

Food Standards Scotland and Food Standards Agency Annual Report on Food Standards

1 Purpose of the paper

- 1.1 This paper is for discussion and decision.
- 1.2 It sets out proposals on the approach and scope for a joint Food Standards Scotland (FSS) and Food Standards Agency (FSA) annual report on food standards (“the report”) and our plans for engagement and publication in mid-2022.
- 1.3 The Board is asked to:
 - **Discuss and agree** proposals for the report, particularly in relation to scope at paragraph 4.11;
 - **Note** the Board will be sighted and have the opportunity to comment during the development of the report;
 - **Note** that FSS has been commissioned by Scottish Ministers to produce the report jointly with the FSA.

2 Strategic aims

- 2.1 This work supports FSS Strategic Outcome 1 – Food is Safe and Authentic; 2 – Consumers Have Healthier Diets; 4 – Consumers are empowered to make positive choices about food; 5 – FSS is trusted and influential.

3 Background

- 3.1 On 3 March 2021, Scottish Ministers commissioned FSS to work collaboratively with the FSA to produce an annual report on the state of UK food safety and standards, to be laid before our respective parliaments and assemblies. The new report is being developed in response to the increased interest in UK food regulation from domestic consumers, industry and international trading partners since EU Exit, as evidenced by the significant part food standards played in the recent debates on the Agriculture Act 2020 and Trade Act 2021, and the establishment of the statutory Trade and Agriculture Commission (TAC).
- 3.2 A joint FSS / FSA working group has progressed development of the report and proposals set out in this paper, including how we work together to line up our respective Executive and Board governance and clearance arrangements.
- 3.3 The report will demonstrate that food standards are being monitored by FSS and the FSA and that we are working hard to understand, represent and protect consumer interests in relation to food in line with our statutory obligations. The

report will provide a regular overview of food standards and how these change and address consumer interests over time, based on science and evidence.

- 3.4 The report will be mainly retrospective in nature, but will have the facility to note key upcoming issues which might be covered in future reports.

4 Discussion

- 4.1 As a joint FSS / FSA report it will engage the different Government food policy landscapes, strategies and initiatives that exist across Scotland, England, Wales and Northern Ireland, as well as synergies between them, and will require collaborative working across the four nations. It will reflect regulatory and policy positions across the UK, including where different approaches have been taken to protect consumers. The four-country approach is embodied in the proposal to lay the report before each of the UK legislatures.

- 4.2 Further to initial discussions between FSS and FSA officials, it is proposed the report will provide a retrospective view of how food standards have changed in the UK year on year, addressing consumers' interests and concerns. A key theme of the first report will be changes to UK food standards since EU Exit on 1 January 2021. As such it will address any divergence of approach between the four countries following consideration through the relevant UK frameworks and policy and risk analysis processes.

Scope

- 4.3 The scope of the report reflects FSS' mission to be Scotland's leading authority on food safety, standards and healthy eating; using data and evidence to provide assurance and advice that inspires consumer confidence and improves public health.
- 4.4 In considering scope, we recognise that 'food standards' go beyond food safety, labelling, composition and nutrition (for which FSS and FSA have differing policy responsibilities across the four countries). They encompass wider consumer interests around production standards such as environmental and animal welfare considerations. Consumers are likely to associate the term 'food standards' with the whole package of legislation and policies applicable across the food system to safeguard consumer health and interests.
- 4.5 Overall, the report will look at the state of the nation's plate and address whether food standards are being maintained, are falling, or improving. We propose that each report will comprise items on which we report routinely; items that respond to consumer interests as evidenced by our consumer engagement and social research; other issues to which FSS/FSA may wish to draw attention; and a forward look of upcoming issues of relevance to food standards.
- 4.6 The report will have the flexibility each year to cover issues of particular or developing interest to consumers, and other issues on which we might want to focus, on a thematic basis.

- 4.7 Given that the report is a significant new undertaking, it is proposed that the first report will be compact and tightly focused to ensure that it is done well and provides a firm footing for future reports. A separate summary version of the report is not therefore proposed at this time.
- 4.8 A range of areas were considered when developing proposals for the scope of the first report which we are not proposing should fall within scope at this time. These include non-regulatory standards set by industry, which influence food standards overall, and nutritional content and sustainability of food. In light of the proposal to keep the first report tightly focused, we are currently reflecting on the extent to which it will cover animal feed and animal welfare standards.
- 4.9 The first report will not bind FSS or FSA for future annual reports. The first report will serve as an initial template and there will be flexibility to develop the report's structure over time in terms of what we might routinely report on. This coupled with the ongoing flexibility for each year's report to cover issues on a thematic basis as described above means that the report will be agile and responsive.

Proposed content for first report

- 4.10 The following paragraphs set out current thinking around content for the first report but we will, in raising awareness of the report, also be providing stakeholders with the opportunity to provide feedback on content, so these could be subject to change.
- 4.11 We propose the first report establishes an initial set of components providing a firm platform on which to build on for future reports, as follows:
- Forewords / introductions from the FSS and FSA Chief Executives and Chairs;
 - General Introduction: An independent report from FSS and FSA with UK coverage; its purpose, aims and scope including an explanation of 'food standards' for the purposes of the report; four-country working; and an overview of issues and themes covered;
 - Broad UK context, including departmental responsibilities, priorities and strategies in the UK nations, and other high-level points of consumer interest in relation to food;
 - The Nation's Plate: An overview of people's eating and food shopping behaviour (where people buy food, where people eat, what people eat, how much people spend on food) in addition to consumers' concerns, interests and priorities when it comes to food;
 - Annual Themes: FSS/FSA response to Covid-19 - how the pandemic changed the food system and consumer behaviours and its legacy in those regards; and EU Exit and its impact on food standards;

- Information and analysis on the levels and different types of food incident and food crime over the reporting period covering safety and labelling and authenticity. Detailed reflection on any non-routine incidents and food crime of significant consumer interest and the responses to these;
- Overview of food safety issues that are going, or have gone, through the UK food safety risk analysis process and any associated regulatory / policy changes across the four nations (including those in response to risks and opportunities identified through horizon scanning, surveillance, research, incidents etc);
- Comments on non-routine food safety issues of significant consumer interest/concern (other than incidents/food crime) setting out the rationale should different approaches have been taken to protect consumers in different nations;
- Overview of regulatory changes relating to food labelling, authenticity and nutrition within FSS, FSA Wales, FSA Northern Ireland remits;
- Overview of changes to imported foods and the continued importance of the FSS/FSA risk analysis system in protecting consumers in this regard, and any commentary on the impact of new UK trade deals on food standards;
- Overall FSS and FSA position on how food standards have changed over the reporting period and the impact, drawing conclusions based on data/evidence from a range of sources including our risk analysis process, sampling activity, incidents, food crime monitoring and social research.

4.12 It is worth noting that the first report will be relatively early in the life of the UK risk analysis process. While there will be many issues going through the process, there will be fewer risk management recommendations and decisions to report than will be the case in subsequent years. Over time, increasing numbers of issues will progress through the system increasing the numbers of risk management recommendations made to ministers and decisions taken.

Indicative timeline, clearance and publication

- 4.13 The FSS and FSA Boards will be sighted and their comments sought during the development of the report.
- 4.14 It is our intention that the report will be laid before each of the UK legislatures, as outlined in the commission FSS received from Scottish Ministers. It would not be made public prior to this.
- 4.15 In Scotland, the report would be laid before the Scottish Parliament using powers in section 15(6) of the Food (Scotland) Act 2015 that FSS may lay a copy of any report prepared by it before Parliament. The FSA has similar powers under section

4(3) of the Food Standards Act 1999 to lay the report before the Westminster Parliament, Welsh Senedd and Northern Ireland Assembly.

- 4.16 Publication of the first report will take place in summer 2022 after it has been laid before the four UK legislatures.
- 4.17 An indicative development and publication timeline for producing the first report, including proposals on how the Board will be sighted on the report's development, can be found at Annex A.

Stakeholder engagement to raise awareness of the report

- 4.18 A joint FSS/FSA plan for engagement with partners in government, industry and consumer representatives has been developed to ensure, given the differing policy responsibilities across the UK, that the scope and aims of the report and how it fits into the new reporting landscape are well understood. This is particularly important for the first report and will be distinct to engagement with these stakeholders on the development of the report itself.
- 4.19 FSS has already engaged relevant Scottish Government officials on the new report following the commission we received from Scottish Ministers earlier this year, and considered how it fits into the wider food and trade reporting landscape in Scotland. The Board will wish to note that as the FSA has not received a similar Ministerial commission, they intend to raise awareness of the report across Government in England, Wales and Northern Ireland as part of an initial phase of engagement.
- 4.20 Subject to the Board's endorsement of the proposals set out in this paper, this will be followed by a subsequent phase of engagement focused on raising awareness with industry, consumer and enforcement groups later in the year, with FSS and FSA engagement activities being separate, but aligned in approach.
- 4.21 As per the indicative timeline at Annex A, a communications plan will be developed for each year's report.

5 Identification of risks and issues

- 5.1 As noted, the report is significant new undertaking that will require input from a range of FSS teams, including strategic engagement, policy, science, food incidents and food crime, and communications, and equivalent teams across FSA. As part of the pre-commissioning phase for the report a resource plan will be developed to identify the expected level of FSS staff and financial resources that will be needed to deliver the report, coordinating with FSA as necessary, and any associated risks with regard to impacts on other priority areas of work.
- 5.2 From a communications perspective, there is a potential risk that the first report will not have the desired impact with stakeholders and consumers in providing assurance that UK food standards are being maintained and protected. This will be dependent on the specific issues covered in the report, and the rationale for any changes based on science and evidence and any other legitimate factors that will

need to be clearly explained, particularly on issues where there is divergence across the four UK nations. This potential risk will be mitigated by the planned pre-publication stakeholder engagement work and development of a communications plan for each year's report, as noted above.

6 Equality Impact Assessment and Fairer Scotland Duty

- 6.1 While the report will provide commentary on changes to UK food safety and standards on an annual basis, where equality impacts will have been considered as part of the normal policy making process, development of the report itself will not involve any policy changes. As such, development and publication of the report is not expected to impact on people who share certain 'protected characteristics' - age, disability, sex, gender reassignment, sexual orientation, race and religion or belief – and no Equality Impact Assessment has been carried out at this stage.
- 6.2 Similarly, development of the report will not constitute a new strategic programme, policy, or decision, and a Fairer Scotland Duty assessment has not therefore been undertaken. However, as the scope of the report will cover wider consumer interests and concerns in relation to food, including people's food shopping behaviour, related socio-economic inequality issues such as low income, low wealth, and area deprivation can be included where evidenced by our consumer engagement and social research.

7 Conclusion/Recommendations

- 7.1 The Board is asked to:
- **Discuss and agree** proposals for the report, particularly in relation to scope;
 - **Note** the Board will be sighted and have the opportunity to comment during the development of the report;
 - **Note** that FSS has been commissioned by Scottish Ministers to produce the report jointly with the FSA.

Please direct queries to:

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1 September 2021

Annex A

Indicative Development and Publication Timeline for First Report

Period	Activities
September 2021 - March 2022	Agree scope of first report with FSS and FSA Boards (15 September). Contributions commissioned and drafting commenced. Engagement with Other Government Departments and the Devolved Administrations (Phase 1 – FSA only) and then with industry and consumer and enforcement groups (Phase 2) to ensure that the scope and aims of the report, and how it fits into the new reporting landscape, are understood. Communications plan for report developed.
April	First draft shared with FSS Executive Leadership Team (ELT), FSA Executive Management Team (EMT), and Boards by correspondence. Amendments made to draft taking on board comments received. First draft sent for typesetting.
May	First typeset draft scrutinised, amendments made and sent for second typeset draft. Second typeset draft discussed by ELT and EMT and shared with Boards by correspondence. Amendments to draft taking on board comments received.
End May	Final draft sent for typesetting.
Early June	Final checks and quality assurance. Seek joint formal sign-off by FSS and FSA CEOs and Chairs. Finalise various version requirements (e.g. accessibility versions such as large print, Welsh language translation, electronic documents etc.). Sighting FSS/FSA Boards, Ministers / other Government Departments.
Mid-June	Before legislatures' summer recesses: laying of the report before the four legislatures. Publication of the report as soon as it has been laid before the four legislatures. Associated communications activity before and after laying / publication according to communications plan.