FSS Strategic Risk Register **May-21**

Internal Controls Checklist

Food Standards Scotland

	Directorate	Risk Owner	Risk Title	Risk Description Include: Event - Cause – Effect	Link to Strategic Outcome	Controls in Place (To be aligned with Internal controls)	Controls in Place Three Lines of Defence			Gaps In Assurance	CURRENT Risk Impact & Likelihood			Trend	Proximity	Mitigation Actions Planned & Date of Delivery	TARGET Risk Impact & Likelihood		
							1st Line	2nd Line	3rd Line		Likelihood	Impact	CURRENT Risk Score				Likelihood	Impact	TARGET Risk Score
R001	Strategy, Communications & Programmes - Julie Hesketh-Laird	J Howie	Constitution, Devolution & UK Frameworks	**Event:** Given the Market Access Principles set out in the Internal Market Act, the UK Parliament may legislate in a way that overrides FSS/SG policy as it might have automatic effect in Scotland. **Cause:** Internal Market Act disincentivises collaboration and due process as outlined in Common Frameworks and UK Ministers may choose to prioritise a trade/industry/deregulatory agenda ahead of a consumer-led one. **Effect:** Scrutiny by devolved parliaments for laws that would take effect in devolved administrations would be reduced; a deregulatory approach to safety and standards is applied in Scotland; legal challenge made for any unilateral measures taken in Scotland even where within SM (spell out SM) competence following FSS advice; levers available to FSS/SMs (Again spell out SM) to deliver strategies reduced; enforcement landscape made more complex; food and feed safety and standards traded off against consumer interest.	FSS IS A TRUSTED ORGANISATION	FSS connected into SG Constitution & Europe Prog., providing policy analysis to SG Constitution & UK relations team. * Formal engagements with FSA, Defra, Wales & NI. - FSS fully participating in delivery of common frameworks, - Utilise 4C approach within FWs to drive standards acceptable across UK (see also keeping pace discussions with SG). - Regular strategic engagement with stakeholders to campaign for any Scottish preferences to be considered in UK context. * Board regularly updated at meetings & seminars.	Policy staff are proactively engaging with UK counter parts on new and emerging policy, linking in with NI contacts as appropriate and ensuring that full panoply of SG and FSS policy/consultation tools are used to best effect.	Policy 'critical path'/check lists and protocols to be developed, SE team uses cross cutting contacts to leverage UK wide consideration of issues. SE team to develop an approach to engage at a strategic level to influence UK approach.	Independent assurance supplied by FSS Board ARC Internal Audit To ensure that the first two lines are operating effectively and advise how they could be improved.	Assurance areas identified as absent or requiring improvement which would support and / or alleviate identified risk.	4	50	200	● Static	VDI	Action: Continue to input into SG consideration of Internal UK market issues Owner: J Howie Delivery date: Ongoing Action: Once frameworks agreed, monitor and review to ensure Scottish interests are delivered. Owner: J Howie Delivery date: Ongoing. Action: Monitor emerging policy issues and ensure FSS is engaging with key stakeholders - Owner D Johnston	3	25	75
R002	Strategy, Communications & Programmes - Julie Hesketh-Laird	Gillian Purdon	Insufficient FSS influence over Scottish Government diet & nutrition policy with adverse consequences for consumers.	**Event** - FSS' robust evidence base provides advice and recommendations on policy actions and priorities to improve the Scottish diet. There is a risk that we lack influence to ensure actions are taken forward by SG, other partners and stakeholders. **Cause** - FSS is not seen as sufficiently influential to help make a difference or competing demands on SG and partners across portfolios and other stakeholders are given higher priority. There are too many players across the food chain involved in delivering positive outcomes with respect to diet. This includes agriculture, the wider food industry (retail, OOH and manufacturing), consumers, government, 3rd sector and the health sector. Furthermore, external influences such as the impact of COVID-19 and sustainability considerations. **Effect** - Scottish Dietary Goals will continue to be missed and consumers will continue to experience poor health consequences that come from a poor diet. Actions to improve diet are not taken forward in a co-ordinated, ambitious way and health costs continue to increase to deal with the clinical consequences of poor diet. There is also a reputational risk as our ambitions and recommendations are in the public domain and we could be viewed as ineffective in influencing policy change.	CONSUMERS HAVE HEALTHIER DIETS	FSS has weekly meetings with SG and PHS to ensure coordination of diet and health objectives. Regular meetings with devolved administrations, including DHSC, PHE and FSANI. FSS Board regularly updated at meetings & seminars. Nutrition programme board and steering group updated at least quarterly. Ensure clear and consistent consumer messaging through digital marketing and FSS resources, such as dietary guidance.	NSP team collaborate extensively with SG and PHS on diet and health policy. NSP team is proactively engaging UK counter parts on existing and developing diet and health policy.	Nutrition steering group and nutrition programme board coordinate, oversee and implement delivery of our objectives. This includes identifying and managing the associated risks.	Independent assurance supplied by FSS Board ARC Internal Audit To ensure that the first two lines are operating effectively and advise how they could be improved.	Strategic engagement with food industry and trade bodies could be enhanced.	3	25	75	● Static	APP	Action: Continue to influence SG, partners and stakeholders to progress policy to improve the Scottish diet. Date of delivery: Ongoing. Owner: Gillian Purdon Action: To ensure coordinated, strategic engagement with appropriate Ministers following the formation of the new parliament later in 2021. Date of delivery: September 2021. Owner: Gillian Purdon.	2	10	20
R003	Policy, Science and Operations - Ian McWatt	Lorna Murray	Local Authority Delivery of Food Law controls	**Event –** Local Authorities fail to deliver food law controls as required by the Food Law Code of Practice **Cause –** due to inadequate capacity and capability **Effect –** leading to interventions being missed increasing the opportunity for unsafe food practices and opportunity of food fraud within food businesses	FOOD IS SAFE AND AUTHENTIC	FSS continue to provide student funding and capability training to Officers engaged in food law activities Through the Covid-19 Local Authority Recovery plan FSS will be able to clearly determine the gaps in capacity and capability within LAs and consider future delivery opportunities	Management Controls & internal control measures in place to help mitigate the risk. Responsible for identifying and managing risk as part of their accountability for achieving objectives.	Evidence of controls/compliance in place provided by functions that oversee or specialise in compliance for identified in the risk area. Provides the policies, frameworks, tools, techniques and support to enable risk and compliance to be managed in the first line.	Independent assurance supplied by FSS Board ARC Internal Audit To ensure that the first two lines are operating effectively and advise how they could be improved.	Assurance areas identified as absent or requiring improvement which would support and / or alleviate identified risk.	3	50	150	● Static	APP	Maintain LA capacity training Planned workshop events (on-line) with LAs during the recovery planning process to support them during the process Continue to engage with OR team and ensure that the FSS interests are represented Continue to engage with professional bodies to modernise the training and qualification routes for new officers	3	10	30
R004	Policy, Science and Operations - Ian McWatt	Garry Mournian	Regulated Products	**Event:** There is a risk that the GB approach to regulated product applications and the 4 country risk analysis process does not adequately reflect Scottish perspectives, requirements or regulatory frameworks **Cause:** FSS reliance on FSA resource/systems/processes for regulated product applications and risk analysis and ineffective application of new responsibilities . **Effect:** FSA acting unilaterally in this area without engagement or considering devolved aspects associated with their actions, resulting in divergent approaches being taken with unintended consequences that may impact on FSS / SG ability to regulate appropriately or approve applications/risk management recommendations.	FOOD IS SAFE AND AUTHENTIC	FSS membership on UK governance forums. FSS Policy and Risk Management Forum. Working level groups and engagement with FSA counterparts on regulated product application handling and risk assessment/risk management/risk communication. UK Frameworks and FSA/FSS MOU.	Policy staff are proactively engaging with UK counter parts through various FSA/FSS forums at working level. C2 engagement with FSA counterparts and Senior Leadership Engagement at Director level.	Governance arrangements in place at UK level - workflow and recourses group, risk management group. Overarching policies, processes and templates developed to ensure GB/4 country approach taken at UK level. FSS procedures and documentation being developed. UK Frameworks and FSA/FSS MOU.	Independent assurance supplied by FSS Board thought reports being submitted for matters being progressed through risk analysis/regulated products applications. Open Board papers when risk management / regulated products applications being made to Ministers. Scope for internal audit to review system once embedded.	Possible gap in assurance associated with different regulatory approaches. Impact of UKIMA.	4	25	100	New	IMM	Action: Enhance the already good working relationships by continuing to work with FSA senior managers to foster an approach of early engagement on matters progressing through risk analysis or the regulated product application service, that originate within FSA. Date of delivery: Ongoing. Owner: Garry Mournian/Jacqui McElhiney Action: Develop internal FSS governance, though our Policy and Risk Management Forum, which supports proactive input into the identification of issues proposed for risk analysis from FSS. Date of delivery: Ongoing Owner: Garry Mournian Action: Consider, alongside FSA, the need to develop a Working Level Agreement which underpins the FSA/FSS MoU to clarify roles/responsibilities and ways of working within the area of risk analysis and regulated products to improve organisational understanding of the processes which should be followed on a UK basis. Date of delivery: Ongoing Owner: Garry Mournian/Jenny Howie	3	10	30
R005	Strategy, Communications & Programmes - Julie Hesketh-Laird	David Johnston	FSS is viewed as insufficiently independent of Government	**Event -** Despite the need to work more closely with SG as a consequence of EU Exit, FSS is no longer seen as being independent of government. **Cause -** FSS working ever more closely with SG departments and there is insufficient transparency when we exercise our independence caused by not explaining well enough when we should or need to collaborate versus when we don't. **Effect** - FSS is seen as too close to Government and that has an adverse impact on our partnerships, stakeholder engagement and consumer trust this reducing FSS reputation as an independent regulator.	FSS IS A TRUSTED ORGANISATION	As the pandemic eases, FSS should return focus to delivering on its new strategy and ensuring that appropriate distance from Government decision making is maintained. There is no suggestion that we have stepped back from offering evidence-based advice - this should continue, even where at odds with policy direction. However, FSS can do more to engage across the political spectrum, building relationships with and understanding the positions of parliamentarians from across the spectrum, building the perception of a politically-neutral regulator.	Poilitical opinion/reputation monitoring takes place to assess FSS' external reputation.	There are no specialists, frameworks or policy tools to manage this risk in place.	Independent assurance supplied by FSS Board ARC Internal Audit To ensure that the first two lines are operating effectively and advise how they could be improved.	There are currently no active measures in place to manage this risk as it has not previously been communicated internally.	2	25	50			**Action:** **Date of delivery:**	1	10	10
R006	Strategy, Communications & Programmes - Julie Hesketh-Laird	Comms & Marketing	Ineffective Communications with stakeholders and consumers	**Event:** FSS organisational messages are not readily understood by stakeholders and consumers or gain little traction/have little impact. **Cause:** Our approach to communications is insufficiently targeted at the differing audiences for our messages. Tailoring of messages required to meet the needs of our main stakeholders and different segments of the population. **Effect:** Potential reduction in the effectiveness levels of communication to important consumer and stakeholder groups and FSS' influence on SG policy and decision making reduces. FSS is not seen as a leading authority in relation to our remit, leading to a reduction in the understanding of the FSS role and a decline in trust in FSS.	FSS IS A TRUSTED ORGANISATION		Early connections and relationship building to be undertaken with the new Scottish Government team of Cabinet Secretaries, Ministers, Special Advisers and others with responsibility for delivering on the Programme for Government. Restructure of our Comms team to boost capability and significantly increase resource capacity.	Metrics to be put in place to measure and therefore manage penetration and impact of our messaging, FSS' reputation with key stakeholders and comms impact.	Independent assurance supplied by FSS Board ARC Internal Audit To ensure that the first two lines are operating effectively and advise how they could be improved.	Assurance areas identified as absent or requiring improvement which would support and / or alleviate identified risk.	3	10	30		DIS	Mitigation Actions Planned & Date of Delivery Action: FSS Comms team to review the dissemination/distribution of information to target audiences and investigate opportunities for further working with stakeholder groups/local authorities/food banks/charities to ensure material reaches hard to reach communities. Including posters/information cards etc.	1	5	5
R007	Strategy, Communications & Programmes - Julie Hesketh-Laird	David Johnston	Communications with stakeholders and consumers	**Event –** Partnership working and appropriate stakeholder engagement to support delivery of the strategy is insufficient. **Cause -** Aside from legal requirements to consult, FSS lacks the strategic focus on partnership working and stakeholder engagement or stakeholders' views are given insufficient attention and the opportunity to partner with new organisations who share our strategic intent is not realised. **Effect –** FSS works in isolation and lack of partnership means we don't benefit from the goodwill, ideas and shared resources other organisations can contribute. Any breakdown of collaborative relationships between FSS and stakeholders or poor partnership working could lead to reputational damage ultimately impacting on our ability to deliver FSS' strategic outcomes.	FSS IS A TRUSTED ORGANISATION	Raised awareness of Stakeholder Engagement resources; Liaise with Stakeholder Engagement Team for support; Consider most appropriate channel of communication with stakeholders especially when delivering difficult or sensitive messages.	Strategic stakeholder engagement strategy is under development on the back of a stakeholder mapping exercise in Q1 2021.	We are developing plans on with who and how we engage and partner on focussed issues such as nutrition and diet.	Independent assurance supplied by FSS Board ARC Internal Audit	Assurance areas identified as absent or requiring improvement which would support and / or alleviate identified risk	3	10	30	● Static	DIS	**Action:** **Date of delivery:**	1	5	5
R008	Strategy, Communications & Programmes - Julie Hesketh-Laird	Garry McEwan	Non Compliance with GDPR	**Event -** FSS fails to comply with GDPR legal requirements; **cause –** poor application of procedures, lack of staff training and poor maintenance of information that FSS holds. **Effect** - reputational damage to FSS for non compliance with statutory obligations and potentially significant financial penalties could be incurred.	FSS IS A TRUSTED ORGANISATION	Regular review, monitoring and management of all stakeholders contact details; Automated processes are being introduced on SEMS offering stakeholders a self-service option to update their contact details and preferences; Continuous training of SEMS users use of the system in compliance with data protection compliance.	Robust and effective data protection programme in place that are compliant with existing information security legislation and abides by the data protection principles	Increase in the drafting and approval of Data Protection Impact Assessments (DPIA), Data Sharing Agreements (DSA) and Privacy Notices to ensure that the processing of personal data across all FSS business areas is lawful, fair and transparent.	Independent assurance supplied by FSS Board ARC Internal Audit	Assurance areas identified as absent or requiring improvement which would support and / or alleviate identified risk	2	5	10	● Static	DIS		1	5	5