

# Scottish Authority Food Enforcement Re-Build (SAFER)

## 1 Purpose of the Paper

In June 2022 the Board were presented with a paper that summarised the demand of food law delivery across the 32 Scottish Local Authorities (LAs) highlighting the challenges of maintaining a professional workforce, funding of the service; and current and future challenges being faced. The Board agreed that the risk of current delivery model failure required urgent attention by FSS and escalation to the Minister.

This paper provides details of the key aims and principles upon which FSS will base the re-design of the current Scottish Local Authority (LA) Food Enforcement framework.

1.1 The Board is asked to:

- **Discuss and Agree** the proposed SAFER concept to allow FSS to continue stakeholder and partner engagement to develop and plan the programme of work necessary to re-design the current Food Law framework.

## 2 Scottish Authority Food Enforcement Re-Build (SAFER)

The SAFER Programme will be considered in three delivery focused themes, resourcing, digitalisation and data, and food law delivery.

### 2.1 Current Food Law Environment

#### Resourcing

- It is estimated that in order to deliver the current Food Law Model 380 Full Time Equivalent (FTE) officers are required. As of November 2021 there were 202 FTE officers in post which results in a resource deficiency of 47%.
- Between 2016 and 2021, the Society of Chief Officers of Environmental Health (SoCOEHS) in Scotland reported an average loss of 3 officers a month from the wider Environmental Health pool. A continued decline at this rate will be detrimental to the profession.
- Whilst significant work has been undertaken by Professional and Education bodies to open up Officer training pathways and attract new students, in the

short term those entering the Environmental Health and Food Safety Profession will not be sufficient to fill the existing vacant posts.

- The current officer competency matrix is limiting to other professional skill sets that could have the potential to significantly decrease the burden currently felt by LA's.

#### Digitalisation and Data

- The Scottish National Database's (SND) is capable of providing information but currently does not host data to a standard that would allow confidence in its use for intervention prioritisation.
- Inconsistent data standards, quality and methodologies across Scotland, leading to data inaccuracies compounded by SND/MIS interaction limitations.
- Inaccessible, poor and minimal use of digital solutions across LA's contributing to administration burden and inefficient use of resource.

#### Food Law Delivery

- Food law is only one of a multitude of areas that Environmental Health is required to resource and regulate which is continuously expanding, including wider public health policies such as nutrition and sustainability, adding to LA delivery pressures.
- The existing Food Law delivery model does not reflect the changing food environment and does not offer flexibilities to maximise assurances within existing LA resource.
- Outdated and inadequate guidance and resources combined with ineffective enforcement tools leading to disconnect between policy and delivery.
- Limitations of the existing Food Law delivery model could be seen as risks during Third Country Audits, impacting trade and Scotland's exporting abilities.

## 2.2 SAFER Objective

The **SAFER** programme will implement a new approach to Food Law delivery in Scotland which will:

- Continue to deliver public health protection & assurance in Scotland.
- Ensure LA resources are sufficient, sustainable and dynamic to meet local and national requirements.

- Expand professional pathways and officer competencies framework, ensuring an adequate and diverse workforce.
- Re-build the Food Law delivery model to focus on high risk businesses and target non-compliance, which allows for flexibilities to enable local decision making.
- Ensure adequate, targeted and sustained support to LA's and Food Businesses with the provision of competency training and practical guidance.
- Develop technological and digital solutions improving accessibility, minimising administrative burden and increasing efficiencies for Food Law delivery.

### 2.3 Future Food Law Environment

The current model is resource intensive and essentially an outdated model that needs to be modernised. The continuing likelihood of constrained resources necessitates a more efficient and effective model that takes advantage of digital capability if we are to continue to protect consumers.

#### Resourcing

- A sufficient, dynamic and adaptable workforce that can deliver all aspects of the Food Law delivery model supported by qualification pathways that enable a continuous sustained and competent workforce.
- Multiple pathways that deliver trained Food Law professionals and an officer competency framework that supports a variety of professional skill sets and allows for flexibilities to meet local knowledge requirements.

#### Digitalisation and Data

- An accessible centralised database providing a consistent high standard of data for all aspects of Food Law and drives better use of technology, efficient use of resource and effective targeting of risk.
- Food Law Portal for LAs and Food Businesses that supports the efficient delivery of the food Law model and a high standard of information exchange.

#### Food Law Delivery

- A rigorous, dynamic and flexible Food Law model that delivers a high degree of public health protection supported by adequate guidance and resources for both LAs and Food Businesses.

- A Code of Practice that reflects the evolving food environment and allows for flexibilities to meet local requirements, supported by effective and applicable enforcement tools.
- An FSS team responsible for the ongoing support and success of the new Food Law Model.

## 2.4 Delivery

### Collaborative Working

- Any future framework must be built in full appreciation of its application challenges and utilise fully the breadth of expertise, ideas and experience available across delivery partners, including LA Environmental Health Services and Professional bodies.
- Key to the success of the SAFER programme is partnership working, a stakeholder matrix and primary engagement plan is currently in development to start consultation on the SAFER proposals.

### Resourcing

- The success and ambition of delivery change that accompanies the SAFER programme hinges on adequate and timely resourcing both within FSS and partners including Scottish Government and LA's.
- Within FSS the Executive will determine resource requirements and ensure appropriate allocation in line with organisational priorities.
- FSS will work in partnership with Local Authorities, Professional Bodies and Scottish Government in development of the SAFER delivery plan and mapping resource requirements.

## 3 Principles

The programme of work will be led by six key principles :

1. To offer a high degree of public health protection and consumer information
2. Maintain scientific expertise by embedding scientific advice and evidence within the model

3. Use a hierarchy of risk determined by the type of business with an assessment of compliance
4. Embed data utilisation intended to employ a range of oversight tools across a National Database of all food producing businesses.
5. Ensure the cumulative value of all regulatory tools (e.g., inspection, examination, sampling, horizon scanning, third-party audits,) are used appropriately.
6. Is in line with the Scottish Regulators Strategic Code of Practice to educate and inform food businesses allowing those willing to comply to reap the benefits of less regulation and to thrive whilst providing disincentives and penalties for the non-compliant.

## 4 Risks

Development of a modernised framework for food law will present risk. However that risk in comparison to allowing the current delivery framework to remain is minimal. To continue on the current trajectory and not implement a full package of change, could lead to;

- **Public Health** - With decreasing levels of public health protection and assurance there will be a high probability of increased incidents, risk of food borne disease outbreaks and opportunity for food crime. It may also undermine consumers ability to make informed choices
- **Scotland**- Repercussions of deteriorating standards within food businesses with National and International implications.
- **FSS** – Failure to fulfil our statutory requirements leading to decreased consumer confidence, reputational damage, undermining of FSS purpose
- **LA's** – LA's will no longer fulfil their statutory function or provide adequate assurance for safe food. LA staff welfare will become an increasing risk, which in turn will contribute to difficulty sustaining the professional workforce.

As LA delivery remains the highest FSS strategic risk and given the current constrained resource environment that both FSS and LA's are being required to deliver within, the risks to delivery include:

- **Stakeholder Commitment** - lack of timely and sustained engagement and/or involvement from key stakeholders could be detrimental to SAFER programme development and its consistent and coherent delivery.
- **Legal compliance** – any modernisation concept must be based on a sound legal footing and ensure compliance with Official Control Regulations.
- **Change fatigue** – Change is constant and LAs have been subject to rapid change over the past few years including due to the Covid–19 Pandemic, EU Exit and most recently the work to support the Homes for Ukraine Government scheme. Key to mitigating this risk is to communicate openly and honestly from the outset, work with our delivery partners and provide support to build resilience.
- **Resource** – there is a risk that resource pressure in LAs and within FSS thwarts progress in modernisation.
- **Diversion of resource** – there is a risk that resources released through modernisation is lost from the profession or diverted towards other Environmental Health or Scottish Government priorities rather than being redirected towards food related priority activity. Commitment from Scottish Government, CoSLA, SoCOEHS and LAs to not divert further resources from food law will be essential.

## 5 Equality Impact Assessment and Fairer Scotland Duty

- 5.1 Completion of an Equality Impact Assessment (EQIA) and a Fairer Scotland Duty Assessment are not required for this paper.

## 6 Conclusion/Recommendations

- 6.1 Current LA delivery continues to be the highest strategic risk caused by the pressures of a significant lack of resources as well as the impact of Covid-19, EU Exit and increasing demands for support to government initiatives on existing requirements under current Food Law. Following discussion with the Minister there is agreement that this will be shared risk between FSS and Scottish Ministers.
- 6.2 The SAFER programme of work will aim to provide efficiencies and modernise the current framework.

The Board is asked to:

**Discuss and Agree** the SAFER concept proposed to allow FSS to progress stakeholder and partner engagement to develop and plan the programme of work necessary to re-design the current Food Law framework.

Please direct queries to:

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12 October 2022