

Chief Executives Report

1. Hybrid Working

1.1 As we emerge from the Covid-19 pandemic and see restrictions ease, we want to harness the positive new ways of working that hybrid working can deliver for our organisation and people with the benefits that working together in person can bring.

1.2 FSS will continue to follow the guidance set out by Scottish Government on the principles of hybrid working and the trialling of new ways of working rather than develop fixed singular options. The framework for FSS's hybrid working guidance is to provide our people with the tools they need to work remotely whilst also giving them the space to work collaboratively, in person.

1.3 We have been carefully considering how best to make the most of Pilgrim House now that restrictions have eased and the building capacity has increased. A major factor in this is the support and infrastructure we can provide for collaborative working. This is ever more important given that we are a growing organisation of multiple branches and divisions, with staff working in various locations across Scotland.

1.4 To allow us to get the greatest value from our new ways of working, the 4th floor has been designated as a singular collaborative space. This will allow staff the opportunity to have a large, designated space for training, team building, strategy sessions and all other collaborative working practices. We by no means want this to be prescriptive; this is a trial period and we are encouraging staff to feedback on what they consider to be working well, or not, to find out if it is benefiting teams and the wider organisation.

2. UK-Australia Free Trade Agreement (FTA) 'Section 42' Report – FSS and FSA Advice

2.1 On 8 March 2022, FSS and the FSA were asked by Penny Mordaunt, Minister of State for Trade Policy at the Department for International Trade (DIT), to provide joint advice on the food safety and human health aspects of the UK-Australia FTA, to inform the UK Government's 'Section 42' report for this FTA. Specifically, we were asked to advise on whether, or to what extent, the measures in the FTA are consistent with the maintenance of UK levels of statutory protection for human health for the areas within scope of our statutory remit. This advice, informed by stakeholder views, will be attached to the UK Government's Section 42 report when is laid in the UK Parliament, along with advice from the Trade and Agriculture Commission (TAC).

2.2 Under section 42 of the Agriculture Act 2020, the Secretary of State for International Trade must lay a report before Parliament to explain whether measures in each new FTA applicable to trade in agricultural products are consistent with the maintenance of UK levels of statutory protection in relation to human, animal or plant life and health, animal welfare, and the environment. The TAC advice will cover those aspects other than human health.

2.3 On 12 May 2022, FSS and the FSA received a further request from DIT to provide joint advice on the recently agreed UK-New Zealand FTA. To inform our advice we are engaging with stakeholders seeking their views on the FTA.

3. FSS Local Authority (LA) Audit Programme for 2022-2023

3.1 FSS intend publishing the LA Audit Programme for the following year on our website as follows:

Audit	Brief Outline	Timescale
LA Survey – end of year return and recovery plan update	<p>The survey will provide the following:</p> <ul style="list-style-type: none"> • Status of the LA Recovery Plan • End of year return for the Multi-Annual National Control Plan (MANCP). • An indication of the accuracy of the Scottish National Database 	Survey issued April 2022, with final closing date 27 May 2022
Capacity and Capability Audit	<p>To assess the fitness for purpose of LA's to deliver the food service. The scope and number of LA's selected for this audit will be agreed following the outcome of the LA Survey</p>	<p>Audits to be planned throughout the year.</p> <p>Audits planned to be on-site and virtual or a combination of both.</p>
Review of the implementation of the Food Law Rating Scheme (FLRS)	<p>This focussed audit will assess LA compliance with the requirements of the Interventions Food Law Code of Practice (Scotland) with regard to implementation of the FLRS.</p>	<p>A cross section of LA's will be selected to be part of this focussed audit which will take place during the reporting year. A summary report will be produced in addition to individual LA reports.</p>

4. Consultation on Mandatory Calorie Labelling in the Out of Home Sector

4.1 Following recommendations made by FSS in August 2019, and the publication of the Out of Home Action Plan in September 2021, Scottish Government (SG) have published a [consultation on mandatory calorie labelling in the out of home sector](#). This marks a big step forward in realising our ambitions to effect real change

in the out of home sector to support healthier choices. The consultation runs until 1 July 2022 and we would encourage everyone to respond.

5. Regulated Products

5.1 The first tranche of pipeline applications (those which already have an EFSA opinion) have made significant progress.

5.2 The GM Food and Feed SSI was signed by the Minister and laid in parliament on 21st April. It came into force on 31st May 2022. This authorises the use of 5 new GM events in food and feed and the renewal of the authorisation of 4 GM events.

5.3 The Novel Food and Smoke Flavouring SSI was signed and laid in parliament on 20th May. The instrument will come into force on 18th June for the transfer of ownership of the smoke flavouring authorisations (allowing renewal applications to be made in the correct company name) and on 30th June for the new novel food authorisations/extensions of use.

5.4 The recommendations on 11 feed additives are due to be sent to Ministers in the respective nations before the end of June. Provided the Minister agrees with our recommendations, we expect to see an SSI laid in Scottish Parliament in early September.

5.5 Work has started on the second tranche of pipeline applications. FSS/FSA opinions are being drafted with consultations on these expected to launch at some point in the summer period. These include feed additives, GM, novel food and flavourings.

5.6 The register of validated Regulated Products applications can be accessed [here](#).

6. Update on Gene Editing

6.1 Defra introduced The Genetic Technology (Precision Breeding) bill in the House of Commons on 25th May. At the same time, Environment Secretary George Eustice and Scottish Secretary Alister Jack wrote to First Minister Nicola Sturgeon and Scottish Cabinet Secretary for Rural Economy and Tourism Mairi Gougeon inviting them to join in taking forward this legislation.

6.2 The bill contains provisions regarding food and feed so we continue to engage with SG counterparts in ensuring FSS interests are represented when considering the response. A submission for information for the Minister for Public Health, Women's Health and Sport is being prepared by FSS policy team.

7. Risk Analysis

7.1 The Risk Analysis Register provides information about issues that are being considered through our joint FSA/FSS food and animal feed risk analysis process. It provides a summary of each issue that is actively being progressed and its current

status. The register can be accessed here [Register of risk analysis issues | Food Standards Agency](#).

7.2 Regulations required a review of controls on imported food from Japan following the nuclear accident at Fukushima. Papers setting out our proposed risk management advice were presented to the Board on 16 March and a summary of this advice will be added to the register of risk analysis issues shortly. Following the Board discussion the Minister for Public Health, Women's Health and Sport has approved our recommendation, as have Ministers in England and Wales respectively. Legislation to remove the controls was laid in England and Scotland on 16 May, and is due to be laid in Wales on the 7th June. Although there are still a few tasks left to complete, this presents a milestone as it is the first non-routine item to complete the risk analysis process post EU-Exit.

7.3 Another item progressing through the risk analysis process is the review of retained Regulation 2019/1793 on increased import controls of certain food and feed of non-animal origin. This is a routine item and requires to be reviewed on a regular basis in order to consider new information related to risks and non-compliance. This Regulation sets temporary increases of official controls and emergency measures governing the entry into GB of certain food and feed of non-animal origin from certain countries. FSS is working with FSA to enable a co-ordinated approach, and consultations have been launched in parallel on the proposed recommendations to amend the Annexes of the Regulation. The consultation, which can be found here [Review of retained Regulation 2019/1793 on increased import controls of certain food and feed of non-animal origin - Food Standards Scotland - Citizen Space](#), closes on 29 June. Once FSS have considered the responses to the consultation we will write to the Minister with our final recommendations on amending these controls, any amendments will require legislation.

8. Impact of the Resource Spending Review

8.1 The Board will be aware of the announcement related to the spending review which shows a project FSS allocation of £23m for 2022/2 to 2026/27. This represents a real terms cut of the spending period. FSS officials are in discussion with SG officials given the potential consequences. A paper is being presented to the Board for consideration.

For queries contact:
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