

## 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 scope and responsibilities of the NFB (new food body) should be the same as the current FSA in Scotland, namely focusing on food safety and nutrition. While on food safety the role of the FSAS is clear, on nutrition it needs to be differentiated from the role of the NHS and the Scottish Government so that the three entities can interact without overlapping.

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?

As mentioned above, it is important that the NFB continues to deal with diet and nutrition issues and that there are economies in terms of coordination with food safety and maintaining of standards when considering issues such as food reformulation for nutritional purposes. However, what is needed is clarification on what specific aspects of diet and nutrition will be covered by the NFB.

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.

We believe that before taking new responsibilities as regards diet and nutrition, the NFB should clarify the current ones with the NHS and the Scottish Government, so no overlapping of functions occurs. Only after that discussion it will be possible to say whether NFB should take additional roles.

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.

It is essential that all advice taken on industry regulation and standards is evidence based. This should reflect and take into account peer-reviewed research, and government advisory bodies. Much of the scientific base comes from a UK level. Therefore the NFB must have access and input into UK advice, committees and advisory bodies. It is important that relationships are maintained at a UK level.

It is essential that the NFB has the necessary funding to deliver the key

components of its remit, while attracting and retaining suitable expertise to deliver that remit.

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.

To avoid duplication, where there are common issues within the UK, representation can be made at a UK level. Where there are Scottish specific issues, the NFB should not be afraid to raise these (and should have the authority and remit to represent these) at an EU level.

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.

It is perhaps impractical to consider that the NFB could have the breadth of reach and understanding to coordinate all Scottish Government funded research on food safety and public health. Empowering the new body to become a major funder of research across the UK requires careful consideration given the existing funding community in Scotland, the UK and the EU.

For example, the coordination role would involve significant resources in the commissioning, management, review, monitoring and strategy setting for such research. In Scotland we already have the RESAS commissioned programme of research in this area but also the prospect of a new single KT Office (SKTO) for Scotland. This SKTO is proposing to set the agenda and policies in the food and drink sector and use SFC funding streams to deliver (in partnership with Universities and businesses) the necessary outputs.

Thus it is evident that research institutes and Universities may struggle to secure clarity of direction in food related research where RESAS, SFC and the NFB are all setting separate policies and research agendas. It will also be a complex environment for the business sector to interpret. Given that many commercial businesses and SMEs currently struggle to understand the diversity of food-related policies and legislation, their recurrent demand is for clarity and simplicity of guidance from all Government-supported bodies. Broadening the remit of NFB may not accomplish that goal for industry.

The profile of a new organisation can only be established once the funding landscape is clarified.

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 NFB should have industry knowledge and stakeholder relationships that allow it to be aware, informed and up to date with key industry drivers. It should have a mechanism to allow it to consult with industry, particularly relating to the market effects of any initiatives relating to implementation of campaigns or projects aimed at consumers. Any such initiative should engage with the industry prior to commencement. This should be conducted to ensure consumer protection, but with greater industry buy-in.

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.

Not necessarily. Before deciding whether additional statutory powers are needed, it would be important to establish the reason why the FSA could not deal effectively with incidents such as horse meat substitution. If the main reason is not due to lack of powers but rather a lack of financial or other resources, expanding the statutory powers would not make the NFB more effective.

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.

The main focus in dealing effectively with contraventions of food standards and safety law is to have adequate resources to implement current controls. There is also a balance to be reached in determining punitive measures which do not threaten the incomes of employees in food manufacturing. There should be clear communication on the implications for companies of any breach, and this should address corporate responsibility.

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.

Guidance for small scale food and drink producers is often difficult to access, with a current mix of local authority and FSA guidance given. There may be a role for an ombudsman in addressing practice which meets regulatory guidance and addresses the variation in interpretation. Any such role would have to be objective and independent.

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.

There is a need for improved consistency in implementation of regulations between local authority officers and other inspectors, and this should be considered with the creation of the NFB.

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.

It is important that there is consistency in the implementation of regulation, particular where the regulation is directed from EU level. While a high quality product in Scotland is desirable, it is inappropriate to place Scottish business at a disadvantage when competing in an open market. There should be a consistency of approach and avoidance of duplication. An approach should be taken which is consistent with that taken across the EU, and, once more, across the local authority areas within Scotland.

Any enforcement of regulation must apply an approach which is consistent with preceding and existing mechanisms used by bodies from across the UK and the EU. The NFB would also need to make sure that clear and consistent enforcement is in place across Scotland, and in particular, across local authorities. This is not currently the case.

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.

Similar to scientific advice, the NFB will need to establish working relationships with a range of organisations to deliver its responsibilities, including with the FSA, Defra and the Department of Health in relation to food safety, labelling and nutrition, to ensure consistency on policy.

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?

The NFB should have a mechanism to measure consumer attitudes, but this needs to be as independent as is practicable, and done in a controlled and measured manner.

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.

While the NFB should be independent, it should be able to engage with and take representation from industry. The NFB should make policy recommendations, but should have an arms-length and objective relationship with Government.

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?

None