

Chief Executives Report

1. Visits and Meetings

1.1 Geoff Ogle and Heather Kelman presented at the Health and Sport Committee on Tuesday 24 January and you can watch the meeting on the [Scottish Parliament website](#)

1.2 On the 26 January Geoff also presented at a Westminster Food Forum with a presentation around Local Authority (LA) resources and Scottish Authority Food Enforcement Rebuild (SAFER). The Retained EU Law (REUL) Bill was raised a number of times and absolutely no one was in favour of it. The legislation has now gone to the House of Lords with the Government not accepting any amendments suggested in the Commons. It will be interesting to see what the Lords makes of it.

1.3 Geoff, Ian and Julie attended an event at the Scottish Parliament run by Asda and their leading Scottish suppliers to celebrate the food and drink sector. Keynote speeches were given by Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs and Islands, and Scotland Food and Drink. Asda Community Champions were also in attendance to discuss how Asda can support local communities.

2. Eat Well Your Way – campaign evaluation

2.1 In early 2022 FSS ran a campaign to encourage the Scottish public to improve their health by making small positive changes that could lead to significant health benefits. The main objectives were to provide advice tailored to individual needs pointing to the FSS dietary guidance tool whilst positioning FSS at the heart of the diet and nutrition landscape in Scotland and ensure our role in this area is clear.

2.2 The post campaign evaluation was pulled together in May 2022 and we have recently had some requests for information from board members. The full evaluation will shortly be available in Objective Connect, the activity and results are summarised below also:

- **Field events** were carried out in shopping centres across 5 Scottish cities. Over 1,500 one to one conversations took place with consumers, 26% of which were considered to as deep engagement (more than a 5 minute exchange).
- **A campaign toolkit** was shared with 24 key partner organisations covering nutrition, health and education. Feedback from partners was overwhelmingly positive with many providing feedback, including Nutrition Scotland; *‘The materials are really useful to share on our nutrition courses where we can directly speak to people who are looking for healthy eating tips.’*
- **TV advertising** reached 2,139,000 adults in Scotland, and 990,000 of our C2DE target audience.

- **Out of home ads** (phone kiosks and bus stops) were weighted towards C2DE areas and over delivered by 205% against targets due to extended period they were in place at no additional cost.
- **Social media** advertising delivered 21,769 clicks with Facebook and the 'onion creative' accounting for 97% of this total.
- Proactive PR delivered 16 articles across a range of outlets and a guest column in the Herald fronted by Gillian Purdon.

2.3 Post campaign research was conducted with a cross section of the intended consumer audience and key themes relating to the creative and overall approach are highlighted below:

- 70% of those saw the ad took action; visited website, considered changes/made changes to diet or spread the word.
- TV ads prompted the highest level of spontaneous recall.
- 47% of respondents described the messaging as 'clear and positive', 42% as 'good but generic' and 9% as 'negative'.
- The connection between the campaign and FSS could've been stronger – NHS, supermarket and SG deemed more likely responsible for the ad); still only a minority believe FSS to be experts in the area of healthy diet.

3. Operations Engagement Conference

3.1 For the first time since October 2019, the Operations division came together for a conference in Perth on 11th March. This was an important event to bring the division together after what has been a challenging few years, and with over 90 attendees it was great to see such a good turnout. Over the course of the day we:

- reflected on successes, and the work done during and since emerging from Covid
- discussed the outputs of the reprioritisation exercise
- asked colleagues to give their ideas on what we can do to strengthen field operations
- had an important update from HR, where benefits of working for FSS were explained as well learning and development
- heard from Hamid Gazem, Lead Feed Officer who gave an overview of animal feed official controls (Feed has just moved from Enforcement branch to Operations)

3.2 Maree Todd MSP had recorded a short video for the day expressing her thanks and acknowledgment of all the hard work done by the division.

3.3 There were lots of opportunities for colleagues to ask questions to speakers throughout the day, and it was great to see so many people interested and engaged in what we were discussing.

4. REUL

4.1 FSS engaged with Peers who spoke during the Second Reading debate on the Retained EU (Revocation and Reform) Bill in the House of Lords, and also subsequently with Peers who tabled Amendments relating to food and feed law at the Committee Stage of the Bill.

4.2 FSS's Chair wrote to Peers on a targeted basis prior to the commencement of the Committee Stage of the REUL Bill on 23 February 2023. A general briefing/letter was also sent to the Government Whips' Office, to the Labour (Opposition) Whips' Office, to the Liberal Democrats' Whips Office and to the office of the Convenor of the Crossbench Peers in the House of Lords.

4.3 The letter sent to Peers by FSS's Chair, Heather Kelman, helped to raise awareness amongst Peers about FSS's role, and about the potential impact of the REUL Bill on food and feed law, and upon consumers, and helped to inform debates on these issues.

4.4 Lord Rooker, Baroness Binton, Baroness McIntosh of Pickering, Baroness Crawley and Baroness Chapman of Darlington all mentioned FSS in their speeches.

4.5 A date has still to be set for the Report Stage of the REUL Bill, at which Peers will vote on a wide range of Amendments to the Bill.

4.6 Doubt remains both on the delivery of REUL and on the ability to deliver FSS' other requirements which inevitably would be impacted by a diversion of resources to deal with this Bill's consequences. Additional resources or just being able to fill all of our current vacancies would help mitigate the risk¹, but even then, as outlined above, the timescales mitigate against any effective administration of the requirements of the REUL Bill. Both REUL and business as usual are in doubt, and, subject to where this ends up, it potentially will raise question on our ability to meet the Board's strategic and legal obligations against the current resource allocation.

4.7 As currently drafted the Bill provides powers to maintain or amend standards provided they are not used to increase any regulatory burdens.. Where UK depts make the same choice as FSS – i.e. to preserve – there is less of an issue. However, if UK Departments take a different view then that will result in the application of the Market Access Principles in the Internal Market Act. This means that any de-regulated products, or products subject to a different regulatory regime, will end up in Scotland despite our decision to preserve. There will therefore be a stark choice: either to engage which requires resources or not engage which means the effects of whatever UK departments decide ends up being sold in Scotland. Furthermore, any reduction in standards in England that is seen as discriminatory by Scottish businesses could also lead to challenge of Scotland's position.

¹ FSS is planning to recruit additional staff but as the Board will recall, the original request was for 56 FTEs to deal with EU consequences which we have not received.

4.8 It is possible that the UKG approach becomes focused around either extension (to 2026) or preservation. There may well be an optics issue here for UKG: it's much more sensible to preserve rather than extend now and reform later, but preserve from a UK Government perspective doesn't tick a "de-regulatory agenda" narrative. If a decision is indeed taken to maintain the status quo later after the decision to extend, say in support of some requirement in a trade deal, then the effect is that it will stack up additional work because an instrument to preserve is still needed. A better option would be to amend later if you preserve now as the extension powers still impose an arbitrary deadline. FSS has little influence on decisions to extend that may be made by UK Government, but their decisions particularly in relation to any proposals for amendment, will have resource implications for FSS and will certainly add to workloads.

4.9 If there is "wholesale preservation" within SG this of itself does not help that much in terms of the consequences. First, it could well lead to divergence if there is not co-ordination with other administrations (which there should be under Common Frameworks) and the UK Internal Market Act then moves front and centre. Secondly, if there are differences of opinion between administrations, then technically this would trigger the need to go through the Frameworks dispute resolution mechanism for which there would be very little time if the 2023 sunset remains. Thirdly, it is unclear what approach the central departments in UKG will take given that wholesale preservation could be seen to undermine the purpose of the Bill. Finally, this is nothing more than an "Elastoplast" because it creates breathing space for central UKG depts to consider what further reforms they may wish, or be required, to undertake which would still require significant FSS resource to manage in terms of implications for food law in Scotland.

4.10 FSS has not promoted nor pushed for this Bill and given what we know to date, it risks taking consumer protection and food law backwards against timescales where there appears to have been no assessment at all on the level of resourcing required to deliver it. Most "programmes" have three key variables: time, quality and cost. This Bill sacrifices quality against time; it makes no assessment of the cost in terms of resources required against the desired timescales and UKG have not indicated that there are any additional resources to meet the timescales or protect quality or indeed to enable the preservation of other priorities. Against those criteria it is not appropriate and against the outcomes this Bill delivers it definitely doesn't represent best value when there is a functioning statute book in place.

Nutrition publications and dissemination

4.11 Between November '22 and January '23, Nutrition have published 5 new reports looking at consumer purchasing behaviour in both the retail and out of home environments using data from Kantar Worldpanel, and an exploration of the calorie content of sweet discretionary foods:

- [Monitoring retail purchase and price promotions in Scotland 2021 | Food Standards Scotland](#)
- [Overview of the Total Food and Drink Landscape in Scotland 2021 | Food Standards Scotland](#)

- [The Out of Home Environment in Scotland \(2021\) | Food Standards Scotland](#)
- [Eating patterns and behaviours inside the home in Scotland 2021 | Food Standards Scotland](#)
- [An analysis of the energy content of sweet discretionary products in the out of home sector in Scotland in 2022 | Food Standards Scotland](#)

4.12 To support dissemination, Nutrition hosted an online webinar outlining the key findings from the Kantar reports in January. In total, 131 people attended with representation across government, public health partners, academics, local authorities and colleagues within FSS. The webinar slides with a voice over is now available on the FSS website.

5. SAFER Programme

4.13 Work is progressing on development of programme and governance arrangements with the intent to launch early this summer. Development of a critical path, timeline, resource demands, risk evaluation and budgetary impacts continues and a partnership event in Dundee on 28 – 29 March with LAs is looking to develop further the mechanisms required to release LA resources to support programme work.

Reconfiguration

4.14 As the Board will be aware, we have made some temporary organisational changes to support delivery of our priorities and over the next few months, once we have more clarity on SVS and REUL in particular, we will look to implement a permanent structure. In the meantime, new governance is in place to support the changes and actions such as re-allocation of strategic risks has taken place.

Board Changes

4.15 Finally, on behalf of the Executive I would like to thank Carrie Ruxton, Sue Walker and Louise Welsh for their invaluable contribution since 2015. FSS has come a long way since its inauguration and the three members have played a key role in our organisational development so thank you for all you have done.

On behalf of the Executive, we also say welcome to Paula Chatsworth, Kate Richards and Christina Buchan who join us formally from 1st April.

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