

CONSULTATION QUESTIONS

1: Should the scope of the new food body extend beyond the current scope of the FSA in Scotland? If yes, what specific extensions of scope would you suggest, and why?

- There is merit in considering the wider scope of public health in Scotland. The interrelationship between food and other aspects of health should be considered in the widest scope possible. It would be beneficial to consider the opportunity to tackle public health and environmental health under the umbrella of one organisation.
- The full role and remit of environmental health officers within local government, the public health functions of Health Protection Scotland, local health board health protection, Scottish Government public health, food and nutrition roles and others could be combined to tackle the nations' health and wellbeing with a common agenda.
- The scope of the new body could incorporate issues surrounding planning and health, and overprovision of certain types of food establishments. Previous concerns have looked at food deserts, whereas now we have developing obesity oasis with some areas overloaded with fast food takeaways etc. This has a significant impact on the eating habits of the population but also contributes to poor food safety as profit margins and safety practices are cut in very demanding business marketplace.
- The establishment a new food body creates the opportunity for a holistic plough to plate approach to be taken to food and feed control and as such consideration should be given to including animal health and animal by-products within its scope. The ultimate purpose of both these legislative areas is to ensure the food on our plates is safe to eat. There are currently parallel and overlapping enforcement provisions within these two functions and the current remit of the FSA. Bringing them both within the scope of the new food body would help remove any potential duplication of effort and reduce the possibility of confusing/contradictory advice or enforcement activity.

2: Should the new food body and the Scottish Government continue the arrangements for independent and partnership work on diet and nutrition set out in Annex A? If not, what changes would you suggest, and why?

- Whilst the outline in Annex A indicates differing roles in addressing the issues of diet and nutrition, it is perhaps a good time to consider the amount of effort and energy involving so many organisations and individuals on this subject. The issues are being tackled through FSA, Scottish Government, NHS, local councils and others. The costs and benefits of the current approach need to be considered.

3: Are there any additional roles, responsibilities or functions in respect of diet and nutrition that you think the new food body could take on to help deliver an improvement to the health of the people in Scotland? Please give details and reasons.

- The new body needs to take on responsibility for decisive action and change of direction rather than continuing to pursue the health improvement personal choice approach. There needs to be a greater approach to personal responsibility within consumers and the food industry in regard to the consumption and provision of foods, and healthy lifestyle behaviours.
- There needs to be greater influence in frontline engagement with food business operators and manufacturers.
- More direct involvement in healthy living award and similar initiatives should be targeted.

4: What steps do you think could be taken to ensure the new food body is able to access the best available independent expert advice it needs to underpin its work on food safety and public health nutrition in Scotland? Please give reasons.

- There is an opportunity to develop scientific expertise from within existing organisations and professional bodies – public analyst services, agricultural research bodies, university and research establishments, and other networks.
- There should also remain links with the UK scientific community. However, direct reporting and accountability is required for the new body to ensure correct advice and guidance is provided. All private sector conflicts of interest should be removed.

5: Do you consider that the new food body should focus its research and surveillance activities on issues that are particularly pertinent to Scottish citizens or should it also contribute to science and evidence programmes on wider issues which have relevance to the UK as a whole? Please give reasons.

- It doesn't seem possible to operate in isolation as we rely on a global food market. Whilst there will be issues of relevance to Scottish interest, it is important to be able to contribute to the wider scientific programmes.

6: Do you agree that the new food body should be responsible for the coordination of all Scottish Government funded research on food safety and public health nutrition? What steps could be taken to raise the profile of the new food body as a research funder across the UK and beyond? Please give reasons.

- No specific comments.

7: Do you have any further suggestions for how the new food body could establish a strong independent evidence base for food safety, food standards and nutrition policy? Please give reasons.

- It must be able to present reliable, credible evidence for the protection of public health. This requires ensuring that adequate resources are provided to partner agencies and local authorities for gathering the evidence.

8: Do you consider that the new food body would require any further statutory powers, in addition to those that the FSA already has, to equip it to deal effectively with incidents such as the recent horse meat substitutions, and to prevent such incidents happening? Please give reasons.

- It is idealistic to suggest that powers prevent incidents. The complexity of the food chain and the opportunities to exploit are a major contributor to the incidents which have arisen. Unless decisions are taken to minimise the supply chain then this will always be difficult to control. It is also not just about powers, but resources to use these powers. There is a declining resource within the agency, local authorities and scientific services able to monitor and control food safety.
- There does need to be careful consideration and introduction of appropriate notices and sanctions to address food standards issues. Currently breaches can only be tackled by reporting matters to the Procurator Fiscal for considering prosecution.
- There is a requirement for traceability within the food chain, yet it comes without suitable immediate sanctions when concerns are identified (unless there is clear evidence of food safety risk). It would be appropriate to consider extension of regulation 27 of the food hygiene (scotland) regulations to foods provided without adequate evidence of source etc.
- There needs to be stronger requirements for supply chain evidence, particularly in terms of paperwork, which would require additional requirements on forensic audit, for the detection of potential fraud. For example if 80% of meat received is from country X, and the company is then labelling the majority of their product as from country Y, this is more obvious for concern, but more detailed skills and powers to request information may be required.

9: Do you have any further comments about how the new food body might ensure that it can deal effectively with contraventions of food standards and safety law? Please give reasons.

- Enactment of licensing of food businesses and food business operators powers currently contained with food safety legislation. Anyone operating without appropriate licence can be subject to business closure, food seizure etc. Various options for approach could be considered, e.g. a system similar to driver licences and MOT for use of motor vehicles, could be applied for those operating businesses, and determining fitness of businesses.
- The current system of reporting to courts through the Procurator Fiscal is not satisfactory for many reasons. There is lack of consideration to the consequences of food safety failures and penalties issued are no real

deterrent. Alternate sanctions for immediate action, swift justice need to be considered.

- There is a need for specialist PF for food safety.
- There needs to be closer attention to closing the market for food fraud etc. This requires a combination of approaches for inspecting, monitoring, addressing failures (licensing, improved seizure powers where origin or source of food is not accounted for etc).
- There needs to be more accountability within the industry for audit and traceability of supply.
- There should be no consideration for earned autonomy for the food industry given the history of incidents, unless robust accountability measures are in place and agreed, monitored and reported.

10: Should the new food body take on any roles and responsibilities not currently fulfilled by the FSA in Scotland? If yes, please give details and reasons.

- Local authorities employ highly skilled, trained environmental health staff who are able to address public health in its widest sense. These officers work with local and national partners to deliver the health improvement and protection agendas. Unless there was a wholesale move to bring into being a national public health / environmental health protection service, then there should be no further dilution of what already exists.
- Local delivery must be considered most efficient and able to respond most quickly.
- Dual enforcement in certain approved establishments for products of animal origin needs to be addressed. Only in these circumstances where the majority of the establishment is monitored by the agency for food hygiene, animal health etc. then perhaps it would be appropriate to pass food standards responsibility to them.
- As per response to question 1 – consideration should be given to incorporating animal health and animal by – products entirely into the new food body.

11: Please tell us your views about these suggestions for changes to the delivery of official food and feed controls. Do you think that the new food body should work in a different way with local authorities? Please give reasons.

- To date the relationship and working arrangements between the FSA Scotland and local authorities has been very positive. There is a shared purpose on many aspects of food safety and public health protection. Joint working and strategy / policy / guidance development is common and generally results in a logical and practical approach being adopted. This needs to continue.
- The future approach does have to be risk based. There is an expectation of protection and involvement of local authorities at all levels of the food chain, which is understandable but unachievable in current climate. Highly qualified officers are being tasked with inspecting very low risk food establishments (farms, childminders etc) which is difficult to justify against other public health priorities. The future approach must manage

the “must do it all” mindset to avoid detriment to other public health protection measures.

- The new food body should directly deliver official controls in relation to feed establishments that require approval by them under food hygiene legislation, leaving local authorities to deal with establishments other than those requiring approval. This two-level approach is similar to the current shared enforcement of health and safety legislation between local authorities and the HSE.

12: Do you have any views on how the new food body should assure delivery of official controls and meet the relevant EU obligations? Please give reasons.

- To date audit has been welcomed, and should continue. However, if as suggested standards were to be established placing more specific obligations they would need to be proportionate, risk based and justifiable.
- Public health protection within local authorities relates to more than food safety. Strengthening standards for food safety, whilst welcomed, could end up weakening other aspects of environmental health services protection of public health, unless Scottish Ministers gave local authorities clear instructions not to.

13: Are there any additional or alternative relationships that you would suggest that would help the new food body achieve the Scottish Ministers’ objective of longer, healthier lives for the people of Scotland? Please give details and reasons.

- No specific comments.

14: Do you have any suggestions about how the new food body can engage effectively with consumers, both in developing policy and providing information and advice?

- Engagement through local authority contacts, businesses and consumers, use of social media etc.
- Engagement with trade needs to improve – trade organisations don’t represent the interests of the majority of businesses. Equally consumer organisations don’t necessarily represent the interests of all consumers.

15: Do you agree with the suggested approach to ensuring the new food body’s independence from Government and the food industry? Do you have any further suggestions for how the new food body could best establish and maintain its position as an arms length part of Government? Please give reasons.

- Yes. Independence in both situations is appropriate.

16: Do you have any further comments, or suggestions, on the creation of a new food body for Scotland that are not covered by any of the previous questions?

- To date it is clear that local authorities and the FSA Scotland have shared many aspirations for food safety and public health protection. Many of these aspirations are influenced by more than just food safety. Environmental health have a pivotal role in perceiving the more holistic role needed to helping resolve these issues. Aspirations for greater engagement with partners in health improvement are often hampered and contradicted with inspection requirements, standards, audit expectations, performance management etc. External regulatory demands on councils as corporate bodies also impact on the ability and availability of management and staff to design, manage and deliver the most effective services for food safety and public health.
- The Scottish Government needs to take the opportunity to consider the best means of ensuring that local authorities and the new food body can operate at maximum capacity in terms of delivering the desired public health outcomes.