to introduce particular terms in Scotland—for example, if we want to introduce a health initiative—as a matter of practicality, a kind of objective justification argument is involved. If you can objectively justify the reason why you want to do something, you can do it. Something could be sold in Scotland, and it could be sold elsewhere.

I will make sure that I do a note on this just to confirm it but, as I understand it, part of the issue is the discrimination sections in the 2020 act and what they mean, and whether there is some risk that, for example, Scottish producers will say that it is more expensive to produce the same goods in Scotland than it is somewhere else and that that is therefore discriminatory. However, I would need to confirm that.

What we have not really got yet is any hard evidence of how the 2020 act is impacting. It is a bit too early to say. We have not come across any particular issues in respect of which we have really hit a buffer or barrier with the 2020 act.

**Gillian Mackay:** Is there a danger that the system is more complicated now, with the 2020 act, the common frameworks and other pieces of legislation, than it was when we were in the EU and under other frameworks?

**Geoff Ogle:** Yes, it is far more complicated. From our particular perspective, we have the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 to consider as well. Therefore, we have all those different pieces of legislation and, going forward, we will have the retained EU law. The board has reached a view that our position is that all law should be preserved but, if other Administrations should do something differently, that could have an impact as well, because there will be potential divergence. In some ways, there is more risk of divergence now than there was before.

**The Convener:** Does Evelyn Tweed want to come in on that?

**Evelyn Tweed:** Yes. Thanks, convener. I want to come in on a point that you raised and to which Geoff Ogle responded on supermarkets' profits at this time. I read a really interesting article in the business pages of *The Sunday Times* recently that suggested that the profits had to be considered, because it was still felt that they were too high, even in the present circumstances with Brexit and Ukraine. What can we do? Earlier, you said that you were speaking to various retailers and others. What more can we as politicians do to get into that?

**Geoff Ogle:** Again, I am not here to defend the retailers, although there are a few points that I would make. In the discussions that I have had with retail representatives, an argument has certainly been made that prices in the UK have been too low and that what we have seen is a market price adjustment. I am not saying that I agree with that; I am just saying that that is a point that has been made.

A number of mechanisms already exist. There is the Competition and Markets Authority and the groceries code adjudicator. They are partly there to ensure that the market works appropriately. For example, the groceries code adjudicator will look in particular at the way in which retailers deal with their suppliers, and the CMA deals with the general rules around competition and that sort of thing.

I am not sure that I know the answer to the question of when profit is too high. It is not for me to make a judgment. The issue from our perspective as an organisation is to keep pointing out where there are impacts on consumers and where those impacts are adverse ones.

We have limited levers in what we can do, but we can certainly point to issues that we think are

not in the interests of consumers. That is what we will continue to do.

I am afraid that I am not sure whether I have entirely answered your question.

**Heather Kelman:** From a board perspective, we feel that the evidence gathering and getting that publicised is really important. As we cannot impose any legal constraints, it is important to raise the corporate social responsibility type of argument about the disbenefits of additional profits for the price of food for consumers. We need to keep representing the interests of consumers, keep publishing as much as we can and keep trying to influence shareholders or chief executives, and we need to carry on with the round of meetings that we have got going with the retail industry. There is not much else we can do on that front.

**The Convener:** Does Evelyn Tweed want to come back in?

**Evelyn Tweed:** I was just going to say that it would be helpful if the FSS could keep highlighting to us what the issues are.

**Heather Kelman:** Absolutely.

**The Convener:** The whole idea of corporate social responsibility is really important, particularly given what you have said about the price rises being lower for certain foods and higher for others. That almost seems counterintuitive, given the processes that there might be for high-fat and high-sugar items. I get that fresh food does not last long on the shelves, but that is having an impact on consumers. In particular, it will have an impact on more vulnerable groups, such as children, older people and people in socially deprived areas. Thank you for highlighting that.

**Emma Harper:** I have a quick question for Geoff Ogle about the United Kingdom Internal Market Act 2020. The UK Government has introduced the Genetic Technology (Precision Breeding) Bill. Does that mean that Scottish farmers will be impacted by a policy that we do not have control over because of the UK Government's 2020 act? Does that mean that Scottish farmers will have to accept genetically edited products? Agriculture is devolved to Scotland, but I am concerned that, because of the 2020 act, the Genetic Technology (Precision Breeding) Bill will impact on Scottish farmers.

**Geoff Ogle:** I am not so sure that it will impact on Scottish farmers. My understanding is that anything that is produced in England using gene-editing techniques could be sold in Scotland. In research that we did, over three quarters—77 per cent—of respondents across the UK wanted information in cases where foods had been precision bred; in Scotland, that figure was 75 per

cent. When we had a board discussion on the issue last March, the board's view was that, if such goods were going to be sold in Scotland, there would be an issue around transparency for consumers and being clear to them in cases where products had been precision bred. In effect, the labelling of products would have to be looked at. That is where it is at the moment.

Another interesting thing from our perspective is that there is certainly a case for looking at the science. Genetic modification and gene editing are different things. We also know that consumer understanding is pretty low. Consumers are generally more satisfied once they understand something more, but equally, they want the transparency that goes with that. The transparency is really important.

**Emma Harper:** It sounds as if everyone needs to tread carefully and to be very evidence-base oriented. We need to make sure that the public are engaged with, if the bill is to be taken forward.

**Geoff Ogle:** Yes. In the discussions that I have had with Scottish Government ministers, they are certainly very aware of that issue. It is part of Màiri McAllan's brief, and I have had a couple of meetings with her. In the discussions that I have had, the key point has been that things need to be done on an informed basis and that people need to understand what they mean and what their implications are. Again, transparency is key.

**Emma Harper:** Okay. Thank you.

**Stephanie Callaghan:** Heather Kelman referred to influencing. When suppliers and big organisations pay to promote their products and pay for where those products sit on the shelves, realistically, how much influence can you have on that practice to improve uptake of healthy foods? Are there any recommendations that the committee could make to the Scottish Government that could increase your level of influence?

**Heather Kelman:** I am just going to get my names right, because I never remember the names of bills—I am hopeless.

The proposed public health (restriction of promotions) bill, which is being progressed, covers that area. We are learning from the English version. An issue that we witness down south is that, when products are not allowed to be promoted at the end of aisles, there are mid-aisle promotions. We can have a discussion about our definition of "location promotion". There are two aspects: price promotion and location promotion. That work, which involves being clear about what we need to legislate for, will make it an awful lot easier.

Interestingly, in my discussions with retailers, they are not against that approach. They want a

level playing field. Some of them have been running voluntary schemes for a while, but they think that, if there is legislation, there will be clarity and equality. We hope that they can then push that back to the manufacturers, because some of the promotions down in England—edge-of-shelf labelling and mid-aisle big displays—come from the manufacturers.

We should be aware of the loopholes. I am asking the industry to consider its corporate social responsibility—not to try to find loopholes in what we are trying to achieve but to be focused on the public health responsibility to look after wellbeing, which, as a nation, we should all share. We need to continue sending the message that we are looking for responsible businesses, not for people to look for loopholes to continue to promote foods that are quite clearly damaging to health.

**Stephanie Callaghan:** That is helpful.

**Geoff Ogle:** There are a couple of points to make about diet and foods that are high in fat, salt and sugar. First, in the media, the narrative is often that the answer to the problem is that people need to exercise more and eat healthier, with fewer calories, and the problem will be solved. It is a complete mistake to think that that is the answer.

Two out of three adults in Scotland are overweight or living with obesity. The annual cost of treating conditions associated with that ranges from £363 million to £600 million. The total cost to the Scottish economy, including labour markets, is estimated to be between £0.9 billion and £4.6 billion. If we do not think that the dietary situation in Scotland is an economic crisis as well as a health one, we will not solve the problem.

When people say, "Okay, we'll move things from the end of the aisle and stick them in the middle instead, so that we get around the legislation", that fundamentally misses the point about the need to address the public health challenges. That is the fundamental issue.

With regard to the food environment, 25 per cent of calories—a quarter of what we consume—are consumed out of the home, and most of that food is high in fat, salt and sugar, with very little nutritional value. If we do not think that tackling the food environment is the answer to the question, I would say, "Well, what is?" If we think that it comes down to individuals, we will never solve it.

**Heather Kelman:** It is not that we are completely ignoring personal responsibility. However, Public Health Scotland has the expertise in that area, and we work in partnership with it. Public Health Scotland takes the lead on that, and we take the lead on the food environment.

**The Convener:** As a committee, we recommended, following our deliberations on the

national planning framework, that local councillors should be able to turn down planning applications on the basis of health. Would you support that?

11:15

**Geoff Ogle:** Yes, we support that. We did a study outside the school gate, and it clearly shows that, in environments around locations such as schools, there is an issue with the food that is available. Planning is a key part of the solution.

There is no easy answer. It is a cyclical thing—it is the sum of the parts and the individual little bits that make the difference. Is planning in there? Absolutely.

**The Convener:** That is helpful. It is grist to our mill.

**Sandesh Gulhane:** I am a little flabbergasted at the idea that we will never solve anything if we do not ensure that individuals eat less and exercise more. As a general practitioner, I tell my patients about ways to improve their diet and ways to exercise. Not everyone is able to do the same thing. Surely you recognise that individuals need to be better educated and need to learn how to do things, rather than saying that that will never make any difference.

**Geoff Ogle:** No, I did not say that. I said that the idea that we can solve this problem only through personal responsibility is not right. It is a mistake to think that the only way that we can solve it is by focusing on individual behaviours. Do we support the need to eat more healthily and exercise more? Absolutely. Look at our website: we have all sorts of things about healthy diets, and there is advice to consumers on how they can improve their lifestyle.

However, if we do not tackle the food environment, we will make it harder for individuals. Heather Kelman would be better at talking about the cases and that stuff, but, as a GP, you will know about that. I am not saying that personal responsibility is not part of the equation; I am saying that it is a mistake to think that it is the only solution.

**Sandesh Gulhane:** Absolutely. It is not the only solution, and we need to do a lot more, but it is certainly important, and we need to spend time educating people on that.

Look at Scotland's diet. We in Scotland are one of the fattest nations in the world. I cannot really talk, because I am overweight, but I am working hard to lose weight. I am trying to lose weight not because I want to look better but for health reasons and to make sure that I do not progress to type 2 diabetes, for example. It is important that we frame the conversation around health, not looks.

I have a few questions. Can Food Standards Scotland look at things such as meal deals, for example? I do not know anyone who would choose a banana over a bag of crisps or a chocolate bar. The cost of such things does not make sense to me. Is there anything that you could do to offer free fruit with a meal deal or something along those lines?

**Heather Kelman:** First of all, I am a former dietitian, so I totally support your view that it is vital that we treat obesity. Our role is not so much in treating obesity but in making sure that people have the opportunity to eat a healthy diet, and we try to address that problem in a long-term and sustainable way.

Meal deals are part of the promotions issue that we are looking at. "Buy one, get one free" offers will be covered by the promotions bill, and meal deals could come into it, too. It is really important that we word it so that the healthy option can be included but the unhealthy option cannot be.

I talked to some retailers about their reward schemes and the points that customers collect. One retailer has recently reintroduced additional points for fruit and vegetables. There are ways that we can guide retailers to consider promotions that guide people towards healthier choices. However, I go back to my initial point: it is difficult for people on restricted incomes to make that choice because, as you will be aware from your patients, some of the options for eating a healthy diet are quite a bit more expensive than the lower-cost options. It is really important that we tackle the food environment alongside that. We are trying to push the idea that you do not have to stop promotions but you should consider promotions that encourage and enable people to choose to eat a nutrient-rich and calorie-appropriate diet.

**Sandesh Gulhane:** On the issue of choice, I often hear people saying that they struggle to know what to buy and struggle to cook. Lots of companies—we do not want to promote them, but I am thinking of companies such as HelloFresh and Gousto—create a food box to send to people. You get everything that you need, with step-by-step instructions on how to cook the meal, but they are very expensive. Would it be useful for supermarkets to create things that are easy to pick up, so that people would not have to get their onions from one place and then walk across the supermarket to get something else? Instead, the supermarket could give them a card that shows that the ingredients are all in one place and easy to find, and that shows how to cook the soup, the casserole or whatever they are looking for.

**Heather Kelman:** Some supermarkets are doing that. Whether those are low-cost options is questionable. There is a variety. Some have recipe cards on the shelves, but, to a certain

extent, you still have to go and find the ingredients to go with them. Some have moved the ingredients closer. There is an opportunity for that combination of foods—where possible, because some things have to be refrigerated—to replace some of the end-of-aisle promotions for foods that are high in fat, salt and sugar.

The main retailers have assessed layouts—they have done quite a bit of research on how to maximise sales by making the customer go around the aisles in a particular way—so it would be quite a big step for them. We can only ask and try to encourage them from the corporate social responsibility angle. The only angle that we have at the moment is to try to raise awareness of the damage that is being done and to encourage them to consider their responsibility.

**Geoff Ogle:** Reformulation is critical. That goes back to the point that I made about the multiplicity of answers. We thought that the sugar levy that was introduced on soft drinks was a very good idea, and we supported it, but it did not go far enough. For example, if someone wants to make a bolognese, they might buy lean 5 per cent fat beef but then, without looking at it, buy a jar of pasta sauce with a really high sugar content. That person will have tried to make the effort but, unless they are aware of the need to look at the sugar content, the product will defeat the purpose of what they were trying to achieve. All the things that we can do to help consumers to help themselves are vital, but reformulation and the food environment are critical, too.

If we have more educated consumers who have greater understanding, the power of consumer purchasing will potentially have an influence. If consumers are aware of labels and stop buying products with a red label because they contain loads of sugar, market sales will fall and the industry will adapt. However, we still have to work on broadening understanding.

**Sandesh Gulhane:** That is interesting. I am glad that you brought that up, because my last question is about education. We need people to be more aware of the food that is consumed. That includes looking at labels, but there is only so often that I can stand in an aisle, stare at a packet, go through the ingredients and think, “How does that work?” What could we do to not only speed up that process but make it easier for people to make the right decision?

**Geoff Ogle:** We can look at what information technology is available. I know, not from personal experience but from my wife’s experience, that there is lots of technology to help with things such as calorie counting. Some of it is about understanding your own body and lifestyle. If you are a high-performing male athlete, 2,000 to 2,500 calories a day is not sufficient—it is okay to

consume 6,000 calories if you burn 6,000 calories. It is about understanding your lifestyle, and your calorific consumption versus your energy output. All those things come into it.

There is probably also a generational thing in relation to levels of awareness. We have some evidence that millennials—I think that that is what they are called—are much more switched on to diet and lifestyle. There are opportunities, particularly in how we use technology.

**Gillian Mackay:** As a millennial, I think that we may be in danger of oversimplification in this line of questioning—if you teach everyone how to cook pasta, it will all be fine. Multiple factors are involved. We have already covered some of them, such as income, background, disability, health condition and all sorts of other things. As someone who has polycystic ovary syndrome, I have an insulin resistance and therefore need to look at an entirely different diet from that of someone else of my age and socioeconomic background. In your work, how do we address those multiple factors to make sure that everybody has the information that is relevant to them? Obviously, there is a vast array of advice and information on social media and so on, some of which is not particularly useful for an awful lot of people. How do we make sure that that information comes from reputable sources that are backed up by science and experts?

**Heather Kelman:** We developed “Eat Well, Your Way”, which is a web-based access point that contains dietary guidance. Unlike a lot of public health education, it is not black and white; it is a stepwise guide. It asks questions about a person’s habits, about how they shop, such as whether they shop at a corner shop or a supermarket, and about the size of a person’s family. It covers shopping, cooking and eating. The idea is to take a step at a time: people should find the bit that applies to them—one that they believe they can do—and make that health choice improvement. That was launched in September 2021. We have advertised it, there has been reasonable uptake and we will continue to promote its use. It has the potential to be developed further and help us with more of these issues.

That is the first step. I was on a webinar with dietitians from across the UK and, interestingly, they were unaware of it. It was exactly what they were calling for, so, when it was mentioned that Scotland already had it, there was great interest from those dietitians from across the UK. The Eatwell Guide—the plate—is well and good, but it does not cover ethnic diversity or age diversity, so having something that interprets that into eating choices is vital. It is one of the things that I would like to see us continuing to develop and build on.

Eventually, there could be a phone app version, but we are starting small and growing.

**Emma Harper:** Picking up on Gillian Mackay's point, I have been a type 1 diabetic since I was 12 years old, so I have been counting carbs since I was a wean. There are apps that can be used to look at that. It is not just about salt and sugar; it is about high-glucose-index versus low-glucose-index carbs. It is really complicated. Does Food Standards Scotland have, or would you look at having, digital support directly on your website to support the downloading of apps, for instance, so that folk such as Gillian and me could use diabetes dose adjustment for normal eating, which helps all type 1s to count carbs? That would be useful. Could Food Standards Scotland look at delivering that digitally?

**Heather Kelman:** I need to go back to the team to double-check exactly which websites link in. Links to alternative resources that people can access are promoted through the FSS website. That is a really good suggestion. I will speak to the nutrition team and find out where else we could go with developing that linkage and promoting those aids to help people to choose the right diet for their personal type.

**Evelyn Tweed:** You have a great website. I love it.

**Heather Kelman:** Thanks.

**Evelyn Tweed:** There is a load of good information there about diet, eating healthily and looking after your health. It is all great. How do you know that your message is getting out? How do you measure success?

11:30

**Heather Kelman:** Our comms team is very good at tracking, and one of the performance indicators that the board has introduced is to look at the uptake and the contacts into that website. We felt that, if this is one of the areas that we are building our new strategy on, we need to monitor the access to it. This year is a baseline year and, next year, we intend to set some targets to try to improve that uptake and access. We try to promote the website wherever possible. We have done quite a few things with schools and other groups like that. We promote it when we are at the Royal Highland Show and events like that, but we need to get even better at managing that. The board's view was that we should make it one of our strategic performance indicators, set a baseline and set some targets for increasing the uptake. That is what the board is trying to do at the moment.

**Evelyn Tweed:** You should use us to help you with that messaging. When you have your targets

in place, tell us what they are and we can also share the website. Now that I have seen what a great website it is and the information on it, I will certainly be sharing it and asking people to use it.

I want to ask about vitamin D. You said that you are promoting the use of vitamin D from October to April. That is great, but what do you say to people now, when money is tight and they may not see it as an essential?

**Heather Kelman:** That is very interesting. Given the evidence to show that vitamin D is vital, especially in the dark months in Scotland, I had already raised the issue of fairness and health inequalities. People can get free vitamin D when they are pregnant or breastfeeding, and children under the age of three can get free vitamin D. There is a question for Parliament about whether we should look a little broader at having free vitamin D for people who will struggle to afford it. The levels of vitamin D, especially at this time of year, are very low among the Scottish population.

When I was young and training to be a dietitian, it was all about bone strength, but we now know so much more about the role of vitamin D in the body and how important it is for our general health and our ability to fight infection and support our immune system.

We will continue to promote vitamin D. We have done some very good advertising campaigns and programmes. We have had to reel back on that a little bit because of our budget, and we wonder whether promoting vitamin D should be our top priority rather than continuing to promote overall healthy eating.

You mentioned cost. There is a range of varieties of vitamin D, and some more work might need to be done to make some non-branded versions more available. That is not in our bailiwick, but I think that it is vital. We raised this about a year ago when I was talking to somebody in the health and social care department about cost. Vitamin D is quite expensive to buy, especially for the elderly, who are encouraged to take it all year round.

**Sandesh Gulhane:** It is important to say that, if you are of darker skin, you should be taking vitamin D in Scotland all year round.

**Heather Kelman:** Apologies—I meant to mention that that is our advice for ethnic groups as well.

**Stephanie Callaghan:** I want to follow up on the vitamin part of it as well. First, on the point that Sandesh Gulhane raised about personal responsibility, there are families that have to put every single bit of their time and energy into making it through the day and putting food in their children's belly to stop them feeling hungry. That is

the priority, and it is not about nutrition. I ran a health food store for several years, and I used to tell my children that protein gives you big muscles. I would get them to show me their muscles after they had eaten stuff. I told them that carbohydrates give you energy, and I would get them to show me all their energy once they had eaten something up.

There is certainly education stuff that we can do, but when you are struggling for money and feeding your kids spaghetti hoops out of a tin with some toast for three days in a row, that really does not help you. It is quite a pressure knowing that the nutritional value of that food is really quite low. We have certain vitamin and mineral supplements for pregnant women, as you mentioned, and for young children, but I wonder whether having a top-up dose that helps prevent deficiency diseases has been considered at a wider level. Earlier, the convener mentioned that we have seen some of those things coming back to a certain degree. I just wonder where that is now. I am also interested in whether anything is happening on breastfeeding, because that has an obvious long-term impact.

**Heather Kelman:** I am not aware that we are doing anything on multivitamin and mineral supplementation, because our prime aim is to ensure that all members of the public have access to a healthy, balanced diet. At the moment, our strategy is to focus on that.

**Stephanie Callaghan:** I appreciate that, but that is not the position that we are in just now. Might that be considered?

**Heather Kelman:** I was going on to say that you have raised an issue that highlights a point in time. We would need to look at the evidence.

**Paul O'Kane:** Good morning to the panel. The Good Food Nation (Scotland) Act 2022 was passed by the Parliament last year. The provisions of the act have not been implemented yet, but I am keen that, if we can, we revisit some of that or look forward to how it might be implemented. The act and the evidence that was given refer to the changes that are required in the food system and environment to help people access healthy food more easily. What needs to change there in order to achieve that goal?

**Geoff Ogle:** We have already talked about some of that this morning. For example, there are certainly issues to be addressed, such the calorie content of the out-of-home offering, reformulation and consumer information and labelling. As I recall, the Good Food Nation (Scotland) Act 2022 focuses primarily on the public sector, and a lot of what we have been talking about this morning relates to the private sector. From that perspective, I would say that public sector plans

must be exemplar plans and lead the way. There are all sorts of issues to do with what is offered, when it is offered and from where it is bought. When the bill was being debated in Parliament, a lot of the discussion was on local food economies.

In our evidence, we said that there should be clear objectives. We have been monitoring the Scottish dietary goals. There has been a bit of a nudge on a couple of the criteria but, by and large, we are still nowhere near hitting the Scottish dietary goals. We would still say that there need to be clear objectives for what progress can be measured against and that local plans must have some linkage to the national plan. If 32 local authorities and 14 health boards are all doing different things without at least some measure of consistency, it is hard to see how to get national progress and improvement.

However, that does not mean that every plan has to be the same, as I think I said in evidence to the Rural Affairs, Islands and Natural Environment Committee. If you look at the circumstances in which people live, you will see that they are not the same across 32 local authorities. There must be flexibility in the plans, but there also needs to be some consistency going forward. We were clear that we thought that the Scottish dietary goals should be in there and at least feature as an objective to aim towards. That is still our view.

**Heather Kelman:** We have some good statistics on national targets and aims, but all the plans should be needs assessed first to determine what the local challenges and issues are in an area. If I were allowed a wish, I would like to see the plans go through the age groups. What we can do to improve school nutrition? Is it about getting more children to eat in the school rather than going across the road to the local fast food joint? It is about being clear on what the challenges are in each area and across the country and having the plan respond to those challenges.

As Geoff Ogle said, the challenges will not be the same across the country. The starting point should therefore not be the same across the country. There might be quicker gains to be had in some regions than in others. If we think about food affordability and access in some of the remote and rural areas, access to fresh fruit and veg might be a challenge, and the solution might be to encourage things such as vertical farming or under-glass farming to grow. There is an opportunity at Scotland level to look at our agriculture policy and our rural environment and think, "How do we shape those policies to help with food availability and accessibility?" Orkney is looking at having a vertical farm, which gives it opportunities to get fresh food such as lettuces that it cannot get in an affordable way.

There is a real opportunity through the plans. I look forward to working with the commissioners, when they are in place, to push our agenda about improving access to healthy affordable food.

**Paul O’Kane:** That is interesting. On your last point, about working to advance the agenda of Food Standards Scotland, we did not take evidence from you or from anyone on the bill. Were you disappointed that you were not specifically referred to in the legislation? Did that concern you?

**Heather Kelman:** Yes. I wrote to the convener of the RAINE Committee to express a degree of disappointment and to request that additional work be done to clarify the responsibilities of both public bodies and to make sure that there is clarity of governance arrangements between us on who is accountable for what. My approach has always been to collaborate, so when the commissioners are in place I will make an approach and try to develop what we call a strategic partnership. We aim for a strategic delivery partnership with partners and the other stakeholders that we are trying to influence.

**Paul O’Kane:** I assume that those discussions are at an early stage, but do you sense a willingness to find better understanding of the roles and, perhaps, look at how that might be enacted?

**Heather Kelman:** I might ask Geoff Ogle how blunt I am allowed to be. I still hope for those conversations to start.

**Paul O’Kane:** That is useful for us as a point to follow up, because it is important that we have those connections.

I will touch on the availability and accessibility of food. In the debate, there were amendments, particularly on access to food being a right. That debate will continue, because it was not concluded in the legislation. Should we continue to look at how we can create that right and that better access?

**Heather Kelman:** The board’s view was that the Human Rights Act 1998 was the right place for that to sit. It should not sit separate from other rights; rights of access should be in the main act. Food is one of the fundamental requirements of life. The act got the right balance, but we need to make sure that that issue is not forgotten or overlooked as we go forward.

**Paul O’Kane:** Thank you.

**The Convener:** Stephanie, do you have a question on the Good Food Nation (Scotland) Act 2022?

**Stephanie Callaghan:** No—it is fine.

**The Convener:** Emma, you wanted to talk about the Scottish food commission.

**Emma Harper:** Yes, but I have a couple of other questions first, if that is okay.

I am reading some statistics on Scotland’s agricultural output. In 2021, it contributed £3.6 billion to the economy in gross value added, according to the Food and Drink Federation Scotland. We know that there is really good animal welfare in agriculture in Scotland, and that there are direct links between our health, our climate and food production and the availability of food in Scotland. What is Food Standards Scotland’s role in promoting a healthy diet in the context of climate change and food production in Scotland so that we can achieve a balance and support our agricultural producers?

11:45

**Heather Kelman:** We have just written a sustainability plan for Food Standards Scotland, which we could share with the committee, if that would be of interest. That plan shows that if people were eating closer to the “Eatwell Guide”—the national guidelines—something like 30 per cent of the carbon emissions related to food would be reduced, so the issue is very much aligned with our overall aim.

Agriculture is not our policy area, but we feel very strongly about the need to ensure that the evidence is factually correct and that people are aware of the role that meat, dairy products, cereals, locally grown food and so on play in our diet. Those foods are an important part of our diet. We make sure that we give good evidence. We try to correct some of the mis-evidence that is out there, because it is very easy to be swept along by some of the more emotional sides of “eat green”, rather than being attuned to the facts about what eating green and a sustainable diet are. Scotland’s agriculture sector plays very well into that. We have a very strong agriculture sector that produces high-quality food that is safe to eat and is produced in a very sustainable way, compared with some other parts of the world. The welfare standards are good.

We will keep going with our key theme of healthy, sustainable, affordable food and will give as much support as we can without going outwith our role as regulator of the meat industry or our food and animal feeds role. We must be careful not to stray into other people’s territory.

Geoff, do you want to add anything?

**Geoff Ogle:** I do not think so.

**Emma Harper:** Thank you. Talking of evidence and stuff like that, last week I was at a Quality Meat Scotland event in the Scottish Parliament,

which was sponsored by Jim Fairlie MSP. Professor Alice Stanton gave a presentation on red meat. The red meat supply chain generates more than £2 billion annually for the Scottish economy. Professor Stanton, who is a cardiovascular pharmacologist from the Royal College of Surgeons in Ireland, presented information to counter what has been published in *The Lancet* on what people's red meat intake should be in a day—70g, which is two slices of roast meat or two sausages. She said that the information in *The Lancet* did not meet the criteria for proper scrutiny under the preferred reporting items for systematic reviews and meta-analyses—PRISMA—guidelines, which relate to the global burden of disease. She suggested that the standard recommendation—70g of meat per day—which is repeated by everyone, had not been adequately researched.

Is Food Standards Scotland aware of Professor Alice Stanton's information? Does it mean that the recommendations for red meat consumption need to be revised?

**Heather Kelman:** I would need to go back and check, but my understanding is that *The Lancet* suggested that we reduce the consumption of red meat and red meat products from the average level of 70g per day. *The Lancet* was advocating a more vegetarian/vegan-style diet. I have spoken to our nutrition team, and our advice on 70g of red meat per day is still evidence based, as there is still a very slight risk of colorectal cancer attached to that. However, some of the other claims that were made in that paper were not substantiated, because the evidence was not strong enough.

I had a brief meeting with Alice before the session, and we shared opinions. We felt that the "Eatwell Guide" recommendation for an average of 70g of red meat is sustainable and good, evidence-based advice. We also talked about the FSS priority—I have talked about this with Quality Meat Scotland as well—of improving the quality of red meat products and doing the reformulation that we mentioned earlier, to make sure that Scottish processed meat is of a higher nutritional standard as we go forward, and that we do not have to be so concerned about reducing the quantity of red meat products in the diet. I think that that is where the science is at the moment, but we can double-check that and get back to you.

**Emma Harper:** Processed meat differs from non-processed meat. We should be advocating healthier leaner cuts of beef or lamb, for instance, rather than processed meat, which contains more salt and may have other issues. Is that where we need to be good at communicating with people?

**Heather Kelman:** The difficulty is that red meat production requires us to use the maximum amount of meat in the animal so that it is

sustainable. We have to find a healthier way of using the maximum amount of meat in animal products. At the moment, processed meats have a higher fat content and, as you mentioned, a higher salt content, as well as other additives that are not proven to be absolutely beneficial for health.

Improving the formulation of those products will help but, at the moment, 70g of red meat and meat products per day is the level that is advocated. That is where sausages and bacon come in. If we were to go straight to saying, "Don't eat highly processed meat," there would be a cost issue, because straightforward steak, a roast or a joint is a lot more expensive than sausages. We have to maintain a balance, but public health comes first in our discussions. The nutrition team keeps abreast of all the science and evidence.

**Geoff Ogle:** The "Eatwell Guide" plate went through a pretty rigorous process, including consideration of the views of the Scientific Advisory Committee on Nutrition. For any scientific proposition, we would have to be satisfied. We would have to go through a pretty rigorous process to investigate any proposition that the "Eatwell Guide" plate is not where we need it to be. One of the other issues with diet is that there are lots of views around what is or is not a good diet. We use that plate as the cornerstone of our advice. The composition of food is a slightly different question, but we think that the "Eatwell Guide" plate promotes a balanced diet.

**Emma Harper:** I have remembered what I was going to ask about the food commission. This will be my final question. Why is a food commission proposed when we already have Food Standards Scotland? What is the difference? Why do we need both? Will there be an overlap in their work?

**Heather Kelman:** There is a difference in that our role is much broader. We work from farm to plate, so we have to manage regulatory responsibilities, advice and policy on food, food safety and food hygiene. There will be an overlap in the work of our nutrition team and that of the new food commission. We would not have been able to undertake the work of the emerging food commission without additional resources. The focus on supporting the development of the national plan, the 32 local authority plans and the 15 health board plans would have required more resource in order to have a quality output.

As I said before, we have asked to have discussions to clarify governance and areas of responsibility, and we hope that that will be followed up on soon, but until we have those conversations, it is difficult to be absolutely clear about exactly where we will meet or overlap and where there will be a gap.

**Geoff Ogle:** I add that, from our perspective, Parliament made the decision to have a food commission. Before the Good Food Nation (Scotland) Act 2022 was passed, we questioned whether, from an accountable officer perspective, there was value for money in having two independent food bodies. Heather Kelman wrote to request that, if Parliament decided to go for two bodies, it should be very clear about their different accountabilities.

Our view is that we are independent and have a remit that says that we can represent the broader interests of consumers. As Heather said in her letter to Finlay Carson, we thought that we could undertake the functions that the 2022 act requires. Parliament reached its conclusion. Our focus now is on engaging to make sure that we do not duplicate our efforts and that we deliver the parliamentary intent of the 2022 act.

**Emma Harper:** May I ask one final question?

**The Convener:** Yes, but it must be a small question, because two other members want to come in before the end of the session.

**Emma Harper:** You talked about different local authorities and how they engage. Some local authorities are looking to sign up to the Plant Based Treaty and are talking about taking meat away from schools and care homes. Is that something that you are aware of? Would you endorse that? We have just talked about red meat and how the evidence base shows that people are required to have it as part of a balanced diet. Are you concerned about the Plant Based Treaty?

**Heather Kelman:** We are concerned that local authorities comply with the nutritional standards for school meals and feeding older people. I am not aware of any that have said that they are going to sign up to the Plant Based Treaty, but we would need to follow through on that. Evidence would need to be provided that they would give the alternatives. It is possible to follow a nutritionally sound vegan or plant-based diet, but it takes far more knowledge and understanding of the mix of proteins that is needed to get the quality of protein that is required for good body function. There are different kinds of amino acids, and you need them in different proportions to get the necessary quality. I would want to seek assurance that that was not going to be compromised in any way.

**Emma Harper:** Thank you.

**The Convener:** We have about 15 minutes left. Sandesh Gulhane has some questions on food safety, after which Stephanie Callaghan wants to come in on the proposed public health (restriction of promotions) bill that has been mentioned. We might struggle to bring in any more members.

**Sandesh Gulhane:** I want to ask Heather Kelman a question on the back of her answers to Emma Harper. It is true that it is more expensive to buy higher-quality cuts of meat, but I feel that we might eat too much meat. Having a diet the majority of which is vegetarian, with fish and a reduced intake of meat, would allow that higher quality to be purchased. Everyone has different levels of what they are able to afford, but buying the best red meat that you can afford, once a week, would surely be better than having processed food.

**Heather Kelman:** I agree with everything that you have said about there not being a huge requirement for meat. Across Scotland, we are already below the average of 70g of red meat per day. The last tracker showed that it was at 60g. I would need to check the actual number, but we are already reducing our meat intake. Some people still eat a very meat-dependent diet—they are at the extreme end—but, on average across the population, we are within the target of 70g per day.

When it comes to the quality of meat, choice and including fish, some parts of Scotland struggle to get regular access to fresh fish. Fish is not the cheap food that it was when I was a child. It is quite pricey—it is sometimes more pricey than meat. Continuing to work with the meat industry to ensure that all of the animal is produced in a way that maximises the health qualities will be beneficial in allowing us to offer people the choice and range that they want. There are some groups of the population who have a greater taste for European sausages and things like that. We must not constrain choice but try to make sure that the choices that are available are healthy, nutritious and do not do damage.

**Sandesh Gulhane:** If we look at food logistics, we see that it is incredibly complicated to get meat from the farm to our tables. What does Food Standards Scotland do to ensure that safety and standards are maintained at every step of that incredibly complicated journey?

**Heather Kelman:** I will give that one to Geoff.

**Geoff Ogle:** The legal requirement is that the producer of the food is responsible for making sure that it is safe. That is the process. We use a variety of mechanisms, including our direct oversight on abattoir production and local authority inspections of food businesses. We also do sampling and carry out surveillance through the local authorities, and food businesses do their own sampling and surveillance.

There is a system of verification and check. Every food business is required to produce a food safety management plan, and the local authorities

will inspect that plan when they do an inspection. The system is pretty robust.

12:00

More recently, following the horse meat issue, the Food Industry Intelligence Network was set up. It is a collaboration for sharing intelligence and information about food safety issues. There are issues around import controls and checks. Depending on where you pick the point in the supply chain, there is a mechanism for verification and checking product safety but, primarily, the responsibility is for the retailers.

Aside from the official regulators, there are third-party assurance schemes such as that which is run by the British Retail Consortium, the International Featured Standards and a few others, which are also accreditation schemes and independent audit systems. We also audit local authorities to ensure that they undertake their functions as a competent authority. The network of how food safety is assured is fairly complex. As we said in the report that we produced with the FSA, there is little evidence to suggest that there are any significant threats or risks to our food safety system.

**Sandesh Gulhane:** When I went to the Royal Highland Show, some of the producers told me that, through their work, they can tell exactly what is in the mince and where it has come from, which is quite incredible.

I am not sure whether you will be able answer my last question, but I want to ask it. Along with food safety, food security is important. With the war in Ukraine and possible future conflicts on the horizon, I am incredibly concerned about whether we can ensure food security in Scotland and the rest of the United Kingdom. Is that an area that you are working on? Can you ensure that food security?

**Geoff Ogle:** There are a couple of things in that. Under the UK Government's Agriculture Act 2020, I think, the secretary of state is required to produce a food security report every five years, and we fed into that for the first year.

In response to the war in Ukraine, Mairi Gougeon, the Cabinet Secretary for Rural Affairs and Islands, set up the short-life food security and supply task force, and one of its recommendations was for the Scottish Government to set up a food security unit, which we feed into and work with. In the discussions that we have had—with New Zealand, for example—there has been a general raising of awareness of the importance of food security for most nations, so it has gone up the agenda significantly.

Food security means different things to different people, and the challenges around food security are different depending on where you live. Take Scotland and its natural geography, for example: you will not suddenly be able to increase your wheat production, for example. The food security challenges are different for each country, and there is a general view that we need to make sure that we are on it. The food security unit in the Scottish Government has the lead, and we feed into it.

**Heather Kelman:** It is not just about potential conflict. Climate change affecting different parts of the world could also impact on our food supply. Last summer, Mediterranean countries had very high temperatures, and a lot of our fresh fruit and vegetables come from those countries. A multitude of issues needs to be considered. The Scottish Food Commission has an opportunity to look at promoting more local food across Scotland.

**Geoff Ogle:** Alongside all that is the increased risk of potential food crime: the risk of substitution and adulteration to maintain profit in the face of pressure in the system. Someone could use an alternative cheaper ingredient, claim that it is the original ingredient and charge the same price. It is those sorts of things. We are looking for that, but we have not seen any evidence of it. It is one of those consequences that have arisen that we need to understand and be alive to.

We had a session with Paul O'Kane, and we have offered to do a session on what we are doing on food crime and intelligence for this committee and the RAINE Committee. For obvious reasons, that would be a private session. We can pick that up and cover it separately in that.

**Heather Kelman:** We have also just introduced a food health research programme. We are looking at research and are working with the Scottish Environment, Food and Agriculture Research Institutes to look at emerging sources of new proteins, et cetera. There is quite a breadth of activity going on around future food.

**The Convener:** As promised, we move to our final theme and to questions from Stephanie Callaghan on the Public Health (Restriction of Promotions) Bill.

**Stephanie Callaghan:** I have a couple of questions. We have already spoken about obesity, complexities around it and links to poverty, energy prices and so on. I am conscious of the time, so a short answer would be quite good, if possible. To what extent do you expect the bill to address obesity levels and protect public health?

**Geoff Ogle:** The bill is important in helping to shift and change the food environment. The bill alone will not be the only solution to that, but it is an important one. Promotions are important, so it

will require some kind of deep analysis of the business models that are being used. That is the right thing to do, and it is what it should be doing. Going back to the point that I made about out-of-home offerings and general issues around high fat, salt and sugar, I will say that this is an important bill that will help to make a difference.

**Stephanie Callaghan:** The focus of the bill is clearly on influencing individuals' behaviour or restricting access, but there is a need to address things at a wider level, as well. For example, one of my local councils looked at community access to school kitchens in the evenings, which would provide cooking skills and hot nutritious food, as well as help with isolation. That is just an example. I know that there are complexities around it, but that does not mean that we should not attempt to do such things. In the very broadest terms, what other legislation or policy initiatives might be helpful for improving people's food choices and protecting public health? I am not sure who wants to answer that.

**Geoff Ogle:** I have a little bit of an answer, and I will let Heather pick up on the ideas. You gave an example, and, earlier, we had a discussion on the Good Food Nation (Scotland) Act 2022 and local plans. There is no restriction on innovation at local level in what can be done. There is a pretty good local authority network. We have COSLA and SOLACE, so there are mechanisms whereby local authorities can, at strategic level, share their ideas and innovations. Things such as the good food nation plan mean that nothing is off the table with what the local opportunity might be. As we said, the challenge is ensuring that we have the balance between what you might want to do at aggregate macro level and what you might need to do at local level and making sure that we get a balance in opportunity. I will pass over to Heather to talk about ideas.

**Heather Kelman:** Geoff mentioned our disappointment that the sugar levy applied only to soft drinks. I would like that to be revisited and consideration given to whether other levies could be allocated across other food groups. That levy had a degree of success not just in affecting the price of higher-sugar drinks but in bringing down the average level of sugar content in soft drinks. I would like that to be rolled out, because, when we speak to big retailers, they say that when it comes to their own-brand products—the non-brand store products—they have already brought down the levels in some of the high-fat, high-salt and high-sugar items, but they are not seeing the same process happening with the branded products. Something that would nudge the reformulation agenda a little bit further along would be very helpful.

It would be good to bring together our initiatives on community development—the whole approach that says that community development and empowerment is good for wellbeing—that reach into healthy eating and increase people's cooking and shopping skills. We need a cross-agenda approach in which we do not just look at food as food but look at, as I mentioned earlier, agriculture policy, what we do in schools and what we do under community development and bring those together.

In my opinion, the biggest public health problem that Scotland faces is the impact of diet on life expectancy, treatment of disease, economic success and people being absent from work. It is hugely important that we address that, and it is not a single-item agenda. It cuts across food availability, food education and the whole range of things. I would like that to be considered for all aspects of Scottish policy. It might not be completely relevant, but, if people think about it and there is an opportunity to improve the food environment, I would be very grateful.

**Stephanie Callaghan:** I want to pick up on your point about supermarket-branded products not following suit. We have a situation in which, for example, the cheapest own-brand cereals are not fortified with nutrients in the same way as some of the leading brands or the more expensive own-brand products are. Has that come up at all in conversation?

**Heather Kelman:** I would need to check my facts on that. Some of those fortifications are going to be looked at again because of folic acid supplementation. If you do not mind, I will talk to the nutrition team about that. I thought that most cereals were fortified.

**Stephanie Callaghan:** It would be great if you could come back to us with that information.

**Geoff Ogle:** We will check that, but my understanding is that compositional change has been mainly to the salt and sugar content.

**The Convener:** Thank you very much for everything that you have told us today. It feeds into the health inequalities work that we are already undertaking.

That concludes the public part of our meeting today. We move into private session.

12:12

*Meeting continued in private until 12:34.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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