

**MINUTES OF THE MEETING OF THE FOOD STANDARDS SCOTLAND BOARD HELD ON 22<sup>nd</sup> AUGUST 2018 FROM 10.30 AM TO 12.30 PM AT PILGRIM HOUSE, ABERDEEN****Present:****FSS Board**

Louise Welsh, Deputy Chair  
George Brechin  
Marieke Dwarshuis  
Carrie Ruxton (from item 10)  
Sue Walker  
Anne Maree Wallace

**FSS Executive**

Geoff Ogle, Chief Executive  
Elspeth MacDonald, Deputy Chief Executive  
Garry Mournian, Head of Corporate Services  
Katherine Goodwin, Head of Communications and Marketing  
Karen McCallum-Smith, Head of Private Office  
Norval Strachan, Chief Scientific Advisor  
Hazel Stead, Board Secretary

**External**

Elaine Barrowman, Senior Audit Manager, Audit Scotland

**1 Introduction, Apologies**

1.1 The Deputy Chair welcomed everyone to the Food Standards Scotland (FSS) Board meeting.

1.2 Apologies were received from Ross Finnie, Heather Kelman and Ian McWatt. The Deputy Chair noted that Carrie Ruxton was delayed due to a personal matter and would attend the meeting at a later point.

**2 Declaration of Conflict of Interest**

2.1 The Deputy Chair asked for any conflicts of interest to be declared. None were declared.

**3 Minutes and Actions Log - 18/08/01 & 18/08/02**

3.1 There were no amendments to the minutes or action log. The Deputy Chair noted that action point 2018/10 was complete and the amendments to Scheme of Delegation would be agreed today's meeting.

3.2 The Board agreed the minutes as an accurate record of the meeting.

**4 Deputy Chair's Report**

4.1 The Deputy Chair had no matters to report.

**5 Chief Executive's Report – 18/08/03**

5.1 The Deputy Chair invited Geoff Ogle, Chief Executive (CE) to provide update on a number of topics. Geoff referred to the warning issued by FSS regarding the dangers of DNP (2,4-Dinitrophenol) which is an example which demonstrates the good working relationships which exist between FSS, Local Authorities and Police Scotland.

5.2 Geoff advised that in respect of the South Lanarkshire Council vs Errington Cheese Ltd court judgment, the interlocutor is expected to be issued on the 4<sup>th</sup> of September 2018 and the Sheriff will release further details on his deliberations on the judgment.

5.3 Geoff and Ross are meeting Jeane Freeman, Cabinet Secretary for Health and Sport and Joe Fitzpatrick, Minister for Public Health, Sport and Wellbeing on 13<sup>th</sup> September 2018. On the 12<sup>th</sup> September, Elspeth MacDonald, Deputy Chief Executive is to meet with Jeane Freeman to talk about Brexit.

5.4 He advised that the FSS Diet and Nutrition; Regulatory Strategy and Brexit programme board meetings are being held on the 23<sup>rd</sup> August 2018. Board members Marieke Dwarshuis and Heather Kelman sit on the Brexit and Diet and Nutrition programme boards respectively.

5.5 On the 20<sup>th</sup> August 2018, Dr Milan Markovic, from the University of Aberdeen, gave a presentation to FSS staff on the findings from the European Social Research Council funded Food Sentiment Observatory policy demonstrator project. The project explored the role of data from social media sources to assess three areas specific to FSS including - attitudes to food hygiene ratings schemes in Scotland and the rest of the UK; monitoring discussions by consumers of food-borne illnesses and identifying existing, new and emerging cases of food crime. He noted that whilst some of the results were unexpected, it was still a useful project and Susan Pryde, Head of Science Strategy and Analysis is to share this work with colleagues in SG and Cabinet Office.

5.6 In discussion, board members requested and received assurance that the implementation of animal feed controls remained on time, however Geoff noted a risk remains whether suitable tenders for the delivery of animal feed controls are received. In response to a question on whether FSS was notified in advance about the Obesity Action Scotland, 'Chips to Go study'. Katherine Goodwin, Head of Communications and Marketing confirmed that FSS had prior sight of the press release on the study. She explained that FSS had issued a corresponding statement by Heather Peace, Head of Nutrition, Science which had received good coverage by the media.

## **6 Audit and Risk Committee Statement of Assurance to the Board – 18/08/04**

6.1 The Deputy Chair invited Sue Walker, Chair of the Audit and Risk Committee (ARC) to present the Statement of Assurance to the Board. Sue explained that board members were to refer to the updated version of the paper which had tabled at the meeting. She explained the statement of assurance takes into account audit reports from internal auditors throughout the year and their annual audit opinions for 2017/18.

6.2 She noted the equivalent annual assurance opinions issued by SG (reasonable) and the Food Standards Agency (moderate). She explained that ARC members were content with the information provided by the executive through the year and were assured that controls in place were fit for purpose. She explained that the ARC had received a draft version of the Annual Report and Accounts in May 2018 and began their scrutiny of them at that point and had received further drafts in June and August 2018 where mainly drafting comments were made, but no matters of substance.

6.3 At the ARC meeting on 15<sup>th</sup> August 2018, ARC members were content to approve the draft Annual Report from Audit Scotland. Sue thanked Audit Scotland and FSS colleagues involved in the preparation of the ARA.

6.4 The ARC was content:

- on the basis of the assurances provided by the internal auditors through the year, ARC's own scrutiny of reports provided by the executive on a number of matters including risk management and the internal controls assurance framework, the draft annual report from the external auditors and ARC's own scrutiny of the Annual Report and Accounts to

**recommend** to the Board that it should approve the FSS Annual Report and Accounts 2017/18 to be signed off by the Accountable Officer.

## 7 Food Standards Scotland Annual Report and Accounts 2017/18 – 18/08/06

7.1 The Deputy Chair then invited Geoff Ogle, as the Accountable Officer to the ARA 2017/18. Geoff explained it was for board members to review and, subject to their consideration, approve the annual report and accounts and authorise their issue by himself as Accountable Officer.

7.2 He explained that the ARA have been adopted and interpreted in accordance with the Government Financial Reporting Manual and prepared to meet the requirements of Section 15 of the Food (Scotland) Act 2015. He explained he had fulfilled his responsibilities as Accountable Officer and that further details of his obligations were outlined in his letter of representation to Audit Scotland. He also advised the format of the ARA had not been significantly changed since 2016/17, but the Performance Report had been revised to allow reporting of our strategic performance indicators and the Accountability Report had also been revised to include more detail on the role of the Board and reflect the responsibility of the Chair.

7.3 In his conclusion, he noted that the required deadlines have been met. He thanked Elaine Barrowman and Pamela Morrison and FSS staff for the good working relationship throughout the process of finalising the ARA.

## 8 Annual Audit Report – Audit Scotland – 18/08/06

8.1 The Deputy Chair invited Elaine Barrowman, Senior Audit Manager from Audit Scotland, to introduce the report. She explained that it was a positive report and summarised the key messages including financial management; financial sustainability; governance and transparency and value for money. She noted that the FSS has effective arrangements in place for financial management and systems of internal control operated effectively, however there was scope for improvement in some areas. She noted that good progress has been made in developing the approach to financial planning and that FSS was proactive in planning for Brexit.

8.2 Audit Scotland was able to give an unqualified opinion and there were no matters to report to the Auditor General for Scotland. She was pleased to note that recommendations for longer term financial planning had been taken on board by the executive. She was content to report that FSS was acting on a transparent basis. She confirmed that she had received the letter of representation from the Accountable Officer.

8.3 She thanked Garry Mournian and his team involved for their assistance in the preparation of the Annual Report and Accounts.

8.4 The Deputy Chair invited questions on the Annual Report and Accounts from board members, none were raised.

8.5 The Board:

- **noted** the positive outcome of the audit and the recommendations being made by Audit Scotland in their draft annual audit report
- **noted** the recommendation made to the Board by the Audit and Risk Committee; and
- **approved** the Annual Report and Accounts 2017/18 and their issue by the Chief Executive as the Accountable Officer

## 9 Audit and Risk Committee Oral Update

9.1 The Deputy Chair invited Sue Walker, Audit and Risk Committee (ARC) Chair, to give an oral update on the ARC meetings held on 20<sup>th</sup> June and 15<sup>th</sup> August 2018.

9.2 Sue noted that the SG Internal Audit plan was on schedule for year and a reasonable assurance opinions had been issued for the audits of Incident Management and Emergency Planning and Health and Safety.

9.3 The ARC was pleased with the Annual Customer Satisfaction scores given to SGIAD from FSS staff which were extremely positive across all audits undertaken during the year. Sue noted that since the June ARC meeting, a new SG Internal Auditor, Crystal Power was appointed to replace Tony Forteza.

9.4 Sue explained that at the 20<sup>th</sup> June 2018 ARC meeting, the ARC members discussed the progress of the Annual Report and Accounts and received the annual assurance opinions from the internal auditors. She commended the executive on the progress made on all recommendations from the various audit reports that had been received. The ARC discussed risk matters including the strategic risk register and Brexit risks.

9.5 Sue moved onto the 15<sup>th</sup> August 2018 meeting and reported that the main focus was the FSS Annual Report and Accounts 2017/18.

9.6 The Board :

- **noted** the ARC oral update

## 10 Financial Performance Update – August 2018 – 18/08/07

10.1 The Deputy Chair invited Elaine McLaughlin, Senior Finance Manager to introduce the paper. Elaine explained that as part of the business planning exercise, the budget was allocated in March 2018 to three work programmes, plus essential core activities (ECA). She noted a further review of the budget allocated to these four areas had resulted in changes, predominantly in the programme budget allocation. She explained that due to additional budget bids being received, a decision was taken by the executive to over-allocate the budget as a method to better manage the underspend which had occurred in previous financial years. She confirmed that at the beginning of the 2018/19 financial year, the over-allocation of the budget was £249k and would be closely monitored by the executive.

10.2 She explained that for the first quarter, a full year forecast of £15.3 million is being reported against the allocated budget of £15.5 million, representing a 1% underspend against the allocated budget.

10.3 She noted that a forecast underspend exists as the programme, capital and income for the delivery of animal feed controls was delayed. She explained the underspend on staff for work programmes is balanced by additional staff time being spend on ECA and delays in starting work programmes.

10.4 She explained that FSS was successful in a bid as part of the SG-wide Brexit consequential exercise and would receive additional funding £885k, which is ring-fenced for Brexit work.

10.5 Carrie Ruxton joined the board meeting at this point.

10.6 In discussion, the board sought and received clarification that work is prioritised and additional areas of work are identified if the budget is available; that progress against project milestones would be included as part of business performance reporting. A concern was raised by a board member that the level of outstanding debt remains high and the executive should continue its efforts to reduce.

10.7 The Board:

- **noted** the financial information as at 30<sup>th</sup> June 2018

## 11 Amendment to the Scheme of Delegation – 18/08/08

11.1 The Deputy Chair invited comments on the amended scheme of delegation. No comments or amendments were made by board members.

11.2 The Board :

- **agreed** the revised version of the Scheme of Delegation

## 12 Incident Management Framework and Incident Communications Plan – 18/08/09

12.1 The Deputy Chair invited Jackie McCann and Katherine Goodwin to introduce this paper. In the introduction, Jackie McCann and Katherine explained this was the final version of the Incident Management Framework and the Incidents Communication Plan which had incorporated board members comments on the previous versions tabled at the 16<sup>th</sup> May 2018 board meeting.

12.2 In discussion, the Board sought and received clarification that lessons learned from the desktop training exercise had been incorporated into the incident management tools and templates; the risk appetite should be reviewed annually as part of good governance; key FSS spokespeople are offered annual media refresher training; there was scope for board members to be included in incident debriefs. The Board noted that as FSS is a non-ministerial department, it is accountable to the Scottish Parliament and this should point be emphasised to stakeholders and the media.

12.3 The Board :

- **agreed** the finalised Incident Management Framework (IMF) including the FSS incident handling response to non-routine incidents
- **agreed** the finalised Incidents Communications Plan (ICP) including the communications response during incidents
- **agreed** the role of the Board in Incident Management

## 13 Annual Chief Scientific Advisor Science, Evidence and Information Update – 18/08/10

13.1 The Deputy Chair invited Norval Strachan, Chief Scientific Advisor to introduce the paper. In his introduction, Norval explained that Science, Evidence and Information (SEI) strategy was agreed by the board in March 2017. He noted that SEI plays a key role in strategic; operational and tactical decision making within FSS. He then highlighted the three SEI themes and the key indicators in the infographic.

13.2 In discussion, board members suggested the value in demonstrating to others that FSS

has a sound evidence base for our decisions and we should highlight we work with others (such as Health Protection Scotland) who provide epidemiological expertise; using external quality assurance in addition to peer review of scientific papers. A board member sought and received clarification on the work of EFSA and how we replace its functions, e.g risk assessment, after Brexit. The executive confirmed that FSS is working with Health Protection Scotland to produce a guide to explain how both organisations work together during an incident.

### 13.3 The Board :

- **noted** the progress with implementation of the SEI strategy

## 14 Question and Answers

14.1 Angus Lowden, a retired Meat Hygiene Inspector, asked whether board members were aware of the proposed reduction in meat hygiene inspections of ox-cheeks and poultry carcasses, which were being put to the European Parliament for consideration.

14.2 Geoff explained that in order to protect public health, any changes to the meat hygiene inspection routine would require a scientific risk assessment to be conducted which would be considered by the executive alongside any other relevant information. At that point, the executive would be able make proposals to the board. However, Geoff advised that the executive are not in a position to make any decisions until the risk assessments and risk management process have been completed before any conclusions can be reached.

14.3 There were no further questions and the Deputy Chair closed the meeting.