

## CHIEF EXECUTIVE'S REPORT

### 1 COVID-19

1.1 Throughout the COVID-19 pandemic, FSS has been supporting Scottish Government (SG) teams including Resilience, Food and Drink; and Scottish Ministers, and working with Defra, Food Standards Agency (FSA) and food retailers. Once again, FSS will support SG on EU exit preparations in relation to the security of food supply.

1.2 The Operational Delivery team have ensured that service delivery of official controls (OC) in meat plants has continued throughout the pandemic. The commitment and dedication of our Field Staff has ensured that the Scottish meat industry has continued to function. Full staffing was maintained in all meat plants throughout so far. COVID-19 related absence ranged from zero to 25%. No staff tested positive for COVID-19 and the NHS Scotland's Test and Protect system has been accessed on several occasions with all staff returning negative results.

1.3 The Executive has been working on recovery planning and the return of staff to Pilgrim House, taking into account physical distancing requirements and the safety and wellbeing of staff. We are considering a maximum occupancy of between 20-25%, with a focus on balancing both essential business need and personal circumstances. However, working from home remains the default position for FSS staff with the exception of our Field based staff who have to carry out essential business in meat plants. While there is no provisional date for a return to Pilgrim House at this point in time, work is underway to ensure that the office is ready for reoccupation safely, in line with the relevant SG guidance, at some point in the future. SG has developed Safe and Secure Workplace guidance which we will take account of, and we are in the process of developing a suite of guidance, including protocols and risk assessments for the building and staff which will cover health and safety advice and information on physical distancing, and will outline any changes in the use of Pilgrim House. Whilst we are planning to complete this work related to Pilgrim House by mid-September 2020, any decision to reoccupy the office will be taken well into Phase 4 of the SG [route map](#) and in line with SG decisions on reoccupation of their facilities. We are working closely with the staff to identify the criteria for returning to the workplace as well as considering lessons learned through our Pause and Reflect sessions and the output from our Pulse survey. This information and the issues that were captured during the COVID-19 incident will be incorporated into the lessons learned exercise that is currently being undertaken to capture the positives and negatives which have arisen during the pandemic with some of the decisions taken to be retained, some reversed and others further developed.

1.4 The FSS COVID-19 [Guidance](#) for Food Business Operators (FBO) and their employees, a [risk assessment tool](#); sector specific advice and [questions and answers document](#) for consumers and business, have played a significant role in helping businesses operate during this crisis and, overall, the responsiveness of the food sector has been very positive. The guidance has been updated a number of times and in a number of areas and now includes more detailed information for Food Business Operators on how to identify a potential COVID-19 outbreak in their workforce and actions to take. Further information has now been included to help FBOs in supporting employees who are at higher risk of infection and were previously shielding. FSS has been working alongside SG colleagues on changes to the guidance on face coverings, which are now mandatory for takeaways as well as a whole range of places.

1.5 In the past few weeks, it has been agreed that our Incidents team will be involved in the Problem Assessment Groups and Incident Management Teams where there is an COVID-19 outbreak in food premises and we will attend SG Resilience Room meetings when food premises are involved.

## **2. European Union Transition**

2.1 With the pace of work on European Union (EU) transition picking up, we are focusing on a number of key pieces of work including - legislation (such as revisions to retained EU law; the Scottish Continuity Bill, UK Government Internal Market proposals); the trade negotiations for the EU and the Rest of the World; Import and Export Controls.

2.2 In regards to the Northern Ireland (NI) Protocol we are considering the key issues in regulatory standards at the end of EU transition; the Export controls on goods from Great Britain (GB) and Northern Ireland and Import controls on goods from NI/Republic of Ireland to GB and the potential impacts on Scottish stakeholders.

2.3 We have also responded to the UK Government Internal Market white paper which has significant implications for FSS. In summary our concerns are that:

- the majority of the intended principles are already accounted for either within proposed UK frameworks or existing Memorandums Of Understanding with other UK administrations;
- The proposals on the internal market, mutual recognition and associated non-discrimination are not in line with internationally accepted principles and are unduly biased towards consideration of business cost;
- The arguments for legislative under-pinning and the establishment of new UK impact assessment body are not substantiated with respect to our policy area;
- The proposals do not properly accord the devolution settlement, or normal conventions of subsidiarity as to where responsibility for decisions on quantitative restrictions should lie.

2.4 Finally, the proposals in this paper are of concern because they simply do not strike the right balance between the cost and non-cost benefits of Governments' "interference" in the market. Non cost benefits, which would be in the consumer interest, appear time and again to be subservient to the business cost implications

2.5 We have now completed the priority phase of recruitment of key EU transition posts at C1 and C2 level. Appointments have been made for the following posts - Head of Audit and Assurance; Head of Strategic Engagement; Head Of EU Frameworks; Head of Risk Assessment; Head of Imports and Exports; Head of Labelling and Standard; Head of Food and Feed Safety Policy; Head of Future EU Partnerships and Head of Regulatory Strategy Programme.

## **3. Strategic Risk Register**

3.1 At the Audit and Risk Committee meeting on 12<sup>th</sup> August 2020, the strategic risk register was tabled for discussion. ARC members agreed that the risk impact and likelihood scoring should be escalated to Very High for Risk 19 - (EU Withdrawal matters and potential changes to Food Standards Act or Food Safety Act).

#### 4. Online Allergens Training Tool

4.1 Towards the end of June 2020, we launched an online training [tool](#), helping Local Authorities and industry cater to consumers with food allergies. The tool was developed in collaboration by the Enforcement, Policy, Food Protection Science and Surveillance and Communications and Marketing teams. The tool covers six modules, from legal requirements when selling food containing allergens to providing consumers with allergen information, and carries a maximum value of three hours (core activity) for the Royal Environmental Health Institute of Scotland (REHIS) Continuing Professional Development (CPD) scheme. It has been shared with Local Authorities and industry trade media. We have received positive feedback and so far 2,492 have visited the tool on the website, and 322 have visited the final module.

#### 5. Communications and Marketing

##### 5.1 COVID-19 Consumer Tracker 2020 – Wave 1 to Wave 3

5.1.1 [Wave 1](#) of the COVID-19 Consumer Tracking Survey, was conducted in May 2020, followed by [Wave 2](#) in June and [Wave 3](#) in August 2020 respectively. The purpose of the consumer research study by Ipsos MORI was to monitor attitudes, knowledge and reported behaviours relating to food specifically during COVID-19. The research draws from a representative sample of Scotland's population and was in conjunction with the FSA who were covering the rest of the UK with the same questions. Wave 3 was conducted before the recent pub and restaurant easements introduced by Scottish Government. Results from the latest wave (10<sup>th</sup> -14<sup>th</sup> July 2020) found that in the last month, around a third (28%) of respondents said they had healthier meals more. Additionally, 33% of people reported they purchased food from a takeaway less often compared to the period before lockdown, either directly because of cooking more at home, being concerned about COVID-19 or the fact they were looking to save money.

5.1.2 Key findings from Wave 3 broadly align with other published sources and focus on two areas (1) food availability and affordability and (2) healthy eating and food safety.

5.1.3 The importance of improving our diet and obesity problem was placed in the spotlight during this time, with the emergence of evidence of a link to an increased risk from COVID-19. It's great some of us ate healthier meals more, but the nibbles were also a temptation. Being indoors more often and potentially having more time on our hands has made it difficult to avoid unhealthy snacks, such as cakes, biscuits, confectionary and crisps.

5.1.4 When our meals are healthy it's easy to forget around a fifth of the calories and fat we eat, and almost half the sugar comes from unhealthy snacks which offer very little nutritional value and should be enjoyed occasionally in small amounts. We already know that poor diet and obesity leads to other health issues. We can no longer avoid the fact that obesity is a contributory factor to a person's ability to deal with the health consequences of COVID-19. As we come out of the pandemic, it is going to be really important to assess what we can all do to improve our diet and sustain that improvement going forward, and we will continue to play its part to ensure people in Scotland have healthier diets.

## 5.2 Food Crime Campaign

5.2.1 On the 3<sup>rd</sup> of July 2020, we launched a [food crime campaign](#), aimed at helping the public and industry spot the ‘tell-tale’ signs of food crime activity. The Scottish Food Crime and Incidents Unit is aware that the COVID-19 pandemic has created a factor or motivation in recent reports of food crime. The three ‘tell-tale’ signs we highlighted to consumers are:

1. The price seems too good to be true
2. Unregistered food businesses on social media / online
3. Fake alcohol, ‘disguised’ as well-known legal brands



## 6. Regulatory Policy

### 6.1 Front of Pack Nutrition Labelling in the UK: building on success

6.1.1 On the 30<sup>th</sup> July 2020, the UK Government and Devolved Administrations launched a UK- wide [consultation](#) on Front of Pack Nutritional Labelling (FOPNL). The consultation will run until the 22<sup>nd</sup> October 2020. Front of Pack nutrition labelling remains an important tool in reducing obesity, as it helps consumers understand the nutritional content of the products they buy for themselves and their families.

6.1.2 It has been seven years since the UK Government and Devolved Administrations recommended the multiple traffic light front of pack label. Since then countries around the world have created new forms of FOPNL and there is a growing evidence base. The way consumers purchase groceries and food has changed, with online grocery shopping being one of the fastest growing sectors in the UK grocery market. We therefore believe that this is the right time to consult to ensure that we are appropriately informed to continue to support consumers to make healthier decisions. We are not consulting on any particular options at this stage.

6.1.3 This consultation is a ‘call to evidence’, inviting views and evidence on three key areas:

- the UK's recommended FOPNL scheme – seeking views on how the current label is being used by consumers and industry alike;

- new International examples – seeking views and evidence on international FOPNL systems, including the composite label 'Nutri-score' and Chile's 'Warning Label';
- reflecting updated UK nutrition guidance – seeking views on exploring whether new nutrition advice on sugar and fibre should be incorporated into any future FOPNL.

## **7. Food Protection, Science and Surveillance**

### **7.1 Horizon Scanning**

7.1.1 We are undertaking regular horizon scanning activities to identify current, emerging and increasing issues and risks in relation to food safety, food standards and food crime. In particular, during the COVID-19 pandemic, FSS has commenced more frequent and focussed horizon scanning, tackling the current and potential risk that consumers may experience as a result of world-wide food chain disruption.

7.1.2 In July 2020, we published a horizon scanning activities [newsletter](#) which was shared with Local Authorities via the FSS Monthly Enforcement Newsletter.

## **8. Enforcement Delivery**

### **8.1 Update on Scottish National Database**

8.1.1 In July 2020, the Scottish National Database (SND) was upgraded to allow Import and Export information to be recorded against all Food Business Establishment records. Local Authorities (LA) can use SND to mark any Registered or Approved Food Business Establishment as an Exporter and/or Importer and product or country information can be added if this is known. Work continues to improve the quality of data sent to SND, and we have requested that LA use reports and dashboards available in SND to check data against their own Management Information Systems. This will ensure that we have good, trusted and reliable data available for national data analysis and reporting purposes.

### **8.2 Contingency measures for delivery of Official Controls in relation to food**

8.2.1 In March 2020, Joe Fitzpatrick, the Minister for Public Health, Sport and Wellbeing agreed to a deviation from the Food Law Code of Practice (Scotland) 2019 due to the unprecedented nature of the COVID-19 pandemic. The deviations allowed the mobilisation of an additional public health workforce that has been invaluable to assist SG in its efforts to control the pandemic. In early August, FSS made a recommendation to the Minister to extend the deviations until the 31<sup>st</sup> of October 2020, which he has agreed. This date will remain under review and will be amended where necessary. On the 6<sup>th</sup> August 2020, the [Enforcement Letter](#) was circulated to Local Authorities to advise them of the extension and it was also published on the FSS website.

## **9. Corporate Services**

### **9.1 Your Business at Risk Survey**

9.1.1 In February 2020, we carried out a security awareness survey – 'Your Business at Risk' to identify potential risks and learning opportunities within FSS. The results were analysed by Audit Scotland and we've established some key findings. The majority of the

actions relate to guidance material, such as providing additional guidance on incident reporting, memory sticks and flash drive policies and identifying malicious emails. We also identified actions relating to data handling, an area that has been significantly impacted by our shift to remote working. One of the most notable findings was the attitudes towards passwords and we issued a reminder to staff of the guidance on keeping passwords secure and of the following policies FSS Information Security Management, FSS Information Access Control and FSS Electronic Communication.

## **9.2 Equalities Mainstreaming Progress Report – 2018-2020**

9.2.1 In April 2020, we published the [Equalities Mainstreaming Progress Report 2018-2020](#). The report sets out our progress to date against our equality outcomes and plans for the next two years. The report also sets out a summary of our workforce equalities data and equalities monitoring information in respect of employment activities. The report also sets out equality outcomes which we will work towards achieving and how we will continue to embed equality across the organisation in order to meet both the general and specific duties as well as looking at how delivery of its functions impacts on those with protected characteristics.

## **9.3 FSS achieves Healthy Working Lives – Gold Award**

9.3.1 From mental health and wellbeing to physical health, exercise and diet, Healthy Working Lives is something we are very passionate about at FSS, so we were delighted with our recent [Gold Award](#) certification, awarded through Public Health Scotland.

9.3.2 There is an extensive criteria to meet in order to achieve a Gold award, including a strategic plan setting out how the standard will be maintained, which is reviewed on an annual basis. This recognition is a real credit to our colleagues on the Healthy Working Lives team and their hard work.

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