

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?

The FSA was originally set up to protect the interests of the consumer. The early plaudits it won from the consumer was because of its clear and focused role relating to the enforcement of food safety and nutritional standards as well as by providing evidence-based diet and health advice. There is a real danger that broadening the existing scope of the FSA in Scotland beyond what the FSA has been seen to do well will dilute this clear mission and erode public confidence in the purpose and function of the organisation to represent their interests. If a broader mission is contemplated this would require significant new investment or transfer of resources into the new Food Body.

The consultation suggests that potential areas of expansion could include – public health, sustainability, food security and provenance. For issues such as sustainability and food security, while undoubtedly important these are complex issues, where the knowledge base and strategies to underpin advice to consumers is still only rudimentary. On this basis, issues such as these should not be included in the scope of the new Food Body.

The issue of provenance seems to be more important as a marketing tool for the food industry and should be left to them. Similarly the systems to assure the integrity of the food chain should be developed by the industry as part of their internal quality systems. Nonetheless the new Food Body should have systems to provide a regulatory framework, particularly where safety and overt consumer deception are concerned, to overarch this and have systems to check and test the assurance and integrity.

For public health, while food is an important part of public health, there are many other aspects, which are unrelated to food. On this basis public health must remain the responsibility of the Scottish Government's Public Health Division. Nevertheless, there is some merit in centralising the responsibility for tackling public health issues linked to food into one administrative body. The rationale for this would be that the New Food body could focus on issues linked to preventing ill-health based on food, whereas the Scottish Government's Health and Social Care Directorate has responsibility for the treatments of the ill health outcomes and disease. The obvious example of this is obesity. Currently the strategy for tackling obesity is the responsibility of the Public Health Division, rather than the FSAS. It would make sense for the strategy to tackle obesity to be part of the FSA Scotland's remit to provide healthy eating advice, as it is primarily a problem of overconsumption of food, whereas dealing with the consequences of obesity, is firmly within remit of the Scottish Government's Health and Social

Care Directorate.

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?

This question follows on from Question 1. As with all aspects of Government, issues do not fall neatly into convenient silos. Instead they are overlapping and inevitably there will be compromises whichever way things are arranged. This means that there is no choice but to continue the partnership working arrangements. However, what can be debated is whether the current attribution of role and responsibilities set out in Annex A are the most effective distribution.

For diet and nutrition the distribution of roles and responsibilities across FSAS, Scottish Government and NHS Scotland, while not perfect is already working. On that basis there is no imperative to change things. Nonetheless as indicated above, advice around healthy eating, which is already in the remit of FSAS could naturally be extended to include obesity, which is not currently within its remit.

The FSA was originally set up as an agency, at arms length from Government, to provide consumer confidence the agency could act independently of political will. This independence should continue. However to be able to do its job the FSAS has to work closely with Government and it is important that the mechanisms to join up its activities with Government are improved. This is particularly the case with respect to Government funding of research and use of research for policy.

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.

See above.

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.

Prior to the breakup of the FSA by the current UK Government, advice was provided to the FSA through Advisory Committees, such as the Advisory Committee on Novel Foods and Processes (ACNFP) and the Scientific Advisory Committee on Nutrition (SACN). Some advisory committees continue to provide advice to the FSA, but nutrition advice is now provided to Public Health England. These committees are composed of University and Institute academics from across the UK. The advice that Scotland will need in the future will be similar to that required for the rest of the UK, so it would not make sense to duplicate these committees in Scotland, for

reasons of both cost and limitations on expertise.

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.

By and large food safety and issues of nutrition are not unique to Scotland. Food safety assessment is increasingly moving towards being handled at the EU level, although local surveillance and monitoring are obviously needed and must be funded. Food supply chains cross national boundaries and involve very large retailers, so it does not make sense to handle all these issues within Scotland. The issue of what is a healthy balanced diet is similarly a question for the international scientific community. Therefore a Scottish Food Body might have a role in disseminating and explaining research findings, but no more than this.

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.

The FSAS has neither the experience nor the expertise to co-ordinate large scale research funding and therefore it is ill-equipped to take on such a role, unless there were to be wholesale transfer of staff out of the Scottish Government into the new Food Body to provide the requisite support. Not all research funded by the Scottish Government matches the remit of the new Food Body (e.g. environmental and ecological research, crop and animal research), so it would not be appropriate to transfer the co-ordination of this research activity under the control of the FSA. Thus the transfer of some activity, but not other under the control of the new Food Body would inevitably lead to duplication of the staff needed to manage the co-ordination of the Scottish Government's research. This would be inefficient and makes no sense.

Where a role for better co-ordination does exist, is sharing of information and joining up of activities and interests in the area of diet and health across the different parts of Government, as well as outside it. Currently there are a number of different parties with interests in the diet and health agenda, but these are fragmented and as a result their collective effectiveness is weaker than it should be. This includes the New Food Body, NHS Scotland, Government interests (Public Health Division; Rural Affairs Division; Scottish Government Food and Industry Division), industry interests (Scotland Food and Drink; Scottish Food and Drink Federation) as well as research providers such as the Rowett Institute (at the University of Aberdeen). More coherent strategic research planning and policy interactions around food, diet and health would be beneficial and a forum to bring these together would help to make this knowledge exchange more effective. The New Food Body could play an important role in this forum.

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.

The evidence base has to be international and involve expert committees. These already exist and should not be duplicated.

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.

No comment

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.

No comment

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.

As highlighted above in answer to question 1, there is merit in reconsidering some of the roles and responsibilities set out in Annex A. Where advice around food consumption can contribute to positive health or prevention of ill health, then it is sensible to bring this advice all into one place. Thus for public health the strategy for tackling obesity, which is primarily about food consumption should be part of the FSAS responsibilities. This should also include advice around physical activity. However where clinical intervention for obesity or its associated co-morbidities is required then this obviously must remain the responsibility of the Scottish Government's Health and Social Care Directorate.

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.

No comment.

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.

No comment.

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 comment.

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?

Until the dismantling of the agency in 2010, the FSA web-site was a very good source of advice and information for the consumer about nutrition. Since the responsibility for nutrition has been transferred into the UK Department of Health, the loss of this resource has been one of the casualties of this change. A re-instatement of a fit for purpose web-site on nutrition advice would be a very good way to keep the consumer and the public informed about healthy eating.

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.

One of the main functions of the New Food Body is to provide consumer confidence through its regulatory role. To achieve this it must maintain independence from both Government and the food industry. However, it is equally important that the New Food Body acts as an intelligent regulator, working in partnership with Government and industry to achieve the desired outcomes and using enforcement only when necessary.

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?

Should Scotland become independent from the rest of the UK following the referendum in 2014, there may be a temptation to establish a New Food Body which is wholly independent from the rest of the UK. This would be an expensive mistake. While Scotland may become an independent country, the issues of food safety and nutrition are common across the UK, Europe and many parts of the western world. We should not seek to duplicate advisory committees or other mechanisms currently shared across the UK. Instead we should develop partnership arrangements that allow us to share rather than duplicate resource.