

## **Attachment 2: Work that might have been prevented or limited by an 'anti-advocacy clause'**

1. The charity Sustain received several government grants in the early 2000s, either directly from the Department for the Environment, Food and Rural Affairs (Defra) and government's Environmental Action Fund, or indirectly via Regional Development Agencies, and regional Government Offices, themselves government funded. The purpose of such grants was to support British farmers – as well as ethical and sustainable food producers – to rebuild their businesses in the wake of the devastating BSE and Foot & Mouth disease outbreaks; also to build the market for foods and drinks with environmental, ethical and other sustainability criteria, to meet national policy objectives. Sustain worked with many other not-for-profit, public-interest partner organisations to train caterers in schools, hospitals, government departments, prisons and the armed forces, to specify local and sustainable food in their contracts, and to adapt menus to make the best use of fresh and seasonal food. We were successful in our work, increasing the volume of food from British farmers, and ethical and sustainable suppliers, in public sector procurement. However, we also identified the need for institutional and national policy to encourage uptake and perpetuation of such commitments once our direct support had finished. As part of the grant-funded work, we therefore made policy recommendations, that could be styled as “influencing or seeking to influence” the Department for Environment, Food and Rural Affairs (Defra), many of which were co-branded and endorsed by the government-funded regional Government Offices and Regional Development Agencies with which we worked, with at least one policy guidance document also co-branded by Sustain and Defra. This up-stream policy work on procurement standards and standards for catering training would not have been possible if an 'anti-advocacy clause' had been applied directly in the grant agreement(s) from Defra, or indirectly via Government Offices and Regional Development Agencies passing on government grant money, because such a clause would have constrained activities seeking to secure longevity of environmental and social benefits achieved by the temporary grant-funded activities.
2. The charity Sustain also gained a great deal of specialist expertise through our government grant-funded work on public sector food procurement. Beyond the period of the grant agreement outlined in the paragraph above, we went on to be invited – for example – by the Labour Government to advise on sustainable food procurement policy and by the Conservative Party when in opposition to sit on their Food Procurement Taskforce chaired by Zac Goldsmith MP; also to sit with Defra officials and others as a member of the London 2012 Food Advisory Group, securing the highest ethical and environmental standards of food for the Olympic & Paralympic Games ever achieved. As a result, for example, the London 2012 Games served 100% sustainable fish; 100% Fairtrade tea, coffee and sugar; organic milk; and British and higher welfare pork, chicken and eggs; with higher standard food promoted to hundreds of thousands of Games visitors with sustainability certification marks. Further, we undertook extensive work with civil servants on Government Buying Standards (health, ethical and environmental) for food that are now mandatory for central government, prisons and the armed forces; required as part of the NHS Standard contract for hospitals; and encouraged for all UK grant-maintained schools and new academies. In 2016, Sustain's Campaign for Better Hospital Food (now funded by a charitable foundation, but predecessors of this work at Sustain were supported by government grants) is supporting work instigated by NHS England to help hospitals become “health-

promoting workplaces” with, for example, 24-hour provision of nutritious food for medical and ancillary staff working on night shift. In all cases, we have judged such activities to be necessary to achieve charitable and public-interest objectives, to be “influencing or seeking to influence” public policy, addressing “up-stream” issues that impact on health, ethical or environmental outcomes, using expertise already invested in by public money, and freely available to policy-makers of any political persuasion who are in a position to improve the standards of, for example, school and hospital food.

3. The charity Sustain has in particular undertaken extensive work on improving the market for sustainable fish, to help the UK play its part in addressing the growing crisis in world fish stocks. The United Nations Food & Agriculture Organisation has stated that around 80% of the world’s fisheries are either fully or over-exploited. Achieving very large-scale changes in demand for verifiably sustainable fish is therefore critically important for providing sustainable fishers with the customers and confidence to be able to invest in the necessary changes to conserve fish stocks and marine environments for future generations to enjoy. As part of my membership of the London 2012 Food Advisory Group, Sustain convened all of the main conservation and sustainability certification bodies in the UK, for the purpose of devising robust sustainable fish standards for the London 2012 Olympic & Paralympic Games caterers, to put sustainable fish procurement policies on the national agenda. This work was part grant-funded by the Greater London Authority, itself part grant-funded by government. We consulted with representatives of government and political parties, industry, conservation specialists and many others, explicitly seeking to engage and influence – or seek to influence – a very wide range of stakeholders. The resulting standards have gone on to be implemented by commercial and public-sector caterers that together serve well over half a billion meals a year, including by government itself, enthusiastically supported by Labour, Coalition and Conservative governments. The staff and expertise with which this work has been achieved originated in work that was – in large part – funded by government grants. The work would have been severely limited if an anti-advocacy clause had been applied in the grant agreement, and the London 2012 Games would not have been able to claim – as it did – that it had championed “the greenest Games so far”.
4. Sustain runs the Capital Growth programme, which over a period of four years helped to establish 2,012 new community food gardens in London to celebrate the London 2012 Olympic and Paralympic Games, for the benefit of, for example, school children, social housing residents, wildlife and the local environment, particularly in run-down areas of the capital. The ongoing programme has been variously grant funded and supported by the Greater London Authority, the Big Lottery, charitable foundations and public donations. As the Greater London Authority is mostly funded by direct government grant (with some money collected from local Council Tax), Sustain must assume – in absence of any guidance from government to the contrary – that Greater London Authority grant agreements may in future be required by government to include the ‘anti-advocacy clause’, and hence that future such work could be constrained by the clause. If this clause had been included in the grant agreement for the Capital Growth programme, Sustain believes this would have greatly hampered the success of the programme in facilitating provision of new allotments, school gardens, and community gardens on school, local authority and social housing land. Some of our work entailed ‘influencing or seeking to influence’ the Mayor of London, the London Assembly (whose membership includes representatives of

political parties), local authorities and councillors (sometimes representing political parties at a local level), local education authorities, public health authorities, planning authorities, and the GLA's own spatial planning policy team. We were proud to work with the GLA's spatial planning policy team to enable inclusion in The London Plan (the over-arching spatial planning guidance for the capital) of encouragement of local authorities to include horticulture, community food growing and allotments in their land-use plans. Sustain believes that either such policy work would have been explicitly prohibited by an 'anti-advocacy clause', or that we would have felt too worried about the consequences to be able to pursue these important influencing aspects of the programme.

5. Supported by another recent Greater London Authority grant, as part of the FoodSave project, Sustain and Feedback: The food waste charity and other not-for-profit project partners also recently helped several hundred SME food business (wholesale markets, street markets, retailers, street-food traders, restaurants, community cafés, etc.) to reduce food waste and to divert unavoidable food waste to useful purposes such as to charities feeding homeless people, and – where legally permissible – to pig feed. This was a pilot project to demonstrate what is possible and to identify barriers to wider implementation. Reducing London's food waste would be of enormous environmental and social benefit, by: reducing wet waste spoiling recyclable materials; reducing methane emissions in landfill sites; reducing the use of animal feed such as soya from recently deforested land in tropical areas, and hence preventing millions of tonnes of greenhouse gas emissions; and reducing the costs of running emergency food services for homeless people. At the outset of the FoodSave project, there was a working assumption that (a) food waste data would be relatively easy to obtain, to help plan appropriate interventions and services; and (b) that food businesses would save money by not sending food waste to landfill, because a landfill gate-price is charged. Both these assumptions proved to be wrong, and were barriers to progress on reducing food waste – hence are good examples of up-stream issues that require policy change to meet environmental and public-interest objectives. Sustain therefore undertook – and continues to pursue – “influencing” activities with the GLA, WRAP, local authorities, government and others, to support transparent reporting of food waste data by the food industry, and a change in the landfill gate-price to shift the balance of cost-savings for businesses, away from the relatively cheap landfill option, and in favour of saving money by diverting food waste to useful purposes. It would not have been possible to instigate this important up-stream policy work if an 'anti-advocacy clause' had been applied to the FoodSave grant agreement, hence limiting the potential for the project to deliver on its objective of facilitating widespread implementation, and future significant reductions in food waste.