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The NFU represents 55,000 members across England and Wales. In addition, we have 20,000 NFU Countryside members with an interest in farming and rural life. The public sector spends circa £1.8 billion on the procurement of food. The sector includes the National Health Service, the Department of Education, HM Prison Service, The Ministry of Defence, and the care sector.

## Public Procurement of food: Could the UK do Better?

### Executive Summary

- It is of great importance to the NFU that the food that the country produces, is served to the citizens of the UK at every opportunity. We believe it is in both the public and the producers' interests that our public sector utilises our world-leading food and farming industry to deliver safe, traceable, affordable, nutritious food.
- At a time of acute economic insecurity, the government's public procurement policies create an opportunity to utilise public spending to invest in the economy, the environment, and the communities who produce the country's food. By investing in the Nation's food production system, the government can capitalise on the benefits which our agri-food economy delivers, whether in terms of food safety and production standards, environmental protection, or animal welfare.
- British farmers deliver high quality, fresh, seasonal, and affordable food to world-leading environmental and welfare standards. These production standards are of deep public concern and are recognised as public goods in the future domestic agricultural policy. It would be perverse if the government's own purchasing decisions and public sector procurement guidelines did not reinforce and uphold British food standards in purchasing decisions (as well as future trade deals).
- The government must acknowledge that there are sectors, such as public sector procurement, which are price sensitive and that if future trade deals are not negotiated correctly, and catering contracts simply awarded on price, then the public sector will become a home for food which is not produced to UK production standards.
- The NFU believes the Balanced Scorecard must be embedded into Crown Commercial Services (CCS) contracts and that there must be a targeted drive for our food values over cost. For this to happen, the government must acknowledge the price of cheap food on our public services and therefore review how CCS operates and awards contracts. It is imperative that CCS must utilise the opportunity of the UK leaving the European Union to review how they spend the public purse.
- We know that when the UK prioritises sustainable food procurement, domestic procurement is at the centre of sourcing policies. The London Olympics is a clear example of when the supply chain came together to serve home-grown food and drink, making higher standards mandatory, not aspirational. To do this, events, catering, and hospitality firms signed up to a food charter backing local, seasonal, healthier, and sustainable food.

- The NFU would welcome simplicity within the tendering process across all government departments that focusses on wider criteria than simply cost and addresses the ability for local suppliers, small and medium-sized enterprises (SMEs), and British product to enter the market. The current tendering process is complex and unclear and differs across different government organisations. A common approach for public sector sourcing would provide clarity for smaller businesses on product specification and contracting terms.
- For success to be benchmarked, the NFU calls for greater information gathering and data collection of public sector procurement across central, regional, and local procurement bodies.

### **1. How effective have current food procurement rules been at achieving environmental outcomes, encouraging healthy eating and supporting local suppliers, including small and medium-sized enterprises (SMEs)?**

1.1 Public sector food provision is very fragmented and comprises multiple supply chains, with procurement decisions often made at a local level. Catering services in the public sector can be provided by government caterers (in house), or by contract caterers. Increasingly, more public sector catering is being provided by Contract Caterers (CC).

1.2 In 2014, Sir Peter Bonfield published the “A Plan for Public Procurement” Report which established a series of strategic outcomes. The main mechanism to encourage a range of beneficial procurement outcomes within public procurement was the publishing of the government’s “Balanced Scorecard” and a review of the Government Buying Standards.

1.3 The “Balanced Scorecard” describes an evaluation approach to awarding contracts, and gives opportunities to food and service suppliers who operate to higher standards. The Balanced Scorecard aims to drive environmental outcomes, encourage the procurement of nutritionally rich food, and increase SME sourcing. Wider government departmental food strategies such as the School Food Standards and the Hospital Food Standards panel have also been established to increase the quality and healthiness of the food served, and to encourage more sustainable food procurement.

1.4 Although these steps have been made by the government, further measures can be taken to increase the effectiveness of policies to drive local suppliers and SMEs to supply the public sector. Increasing the volume of domestic product can support further environmental outcomes and work to bring fresh and nutritionally rich food to the public sector. A public sector procurement model driven by central government and delivered regionally, which reduces market barriers for local or SME product, allows for greater transparency within the tendering process, and incentivizes ‘food values’ over cost, would both enable procurement to achieve its desired outcomes and enable more opportunities for local and British suppliers.

1.5 With such fragmentation within public procurement, there are a range of budgets and specifications for product required by the public sector. This means that often the prerogative for specific or strategic sourcing is left to the individual procurement departments. This leads to differences in domestic product being able to access the market, as some authorities show greater commitment to local or environmental sourcing, with other teams focussing on price.

1.6 The NFU would welcome more consistency across all government departments to address the ability for local suppliers, SME’s, and British product to enter the market. A common approach for public sector sourcing would provide clarity for smaller businesses on product specification and contracting terms. The lack of commonality between different supply chains often makes the market feel opaque, and out of reach of farmers and local SMEs. The creation of a single procurement platform which directly aligns suppliers and buyers could allow for an increase of locally sourced product to access local public sector markets.

1.7 The NFU would welcome more collaboration between the public sector and the food and agricultural industry, by working closely together to drive domestic product into the public sector, as more local sourcing can deliver significantly for the environment. British farmers are committed to becoming Net Zero by 2040, meaning agricultural production will be a net zero contributor to climate change. This approach is exceeding the requirements of the Committee on Climate Change and Britain's green recovery as we emerge from Covid-19. The more we come together as an industry, the more successful we will be in improving business resilience and our natural environment. Agriculture is uniquely placed to be part of the solution to climate change, as both an emissions source and a sink. The NFU believes that the agriculture sector is part of the solution to decarbonising the UK economy. As farmers, we have a responsibility to protect carbon reserves already in our soils and vegetation, and government has a responsibility to support British farmers to achieve its climate change ambitions through its procurement rules, by not exporting UK production, or our greenhouse gas emissions, to other countries. The NFU wants British farming to lead the world in climate-friendly, affordable food, produced to high standards of food safety, animal welfare and environmental stewardship. Farmers are looking to the government to work with us by sourcing locally produced food within the public sector market. However, the effectiveness of this is currently limited due to several barriers. By investing in UK food production, the UK Government is investing in the reduction of greenhouse gas emissions from agriculture, as they have fallen 17% since 1990<sup>1</sup>.

**1.8 The NFU believes that the procurement of food from UK farmers and businesses would assist the government in achieving its environmental outcomes and supporting procurement through SMEs. Here we have provided our thoughts on the current barriers British product can face:**

**1.9 Public sector budget constraints:** Catering contractors and procurement teams often have budgetary constraints when making purchasing decisions. Although the Balanced Scorecard addresses the relationship between cost and values within procurement, as it is not embedded into CCS contracts, there is with no mandatory sourcing policy to drive values over price.

1.10 The NFU would welcome a government review of procurement structures across the public sector to enable the public sector to engage directly with producers and SMEs. This would enable regional buying platforms and producer relationships, and more direct and transparent supply chains which can develop market competitiveness for local and SME producers.

**1.11 Ease of access to the market (see case study 1 & 2)** The current tendering and buying process is complex and unclear, and differs across different public sector bodies as product can be purchased through various processes. From in-house procurement teams, out-sourcing procurement through intermediary buying groups, and buying from large wholesalers of foodservice companies, the channels for product to enter differs across the sector.

1.12 The NFU would welcome a single procurement portal that is available for individual businesses to directly bid for public procurement contracts, both at a single and multi-product level. Often SMEs specialise in one product, so the ability to tender for contracts for one specific food product would increase SME sourcing. Furthermore, greater transparency within the tendering process would allow SMEs to have greater sight of the tendering process, the specifications, and contracting terms, allowing for greater understanding of market opportunities.

1.13 The NFU believes if a product, producer, or business meets the contract specifications for one public sector body, product should be able to move with ease throughout the supply chain to meet demand. In the interests of efficiency and equality, there should be a single process across government procurement.

**1.14 Consistent national procurement policy to buy local (see case study 3:** The decision for specific sourcing policy, for example to source more local, is often made at a regional and local level. Therefore, the ability for British producers to supply the public sector is often based on local sourcing decision making and is somewhat of a "postcode lottery". The NFU would welcome greater emphasis on local

sourcing within national procurement policies, and for the Balanced Scorecard to be embedded into CCS contracts.

The NFU would welcome a clearer mandate across national procurement policies to source from local farmers, growers, and SMEs to ensure a more consistent approach across the country.

**1.15 Greater investment in public sector catering infrastructure (see case study 4):** Catering infrastructure varies across the public sector, leading to differences in what product can be purchased, prepared, and served. For example, if a hospital has limited fresh cooking facilities, the procurement team may be limited in what product they can serve, leading to more pre-packed/pre-prepared foods being served. Whilst this may drive cost efficiencies in a sector which needs to control budget spend, the provenance and quality of the food is the responsibility of the food manufacturing business, not the procurement team. Increasing the amount of fresh cooking facilities would enable NHS Trusts, schools, or other public sector bodies, more independence to source directly from local and smaller suppliers alongside allowing for large businesses to work more directly with SMEs for fresh product. Not only would infrastructure investment support SMEs' involvement, by reviewing and addressing facilities, it would also increase the ability for more healthy options to be provided to patients and children and would support their healthy eating initiatives.

## **2. What impact have Defra's 2014 Plan for Public Procurement and the Government Buying Standard (GBS) had, and how could they be improved?**

2.1 Both Defra's 2014 Plan for Public Procurement and the Government Buying Standard (GBS) set out the principles of procurement above the regulatory baseline of the Public Contract Regulations 2015. The success of such policies on public procurement is hard to define due to the lack of data on public sector procurement.

2.2 The latest available figures for public sector sourcing were included in Defra's "Public Sector Food Procurement Initiative" in 2010, however no further data has been formally published. This means that benchmarking the success of public procurement policies is difficult to monitor.

2.3 The only available reporting structure within public procurement is the Cabinet Office's 'mystery shopper' scheme to provide feedback from SME suppliers. Although the results of the 'mystery shopper' are published, the data provides little detail on the volume of sourcing from SME businesses and no ability to benchmark the success of procurement teams in delivering against the Balanced Scorecard. To maximise the potential of local, regional and SMEs within the public sector, the NFU calls for data collection and monitoring of public sector procurement across both central and all government departments. This data would collate the country of origin, alongside criteria such as farm assurance specification of each food product across the fresh categories and monitor the number of SMEs that supply the individual public sectors.

2.4 Finally, the impact of the 2014 Plan for Public Procurement and the Government Buying Standards could be improved if they were to be embedded into CCS contracts. As the public sector is price sensitive, systemic change in procurement must be embedded into commercial contracts to deliver the environmental and social benefits that are desired. Therefore, as previously stated the effectiveness of public procurement policies could be increased if the Balanced Scorecard were to be embedded into CCS and wider public sector contracts.

## **3. How much flexibility will the UK have to change food procurement rules outside the EU?**

3.1 Following the Prime Minister's statement back in 2019 that procurement rules could "fundamentally change" to "back British business", the NFU believes that the government should maximise the opportunity leaving the European Union presents to the UK, by placing British product at the heart of government sourcing policies. In 2018, the agri-food sector in the UK accounted for a total estimated

Gross Value Added (GVA) of £120 billion or 6.3% of national GVA<sup>5</sup>; maximising the potential of domestic food markets could drive economic growth.

3.2 Following the UK's exit from the European Union, the UK may have jurisdiction to amend public procurement rules, albeit the extent of this new opportunity will depend on the outcome of the UK-EU negotiations. Whatever the outcome, the NFU urges the government to review the public procurement structure to maximise the ease of access for British product into the public sector marketplace within the current procurement rules. CCS contracts must be reviewed to prioritise food values over cost, and there must be a single procurement portal to allow for the tendering process to be more transparent. Government must maximise the ease of access for British product into the public sector marketplace, alongside introducing mechanisms such as minimum levels of domestic sourcing to mandate more sustainable and domestic procurement.

3.3 At an international level, the UK is bound by the commitments included in the Government Procurement Agreement (GPA) at the World Trade Organisation (WTO). The GPA gives each party (currently 20 WTO members) access to public procurement opportunities across the entire territory covered by the agreement. The UK is a member of this agreement by merit of EU membership, the government is currently working with GPA members with the view for the UK to join the GPA as an independent party at the end of the transition period, with the aim of remaining on substantially the same terms as under EU membership. Provided the UK remains a member of the GPA after the transition period, the thresholds set out in the GPA will continue to apply to UK public procurement. It is our understanding that agricultural and food products are not currently included in the UK's (or the EU's) GPA coverage schedules, and therefore accession to the GPA should not be a barrier to the UK increasing the proportion of British food in the public sector marketplace.

3.4 Therefore, if the UK does not accede to the GPA following Brexit, UK based suppliers may lose their benefits under the agreement in terms of access to public procurement contracts in other countries. So, if, for whatever reason, the UK is unable to remain a party to this agreement in its own name, the UK Government may wish to review the position regarding non-discrimination against suppliers based in other countries.

3.5 The extent to which the UK can legislate to depart from the provisions of The Public Contracts Directive (Directive 2004/18/EC) will depend on the terms of the UK's departure from the European Union. At present, general EU free movement provisions would apply to public procurement outside the scope of the Public Contracts Directive. So, in those situations, depending on the outcome of the Brexit negotiations, there could be some scope for adopting a preference for domestic goods and services in those situations.

#### **4. What should the Government's priorities for future food procurement be? How should the Government support these priorities in the negotiation of new trade deals?**

4.1 The government must aspire to develop a transparent, competitive, and functioning public sector marketplace that places British production at the centre of government sourcing. The government should seek to develop a public procurement structure that allows the food and agriculture sector to grow and thrive, upholds UK integrity and standards, and operates in a transparent and competitive marketplace.

4.2 There is huge potential for public procurement to source from British food and agriculture businesses, bringing high quality, fresh, and affordable food which has been grown to world-leading standards to the public sector. UK farmers and growers are proud of their high standards of production – whether in terms of food safety, environmental protection, or animal welfare, and indeed many other factors of operation and are underpinned by law.

4.3 The UK Government must build a transparent and functional procurement system for food, that allows for "ease of access" for local, seasonal, and domestic product with the view to build more dynamic and

regional procurement systems. The systems should ensure that public procurement supply chains function for the end consumer, the buyer, alongside delivering for the environment and the economy.

4.4 The UK Government must be aware of the impact of future trade deals determining whether UK Government and authorities can achieve the Prime Minister's stated aim to "back British businesses". The NFU welcomes the ability for UK food production to maximise the potential of the market and to allow farmers and growers to provide healthy, local, and affordable food.

4.5 Government must be acutely aware that global competitors have less stringent requirements, giving them a competitive advantage over UK producers through production methods that fall below the expectations of the UK public. It is important that UK farmers are not put at an unfair disadvantage through the imposition of extra costs, both direct and indirect, that are not shared by overseas competitors who are exporting food to the UK.

4.6 Equally, recent analysis by the consumer group Which? demonstrates that UK consumers have a clear desire for food imports to adhere to the same high standards as UK producers. The research found that most people in the UK would feel uncomfortable eating food produced using methods not currently approved in the UK, with nearly three quarters (72%) saying that food from countries with lower standards should not be available here.<sup>6</sup>

4.7 Government must also ensure that the public sector does not become a home for food which is not produced to UK production standards. Within the public procurement sector there is no requirement for labelling at the "point of consumption", and the cost pressures in public procurement may make the use of cheaper substandard imports more attractive. It is in the public interest that food served by public service providers meets the standards of UK production systems. However, market insight suggests that whilst imports may not directly land on UK retail shelves, they are much more likely to be destined for the public sector, foodservice, and manufacturing sectors. Government must be aware of the threat of lower standard food product entering the public sector supply chain without the consumer realising.

4.8 On 6<sup>th</sup> February 2020, Secretary of State for International Trade Liz Truss gave a written statement to the House of Commons setting out the government's proposed approach to trade negotiations with other priority partners. The NFU was reassured by the statement that the government has a clear commitment to safeguarding our high standards of environmental protection and animal welfare in our future trade negotiations.

4.9 The government must ensure any trade deals we negotiate promote rather than undermine farming, which the UK excels in through its high standards of animal welfare and environmental protection. This means ensuring that the food we import meets the same high standards required of UK farmers – not only ensuring UK farming can thrive, but that it can act as a gold standard for farming across the world to emulate. The government must acknowledge that there are sectors, such as public procurement, which are very price sensitive and that if trade deals are not negotiated correctly, they could be adversely impacted by cheap imported food.

4.10 To achieve this ambition, the government must understand both the offensive and defensive interests when engaging in trade negotiations. Free trade can be a force for good, but it must involve a balance between promoting growth and productivity amongst domestic producers, providing greater affordability and choice for the public, and promoting more sustainable models of production and consumption across the world. Any agreement concluded must be balanced, must encompass the whole agri-food value chain, and must put adequate measures or safeguards in place to respect domestic production standards and those sectors deemed as sensitive.

**5. To what extent should the public sector be encouraged to "buy British"? What are the advantages and disadvantages of such an approach?**

5.1 Food and agriculture form an important part of the UK's landscape, heritage, and culture. The farming and food sectors provide some 3.9 million jobs, all of which were recognised as key worker roles during the Coronavirus lockdown.

5.2 British farmers work to deliver high quality, fresh, and affordable food to world-leading standards. Currently Britain's farmers and growers supply 61% of the nation's food<sup>7</sup>. Government should show its commitment to British food production by maximising the public sector as a marketplace for home-grown production.

5.3 The public sector should also be directed to purchase Red Tractor assured products. Red Tractor is the largest food standards scheme in the UK, covering animal welfare, food safety, traceability, and environmental protection. The agricultural industry constantly reviews the standards to make sure they reflect the latest in scientific developments, and maintain relevance to customer and consumer expectations. Products bearing the Red Tractor logo have been produced to some of the most comprehensive and respected standards in the world, across a wide range of products, including meat and poultry, dairy, cereals, and fruit & vegetables. Red Tractor certified food also brings increases the authenticity and integrity of food, through its fully traceable supply chain, from farm to fork. By mandating the buying of British Red Tractor assured foods within public procurement contracts, the UK Government can clearly demonstrate their commitment to upholding our food standards and values and are serious about backing British farmers.

5.4 Food resilience is vitally important as volatility in the supply chain increases; the ability for UK product to access a range of markets with ease and the ability to manage market disruptions, such as those seen during the Covid-19 pandemic, become increasingly important. The country is experiencing a long-term decline in the UK's self-sufficiency in food and there is a lot of potential for this to be reversed. While we recognise the need to import food which can only be produced in different climates, if we maximise the food that we can produce well in the UK then that will deliver a whole host of economic, social, and environmental benefits to the country.

### **Advantages & disadvantages**

5.5 By investing public money in domestic food production, the government will be supporting the economy from field to fork, investing in the growers, producers, processors, food manufacturers and distributors. Public money will also be supporting both the protection and enhancement of the environment, alongside local, regional, and national food systems. Through the government demonstrating support for domestic sourcing, confidence will grow between and within farm businesses, food processors and wider food chain operators.

5.6 Shorter, integrated supply chains can both drive market led innovation and investment on farm. Local supply chains, and farmer to buyer relationships can add a degree of security of supply, as fluctuations of demand are able to be managed more cohesively. This means that driving domestic food sourcing can provide security and value to both the buyer and the end consumer.

5.7 The NFU's recent standards campaign petition gained over 1 million signatures, clearly demonstrating that the British public wants to see the UK's food values upheld within any future trade deal. Consumers care about where their food comes from.

5.8 By supporting UK food production, the government is investing in the country's Net Zero ambition. The NFU has set the ambitious goal of reaching net zero greenhouse gas (GHG) emissions across the whole of agriculture in England and Wales by 2040. This is our contribution to the UK's ambition of net zero by 2050 and the NFU is committed to working with industry and government to deliver this target.

5.9 The NFU acknowledges that the UK cannot be 100% self-sufficient across all food categories, and UK consumers will continue to demand product which is produced in other parts of the world. However,

displacing imported product is critical to increasing our own self-sufficiency in products which we can produce within our climatic conditions, and the UK Government has a role in supporting British farmers and growers in doing so. For example, sourcing British product when in-season and investing in British farmers to extend UK seasonal produce. Therefore, we urge the public sector to develop seasonal menus that aim to increase the demand for seasonal British product.

### **Conclusion**

Renewed, well-managed, and targeted public sector procurement would give more UK citizens the chance to eat healthier, ethically produced, and environmentally benign food produced closer to the point of consumption by our farmers and growers. The NFU believes that the government should maximise the opportunity for British product within public sector procurement, and we hope that the government will review the success of the current public procurement rules when considering this inquiry.

## Annex of case studies

### Case Study 1

An NFU member and dairy producer in the South West has been supplying both regional NHS Trusts and the local education sector for over 15 years. The SME business, which has distribution capacity, supplies a range of products from fresh milk to processed products, such as cream and yogurt (as well as supplying non-dairy products). However, the successful business has found the contracting and tendering process within the public procurement sector complex and views it as a barrier preventing SME businesses from engaging. For example, when the business initially bid for an NHS tender, they acquired the legal services of a solicitor to provide clarity over the terms and conditions within the contract, even though the business had a dedicated sales manager. This was due to these terms and conditions being too complex. They also have concerns over other aspects of the tendering process:

- They have experienced a lack of clarity over the volume and location requirements within the contract. The lack of detail enables contracting to be easier for larger businesses and harder for SMEs with limited to non-existent transport capacity. It is felt that greater detail in the opening tender process would benefit SME businesses.
- A central invoicing system is also a barrier to the market, as this system prefers large national businesses' financial processes. Specialised SMEs would prefer invoicing for smaller lots, as they can manage volume and cash flow with greater ease.
- The business has experienced larger food businesses tendering at a lower cost in the initial tendering contract, but increasing the price of their services over the years to above market competitors, through renegotiation. SMEs have less ability to compete when businesses are making "loss leader decisions".

### Case Study 2

An NFU member and potato producer provides a bespoke cooked potato product for the education sector. The producer has been working with the public sector for a number of years, however initially the producer struggled to gain access to the market, as they were unable to speak to any local procurement teams and often conceded contracts to large wholesale businesses who could supply a variety of products, often not local or British. The producer managed to meet the procurement lead for the adjacent local authority and a supply opportunity was developed. This relationship, however, has not opened other markets and they have struggled to gain access to further public sector contracts. The producer has always felt that they could provide a low cost, high-quality British product which is proven to meet contract specifications; however, they often struggle to engage with public procurement supply chains. Furthermore, when the producer lost their ability to supply the education sector during the Coronavirus lockdown, they were unable to redirect supply to the National Health Service or other departments

### Case Study 3

A good example of a local government mandate to drive procurement of local food, was following the Foot and Mouth Disease outbreak in 2001. Cumbria County Council wanted to show commitment to their local farmers and communities by sourcing local produce. Through an open tendering process, Cumbria County Council specifically requested the supply of local Free-Range Lion eggs. Due to the procurement specification of "local", a Cumbrian egg producer and packer was able to supply their product into their local public services. However, within the negotiations it was decided that a supply arrangement via their local foodservice company would be needed to distribute the product across the county. This was because at the time, there were challenges around daily deliveries to an array of locations. For the egg producer and packer, this relationship has been a success and now the producer supplies to a wider range of foodservice contracts, all in the local vicinity. This market opportunity has benefited the local economy and jobs, as it has enabled greater investment on-farm and it has created future opportunities for the producer within local foodservice and catering supply chains.

#### Case Study 4

Nottingham University Hospitals NHS Trust was named as an exemplary case study within the “Fresh, Healthy and Sustainable Food- Best Practices in European Healthcare”<sup>2</sup> due to their sourcing practices. Nottingham University Hospitals (NUH) purchases fresh and locally served food, with 95% of their meat being purchased from a local processor and farmers in the East Midlands. This is possible as NUH has an on-site kitchen which can handle and prepare fresh food. When NUH was awarded the “Food For Life Gold Award” in 2014, they had a 77% raw sourcing spend on local ingredients (meat, fresh produce, bakery products and milk)<sup>3</sup> from the adjacent county and within the region. For every £1 spent within the Trust, a social return of more than £3 was reported. This was credited to jobs and contracts for local food producers and farmers. Furthermore, the more direct sourcing policy helped drive additional value from the supply chain as NUH can provide patients, staff, and visitors with meals for £4.53 per patient per day<sup>4</sup> This is below the national average.

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