

## 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?

- Comments Yes - It might be worth looking to extend the scope of the nfb to cover the consumption of alcohol, to include calorie labelling and to continue with the investigation and prosecution of fraud relating to contamination or adulteration of alcoholic drinks. Responsibility for messaging on alcohol consumption would fit well with overall messaging related to a healthy diet, energy balance and 'making choices', food and drink, for health.
- Yes - The nfb should have lead responsibility for any food related programmes in schools; school meals/all food provision, education about where food comes from, farming, processing, labelling and also education about elementary food hygiene, encouraging children and young people to think about the choices they might make in relation to food.

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?

Comments Current arrangements are logical, however Number 18 in Annex A (Co-ordination on....Eating for Health - The Challenge) should be taken over by the nfb, to include schools and food in the public sector as listed. Following on from that, the Healthy Living Award and Healthy Living Programme should be part of the nfb who will be the strategic and operational lead for these schemes. Number 17 should also be part of the nfb, and should include work on vulnerable consumers more generally, identifying food poverty issues and tying in the very important work on food safety and vulnerable consumers. The nfb must have a very good understanding of the needs of vulnerable consumers, and the related nutritional and food safety issues for these consumers should not be separated. Neither of these changes should adversely impact on the work listed in numbers 13. - 16. undertaken by Health.

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.

- Comments The nfb should take the lead responsibility for conducting and coordinating robust and up to date consumer research and consumer engagement and also take the lead for the communication of the science of nutrition to the public, for messaging on food choices and eating for health. This responsibility should not be divided. The dept that has the understanding of consumers and their complicated relationships with food will have more success with messaging. The work of the nfb on nutrition will support NHS Scotland's initiatives to integrate diet into clinical health information and ensure consistent messaging.

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.

- Comments The nfb must be seen to seek out the best expert advice wherever that is to be found, the 8 SACs are essential sources of expertise. The FSA is open about its research programmes, how research links into strategic priorities, how the research questions are determined, who funds the research and who are the research partners and collaborators. The nfb must be equally very open about its research requirements and what it is able to contribute (in terms of expertise and money) to research programmes and where and under what circumstances it requires partnerships. Good relationships will need to be developed with research partners and this is unlikely to be straightforward. The transparent sharing of research evidence is in the best interests of the public.

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.

- Comments The nfb must contribute what it can to the wider issues of relevance to the UK and these are likely to impact on Scotland at some time and in some way. It will need to be generous as reciprocal arrangements/reciprocal learning are likely to be key to progress. It would benefit the nfb to have a niche area of research that it can excel in and have as a 'trade' - for example, e coli research (supershedders, human resistance) and shellfish toxins on the food safety side and perhaps Vitamin D and issues of hidden malnutrition on the health side.

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.

- Comments Yes, it would be best to have the nfb as the coordinator, and this must include consumer research and engagement. This is to avoid duplication, unnecessary spending and crossed wires. Raising the profile would best be done through niche research that is pertinent to public health in Scotland as above. The nfb will not have the money and expertise to do it all, and the niche research might raise the profile of a particular research institute or academic body in Scotland which can draw in international conferences.

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.

- Comments It would be very beneficial to have an arrangement with the FSA's General Advisory Committee on Science (GACS) which provides an independent and very experienced view on science governance and the use of science. The Committee is made up of Chairs of the SACs, lay members and other scientists who provide advice on science priorities, horizon scanning, the integrity of specific collaborations and the Agency's use of science and evidence. GACS provides that necessary independent challenge and their reviews are a very important part of the Agency's commitment to being an evidence-based, open and transparent organisation.

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.

- Comments The nfb would need to ensure there were no barriers to intelligence gathering, inspections and information sharing, whether in Scotland, UK-wide or ex-UK. Difficulties might arise post-enforcement with penalties, sentencing and fines, which are matters for the Courts, however it would be useful to have some idea of how consistent the courts are likely to be with sentencing. Clearer deterrents would be useful. These issues are not all related to statutory powers, but are important in preventing and dealing with incidents.

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.

- Comments Enforcement powers must be thorough, but also timely - there is a need to act quickly so procedures must be in place (and well-rehearsed, with named individuals responsible for specific actions) so there is no time lag while procedures are set up and agreed, particularly if there is a question over whether a business is to be allowed to continue to trade meantime or not. These procedures must also be cleared with agencies around the UK to avoid confusion as other agencies/enforcers are likely to be involved. This includes all Comms functions as well as operational functions.

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.

- Comments Yes - Dairy and egg production which would seem appropriate, all food labelling, provenance and responsibility for public analysts insofar as ensuring capacity for food analysis as required. Also yes, all spring and bottled waters, flavoured or not, fizzy or still.
- No to tap water; the nfb will have enough to do.
- No - animal health and by-products and TSEs (however the nfb should be seen to regularly review updates on TSEs from the appropriate authorities/SAC in public session).

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.

- Comments This question needs to be approached from the 'first do no harm' angle. Current uncertainties within LAs regarding budgets and staffing means that the suggestion at para 48. that flexibility be built into the legislation to allow for transfer of responsibilities according to local needs and local agreement is prudent. Effective regulation requires consistency, however allowing for flexibility in order to maximise local resources is a sensible way to proceed. Protocols would need to be in place to harmonise agreements on transfers of responsibility. Arrangements could also be made with contractors and assurance bodies to support delivery and avoid overlap with other departments, however assurance must be given to the public that no arrangements will be put in place that result in 'lighter touch' regulation.

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.

- Comments Training and audit are key to robust delivery and cannot be lower priority activities. The audit must be available publicly where it can be easily accessed and interpreted. The importance of having influence at EU level should also not be underestimated and will require the best all-UK experience and efforts.

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.

- Comments The best way to achieve this is through a good relationship with the public.

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?

- Comments Consumer engagement needs to be an in-house and mainstream activity for the nfb so that consumers' views are part of the development of policy from an early stage - these cannot be patched on at the end. This function needs to be carried out by experienced people who understand how to access a wide range of diverse views through established networks and organisations/charities within Scotland and through the use of social media. The engagement needs to take on a number of forms to be useful, such as setting up opportunities for deliberative engagement, where people are recruited and given information over a period of time to ensure that they are well informed before answering questions. Visits to organisations supporting vulnerable or isolated consumers can be arranged and online forums can be set up to provide more immediate links to public views. The platforms for engagement need to be well thought out, diverse and on-going and need to use the means by which people now communicate - social media. Particular attention needs to be given to vulnerable consumers but exactly who are the vulnerable consumers will depend on the issue or question. The FSA has a lot of experience in this area and is well regarded for the work it has done with consumers. A lot can be learned from the processes they have trialled and established over 13 years.
- This work would need to be independently reviewed; an in-house Consumer Panel might be useful to advise initially on up-to-date work across the UK and putting new arrangements in place. How the information is used to develop policy should be done by the in-house team in conjunction with staff responsible for specific policy areas, although the Consumer Panel could advise them on the best way to do this. The CP should not be involved in the agreement of policy or the review of policy decisions as this can be a tricky governance issue.

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.

- Comments The nfb will want to earn the trust of the public and therefore it is very important to avoid political interference or the appearance of it. The Ministerial veto outlined in 63., fifth bullet point, would need to be better explained to the public. The transparency of governance arrangements are key to building trust and appointments for non-executives must be based on merit and on the basis of people who will act in the public interest. A successful nfb will support the development of Scotland's food economy by being an effective and high quality regulator as stated in the consultation document, however the nfb must take great care not to be a promoter or subsidiser of the food and drink industry or it will be crippled by conflicts of interest.

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?

Comments The success of arrangements with delivery partners during the transition period will be critical to setting up good working relationships with the organisations and others referred to in paras 57. and 58. There is a considerable amount of work to be done and protocols should be established pro-actively to ensure that public safety is not diminished in the interim.