

SFAC Views on the New Food Body (NFB)

1. This note summarises SFAC's views on the SG consultation document on the NFB in Scotland.

Question 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?

2. SFAC's view is yes there are desirable extensions to scope. These are detailed in the various subsequent answers to questions – and summarised at the end of the note.

Diet and Nutrition

Question 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?

3. SFAC agrees fully with the principles expressed by the Cabinet Secretary for Health and Wellbeing (Alex Neil MSP) as detailed in the foreword to the consultation document: "The important principles in delivering better standards are that advice on food safety, nutrition and labelling should be independent and transparent, and should be provided by an organisation which should remain at arm's length from central Government."
4. However, currently the FSA has responsibility for only a part of nutrition policy in Scotland, as Annex A of the consultation document details. SFAC believes that this current distribution of responsibilities is confusing and hence unhelpful in addressing effectively key diet and nutrition objectives. In particular our view is that these arrangements lead to too many initiatives which, though laudable in themselves, have limited impact due to lack of overall strategic focus. Perhaps of more significance, SFAC believes that the people who really matter in terms of diet and nutrition – the public themselves – are unclear about where responsibilities lie.
5. The recently published results of the Knowledge, Attitudes and Motivations to Health (KAM) module of the Health Survey lend considerable weight to our general argument about limited impact. For example, the survey reports that in 2011, 88% of adults in Scotland described the food they ate as "very" or "fairly health" while 12% viewed their diet as "fairly" or "very unhealthy". Yet evidence from separate survey work indicates little or no progress in meeting dietary targets, with some being missed by considerable margins, and with obesity a large and growing problem particularly in children.
6. SFAC believes therefore that there needs to be a clearer strategic framework for diet and nutrition in Scotland. In more detail SFAC's suggestions for change comprise the following:-

(a) Strategic Direction: We suggest that a distinction be made between diet and nutrition policy in relation to the population at large compared with that relating to the individual. The former would involve general advice and the interpretation of scientific research on diet and nutrition – and the translation of that into advice that is appropriate for all segments of the population. The latter, that is diet and nutrition in relation to the individual, would be determined essentially by the health of that individual. The SFAC view is that responsibility for diet and nutrition for the population should be for the New Food Body and that of the individual for the Health Department. And it would be for each of these to devise their strategic policies accordingly – in close coordination.

(b) All public bodies in Scotland responsible for the provision of food – schools, hospitals, prisons etc – would have a statutory requirement to consult the NFB – on the assumption that, as advocated in (a), the NFB is given the overarching responsibility role: The thinking here is that the NFB would exercise its overarching role for the population not by taking over the implementation of these public sector functions but rather by offering advice on them – with public bodies having a duty in legislation to request that advice (and for the NFB to give it). (As envisaged with all advice from the NFB that advice would be public.)

(c) Obesity: In Annex A, obesity is brigaded with clinical conditions at paragraph 13. We believe that this is not the most appropriate arrangement. While obesity might be termed a clinical condition, in practical terms it is not in the same category as the other clinical conditions cited in paragraph 13 (cardiovascular disease, cancer, osteoporosis etc). Rather obesity often is the cause of, or at least a major contributory factor to, many of these conditions. But usually this is at a later stage and many people who are obese are not patients of the health service at the time action is required to address their obesity problem. We believe, therefore, that responsibility for the food related aspects of addressing obesity should fall into the same category as (a) above – that is a population issue, and therefore be the responsibility of the NFB.

7. This is not to ignore the fact that the fight against obesity has many different elements, as recognised in the Foresight Report eg exercise, socio-economic factors, deprivation etc. This means the need to coordinate closely with bodies responsible for these issues. But what this brigading does recognise is that appropriate food consumption habits are essential for the population as a whole – particularly amongst young people as they grow and mature.

How do these three components relate to Annex A?

8. Essentially SFAC were broadly content with much of Annex A – though few if any of us could have articulated the division of responsibility as set out prior to seeing it. The above issues address paragraphs 18 (points (a) and (b) above) and 13 (point (c)). SFAC believes that re-brigading the functions as detailed here, under the NFB, would provide a more coherent arrangement which

would avoid confusion and overlap and help to focus this work – particularly in the fight against obesity.

Question 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 of Scotland? Please give details and reasons.

9. Our main views are included in the answer to Question 2. However, there are two additional points. There is an implication that the NFB will assume responsibility for all food labelling. SFAC believes that the NFB should have responsibility for most food labelling – although with policy responsibility for EU Protected Geographical Indication and Country of Origin, remaining with those in the Scottish Government responsible for sponsoring the food industry. Secondly, paragraph 35 of the consultation document refers to "... technical support currently offered to small and medium food businesses....". Some care will be needed in the exercise of this function given that the NFB will be a regulator; there can be no compromising the exercise of regulatory powers. There is of course no question of not wishing such technical support to be available to businesses. The issue is how best to provide/supply it.

Science and Evidence

Question 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.

10. SFAC's view is that the NFB needs to obtain its basic scientific advice through the network of Scientific Advisory Committees which operate on a UK basis and currently advise the FSA. We see no future in seeking to duplicate these – on cost grounds in the first instance, though more importantly to avoid differences of scientific view from competing groups. Any different views need to be thrashed out in a single forum. This means that it is essential that the NFB has unfettered access to those Scientific Advisory Committees. Currently most, though we suspect not all, have remits which include advice to Scottish Ministers (along with other Ministers elsewhere in the UK). This is probably not for the legislation – but it is nonetheless important that access to the work and output of these Committees is guaranteed under the new arrangements. There is almost certainly a need to have a Chief Scientist in the NFB who will provide the professional link into the network of Advisory Committees which currently come under the responsibility of the FSA Chief Scientist.

Question 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.

11. SFAC's view is that, in principle, the NFB should concentrate its research and surveillance activities on issues relating to Scotland. However, unless there is a considerable increase in the research funds available to the NFB, it is likely that it will need to continue working on a collaborative basis with research funders across the UK and this inevitably will involve coordination with some activities taken forward at its own hand and others where there is reliance on research and funding elsewhere in the UK. This type of arrangement has worked well hitherto in areas such as animal health and we see no reason that it should not apply successfully in the NFB context as well. The other factor supporting this collaborative approach is that there are UK wide issues on food safety and standards and there is little point in duplicating that work north and south of the border. This general approach of course requires good collaboration and involvement with research funders across the UK and it is therefore important that such collaboration is established – in MOUs etc – from the outset.

Question 6: Do you consider 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.

12. Subject to the proviso in the response to question 5 – notably that collaboration is almost certainly the way forward – then SFAC's view is that the NFB should coordinate all Scottish Government funded research on *food safety*. The expectation would be that the NFB would be responsible for much of this holding the budget; but to the extent that research on food safety is funded by others then the NFB must be closely consulted. As to research on *public health nutrition*, if the policy changes advocated in the response to question 2 above are accepted, then SFAC's view is that research into these specific areas should be the responsibility of the NFB. Where there is other related nutritional research – for example in relation to more specifically clinical conditions – then our view would be that close cooperation with those funding that research is necessary.

13. The separation between those parts of public health nutrition applicable to the population as a whole ie those which SFAC would advocate should be the NFB responsibility, and those parts more clinically focused may be difficult to specify clearly – there will be something of a fuzzy edge. For example currently the Scientific Advisory Committee on Nutrition is conducting a review of Vitamin D. The results of that review (due in 2014) could have implications for both the population as a whole and also for the treatment of particular clinical conditions. The emphasis therefore must be on coordination.

14. As indicated in the response to question 4 above, SFAC believes that the NFB should continue to link with the existing network of scientific advisory

committees as their authoritative source of scientific advice. However, SFAC could see advantages in the NFB facilitating exchange and tapping in to expertise on food safety and nutrition research – or indeed wider research which has application in these areas – carried out in the universities and other research establishments in Scotland. This would be an exchange and facilitation role rather than a research commissioning or funding role. We would see the appointment of a Chief Scientist in the NFB as central to this facilitation role and indeed to the extensive coordination of research activity which will continue to be required.

Question 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.

15. The main points are recorded in the answers to questions 6 and 7. That said we also believe that to "...establish a strong independent evidence base for food safety, food standards and nutrition policy...." is essential. This implies increased efforts on surveillance, which tends to be expensive. Much of the surveillance work currently carried out by FSA Scotland involves linking into UK wide surveillance work and augmenting samples for Scotland to allow more accurate or detailed conclusions to be drawn for Scotland. This is positive in the sense that augmenting an existing sample is probably a lot less expensive than starting from scratch. That said SFAC believes that there is a continuing need for better and improved surveillance particularly on nutrition and it is extension in this area which will help to underpin policy success in addressing the challenges.

Regulation policy, enforcement and monitoring – responsibilities and powers

Question 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.

16. SFAC did not identify any new powers required – beyond those currently out to consultation by FSA Scotland. The Committee also suggested, however, that stock should be taken of this matter once the lessons learned exercises from the horsemeat incident are available. SFAC believes further that there is a case for providing permissive powers in the legislation to allow the NFB to introduce licensing of high risk premises. This would be subject to Ministerial agreement before being exercised – through secondary legislation.

Question 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.

17. No further comments beyond those in answer to question 8.

Related areas of regulation policy, enforcement and monitoring

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

18. SFAC's view is that some, but not all, of the areas of responsibility identified in paragraph 44 of the consultation document should be taken over by the NFB.
19. The principal new responsibility should be that of *animal health*. There are two main reasons for this. First and foremost, a major part of the animal health work currently carried out on farms is principally designed to control animal diseases which can be transmitted to humans. It is therefore essentially the same type of public health function – on farm – as is carried out by the existing FSA further up the food chain ie in slaughterhouses and wholesale and retail food establishments. So this would be to provide a genuine farm to fork responsibility. This model applies in other countries eg Northern Ireland. Even the other animal health responsibilities on farms – the control of animal health, including outbreak control, and of animal welfare – have close synergies with the work of the FSA elsewhere in the food chain.
20. Second this brigading would provide a large pool of professionals to respond at short notice to outbreak problems, such as foot and mouth disease, and hence facilitate better use of resources in such cases. For example, usually abattoirs would either be closed or subject to reduced working in such outbreak conditions allowing resources to be released to help with outbreak control work. There may well also be synergies with the regulatory work of Local Authorities in such cases where short term boosting of resources would be merited.
21. As to the other functions listed in paragraph 44, SFAC's view is that food labelling responsibilities (subject to the proviso noted at paragraph 9 on PGI and Country of Origin labelling), and dairy and egg production controls should come within the responsibility of the NFB. This is because they fit wholly within the general food safety/standards remit of the body. This is not to argue that other bodies might not be involved in implementation of the policies in these areas eg to reduce footfall on farms, but rather to recognise the coherence in function.
22. As to the public analyst function, SFAC is not convinced that this should be brigaded under the NFB – and removed from local authorities. One of the basic issues is that the public analyst function covers issues that go far wider than food and so there would have to be some coordination of activity. Our understanding also is that work is underway separately to look at how these functions can best be delivered in the future.

Consideration of delivery of official food and feed controls

Question 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.

23. SFAC agrees with all the points made in section 4.5 of the consultation document. In particular the Committee agrees with the separation of the approval (of food and feed premises) function from that of the regulatory and enforcement function.
24. As to working in a different way with local authorities, SFAC has no specific suggestions to make. However, the FSA has recently completed a very large exercise to examine the delivery of official controls by local authorities. While no changes in responsibilities will result – and neither does SFAC advocate any – the exercise will lead to ways for better linking and collaboration with local authorities involving more of a partnership relationship with the existing FSA. Much of this already goes on in Scotland, but it may be that further ideas come from the results of that exercise that could usefully be taken up by the NFB. This chimes well with the suggestion in the Audit Scotland report “Protecting Consumers” that the FSA should work with LAs to produce a workforce plan for the next 5-10 years.

Audit

Question 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.

25. SFAC agrees with the proposals in this section – in particular the extension to the internal auditing function suggested in paragraph 55 of the consultation document. SFAC believes that this official controls auditing function is essential in assuring compliance with EU Regulations and sufficient resources should be devoted to it in the NFB.
26. No mention is made in the consultation document of financial auditing. But it is SFAC's assumption that a system of financial auditing and risk assessment will be an integral part of the operation of the NFB – with ultimate accountability to the Scottish Parliament, through “.. appropriate parliamentary committee or scrutiny body.” (Paragraph 63, third bullet point, of the consultation document.)

International negotiation in the EU and other international bodies on behalf of the UK

27. No comments – beyond agreeing that strong collaboration with lead Whitehall departments is important for Scottish views to be reflected in UK positions and negotiations in these bodies.

Relationships with other organisations

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

28. Agree the lists of other organisations cited; no others to suggest.

Consumer Engagement

Question 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?

29. SFAC believes this is a big opportunity for the NFB – to establish effective two-way communication with consumers. This means having the strategy and skills to be able to hear the views of Scottish consumers as well as the resources and remit to provide information and education to consumers. This approach will need to take account of the range of consumers across Scotland - those who will benefit most from food and nutritional information, those who are disadvantaged, vulnerable, harder to reach or easier to ignore as well as the geographical influences on consumers' views and behaviour. This will require an innovative approach but, because of the size of the Scottish population there is a real opportunity for the NFB to become an example of outstanding practice in the area of consumer engagement.

30. The current FSA has developed an impressive programme of consumer engagement, especially in understanding consumer views about complex topics, and this engagement is carried out both UK wide as well as through a distinct programme in Scotland. The NFB needs to ensure that it has the right resources and skills to continue this vitally important area of gathering consumer insights as a large portion of this work is currently driven from London on a UK-wide basis. It also needs to have the structures and agreements to continue to carry out UK wide engagement, especially in areas with detailed scientific background or on large scale social science research and where designing separate programmes would be wasteful.

31. Equally the NFB needs to have the ability to be an effective communicator of important food safety, food standards and nutritional messages and this ability should go beyond the press release. It should be able to understand who it is trying to reach with these messages and have the resources and skills to use the most effective mechanisms to reach them, and these mechanisms might well range from traditional advertising to social media, or through community groups and education programmes. The right skills and resources are key to this as well as the principle of putting the consumer first. SFAC believes that

this work is different to the work of a public consultation or the engagement of consumer interest groups, although the NFB will also need to carry out effective consultation and stakeholder engagement.

32. SFAC believes that the NFB needs to be clear about the type of consumer focused body that it will be and our belief is that it should operate in the consumer interest, putting the consumer first as the FSA currently does. While there is a producer interest, that should not be the responsibility of the NFB. In a similar vein SFAC believes that the NFB must be clear that it is not championing the views of individual consumers. In this sense it will not be like, for example, Citizen's Advice Scotland with a frontline consumer service but rather, like the current FSA, it will promote the consumer interest in policy issues. That still gives the organisation the scope to respond to individual concerns where the scientific evidence points to the need for policy or advice change.

Independence from Government and food industry

Question 15: Do you agree with the suggested approach to ensuring the new food body's independence from Government and 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.

33. SFAC agrees fully with the proposals in this section. In particular the NFB's ability to publish its advice to Ministers and others is crucial to determining its independence – as is transparency in the way it reaches its decisions on that advice. Crucial also will be the production of a statement of the NFB's general objectives – which will form the yardstick against which the independence of decision-making can be judged. Finally it is also important that the NFB does not exercise this independence of working without suitable accountability; the principle of regular review of the new food body by the appropriate parliamentary committee or scrutiny body is fundamental in this regard. SFAC also believes that it is important that there is wide recognition of the NFB's independence – along with the provisions for its accountability. This body will be unusual within the Scottish Administration – not under the control of Ministers but yet still fully accountable to Parliament.

Question 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?

34. We have no additional matters relating to scope. Much of the above envisages continuing collaboration with the remaining FSA for the rest of the UK and indeed with other bodies in Scotland and beyond. In our view, while the avoidance of duplication – implicit on this coordination – will limit the need for sizeable additional resources for the NFB, some increase will be

inevitable, beyond any transfer of funds involved with transfer of functions. In particular we see the need for a Chief Scientist post, possibly for more management input, if there are transfers of function, and for a larger budget for research – including particularly surveillance – activity. This last we see as particularly important, for example, if the NFB is to become a major player in the fight against obesity.

Question 1 on extension of scope: SFAC advocates a number of extensions to the scope of the NFB. These are; change to the responsibilities for diet and nutrition (Responses to Questions 2 and 3); extension of statutory powers in relation to regulation policy, enforcement and monitoring as set out in the separate FSA consultation – and any other extensions which become apparent from the lessons learned review of the horsemeat incident (Response to Questions 8); assuming responsibility for animal health and some of the suggestions in paragraph 44 of the consultation document – but not those where the focus is industry interest (Response to Question 10); and changes to the official food and feed controls detailed in paragraph 48 to 51 of the consultation document.

SFAC also strongly supports the proposals in sections 4.6, 4.7, 5, 6 and 7 of the consultation document. These are not extensions to the current FSA arrangements – but they are important to an independent, consumer focused NFB.

SFAC
May 2013.