

## **CHIEF EXECUTIVE'S REPORT**

### **1 Chief Executive's engagements**

- 1.1 Since the Board meeting in December 2016, I have met with a range of stakeholders including Greggs and Marks and Spencer to discuss reformulation and their focus on promotion of healthier products and portion reduction of products containing High Fat, Salt and Sugar. I have met with representatives from Scottish Association of Meat Wholesalers, Quality Meat Scotland, a number of retailers and the Chair and Vice-Chair of the Food Commission.
- 1.2 Together with the Deputy Chief Executive, we attended a Policy Excellence Event in London, and we also attended a senior leader's event "Leading Together" in Edinburgh which was looking at the leadership issues for the challenges ahead.
- 1.3 At the beginning of February, I was a guest speaker at Forest Enterprise Scotland team leaders meeting to talk about our experience of creating FSS as a new Scottish public body.
- 1.4 On the 6<sup>th</sup> February, I gave a presentation to the Scottish Cancer Prevention Network 6<sup>th</sup> Annual World Cancer Conference in Edinburgh and gave a presentation on "The Scottish Diet – Challenges for Cancer".

### **2 Animal Feed Update**

- 2.1 FSS is continuing to work closely with the Society of Chief Officers of Trading Standards (SCOTSS) to develop the detail of a regional local authority model. This is progressing well but there is still discussion required with local authorities to finalise the model. In addition, there may be some further discussions to take place around coverage of remote geographical areas with other on-farm inspectorates. We aim to meet with the authorities during March 2017.
- 2.2 The proposal to develop the regional local authority model has been welcomed by Convention of Scottish Local Authorities (Cosla) and they are supportive of the proposal to redistribute the funding from the block grant to FSS to ensure the money is distributed in accordance with activity. At the Council leaders' meeting on 24 February, the proposal was agreed on the basis that there shall be a legal transfer of responsibility.
- 2.3 Lawyers have advised that there is no requirement to amend primary legislation, but that secondary legislation does require an amendment and that this can be in place for October 2017.
- 2.4 Work is on-going to develop systems that will be required for implementation.

### **3 Food Standards Training Manual**

- 3.1 On 17<sup>th</sup> and 19<sup>th</sup> January 2017, FSS held seminars and workshops for Local Authority Enforcement Officers to support the launch of the Food Standards Training Manual. The manual has been extensively updated and rebranded for Scotland and provides a comprehensive source of information on food labelling and standards matters for enforcers.

- 3.2 Sixty-four officers from 24 Scottish Local Authorities attended the events in Aberdeen and Perth where FSS colleagues gave presentations on nutrition labelling, country of origin of meat, foods for specific groups, additives and the work of the Scottish Food Crime and Incidents unit. Paul Mayfield from Scotland's Rural College also presented an overview of the European Union Protected Food Name scheme which includes the rules on Protected Geographical Indications and Protected Designations of Origin.
- 3.3 With support from the Local Authorities and Scottish Food Enforcement Liaison Committee (SFELC), workshop sessions covered the MenuCal system, food supplements and infant and follow-on formula. Officers also had the opportunity to prepare allergy alerts and draft seizure and detention notices in respect of serious breaches of food information law. Feedback on the day was very positive, with lots of discussion generated by the presentations and keen interest during the workshops e.g. requests for leaflets on MenuCal.

#### **4 Consultation on FSS Regulatory Strategy**

- 4.1 On the 25<sup>th</sup> January 2017, FSS launched a 12 week public consultation on its regulatory strategy<sup>1</sup> and associated elements of an effective and sustainable system of regulatory oversight and principles of official control delivery, which the Board agreed last year as a basis for further stakeholder engagement.
- 4.2 The consultation is intended to gather views on our proposed strategic approach, which has two central themes: prioritising consumer protection and aligning regulatory activity with Scottish Government better regulation principles to support a responsible and flourishing food and drink sector. It will also seek views on those areas of the existing food and feed regulatory system that may need to be changed in the future, in accordance with the principles agreed by the Board in June<sup>2</sup> and August 2016<sup>3</sup>, to ensure it remains effective and sustainable.
- 4.3 A wide range of interested parties have been consulted, supporting on-going FSS dialogue with industry representative bodies, local authorities, consumers, and other regulators and government departments. The consultation is due to close on 18<sup>th</sup> April 2017.

#### **5 Food Enforcement Partnership Event**

- 5.1 On the 25<sup>th</sup> January 2017, I attended the Food Enforcement Partnership Event which was organised by FSS along with the Scottish Food Enforcement Liaison Committee (SFELC) and the Society of Chief Officers of Environmental Health in Scotland (SOCOEHS). The purpose of the event was to demonstrate the importance and value of collaborative working, reflecting on past and present achievements whilst looking forward. It presented an excellent opportunity for FSS to gather views, and for LA's to input into future work to help influence and shape a number of areas of work.
- 5.2 Representatives from 31 Scottish Local Authorities (LA's), SFELC, SOCOEHS, Royal Environmental Health Institute of Scotland, FSA Northern Ireland and three FSS funded

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<sup>1</sup> <http://www.foodstandards.gov.scot/news/developing-food-standards-scotland-regulatory-strategy>

<sup>2</sup> [http://www.foodstandards.gov.scot/board-meeting-15-june-2016/Key principles on future delivery of official controls](http://www.foodstandards.gov.scot/board-meeting-15-june-2016/Key_principles_on_future_delivery_of_official_controls)

<sup>3</sup> [http://www.foodstandards.gov.scot/board-meeting-17-august-2016/Effective and sustainable official controls](http://www.foodstandards.gov.scot/board-meeting-17-august-2016/Effective_and_sustainable_official_controls)

Environmental Health Students attended. There was a high level of interest in the event with a total of almost 200 delegates attending over the 25<sup>th</sup> and 26<sup>th</sup> January.

- 5.3 The event included updates from FSS, SFELC, SOCOEHS and a number of workshops covering a wide variety of topics including Food Law, new approaches to Official Controls in Approved Establishments, FSS Regulatory Strategy, food crime, nutrition and environmental health resourcing. Colleagues from FSA Northern Ireland (NI) also presented on the new Statutory Food Hygiene Rating Scheme in NI.
- 5.4 The event was very successful with initial feedback from LA, SOCOEHS and SFELC colleagues being extremely positive about the interesting content and the event as a whole.

## **6 Review of the Food Hygiene Information Scheme (FHIS)**

- 6.1 Following completion of initial consumer research (April 2016) and local authority engagement (August 2015), FSS has progressed a programme of extensive and more detailed discussion with industry and local authorities. This has included consideration of a mandatory scheme on the basis of the results of the earlier engagement.
- 6.2 FSS staff have met with all four Food Liaison Groups and the Scottish Food Enforcement Liaison Committee (SFELC), held a workshop at a Royal Environmental Health Institute of Scotland event, several local authorities and with FSA colleagues to assess the impact of the mandatory schemes in Wales and NI. Representatives from the FSA and a District Council in NI also provided a first-hand account of the recent implementation of the mandatory Food Hygiene Rating Scheme (FHRS) at the Food Enforcement Partnership Event on the 26<sup>th</sup> January 2017.
- 6.3 Industry engagement has included meetings with a range of food and drink industry representative bodies as well as some individual companies and food businesses. Engagement with small, independent retailers and catering outlets is on-going.
- 6.4 In addition to our engagement programme, FSS has taken the opportunity to work with local authorities to review the quality of data currently available to consumers on the FHIS results website and implement procedural improvements as necessary.
- 6.5 Based on work completed, the executive will be in a position to discuss the outcome of this engagement and present options for a revised scheme to the Board at a future meeting. The next stage will be to develop these options in more detail for full consultation.
- 6.6 Board members may be aware there has been some recent press coverage of hygiene ratings. Which? issued a press release following an investigation of hotel hygiene ratings across the UK, and we provided lines in response to a media enquiry for a related article. It is good to see this level of interest in food hygiene information, such coverage keeps the FHIS in the public eye and reminds all those involved in the scheme of its importance as a source of information for consumers. FSS's role is in developing and supporting the scheme, while local authorities deliver the scheme, with results based on hygiene inspections, and Food Business Operators are responsible for ensuring they are compliant with the legislation to achieve a Pass result.

## **7 Food Law Code of Practice – Annex 5 Review Project Pilot 2016/17**

7.1 The Annex 5 Review pilot has now been running with 10 participating Local Authorities since October 2016. So far, 1200 businesses in Scotland have been inspected comparing the current Annex 5 and the proposed new version. The feedback comments received have indicated the combined intervention scheme of Hygiene and Standards has been positively received amongst front line officers. As part of the pilot, businesses are measured using the Compliance Matrix, which assesses compliance against 7 categories, the total score from these categories then determines the overall performance of the business.

7.2 The revision and review process has been broken into quarters to provide better definition for officers and FSS rather than rolling updates. Quarter 2 commenced on 1<sup>st</sup> February 2017 and includes revisions suggested by the pilot working group, which consists of representatives of the 10 Local Authorities (LAs), who have met monthly since October 2016.

The Pilot LAs are:

- Aberdeen City Council
- Clackmannanshire Council
- Midlothian Council
- West Lothian Council
- North Lanarkshire Council
- Inverclyde Council
- West Dunbartonshire Council
- Renfrewshire Council
- East Renfrewshire Council
- South Ayrshire Council

## **8 Incident management**

8.1 Since 5<sup>th</sup> December 2016 and up to 22<sup>nd</sup> February 2017, 20 routine incidents have been reported to FSS. During this period, FSS has issued 4 Product Recall information notices (PRINs) to consumers, 1 Food Alert For Action (FAFA) notice and 1 Allergy Alert notices. It is worth remembering that PRINs are a voluntary recall by businesses which we then highlight to ensure the widest possible coverage. This is an essential part of our process and one that responsible businesses support. The FAFA is issued when authorities believe a recall is appropriate, but the business will not agree.

## **9 FSS Quarterly Incidents Report**

9.1 On the 20<sup>th</sup> February 2017, FSS published its first Quarterly Incidents report<sup>4</sup> which contains a summary of food product recalls or withdrawals between October and December 2016.

9.2 Over this three month period, 41 food notices were issued including 17 related to allergies. This publication explains the details of the incident, the level of risk to consumers and what action FSS, industry and/or local authorities took.

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<sup>4</sup> <http://www.foodstandards.gov.scot/news/quarterly-incidents-report-october-december-2016>

9.3 Local authority and key partner contributions have been vital in delivering effective management of these incidents and FSS would like to place on record our thanks for their ongoing support.

## **10 Local Authority Capacity and Capability Audits**

10.1 The on-site Local Authority Capacity and Capability audit programme delivery commenced in November 2016. The aim of the audit programme is to determine whether official control activities/food law and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve the objectives of the relevant food legislation, in particular:

- evaluate the organisational, management and information systems in place to ensure they are effective and suitable to achieve the objectives of the relevant food law,
- assess the capacity and capability of the Local Authority to deliver the food service,
- provide a means to identify under performance in Local Authority food law enforcement systems,
- assist in the identification and dissemination of good practice to aid consistency,
- provide information to aid the formulation of FSS policy.

10.2 To date, three Local Authorities have been audited (Scottish Borders, Falkirk and Inverclyde.) A fourth audit is planned for late February 2017. Audit reports for all three have been drafted and these are currently being discussed with the Local Authorities concerned. Once each draft report has been agreed, the final report (including the overall Assurance category) and agreed action plan to addresses the root cause of any recommendations made will be published on the FSS website to ensure transparency.

10.3 Once agreed the audit reports will be shared with the ARC. It is worth remembering that these are not an audit of FSS, but an FSS audit of food law delivery by Local Authorities. Monitoring the performance of Enforcing Authorities is a statutory responsibility under the Food Scotland Act 2015.

## **11 Scottish Meat Industry Forum**

11.1 The Scottish Meat Industry Forum met for the second time on 3rd February 2017 and discussed a wide ranging agenda. The group received an update on key veterinary issues relevant to Scottish meat establishments including animal welfare and animal by product initiatives. The Scottish Association of Meat Wholesalers provided an update on both technical developments at national and EU level and highlighted their engagement with Government on Brexit.

11.2 The group discussed FSS proposals to introduce Official Controls microbiological sampling and acknowledged the FSS proposal to publish an Unacceptable Food Business Operator (FBO) Behaviour Policy and received an update on the pilot of systems based enforcement in four Scottish meat establishments.

- 11.3 The FSS animal welfare action plan was outlined and the group supported the continued development of systems to detect and minimise animal welfare incidents in FSS approved meat establishments.
- 11.4 The pilot of FBO self-reporting of achievement of compliance following audit and partial audit was reviewed. There are a number of issues from the pilot that we will need to consider in more detail with industry to ensure we get a better response than the one in the pilot.
- 11.5 A wide ranging discussion on the potential impact of Scotland achieving Bovine Spongiform Encephalopathy (BSE) Negligible Risk status was informative and attendees were updated on the FSS position regarding charging the EU minima for official controls in approved meat establishments in Scotland
- 11.6 The membership of the group will be expanded to include representatives of the Scottish Poultry industry and cutting plants in time for the next meeting in May 2017.

## **12 Communications and Marketing**

### **Healthy Eating Campaign**

- 12.1 The results from an independent evaluation by TNS-BRMB of the healthy eating campaign which ran in September 2016 are encouraging, and the campaign will re-run in March 2017.

### **Festive Food Safety Campaign**

- 12.2 The festive food safety campaign ran over Christmas and New Year with a focus on washing hands and not poultry. This used a revised version of the creative developed for last year's campaign – 'Food poisoning is the last thing on anyone's list' – and is currently being evaluated.

### **Food in Scotland Tracking Survey**

- 12.3 TNS-BMRB are currently collating the results from wave 3 of the tracker – however, topline figures indicate:

- Awareness of FSS is at 56% compared to 50% in June i.e. up 6%
- Among those aware, overall trust is at 76% compared to 75% in June

### **Scottish Food Crime and Intelligence Unit**

- 12.4 Throughout February and March 2017, the Communications and Marketing team will be promoting the work carried out by the Scottish Food Crime and Intelligence Unit and their partner enforcement bodies. This includes raising awareness of criminality in illegal shellfish harvesting, fake alcohol, door-to-door fish sales, meat traceability/substitution and almond powder substitution. The intention is to raise awareness of the wider issues under the heading 'food crime' and highlight the work being done with our partners such as Police Scotland, Scottish LA's and Her Majesty's Revenue and Customs.

### Chief Scientific Advisor blog

12.5 We have established a monthly blog for Dr Norval Strachan our Chief Scientific Advisor on the FSS website and two posts have been published to date:

- Providing an introduction to his role and expertise and spreading the word to encourage the Scottish public not to wash their poultry at Christmas; and
- How a Physicist can become FSS's Chief Scientific Advisor.

### Edinburgh Science Festival

12.6 FSS will have a presence at this event in April 2017 at Summerhall, Edinburgh. The event is primarily targeted at school-aged children, and will focus around a number of interactive elements to communicate key food safety and healthy eating messages.

## 13. Errington Cheese Incident

13.1 This incident continues and South Lanarkshire Council (SLC) are now engaged in a court process which means we are unable to provide detailed information. However, we can confirm that four different types of cheese have now tested positive for *E. coli* O157, or non O157 *E. coli* strains which are a potential risk to health. These cover a production period over 7 months.

13.2 FSS finally obtained Errington Cheese Limited's (ECL's) own test results following several requests, and these have not provided any evidence that would change FSS's position that the cheeses were not produced safely. ECL's testing was undertaken using a laboratory in France, which employs a very specific method that does not detect all *E. coli* strains that have the potential to cause illness. Although suitable for France, this method is not considered to be appropriate for every country, and the UK applies a different approach which aims to identify a wider range of strains. A number of the samples tested by the French method gave preliminary results which would be considered worthy of further investigation in this country due to the public health risks associated with STEC. However, as ECL did not advise the authorities of these tests, no further analysis has been possible.

13.3 We are expecting the IMT report to be completed this month.

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24<sup>th</sup> February 2017