

Food Standards Scotland – Response to COVID-19

1 Purpose of the paper

- 1.1 The purpose of this paper is to update the Board on Food Standards Scotland's (FSS) response to the COVID-19 pandemic and to seek views on measures taken and proposed.
- 1.2 The paper provides details of our strategic response to the handling of the pandemic and how we have reorganised to respond effectively and pragmatically to the challenges presented by the incident. This includes the approach taken by the organisation to support our staff in protecting themselves and others since the onset of the pandemic. Given the impact on Board governance it has also been important to ensure there is a record of the actions the Executive have taken in handling the COVID-19 crisis.
- 1.3 This paper is inevitably lengthy given all that has happened and to reflect the full impact of COVID-19 the paper covers:
 - (i) the work that we have been undertaking with the Scottish Government (SG), OGDs, industry and wider stakeholders to develop guidance for the food sector to prioritise the safety of their staff as a critical resource and to ensure all of their employees are following government guidance on infection prevention and control measures against COVID-19.
 - (ii) the approach to contingency planning for the delivery of official controls (OCs) in approved meat establishments recognising the need for social (physical) distancing.
 - (iii) the action taken to ensure food and feed remains safe and how we have worked with stakeholders to achieve this.
 - (iv) our approach to recovery planning;
 - (v) details of support provided by us to the wider work of SG in particular, the Shielding Supermarket workstream has been working with the 6 main retailers to establish a priority online delivery service for Scottish citizens who have been advised to shield due to the COVID-19 pandemic.
- 1.4 The Board is asked to:
 - **Note, discuss and provide a view** on the progress made by FSS to manage the COVID-19 pandemic.

2 Introduction

- 2.1 Responding to COVID-19 has brought about an unprecedented level of challenge and a great deal of uncertainty. The incident has required a level of Government response and co-ordination at an unprecedented pace which has impacted colleagues across the organisation who have had to reprioritise their workloads

- and adapt to new ways of working as individuals, with colleagues and stakeholders alike.
- 2.2 In February, we attended meetings with the SG as the pandemic developed. This allowed us not only to get a better understanding of the health aspects of the pandemic response but also to gauge the growing picture around the impact this may have on all sectors, all parts of society and therefore all parts of Government.
- 2.3 On 2 March 2020, as a result of a staff member testing positive with COVID-19, we activated our business continuity plan. This was followed by FSS business reprioritisation from 9 March 2020, when we activated our Strategic Business Continuity Team (SBCT) to provide overarching support using an adapted version of our Food Safety Incident Management framework to ensure good governance was in place, and so we could communicate effectively with our staff and other stakeholders on the actions being taken by us, during this time.
- 2.4 Collectively, the SBCT agreed that our objectives would be to:
- To protect consumers interests and support Local Authorities and Food Business to ensure the continuing to supply of safe food by ensuring critical functions remain fully functional and resources
 - To support and protect, as far as possible, FSS staff from the COVID-19 pandemic; and
 - To respond in line with the SG COVID-19 action plan – see ANNEX A.
- 2.5 On the 17th of March 2020, in response to the pandemic developing, we took the decision to deploy staff working from home. This approach was supported by SG. On 19th March 2020, the SBCT took the decision to close Pilgrim House from 21st March 2020.
- 2.6 As the national response measures initiated by both the Scottish and UK Governments were escalated, the impact on our ability to deliver the organisations strategic outcomes and corporate priorities has been severely impacted and this will continue to be the case over the coming months.
- 2.7 To ensure we continued to meet our strategic intent (in response to COVID-19), outcomes and statutory obligations at this unprecedented time, at the outset, we adopted the SG approach of 'looking out', 'looking in' and 'looking forward'.
- 2.8 This was supported by Branch Heads who identified current task prioritisation (both COVID-19 and business-as-usual) and assessment of their staff capacity and capability to deliver priorities in relation to COVID-19 whilst ensuring a continued focus on progressing and supporting statutory priorities. Any non-statutory activity that could be progressed has been done in agreement between Branch Heads and Directors on the basis that this is not to the detriment to the response to the COVID-19 pandemic.
- 2.9 Throughout the process, decisions have been made in line with Accountable Officer duties, with clear evidence of rationale and recorded appropriately. This

is of particular importance for current and new financial commitments and ensuring that we continue to be mindful of our legislative and statutory responsibilities. This will continue to be done by SMT as part of its normal role of managing the organisation.

- 2.10 Since the onset of the pandemic, our main effort was to continue to protect public health and support the SG (and wider) work on COVID-19. This work has been fast-paced and constantly changing so it has been important to keep track of when and how we have been involved. The four-nation (e.g. working with the Food Standards Agency (FSA) or Department for Environment, Food and Rural Affairs (Defra)) approach to intergovernmental relations and the impact that any divergence between policy responses is critical and has been part of considerations from a Scottish perspective.

3 Strategic Response

- 3.1 It was decided by the Board that they would delegate the overarching governance function to the Chief Executive, Deputy Chief Executive, Director Policy, Science, Finance & HR, Chair and Deputy Chair. Since COVID-19, the Executive has met with the FSS Chair and Deputy Chair weekly to update on organisational activity relating to COVID-19, business as usual and the FSS recovery strategy. The CEO and Chair have also had regular contact. The FSS Board meeting which is considering this paper is virtual, using appropriate video conferencing methods and for the foreseeable future, Board and ARC meetings will use either video conferencing or teleconferencing as appropriate.
- 3.2 In order to protect consumers' interests and support the supply of safe food throughout the process, a proportionate risk-based approach had been applied to ensure that critical FSS and Local Authority (LA) functions and their supporting services remain operational and appropriately resourced.
- 3.3 Guidance and support has been provided to our staff to allow them to protect themselves and others during the pandemic this was managed through the business continuity planning team and is described in more detail within the organisational structure.
- 3.4 We have responded in line with the published COVID-19 Action Plan supporting the wider Government effort. Examples of where our staff have been supporting the SG COVID-19 action plan through a number of forums, either directly or indirectly are included in the paper.

4 Organisational Response

- 4.1 Following the decision to close Pilgrim House, between the 19 March and 21 March there was a major effort by the Corporate Services Branch to support the move of the office based staff to work safely from home. In addition to provision the standard issue IT kit, staff were given the option to take additional equipment to enable them to work efficiently and safely from home.
- 4.2 Since then, the effort has been on-going to support home working.

- 4.3 Since the outset of the COVID-19 pandemic, all Pilgrim House and Field staff identified as being in a vulnerable group have been deployed to work from home. This has been supported by the BCT.
- 4.4 Communications across the organisation are of central importance. From the outset, we took a decision to increase the frequency of meetings to deal with the pace of the impacts of the pandemic. Initially, Branch Heads, Directors and the SMT held daily 'catch up' meetings with their teams and only recently reduced frequency of these meetings as we move to a different way of working. This approach was considered critical to support staff managing personal circumstances alongside work demands in a time of uncertainty in terms of their roles and responsibilities and all managers have a duty of care to support them in doing so.
- 4.5 Weekly 'All Staff' sessions for office and field based have been arranged and continue to be positively received. These sessions have included provision of information to Field staff on social (physical) distancing and travelling guidance.
- 4.6 Regular Business Continuity messaging, includes references and updates to [NHS inform](#) guidance and the Coronavirus (COVID-19) guidance published on Saltire [COVID-19](#).
- 4.7 Information on available staff welfare services has been communicated and promoted during this time.
- 4.8 In April 2020, as part of business prioritisation, an exercise was undertaken to identify critical FSS COVID-19 roles and cover for these roles. This exercise also provided a means of identifying additional resource and enabled SMT to take decisions on the secondment and deployment of staff to support the wider SG COVID-19 work.
- 4.9 As a result of Field staff being identified as essential workers and critical to maintenance of the food supply chain they are eligible for testing for COVID-19 in Scotland. On 7 May 2020, we registered with the programme to make referrals, if required.
- 4.10 SMT has established weekly catch up meetings with the Trade Unions to keep them apprised of the impacts of COVID-19 on the organisation and our staff.
- 4.11 Between 18 and 26 May 2020 in line with the recent SG approach and in collaboration with the UK Civil Service, we invited staff to complete a short COVID-19 Pulse Survey. This allows SMT to get a better understanding of staff experience of working during the crisis. The survey is anonymous and invited staff views on their wellbeing, changes to the nature of their work and the support that they have received from their manager, team, and senior leaders. This feedback will assist in informing our recovery over the coming weeks and months, and shape our culture and ways of working as we emerge from this period.

5 Executive Governance

- 5.1 As already indicated, in order to remain responsive, strategic and flexible, we activated business continuity and put procedures in place to manage the event.
- 5.2 The SBCT was established to deal with strategic issues and principles including strategic intent, risk appetite, longer term opportunities and strategic priorities of the incident. Throughout, this was supported by the Operational Business Continuity Team which has focused upon operational responsiveness to dealing with issues emerging in the short term including the collective demand for staff, immediate communications, operational and HR guidance and decisions, immediate prioritisation and incident response. We quite deliberately did not treat this as an “incident” but many of the principles of the IMG have been applied.
- 5.3 This approach has ensured that our existing and temporary governance mechanisms including any advice and recommendations to Ministers continue to be supported effectively with a clear accountable, decision-making framework in place. It has enabled our resources to be utilised as effectively as possible and allowed us to fulfil our duty of care to staff. Furthermore, it recognised the importance of keeping our staff and stakeholders fully informed.
- 5.4 At the start, a meetings ‘battle rhythm’ was established and is reviewed regularly to align with all our activities and those of the FSA. Since the onset of the pandemic, we have supported staff attendance at FSA meetings, to share information and ensure consistency of approach, where required.
- 5.5 Given the decisions announced by the UK and Scottish Government’s strategic recovery plans (the Scottish Government¹ which was published). We have recognised that preparedness for recovery activities should commence and the opportunities for returning need to be realised where appropriate. Our approach will need to be both adaptable and flexible to deliver on a range of different recovery scenarios as well as being responsive. Whilst we will be guided by the approach and principles outlined by the SG, we also need to be cognisant of any differences in recovery phases or speeds that might emerge across the UK.
- 5.6 Therefore, on that basis, we have taken the decision to disband, from the start of June 2020, the existing business continuity structure that was established to deal with the incident to establish a means of moving forward effectively into the recovery phase. An outline of how this will be managed through each of the key strands of work can be seen at ANNEX B and development of the recovery plan will be in line with the phases of the SG Route Map.

6 Risk Assessment

- 6.1 All decisions taken since the start of the Covid-19 outbreak have been based on science and evidence – see link to the FSA risk assessment last updated on 17 April 2020 [FSA-RA](#).

¹ <https://www.gov.scot/publications/coronavirus-covid-19-framework-decision-making-scotlands-route-map-through-out-crisis/>

- 6.2 We first published risk management and guidance for Food Business Operators (FBOs) involved in food manufacturing and processing on 2 April 2020, with key messaging around reassurance on food supply and the very low risk of transmission of COVID-19 from food. The guidance has been widely supported and recognised by industry bodies in Scotland as the 'go-to' place for advice in relation to food. We have developed a Q&A guidance document providing information in relation to food this was last updated on 29 April 2020: [CORONAVIRUS QUESTIONS AND ANSWERS](#)
- 6.3 This guidance has since been updated in line with on-going discussions across SG on the need for sectoral guidance for helping businesses during the COVID-19 outbreak. The guidance also allows businesses to use it as a Risk Assessment tool for business looking to restart trading and the scope of the guidance has now been extended to cover catering businesses (takeaway, delivery and/or drive through) which are permitted to open during the COVID-19 restrictions. A link to the guidance updated on 29 May 2020 can be found at: [COVID-19 Guidance for Food Business Operators and Their Employees](#)

7 Field Operations - Contingency Planning for Delivery of Official Controls

- 7.1 In mid-March, when it became apparent that emergency provisions would not be brought forward at UK level, we had sought to include emergency measures in the Coronavirus (Scotland) Act 2020 as part of the overall SG response to COVID-19. This would have provided Scottish Ministers with a broad power to permit temporary, lawful and partial modifications of statutory food safety and hygiene OCs to prevent or limit disruption of the food supply chain caused by OC staff shortages as a result of the COVID-19 pandemic. These controls are found in directly applicable EU Regulations together with implementing Scottish secondary legislation. However, due to concerns over the legal competence of the proposed measures, and indications received on 27 March 2020 that action may be taken at EU level to mitigate any potential impacts on OC delivery, the proposed emergency measures were not progressed.
- 7.2 Shortly afterwards, the European Commission adopted temporary EU emergency legislation to contain risks to human, animal and plant health and animal welfare as a consequence of serious disruption to Member States' OC systems due to COVID-19. These measures came into effect 1 April, and applied for two months until 1 June 2020. They have subsequently been extended by a further two months until 1 August 2020.
- 7.3 We welcome these EU measures which go some way to providing the necessary legislative flexibility we were seeking to mitigate any disruption to the delivery of statutory food controls in Scotland as a result of COVID-19 related staff shortages, particularly the impacts in approved meat establishments.
- 7.4 The temporary EU legislation allows the UK and EU Member States to exceptionally:

- Authorise persons to carry out OCs other than as stipulated in the OCs Regulation, based on suitable qualifications, training and experience. These persons must also be impartial and free of conflicts of interest.
 - Designate laboratories rather than OC laboratories for analysis, testing and diagnoses.
 - Carry out certain OCs that require physical meetings with operators and their staff by “distance communication” i.e. no physical presence.
- 7.5 Throughout the process, we have taken steps to protect our staff in order to maintain an effective regulatory workforce in meat plants whilst keeping food supply chains moving and ensuring that industry keep food and feed safe - including providing support, advice and plant operating guidance to our staff on social (physical) distancing.
- 7.6 We have been working collaboratively with industry representatives to identify steps which will help support the meat industry to maintain safe food production and protect animal welfare, under increased resource pressure.
- 7.7 Our Field operations responded to COVID-19 by taking steps to prioritise existing activities and to consider redeployment of officials which included the recruitment of additional OV and MHI resource. Consideration has been given to a planning utilisation of the existing OCs legislative framework to support a reduced workforce from June 2020.
- 7.8 There has been extensive engagement with the meat industry since the onset of COVID-19 response; initial daily calls reduced to bi-weekly with industry partners to assess, discuss and work to resolve issues. Our approach and on-going support has been recognised and welcomed by SAMW.
- 7.9 Together with the FSA, and representatives of industry, we issued a joint statement outlining their commitment to work together in a flexible, pragmatic and proportionate way to maintain supply of safe food across all four Nations.

8 External Engagement & Communications

- 8.1 Our key objective during the COVID-19 pandemic has been to ensure businesses and consumers have the most up-to date, accurate, and useful information about food safety and transparency during the current crisis - helping consumers to have trust in the food that they eat. Specific examples of are included throughout this paper.
- 8.2 Through both existing and temporary networks established to deal with COVID-19, we have been working closely with colleagues in SG, LAs, and OGDs to co-ordinate messaging and stakeholder engagement. There has been continued engagement with the FSA to ensure alignment, where relevant.
- 8.3 On 23 April 2020, we launched a reactive food safety campaign to support the wider SG & NHS messaging and help reduce the potential for pressure on the

health service, and the added risk to individuals, by helping to minimise food poisoning occurrences.

- 8.4 This was followed up in May with a short social media series aimed at supporting people in Scotland during the current coronavirus pandemic. We worked in partnership with Public Health Scotland to develop some messaging to remind people of the importance of food and good nutrition for health and lowering the risk of illness while being at home.

9 Local Authorities

- 9.1 Since the COVID-19 pandemic, we have worked closely with wider stakeholders and LAs to develop guidance to support FBOs.
- 9.2 We have been working with Defra and the FSA to provide guidance to LAs who are responsible for the enforcement of food labelling law. For example, disruption to the food supply chain due to the Covid-19 pandemic may affect the ability of food businesses to obtain certain ingredients or require sourcing from different countries which may impact composition standards and food labelling. The guidance issued to Scottish LAs (23 April 2020), reminds enforcement officers of the importance of food labelling requirements and those elements that are critical to food safety and traceability, such as allergen labelling, and that any enforcement action taken should be reasonable, proportionate, risk-based and consistent. Against the background of supporting wider government efforts to mitigate food supply chain disruption in the food system, our position is clear around food businesses responsibilities to ensure that food safety and consumer protection is not and will not be compromised, and that consumers are not misled.
- 9.3 We have also developed guidance for LAs with enforcement responsibilities for feed labelling and compositional standards in Scotland, in recognition of the potential disruption to feed supply chains as a result of COVID-19 and the need to adapt to the challenges associated with shortages of some feed materials, essential feed additives as well as complementary and compound feedstuffs. This may mean that, for a limited time, some businesses may find it difficult to comply fully with mandatory feed information requirements on product labels. In such circumstances, LAs should work with businesses on a case-by-case basis to ensure that product labels comply with legal requirements, ensuring that information that may impact on safety or traceability is not compromised in any way.
- 9.4 Given the unprecedented nature of the pandemic and national infection control measures in place and the anticipated disruption, it was recognised that deviation from certain elements of the Food Law Code of Practice (Scotland) 2019 (the Code), and associated Interventions Food Law Code of Practice 2019, to ensure LAs had the ability to undertake wider public health duties related to COVID-19. Therefore, from 25th March 2020, with ministerial support, we recommended deviations from the Code that included :
- i) Suspension of food Law interventions to all care facilities including hospitals, care homes, nurseries, and childminders.

- ii) Planned programmed Interventions at all lower risk Group 2 and 3 businesses within the Food Law Rating System (FLRS), and all Crown Establishments.
 - iii) Low risk primary production activities - exception for dairy farms supplying raw milk for the manufacture of raw milk cheese. This includes on farm inspection to assess compliance against primary production controls.
 - iv) Interventions at approved establishments, and higher risk FLRS Group 1 businesses should be based on a desk top initial assessment of the Food Safety Management System and associated documentation audit followed up by physical inspection only if public health concerns are identified.
- 9.5 Intelligence driven Interventions at all food business establishments regardless of category should continue where possible. Intelligence will include information that suggests fraudulent activity or imminent risk to public health, e.g. consumer complaints, credible allegations of food poisoning, failed samples of a serious nature that suggest fraud or health risk.
- 9.6 On 1 May 2020, we published COVID-19 guidance for Food Businesses in the take away sector [Take-Away Guidance](#). This guidance was produced in partnership with the Executive of the Scottish Food Enforcement Liaison Committee (SFELC). It provides support to FBOs offering or considering providing, a take-away food service; and help to ensure that the requirements of the Scottish and UK Government, and the advice of Health Protection Scotland on the control of COVID-19 can be met and followed in practice.
- 9.7 Since 21 May 2020, efforts are now focussed on LA recovery planning. This project will be led by FSS with a SFELC working group convened to assist in taking the project workstreams forward.

10 FSS COVID-19 Response

- 10.1 In addition to the initiatives already outlined in the paper, there has been a significant effort to support COVID-19 across FSS and SG.
- 10.2 SG has implemented a broad range of measures to support those Scottish citizens who have been advised to shield. Under the governance of the SG Shielding programme, we have led the 'Supermarket' workstream, working with the NHS National Health Education for Scotland (NES) colleagues to establish data flows and information governance to ensure priority access to online supermarket delivery slots for those that fall within the Shielded High Clinical Risk group. The process of priority online deliveries commenced on the 8 April 2020 and within three weeks participating retailers were providing priority online delivery slots to Scotland's Shielded citizens. Some supermarkets are adding more delivery slots to address capacity growth issues and the team are actively liaising with the supermarkets to further increase capacity, where possible.
- 10.3 Since the Shielding priority service commenced, over 190 enquiries have been received from numerous sources and liaised with SG, NHS (NES) and

Supermarket colleagues to reply to correspondence. Work has been continuing with the participating and a wider range of retailers, to identify what services, e.g. gift card schemes and food box offerings, are available to support the Non Shielded at Risk (NSAR) groups. This information is now available on the Gov.scot website and distributed to LAs. Since 8 April 2020, over 45,000 of the shielded cohort have opted in for access to priority online delivery.

- 10.4 We have responded to the SG request to second staff to SG COVID-19 efforts. Currently, two members of our staff are on secondment to SG (1 x COVID-19 Health and Social Care Briefing and Liaison team and 1 x Economic Policy Unit).
- 10.5 On 2 April 2020, we re-issued advice on vitamin D to take account of the increased amount of time people are spending indoors as a result of COVID-19. We have also undertaken work for the Deputy First Minister to explore the feasibility of providing vitamin D supplements to individuals who have been asked to shield during the COVID-19 pandemic.
- 10.6 Scottish Food Crime and Incidents Unit has developed a Food Crime Problem Profile as a result of COVID-19. This is to observe and consider the threats to Scotland from food crime to build a greater knowledge of this and an assessment of their likely impact. This is a living document which makes recommendations aimed at mitigating any of the risks identified.
- 10.7 Following implementation of the lockdown measures in March 2020, the executive's Tactical Tasking and Coordination Group (TTCG)² requested that the Horizon Scanning Group (HSG) should focus its activities on impacts of COVID-19 pandemic on food supply chain. The aim is to monitor a rapidly changing situation which may result in increased risks or gaps in monitoring, so that we can consider requirements for any specific actions in terms of interventions, guidance or sampling. There is a regular exchange of information between the HSG, FSA and DEFRA.
- 10.8 On 4 May 2020, we undertook a strategic analysis of the effect of COVID 19 on FSS EU Exit transition plan and consequential recommendations for re-prioritisation. This was carried out to assess the high level political impacts would have on the organisation in particular relating to risk, resourcing and the governance arrangements relating to the EU Exit programme. Subsequently, a decision has been taken to prioritise recruitment for priority posts and plans are in place to resource and restart the programme activities later in June.
- 10.9 £30 million from the Scottish Government Food Fund has been made available to LAs to support households who may experience barriers in accessing food during COVID-19, and many are providing food parcels to vulnerable groups. FSS is the main point of contact for diet and nutrition enquiries from LAs which may arise from this work. To support this we published and guidance for LAs and partners on the 7 May 2020, which has been disseminated to LAs.

² TTCG is a management group that determine priorities, allocate resources and coordinate activity. It is a process that forms part of the National Intelligence Model (NIM), which in effect is a business model used by most UK law enforcement agencies.

10.10 To avoid the FSS shellfish OC monitoring programme being subject to pressures in either sample collection or laboratory provision that may impact on our ability to deliver the risk based sampling regime due to the COVID-19 pandemic. A contingency plan was developed to mitigate such risks, however, to date, there has been no requirement to activate this plan.

11 Lessons Learned

11.1 Dealing with this pandemic has been a challenge and for obvious reasons public Health decisions were taken as the priority and often that meant dealing with the consequences thereafter. But what is also clear is that there have been important lessons that we need to capture going forward. It is important not only to capture where we would respond differently now we have the benefit of hindsight, but also to ensure we capture where we believe there has been changes that we want to retain. Therefore, as we would with any food incident, we are capturing lessons learned.

12 Next Steps

12.1 To consider what the future organisation will look like and how this might impact FSS and regulation in the future.

12.2 Going forward, our focus will be on the recovery strategy recognising that some of the decisions taken during our response to COVID-19 will need to be retained, some reversed, and others further developed – we will need to make the most of potential opportunities. This will include:

- Responsiveness to national strategy
- Consideration of timeline for reversing legislative easements & revision of guidance
- Need to understand and amend contingency planning for pandemic response to reflect the actual experience so we would be better prepared for any future pandemic. Be prepared for impact of a second wave

13 Conclusion

13.1 The Board is asked to:

- **Discuss and provide a view** on the progress made by FSS to manage the COVID-19 pandemic.

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**ANNEX A – COVID-19- Strategic Business Continuity Team – Objectives
(attached separately)**

**ANNEX B – FSS recovery planning diagram
(attached separately)**