

Food Standards Scotland - Organisational Update

1 Purpose of the paper

- 1.1 The purpose of this paper is to provide the Board with an organisational update on Food Standards Scotland's (FSS) continued management of COVID-19 and the implementation of the EU Exit and FSS Future Structures programmes including the new internal governance arrangements and to seek views on the measures taken.
- 1.2 The paper provides a comprehensive organisational update including details of the continuous support for our staff. It also seeks to provide the Board with assurance on our sustained capability and capacity and provides a continued record of the actions taken by the Executive on organisational matters.
- 1.3 This paper provides an organisational update since the "FSS response to COVID-19" paper, which was presented to the Board on [October 2020](#), and includes our efforts in the implementation of the EU Exit and Future Structures programmes:
- 1.4 The Board is asked to:
 - **Note, discuss and provide a view** on the continued management of the COVID-19 pandemic and the implementation of two key FSS programmes.

2 Introduction

- 2.1 As the Board is aware, since March 2020, we have managed the challenges and uncertainty presented by COVID-19 and EU Exit which have a sustained impact across the organisation. We have adapted to new ways of working effectively, independently and collectively and with regards to how we work with stakeholders.

3 Strategic Response

- 3.1 During COVID-19 and EU EXIT, the Executive has continued to meet virtually with the FSS Chair and Deputy Chair weekly to update on organisational activity relating to COVID-19, EU Exit and business as usual. The FSS Board and ARC meetings have continued to be conducted virtually in line with our default position of home working.

4 Organisational Response

- 4.1 Throughout, our efforts have been focussed on supporting continued home working for our office based staff and ensuring that our field based staff are supported and safe in their workplaces. This has extended to ensuring a smooth on-boarding system for new recruits to support our new structure. As well, as part of our forward planning, there is now more of a focus to consider the future of work and what we can improve in relation to our staff, policies and work space.

- 4.2 Communications, based on staff feedback, have been critical throughout this period, to keep staff updated. We have maintained fortnightly 'All Staff' virtual sessions for office staff and continue with field staff virtual meetings with the frequency reduced to monthly. Directorates and Branches have been conducting their usual team meetings and line managers have individual 1:1 monthly meetings with staff, incorporating an opportunity to address wellbeing matters. There has been a continued effort to promote and communicate HR support and services available for our staff.
- 4.3 Significant preparatory work has already been undertaken for the planned return to Pilgrim House. This includes: engagement with the landlord and cleaning contractor to seek assurances that the provision of services are within COVID-19 safe guidelines; a plan for implementing physical distancing and staff and building risk assessments in line with guidance issued by the Department of Business, Energy and Industrial Strategy, the Health and Safety Executive and NHS Inform. We have continued to work closely with Scottish Government (SG) to ensure that the office recovery plan and guidance protocols for line managers and staff are comprehensive and updated to reflect any changes to guarantee a COVID-19 safe environment.
- 4.4 As part of the partnership meetings, the TUs have actively engaged in the recovery planning process and have reviewed all the documentation prepared for a safe return to Pilgrim House. They will be fully involved in any Health and Safety inspections prior to the opening of Pilgrim House.
- 4.5 On 4 May 2021, a staff consultation, for staff was launched in the form of a pulse survey, to seek office and home-based staff views on the re-occupation and proposed shift pattern options for Pilgrim House. The purpose is that staff views drive how we use the Pilgrim House with any revised occupancy level.
- 4.6 As part of our COVID-19 lesson learned exercise, and our response to managing the business continuity, we have undertaken a formal review of our existing Business Continuity Plan (BCP) and propose to implement a Business Incident Management Framework (BIMF) to enhance the management of business and concurrent events. As this is an amendment to the Incident Management Framework it will be presented to the Board in August for agreement with associated recommendations on changes to the Scheme of Delegation, if they are required.

5 Organisational Governance

- 5.1 Our future structures is progressing with a number of changes being made to governance of the organisation. To support our EU exit we secured additional funding and had to increase our staffing compliment by around 80 FTEs. Good progress has been made with recruitment to facilitate the new structure but there are still a number of vacancies outstanding.
- 5.1.1 New internal governance arrangements have been finalised and rolled out FSS wide with changes in the structure of leadership groups and meetings. Full details of this can be found at Annex 1.

- 5.1.2 The suite of governance documents, including the Code of Governance, Framework Document, Scheme of Delegation and the Statement on Performance of Functions, and the Strategic Risk Register have all been reviewed to align with the launch of the new FSS Strategy and to support our objective for Maintaining Organisational Excellence. These are covered in a separate paper to the Board today.
- 5.1.3 Our new internal values have been launched which link with the new strategy and are based on 6 main values – DIVERSE, DYNAMIC, INNOVATIVE, RESPECTFUL, COLLABORATIVE & SUPPORTIVE. These apply to all staff and will play an important role in shaping future organisational culture and behaviour. The values were agreed in conjunction with staff and trade unions via workshops and meetings.
- 5.1.4 The delivery of our strategic outcomes is based on 6 goals, each of which is supported by four key activities. The new Corporate Plan, is also presented to the Board today.

6 EU Exit

- 6.1 As an organisation FSS has been significantly impacted by the decision to leave the EU. Around 95% of food law was EU law which has had to be transposed into UK law. Our EU Exit transition programme is complete and teams are now implementing many of the planned objectives as part of business as usual. We are adapting to EU Exit and what that now means, for example new functions like Risk Analysis (to replace EU risk assessment and risk management functions), loss of access to Rapid Alert System for Food and Feed (RASSF) food and feed safety alerts and the need for a different response. Work related to the Northern Ireland Protocol, the Internal Market Act, and the potential ramifications of it for our devolved responsibilities, and the many pieces of secondary legislation is now ongoing in day to day work.
- 6.2 The Internal Market Act requires proposals for new legislation concerning products and business obligations to be considered through the prism of its Market Access Principles. Subject to certain conditions and exemptions, the Act means that legislation passed elsewhere in the UK applies to goods originating there and sold here in Scotland. For example, were Scottish Ministers minded to require that food sold in supermarkets should bear health warnings in relation to fat/salt/sugar content – that obligation could only apply to Scottish produced goods and not goods manufactured elsewhere in the UK. Given the ambiguities and inherent contradictions thrown up as a result, it is imperative that FSS utilise the potential for legislative ‘harms’ arising from the Act’s provisions in a way that drives forward our public health remit. This will require careful navigation, but the combination of 4 country common framework approaches; the aspirations across all UK government for maintaining food standards in new trading arrangements, as well as a focus on public health as part of COVID recovery at a UK level provides a positive environment for meaningful policy engagement with partners across government.

7 Food Imports

- 7.1 There remains a significant piece of work to do in terms of food imports and what areas FSS will have responsibility for, particularly looking at potential risks at border control points. Import controls will commence from October 2021 with Scotland currently involved with other government departments in assessing application from Ports for Border Control Points (BCPs) status. The majority of controls for food and feed entering our BCPs will be delivered by Local Authorities (LAs).

8 FSS Guidance

- 8.1 FSS has been a major contributor to supporting SG efforts to tackle COVID-19. We have produced industry guidance, alongside a risk assessment tool and checklist, for all of the food sector which was replicated for other sectors; our business self-assessment tool has also been used by SG colleagues. We continue to review and update the guidance as restrictions ease in line with SG's strategic framework. We also played a major part in the Shielding programme with FSS leading on the liaison with retailers and we are also supporting SG testing programme with the CEO as the SRO for food industry testing. We also worked with retailers and the food to go sector with regular dialogue on Government policy.

9 Field Operations - Delivery of Meat Official Controls

- 9.1 Since the onset of the pandemic, service delivery has been maintained at almost full capacity to the meat industry. During this prolonged period, staff absence has remained low in comparison to similar organisations. However, we must bear in mind that leave take up is not comparable with the uptake or distribution that has been seen in previous years.
- 9.2 Field Operations has experienced major delays filling vacancies due to the delays in the SG Resourcing Team. However, to date, this risk has been mitigated by the lack of annual leave taken but that risk is expected to increase significantly when international travel restrictions ease.
- 9.3 Ministers agreed to testing of our frontline staff and the Operations Branch is currently working with NHS to develop a COVID-19 testing protocol. The model would ensure test kits are sent to the home addresses of field staff interested in signing up. Testing will take place twice a week and results will be entered on a specific digital platform. All field staff will be encouraged take up the offer for weekly PCR testing as an interim measure until LFD is available, as an additional control measure against COVID-19.

10 Field Operations - Seafood Hubs

- 10.1 From 1 January 2021 SG and FSS have established a supplementary approach, specifically for the fishery trade at a number of logistics hubs in central Scotland, to complement the Export Health Certificates (EHC) provision undertaken by LAs in Scotland, and ensure trade from Scotland to the EU continues, as far as possible, without undue delay. FSS staff are responsible for signing EHCs at these specific sites, following confirmation of compliance provided by the exporters' relevant LA.

10.2 Since January, approximately 4000 EHCs have been completed with approximately 43% requiring re-working due to inaccuracies, mainly related to the supplier declaration process, thereby leading to delays. We are seeing continuous improvement as staff settle into the process. Recently, small changes have been made to the IT systems by DEFRA that have improved matters but a significant upgrade would be beneficial to the process. To date, there has been no commitment by Defra or APHA to make that level of investment.

11 Local Authorities

- 11.1 Since the COVID-19 pandemic, there has been a continued commitment to work closely with wider stakeholders and LAs to support FBOs.
- 11.2 In 2020 we altered the requirements for LAs in relation to the application of certain elements of the Food Law Code of Practice (Scotland) 2019 (the Code), and associated Interventions Food Law Code of Practice 2019, to ensure LAs had the ability to undertake wider public health duties related to COVID-19. These changes were outlined in the Board paper of [21 October 2020](#) together with the approach to intelligence driven Interventions and continued monitoring.
- 11.3 Since 21st May 2020, efforts have been focussed on LA recovery planning. This project was led by FSS in partnership with a SFELC working group specifically established to support the work. The LA recovery plan has, following a short period of consultation, been published and all 32 LAs are now working on their plans for recovery with FSS support and guidance as required. It is expected that recovery process will be in place once COVID-19 restrictions are relaxed to an extent that allows all food businesses to be fully operational once more.

12 Animal Feed Delivery

- 12.1 On 1 April 2021, the Transfer of Feed (Miscellaneous Amendments) (Scotland) Regulations 2020 came into force, transferring competence for feed official controls and enforcement from LAs to FSS. A hybrid model of official control delivery has been put in place with LAs, operating under delegation and funded by FSS. Eighteen LAs have expressed an interest in delivering the service, covering 24 LA areas. Of these, 10 LAs have signed a Delegated Service Level Agreement, covering 14 LA areas, with the remainder due shortly. FSS officers will carry out official controls in the other areas of Scotland and will be fully responsible for all enforcement activity and investigation of complaints and incidents. Back-office administrative support to feed officers will be provided by the Feed Delivery Branch, for which a Branch Head is currently being recruited.
- 12.2 A proposal to appoint an Agricultural Analyst, intended to ensure the sustainability of the public laboratory service in Scotland, is currently being considered by the Analysts.
- 12.3 Earlier in March we announced, via the FSS website and targeted trade and social media communications, that from 1 April 2021, FSS had taken on formal

responsibility for making sure feed businesses comply with laws aiming to ensure that feed for animals is safe.

- 12.4 The communications highlighted that FSS picked up the role (and became the 'Competent Authority') from Scottish LAs, which until then had been responsible for delivering the service and delivering official controls - statutory duties with regard to the production of food all along the supply chain.
- 12.5 FSS will provide additional support and funding to organisations involved in this important work and, under new regulations laid in the Scottish Parliament, will be able to delegate functions to other qualified organisations to help with delivery.

13 External Engagement & Communications

- 13.1 Our key objective during the COVID-19 pandemic has been to ensure businesses and consumers have the most up-to-date, accurate, and useful information around food safety and transparency during the current crisis - helping consumers to have trust in the food that they eat and businesses to operate successfully within changing COVID-19 restrictions.
- 13.2 Through both existing and temporary networks established to deal with COVID-19, we have been working closely with colleagues in SG, LAs, and OGDs to co-ordinate messaging and stakeholder engagement. There has also been continued engagement with the Food Standards Agency (FSA) to ensure alignment, where relevant.
- 13.3 We have continued to produce consumer tracking surveys on food attitude and behaviours during the pandemic, working closely with the FSA, and advising SG stakeholders on the findings. Further waves are planned over the summer and we will publicise the trends once completed. This will help inform future consumer health and safety advice.

14 Next Steps

14.1 Key areas of focus going forward relate:

(i) ensuring that new requirements resulting from EU Exit are effective and reviewed as we gain experience in their delivery;

(ii) focusing internally on embedding the new values and governance structures

(iii) moving forward on delivery of the Corporate Plan

and

(ii) finalising our preparation for re-occupancy of Pilgrim House.

15 Conclusion/Recommendations

15.1 The Board is asked to:

- **Note, discuss and provide a view** on the organisational update

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