

MINUTES OF THE MEETING OF THE FOOD STANDARDS SCOTLAND BOARD HELD ON 19 OCTOBER 2016 FROM 10.30 AM TO 15.05 PM AT PILGRIM HOUSE, ABERDEEN**Present:****FSS Board**

Ross Finnie, Chair
George Brechin
Marieke Dwarshuis
Heather Kelman
Sue Walker
Louise Welsh

FSS Executive

Geoff Ogle, Chief Executive
Elspeth MacDonald, Deputy Chief Executive
Peter Midgley, Director of Policy and Evidence
Ian McWatt, Director of Operations
Norval Strachan, Chief Scientific Advisor
Garry Mournian, Head of Corporate Services
Karen McCallum-Smith, Head of Private Office
Hazel Stead, Board Secretary

1 Introduction, Apologies

- 1.1 The Chair welcomed everyone to the Food Standards Scotland (FSS) Board meeting.
- 1.2 Apologies were received from Carrie Ruxton and Anne Maree Wallace.

2 Minutes and Actions arising - 16/10/01 & 16/10/02

- 2.1 A Board member suggested that one amendment to the minutes was to be made at paragraph 5.3. It was agreed that the minutes were to be amended and that version would then be accepted as an accurate record of the meeting held on 17th August 2016.
- 2.2 The Chair moved onto the Action log. He requested that action points 2015/08 and 2016/01 were to be reworded to reflect the further work required.

3 Chair's Report

- 3.1 The Chair and Chief Executive (CE) had met with Chair and Chief Executive of NHS Health Scotland and discussed potential areas for collaborative work and were looking forward to further positive and proactive engagement in future. The Chair and Chief Executive held a meeting the Minister for Public Health, Aileen Campbell who has a clear understanding of the role of FSS.
- 3.2 The Chair thanked all staff on behalf of the Board who have been involved in the E.coli incident.

4 Chief Executive's Report – 16/10/03

- 4.1 The CE thanked all staff who had worked on both the E.coli incident and also maintained business as usual. He explained that due to legal constraints, he was limited in what can be discussed in the public domain and he will update the Board on the incident as appropriate.
- 4.2 He advised that UK discussions on Brexit are on-going and could present potential resource implications for FSS as 90% of legislation originates from the European Union. The executive will hold a two-day strategic meeting in November 2016 where resources and implications of Brexit will be discussed and once these are clarified, these will be brought to the Board.

- 4.3 The CE explained that the eating out of home (OOH) in Scotland report published on 19th October 2016 had received good media coverage. In addition, Wave 2 of the Food in Scotland Consumer tracking survey published on 14th October 2016 had shown that a quarter of consumers think that the responsibility lies with government to make food healthier. He explained that there was a collective role for government, industry and the consumer in improving healthy eating.
- 4.4 In discussion, the Board sought clarification on a number of points including media engagement, Brexit and the Scottish Food Crime Helpline. The CE confirmed that FSS is proactive in its approach with the media and use methods such as one to one briefings and group meetings. With regards to Brexit and whether this had impacted on staff, the CE explained that he frequently reiterates to all staff that they are valued and no points of concern have been raised. The CE explained that in future, FSS may have to work separately from FSA and also Defra. He is aware of the potential divergence of views at a political level and between government departments however at this stage. On the latter, this had not yet emerged. With regards to the level of activity disclosed to the Scottish Food Crime hotline, Ian McWatt, Director of Operations (DO), explained that a significant amount of intelligence had been gathered and that one item in particular had led to a significant fraud investigation.

5 Progress Update and Future Handling: Implementing the recommendations of the Scudamore Expert Advisory Group – 16/10/04

- 5.1. The Chair explained that the Scudamore Expert Advisory Group report framed much of the work at the outset of FSS. He invited Peter Midgley, Director of Policy and Evidence (DPE) to present the paper. He explained that the purpose of the paper was to propose a way of reporting progress in future. He explained the reason behind the lack of progress on work stream 2 was due to FSS working at the pace of UK partners. He highlighted a number of significant number of work streams including: work stream 4 which links to shellfish and regulatory strategy; work stream 1, the E.coli incident has highlighted the need for a way forward across the UK to improve laboratory infrastructure; work-stream 3 industry traceability guidance has been delayed to 2017.
- 5.2 He explained that significant progress achieved including the Scottish Food Crime and Incident Unit and the Scottish Food Crime Hotline; establishment of an information sharing agreement with the Food Industry Intelligence Network (FIN); development of the Scottish National Database; and the Regulatory Strategy.
- 5.3 He and the Chair both thanked Sam McKeown and the team who had prepared this board paper.
- 5.4 In discussion, the Board sought clarification on a number of points including progress on Memorandums of Understanding (MoU) with Department of Health and Defra; the timing of closure of the report; the time lapse in embedding the world class surveillance system and the provision of laboratory services in Scotland. The CE explained that MoU's are not essential or a priority but he would review the need in light of the the EU referendum. The Board expected the final report to be available in 2018. The DPE explained that there has been some work completed on the provision of laboratory services, but were awaiting the outcome of Shared Services Science Project which is important for Scotland. The DPE explained that 2025 was a realistic target for embedding the guidance on the World-Class Surveillance System.

5.5 The Chair agreed to write a letter to Ministers with an update on implementing the recommendations of the Scudamore Expert Advisory Group.

ACTION: 2016/06: CHAIR

5.6 The Board:

- **noted** the progress made over the last year and expressed their thanks to the executive
- **agreed** that the Chair will write to the Minister for Public Health
- **agreed** that no further specific Scudamore updates will be provided and will receive updates through other channels
- **agreed** that the final report from the Scudamore Expert Advisory Group will be issued in 2018.

6 Diet and Nutrition: Update on setting the direction for the Scottish Diet – 16/10/05

6.1 The Chair invited Peter Midgley to introduce this paper and welcomed Heather Peace. He explained that the paper provided an update on (a) the progress, (b) further engagement with industry on eating out of home (c) forum established by Scottish Food and Drink Federation (SFDF) to consider industry led response to the challenge.

6.2 He highlighted two significant changes in the policy landscape: the Soft Drinks Industry Levy (SDIL) and the Childhood Obesity Action Plan (COAP). He explained that the SDIL falls short of our intended approach and this was highlighted in the FSS response to the Treasury consultation. He advised that industry expect this levy to be implemented and an evaluation to take place before any wider taxation measure could be considered. He moved onto explain that the scope of COAP is limited and he emphasised the importance of engaging with industry on reformulation. In addition, he has met with representatives from the Committee of Advertising Practice, the Advertising Standards Authority and the Advertising Association to better understand the industry and regulatory landscape and establish on-going engagement on the range of advertising issues relating to food.

6.3 In discussion, the Board sought clarification on a number of points including the Scottish Government's (SG) Programme for Scotland 2016-2017, the February 2017 target for industry to achieve change; the impact of alcohol consumption and whether the COAP targets were difficult to achieve. The CE confirmed that FSS has regular engagement with SG and expects to be fully involved in the Programme for Scotland. The CE moved onto explain that discussions with industry are not deferential and he expected industry to come forward with clear proposals with deadlines and FSS has been clear that regulation is a possibility. He noted that the COAP is limited and highlights the need for a Scottish specific solution. Heather Peace confirmed that alcohol consumption will be included in dietary guidelines; the CE added that SG have the policy responsibility for alcohol and they are focussing efforts in this regard. However, the impact of alcohol on calorific consumption was an issue that would inevitably have to be included in dietary guidelines. The Board also observed that having made its recommendations in January 2016, it was important that the impetus was maintained and therefore in a future Board discussion the board would expect to see clear proposals for the future.

6.4 The Board:

- **agreed** with the recommendations

- **noted** that the Board will receive an update paper on diet and nutrition in February 2017.

7 Shellfish Review Project – scope, arrangements and progress to date – 16/10/06

- 7.1 The Chair welcomed Jennifer Howie, Senior Policy Advisor to present this paper to the Board. Peter Midgley explained that shellfish controls are a significant part of the FSS budget which aligns with the FSS Strategic Plan, Regulatory Strategy and sustainable Official Controls. He also explained that cost recovery was not in scope of this review; however costs were included in the risk section.
- 7.2 The Board sought clarification on a number of points including the risk in additional future financial pressure due to projected industry growth of the shellfish sector to 2020 and engagement with Scottish Government; opportunities to work with other government departments; and the possibility of improving compliance with licensing. Jennifer explained that FSS and Food Standards Agency in Scotland had attended the Shellfish Ministerial Aquaculture forum where growth of the shellfish sector was discussed. She confirmed that shared resources with other government bodies were also being considered; licensing was complex and that a standard of compliance across the shellfish sector was the main aim. Ian McWatt added that licensing was being considered as part of the Regulatory Strategy programme.
- 7.3 The CE agreed to a further discussion with the Board on principles of cost recovery across all controls and would take this point away for consideration.
- 7.4 The Board:
- **noted** the scope of the Shellfish Review Project and the progress to date
 - **agreed** that the approaches set out in the paper provide sufficient assurance that the Executive has taken proper account of the Board's strategic aims in relation to this review
 - **noted** that there will be updates to the Board as work progresses

8 Developing a new Foodborne Disease Illness Strategy for Scotland – 16/10/07

- 8.1 The Chair invited Jacqui McElhiney Head of Food Protection Science and Surveillance, to present this paper to the Board. She explained the aim of the strategy and the high level framework to develop interventions and a supporting evidence base for reducing the risks from farm to fork. She highlighted the key feature of the strategy is the transmission pathways for foodborne illness risks which is a different approach to previous food safety strategies which were targeted to specific commodities and contaminants.
- 8.2 She summarised the consultation responses received which considered that the strategy was likely to be either fully or partially effective in delivering a reduction of foodborne illness in Scotland. A number of areas were highlighted for greater emphasis in terms of scope including imports, exports, contaminant risks, antimicrobial resistance and consumer engagement. She expected the strategy to be published at the end of this year in light of the feedback from the consultation and the Board. She noted that a project plan would be developed to deliver the strategy based on the priority themes.
- 8.4 In discussion the Board raised a number of questions. The Chair tabled a number of questions on behalf of a Board member who was absent. The questions covered the following themes: why have previous strategies not been effective in lowering foodborne

disease in Scotland; what are the lessons learned; why is the current approach different; what are reasons for choosing this approach; does FSS support work on antimicrobial resistance. Jacqui explained the issues associated with monitoring changes in public health outcomes; clinical surveillance is sensitive to changes in methodology and it is difficult to discriminate between illness caused by contaminated food and other environmental exposure routes. When impacts on public health are assessed, these have been influenced by recent progress on reducing *Campylobacter*, which is a good example of lessons learned. She explained the four key advantages of the transmission pathway approach which include: the focus on the whole food chain; provides better understanding; identifies how intervention impacts; recognises where we can influence other stakeholders and government bodies. She moved onto explain the 4 key themes in the research programme which include; understanding the profile and burden of foodborne illness in the Scottish population; understanding the risks associated with food production in Scotland and the Scottish diet; development of technical solutions and tools which support compliance; social science to support more effective targeting of consumer messaging on food safety. She explained that in regards to anti-microbial resistance, FSS is part of a cross-government group in Scotland who are tasked with taking forward the antimicrobial strategy across the UK.

8.5 The Board:

- **discussed and provided comments** on the proposed framework of the strategy; particularly in the context of feedback received from the consultation;
- **noted** the priority work-streams aimed at delivering the foodborne illness strategy over the next 5 years
- **agreed** how progress in delivering the strategy should be reported
- **noted** that the Board will be asked to sign off the final strategy later this year.

9 Annual Report to the Board from the Audit and Risk Committee – 16/10/08

- 9.1 The Chair invited Sue Walker, Chair of Audit and Risk Committee (ARC) to introduce the paper. She explained the report is a summary of the work of the ARC over a full annual cycle, which is the reason why this report had not been produced until August 2016. She highlighted a number of elements including the training; the reporting cycle; effectiveness review questionnaires. She explained that the ARC Terms of Reference are under review and this document will be submitted to the Board if changes are recommended.
- 9.2 She was pleased to report that satisfactory arrangements and controls had been put in place by the executive. She thanked the ARC members and the executive and recognised the significant amount of work which had taken place in the past year.
- 9.3 The Chair tabled a number of questions on behalf of a Board member who was absent, which included the whistleblowing procedure; reviewing the effectiveness of the ARC; and the non-executive membership. The ARC Chair explained that FSS has a whistleblowing policy in place and that it was the role of the ARC to ensure this is in place and fit for purpose. The presence of a policy had been raised twice in the past year. She moved onto explain that ARC members had completed individual effectiveness questionnaires which will be collated and discussed at the next ARC meeting in November 2016, and she will report back to the Board accordingly. In terms of turnover of ARC members, the Chair confirmed that Board members appointments onto the ARC are co-terminus and the ARC Chair would expect rotation of membership to take place.

9.4 The Chair asked whether the five ARC meetings planned for 2017 were necessary and whether fewer meetings could be a possibility. The ARC Chair expects this to be reduced to four meetings, with the possibility of extending one meeting to discuss the Annual Report and Accounts. The Chair welcomed her openness to the consideration of four ARC meetings in 2017.

9.5 The Board:

- **noted** the work undertaken by the ARC during the course of 2015/16 financial year and up to and including August 2016.

10 Financial Performance Update October – 16/10/09

10.1 The Chair invited Garry Mournian, Head of Corporate Services (HCS) to introduce this paper. He explained that due to the previous financial performance report submitted to the Board in August, this paper only contains the detail on financial performance for the month of August 2016.

10.2 He highlighted the key figures; a variance of 3% was reported when comparing actual spend for the period compared to the year to date budget originally profiled at the start of the financial year. In addition to the year to date performance, a fully year forecast of full year forecast of £15.07m is reported against the agreed budget of £15.3 m - which represents a variance of 1.5%. This also represents a slight increase compared to the full year forecast at the end of July 2016.

10.4 He reiterated the risk around the timing of the 2017/18 spending review and FSS receiving confirmation of the budget, discussions with SG Health Finance colleagues are on-going to ensure the requirements are considered within the overall SG Health portfolio budget

10.5 In discussion, the Board raised a number of points including whether an oral update on financial performance could be provided; how much re-profiling had been completed to address potential underspend; and were there plans for SG to recoup the underspend. The CE confirmed that the executive would flag any financial issues and risks to the Board but routine reporting still required time for analysis and he agreed to provide generic assurance. The HCS confirmed that the budget would be re-profiled within two weeks. The CE confirmed that as Accountable Officer he had to be proactive in quarter three to identify any underspend and he did not have plans to surrender any of the FSS budget to SG.

10.6 The Board:

- **noted** the financial information provided as at 31st August 2016
- **noted and agreed** the schedule for reporting finance performance

11 FSS Business Performance Reporting – 16/10/10

11.1 The Chair thanked FSS staff and Board members who had assisted with this paper. He invited Ian McWatt Director of Operations (DO) and Sandy McDougall, Head of Operational Delivery to present this paper to the Board. Ian thanked Louise Welsh, Carrie Ruxton, Sandy McDougall and Steve Hardie for their work on this paper.

- 11.2 He explained that this paper included for the first time, business performance reporting figures for Scotland. He thanked the industry on improvements made which were evident in the figures.
- 11.3 Sandy McDougall explained that to safeguard animal welfare, FSS works collaboratively with food business operators; Scottish Association of Meat Wholesalers (SAMW), local authorities and Animal Plant Health Agency (APHA). He explained that the FSS Operations team were responsible for ensuring shellfish samples were taken and tested appropriately and at the correct time. He highlighted that visual contamination was a success in Scotland, with the lowest levels of carcass contamination being recorded in the UK.
- 11.4 In discussion, the Board were broadly content with the format of the report. They raised a number of points on the content, including diet and nutrition metrics; strategic indicators; tolerance levels of breaches of animal welfare. Two Board members suggested that the diet and nutrition metrics should be included as part of FSS outcomes reporting. Ian confirmed that he is working with colleagues on outcomes reporting and he was willing to provide further details on strategic indicators. He explained that category 4 breaches have a zero tolerance rating and are subject to follow up action and investigation. The CE stated that the executive were also working on reporting of change activity and the best means of showing progress on change management activities with the Board.
- 11.5 The Board:
- **discussed** the performance reporting format and content
 - **discussed** the timing and frequency of reporting specific metrics
 - **noted** that performance reports provided are work in progress and will be developed further with other metrics included in due course

12 Questions and Answers

- 12.1 The Chair invited questions from members of the public in the audience. Ian Anderson from SAMW raised a number of points: information published needs to be beyond question; the focus for animal welfare should be on farm and during transport; no figures on poultry had been included; expressed concerns about the levels of contamination being reported and made two suggestions to reduce contamination and that there were flaws in the Veterinary Audit system.
- 12.2 The CE explained that he is aware of issues regarding animal welfare on farm, during transport and dirty animals being sent to slaughter. He advised that a concerted approach was required to achieve improvements in animal welfare and agreed that confidence in the figures was important. He noted the first FSS meat industry forum was to be held at the end of October 2016. Ian McWatt explained that he would assess any flaws in the veterinary audit system after current system had been in place for two years.
- 12.3 There were no further questions and the Chair closed the meeting.