

Date 10/02/2021		Last updated by: Ruth Dewar		CURRENT Risk Impact & Likelihood		TARGET Risk Impact & Likelihood								
Risk ID	Risk owner	Delegate	Risk Description <i>Event - cause - effect</i>	Controls in Place	Likelihood Impact	CURRENT Risk Score	Trend	Proximity	Actions Planned Action Owner Date of delivery	Likelihood Impact	TARGET Risk Score	Progress update		
4	Elaine McLaughlin		<p>Event: There is a risk that FSS's budget is reduced in future, or it is insufficient.</p> <p>Cause: Pressures such as Brexit, or wider financial pressures across the Scottish Administration.</p> <p>Effect: FSS having to focus solely on statutory requirements and scale back on a number of non-statutory key initiatives needed to achieve our strategic outcomes, and requires the Board to revise or reprioritise the FSS Strategy which may have a detrimental impact on consumers.</p>	<p>Active management of the budget planning on a monthly/quarterly basis alongside Corporate Plan priorities and other issues materialising throughout the year. Building and maintaining key relationships in SG Finance and with regard to the Health Finance portfolio, Central Finance and EU Exit team. Exploring alternative mechanisms for work previously funded by FSS. Development and implementation of FSS Financial Management Plan alongside other plans (i.e. workforce planning).</p> <p>Wider business planning reviewed in terms of how we prioritise our work and match all resources to deliver in a programme based way. Brexit Consequential funding secured to specifically fund Brexit related work/resource requirements but this only covers 19/20. Business Case submitted and approved for future funding to ensure existing and statutory obligations can be delivered post Brexit agreed.</p>	1	25	25	Static	DIS	<p>Following discussion with SG Health Finance, the SG Cabinet agreed to provide up to £3.5m additional budget to support FSS Brexit related activities. This was subject to discussion at the May Board meeting where the Board agreed to the Executives recommendations about how we should prioritise our resource based on the additional funding received. The executive have revised the budget allocation and planning work following our CLG meeting in May and this approach was broadly outlined at the August Board as part of our normal budget performance report. The risk has been reduced in terms of likelihood as whilst we previously recognised the future risk from 20/21 onwards, our business case to SG Health for additional resource to meet our requirements in a post- Brexit world was agreed by Ministers in October and work is now underway to develop and implement a new FSS structure that ensures we are best placed to deal with the future challenges. Recruitment has commenced in priority areas around risk assessment, management and food crime for example and this will be a priority programme of work over the next few months.</p>	2	25	50	<p>Update 28/1/21 £18.4m of Resource budget has been requested in the Spring Budget Review following update on budget requirements to deliver FSS objectives. Continue to report updates to forecast outturn for the year and also providing details of any savings and additional costs in year due to Covid. SG have confirmed that high level budget for 2021/22 will be £22.5m with baseline budget of £19m (that includes £0.4 for AME) allocated at start of the year. The remaining £3.5m of funding will be held within the health budget and will be transferred to FSS in-year to meet additional costs incurred on the EU Exit business case. Regular contact is maintained with SG Health finance and budget planning is progressing for the next financial year.</p> <p>The risk has been reduced in terms of likelihood as whilst we previously recognised the future risk from 20/21 onwards, our business case to SG Health for additional resource to meet our requirements in a post- Brexit world was agreed by Ministers in October and work is now underway to develop and implement a new FSS structure that ensures we are best placed to deal with the future challenges. Recruitment has commenced in priority areas around risk assessment, management and food crime for example and this will be a priority programme of work over the next few months. There remains some issues with regards to how SG Health Finance are ring-fencing the additional EU Exit money and FSS Officials are liaising with SG. Work to finalise the full FSS budget allocation for the year is nearing completion and way delayed due to the UKG and SG budget announcements being delayed following the General Election in December. The initial budget allocation was presented to the Board in Feb and the final allocation will be presented at the May Board meeting.</p> <p>In 2020/21 further funding approved of up to £5m to deliver FSS objectives post January 2021. Reporting updates to forecast outturn for the year which will inform the final budget to be allocated at SBR. Also providing details of any savings and additional costs in year due to Covid. In addition, increase in funding has been approved for a further four years to enable FSS to setup its new structure to enable the delivery of additional functions from 2021 onwards. However, there is risk to the future years funding as SG deal with the financial pressures as a result of COVID. Regular contact is maintained with SG Health finance and budget planning is underway for the financial year 21/22.</p>
5	Ian McWatt	Ron McNaughton	<p>Event: There is a risk that FSS fails to protect the reputation of the Scottish food and drink sector from the impact of food fraud.</p> <p>Cause: A lack of information provided, FSS capability or capacity issues that prevents action to be taken.</p> <p>Effect: Failure to adequately deliver our aspirations of responsible food businesses flourishing and consumers having reduced confidence that food is authentic.</p>	<p>Launch of FSS Scottish Food Crime hotline in association with Crime stoppers. Roll out of a single intelligence management system across all 32 Scottish Local Authorities and an information sharing agreement with the Food Industry Intelligence Network (FIIN) has supported a good flow of information coming into FSS Scottish Food Crime and Incident Unit (SFCIU). The CLIO incident management system is now being rolled out. This system will improve information management for food incidents and will enable FSS to share intelligence and information with interested parties in a controlled manner as well as providing a single repository for all documentation / communications relating to an incident. CLIO is also being used for intelligence development documents. Members of the EU Food Fraud Network. Additional investigator resource brought in to support increased complex case load and we can anticipate 2 high profile investigations to be reported to the crown in the very near future.</p>	2	10	20	Static	VDI	<p>Action: Ongoing work with LA's and SFCIU with a wide range of stakeholders Owner: Ian McWatt Date of delivery: Ongoing</p>	2	10	20	<p>Update 05/02/2021. Further developments in FSS TTCG process and pleased to now have Local Authority participation. This will facilitate improved tasking and engagement with the food industry. This risk remains with VDI proximity and a static trend currently. Note also that target risk score has been achieved.</p> <p>Ongoing engagement with FIIN and GFA to ensure effective sharing of intelligence. FSS Tactical and Strategic Assessment meetings embedded and working well. Sub group established for Tacy meeting to consider food crime and food safety problem profiles. Ongoing concerns wrt intel sharing at an EU level continue and will largely be informed by progress within Brexit negotiations. Proposed increase of trend of this risk to increasing rather than static</p> <p>Ongoing dialogue with LA's via SFELC and SoCOEHS with regard to Tactical Assessment process and now looking at securing LA representation at quarterly FSS Tacy meeting. Head of SFCIU also looking to extend membership across SG and other agencies to secure as wide an input into development of document as possible. Risk metrics remain unaltered in this update</p> <p>Further LA engagement events to encourage increased logging of intel on Memex and also to support roll-out of CLIO. Risk would seem to be static and hitting target score principally evidenced through recent high profile cases currently being reported.</p> <p>Further discussions being held with SFELC and Food Fraud Working Group around development of an MOU to agree ways of working in fraud cases between SFCIU and LA's. Work is ongoing in this regard as one LA in particular is presenting challenges with respect to interpretation of the NIM resulting in scenario and workshop development to help secure a Scotland wide agreement. This exercise will hopefully be completed by April 2018. Work is also progressing well with respect to the independent review of incident management processes and report to the board 28/02/2018.</p> <p>Some joint working being done with SF and agree a way forward but if successful will escalate at TSS/SOLACE level. Clearer picture expected by April 2018.</p> <p>Risk proximity considered very distant as there is no evidence currently to suggest that Scottish food and drink sector would be seriously adversely impacted by food fraud owing to SFCIU capability or capacity or available intel - SFCIU is now fully resourced. Strategic and Tactical Tasking Group format discussed and agreed in principle - further discussion to be had on membership and how to engage SG, LA's and industry. Matter now in hand and Tactical Tasking bimonthly meeting commences in July. Tactical tasking process now launched and bedding in well. Aiming to ensure appropriate membership across government as process will require decision makers to be present. Work in progress and aim to have full membership agreed and in place early 2019.</p> <p>Work ongoing with LA's to improve intelligence logging as well as further campaign work via FSS Comms and with Crime stoppers</p> <p>Ongoing and increased engagement with industry and industry bodies. Focus primarily has been more on COVID compliance and less on wider reputational risks. Current heavy case load wrt food fraud prevails however and several high profile cases are in the process of court consideration. From a strategic perspective the risk broadly remains static at this point as the focus of concerns around reputation shifts to one of viability and ongoing survival through the pandemic.</p>
6	Julie Hesketh-Laird	Gillian Purdon	<p>Event: There is a risk that FSS's statutory role in relation to tackling Scotland's poor diet and improving public health outcomes conflicts with priorities around economic growth in the food and drink sector</p> <p>Cause: Potential for tension between diet/health and economic growth. Due to FSS's statutory role in relation to tackling Scotland's poor diet and improving public health outcomes</p> <p>Effect: FSS's delivery of its statutory role in relation to diet/health is compromised.</p>	<p>The potential for tension between diet/health and economic growth is recognised at senior level in Scottish Government. SG Diet and Obesity Strategy and Good Food Nation recognise this potential and work is ongoing to ensure both positive health outcomes and economic growth.</p> <p>Engagement with the SG Strategy Unit and the senior officials' Cross Government food policy group established within SG.</p> <p>FSS recommendations to SG helped inform the SG Diet and Obesity Strategy consultation, and drew heavily on FSS's evidence base. Translated in to actions in the Healthier Futures Delivery Plan.</p> <p>Keeping in contact with SG Good Food Nation work, and officials have engaged with SG on what consultation on a GFN Bill might contain.</p>	4	10	40	Static	CLS	<p>Action: Submit response to SG Good Food Nation consultation. Owner: Garry Mournian Date of delivery: end March 2019</p> <p>Action: Provide advice to Ministers on allergen labelling on PPDS foods. Owner: Garry Mournian Date of Delivery: May 2019</p>	1	10	10	<p>Update 07/01/21 Ministers have agreed proposed SG actions for OOH but are awaiting publication however we cannot proceed with OOH stakeholder actions until SG intentions are in the public domain.</p> <p>Advice provided to Ministers on allergen labelling of PPDS foods in May. Continue engagement with SG on FSS work on allergen labelling on PPDS foods, to ensure impact on businesses selling PPDS foods is fully assessed, and that Ministers are advised further on the benefits, risks, costs and enforcement practicalities as policy develops. Internal project planning now underway to scope out the work required to implement the recommendations put to Ministers in line with agreed timescale. Stakeholder engagement has commenced in October and will complete in November.</p> <p>FSS have worked closely with SG and NHS HS to development of the SG OOH Action Plan. Publication of new evidence acquisition with updated data on OOH food purchases will be published spring/summer 2020.</p> <p>Trend remains static</p> <p>The Covid-19 pandemic will have an unprecedented impact on the food and drink sector. Whilst the retail sector may have benefited other parts of the sector, particularly catering sector will be negatively impacted. This will impact on our ability to engage particularly with the Out of Home sector. Therefore the risk likelihood score has therefore been increased from 4 to 5 with an consequential increase in the overall score for this risk.</p> <p>FSS will continue to monitor the impact of the Covid pandemic on food purchasing in retail and OOH. SG are developing revised actions on how to improve the OOH food environment the 'eating out eating well framework' which should help to bring together economic growth alongside consideration of public health impacts.</p>
7	Marion McArthur	Alexis Ovenstone	<p>Event: There is a risk that FSS is not sufficiently agile or capable in translating complex evidence-based policy into user-friendly consumer advice</p> <p>Cause: Lack of time and/or failure to apply the critical principle of considering the end user and ensuring information is provided in plain English.</p> <p>Effect: Missed opportunities to make a strategic and positive impact on consumer protection and health.</p>	<p>Communications and marketing strategy in place to support translation of FSS's priorities into consumer-facing information.</p> <p>Continuing to develop consumer-facing and friendly activity and ensure language is accessible. C&M branch continue to work with other branches to adapt policy language to become more consumer-facing, including through the FSS website. Undertaking ongoing consumer survey and social media listening work to better understand consumer attitudes, needs and wants via these channels.</p>	2	10	20	Static	APP	<p>Action: Importance of plain English and accessible language in ALL communications to continue to be emphasised by SMT and C&M to CLG and the rest of the organisation. Owner: Alexis Ovenstone/Tanya Olmeda-Hodge Date of Delivery: by end Jan 2021 (only one workshop to go as at 27/01/21).</p> <p>27/01/21 - Accessibility work is ongoing.</p>	1	5	5	<p>Update 27/01/21 No change to risk at present</p> <p>C&M created a new "tone of voice" section within the Brand Guidelines as it such an important piece of our brand. C&M then ran Brand Guideline workshops Dec '20/Jan '21 in which tone of voice was fully discussed and questions invited. Workshops were attended from top-down and had a high level of attendance and positive feedback.</p> <p>Accessibility work is ongoing on the website to ensure our external digital content is fully accessible within regulations. This includes a separate piece of work to review accessibility of our interactive education games as well as reviewing how we publish documents/reports/guidance to move away from non-accessible pdfs.</p>

8	Ian McWatt	Lorna Murray	<p>Event: There is a risk of either ineffective planning or delivery of official controls leading to non-compliance with food and feed law</p> <p>Cause: due to Local Authority capacity and capability to deliver these not matching statutory and food law code of practice requirements.</p> <p>Effect: In consequence, FSS would not be able to meet its obligation to assure this aspect of consumer protection.</p>	<p>FSS Operations Directorate maintains very close engagement with all Scottish Local Authorities. In addition to auditing LA delivery, engagement directly with Lead Food Officers through forums such as SFELC and Food Liaison Groups provides good intel as to areas of current or emerging risk. Work is currently underway to improve our access to LA data. Scottish National Database pilot now moving to live phase. Feed model now fully developed and work progressing well with agreeing MOU with the 9 newly appointed Regional Authorities. Development of ANNEX 5 work.</p> <p>Remaining LA's for SND pilot now scheduled to be on board by end of April 2018. Feed consultation launched. New delivery model will be implemented May 2018. Contingency measure with continued LA delivery in place. Discussions also ongoing with SG Finance re transfer of funding.</p> <p>Despite significant engagement and discussion between legal teams, 1 LA remains outside of SND. Update to Food Law Code of Practice includes reference to SND, and intent is for it to be a mandatory requirement when updated Code is ratified by Ministers and published in 2019. All LAS now on SND and working towards the implementation of FLRS.</p>	4	25	100	Static	APP	<p>Action: Continued engagement with LA's and pursuit of full SND coverage and further SND development work</p> <p>Owner: Ian McWatt</p> <p>Date of delivery: March 2021</p>	2	10	20	<p>Update 01/02/2021 Risk remains high and static at this time. Continued close engagement with LA's and SFELC throughout COVID lockdown to understand pressures associated with ongoing enforcement within Env Health depts. Clear focus on managing the response to pandemic has required adjustment in Food Law Code of Practice and proposals in this respect have been forwarded to and accepted by the Minister. Adjustments to method of food law interventions including remote and desktop assessment included. Close monitoring of SND data shows that interventions within higher risk establishments continuing hence static risk trend. Concerns around this risk however do remain and support further work within the Reg Strategy Programme to look at alternative models of delivery. Recent engagement with LA's has developed a restart plan that is currently being worked through by Enforcement Delivery Branch and SFELC</p> <p>Submission informing Minister of flexibility in application of FLCoP issued in March, July and October. This permits establishments in lower FLRS category to be engaged remotely and assessment of compliance undertaken via desktop evaluation of FBO evidence. Cat 1 establishments prioritised on basis of compliance history - some on site inspections may be required. Paper agreed at DCEO monthly meeting and at SMT wrt approach. ENF letter issued to LA lead food officers confirming relaxation which is for a time limited period. To be monitored closely by L Murray in ED Branch. Exit Plan for LA's coming out of Lockdown agreed by DCEO and SMT meetings. Proposal is for new approach to future OC delivery as the current position wrt to some LA delivery may be irretrievable. Plan sent with Enf in December. Various meetings with LAs taken place to progress planning for delivery re-start once possible.</p> <p>Letter received from COSLA wrt to LA's seeking 'permission' to depart from FLCoP. Meeting being arranged to explore what LA's are looking for exactly however FSS position has already been stated in Brexit PB on 15/10 and at August LA stocktake event that LA's need to articulate what it is they intend to do. Letter of comfort issued to GCC referenced wrt Commonwealth Games.</p> <p>LA Stocktake event held 28/08 to consider preparedness, capacity and capability and also No Deal preparedness especially around EHCs. Concerns regarding capacity remain high on LA agenda and decision not to issue letter of comfort shared as to alternative measure to allow for compliance with CoP has been provided. Individual LA's now tasked with engaging directly with Enforcement Delivery should any Capacity / Capability issues emerge over next few months and in particular around Brexit. Have also confirmed reinstatement of Capacity & Capability audits in Q4 (Jan - Mar 2020) and a desktop sampling audit from mid September 2019</p> <p>Escalation to one LA CEO re SND participation. Meeting between LA Legal and SG Legal to clarify position wrt GDPR and information sharing agreements. Project still expected to have all LA's on board by April 2018.</p> <p>Continued engagement with SoCOEHS provides additional trend data to demonstrate the movement in authorised and skilled enforcement officers within LA's. Discussion also held with Minister for Public Health & Sport regarding SND coverage and proposed action plans around this given CoP requirement, also looking to extend scope of SND 19/20</p>
9	Julie Hesketh-Laird		<p>Event: There is a risk that key stakeholders fail to recognise the importance of FSS's key regulatory functions to support exports and international trade.</p> <p>Cause: Brexit</p> <p>Effect: This could result in an inability to secure exports and adversely impact on FSS's reputation and ability to protect consumer interests.</p>	<p>Active management of the budget planning on a monthly/quarterly basis alongside Corporate Plan priorities and other issues materialising throughout the year. Building and maintaining key relationships in SG Finance and with regard to the Health Finance portfolio. Development and implementation of FSS programme activity around imports/exports. Liaison with SG and UK to provide input where FSS have a lead/interest.</p>	3	25	75	Static	APP	<p>Action: Continued delivery of FSS Brexit Programme objectives</p> <p>Owner: Garry Mourmian</p> <p>Date of delivery: in line with programme plan.</p> <p>Action: Consult on outstanding domestic labelling provisions needed for no-deal exit contingency planning, then lay the necessary SSI.</p> <p>Owner: Garry Mourmian</p> <p>Date of delivery: Consult in June, and lay SSI to meet coming into force date of 31 October.</p>	1	10	10	<p>FSS and Scottish Ministers functions established in retained EU food law - majority is laid and in place as a contingency for a no-deal exit. Further discussions are ongoing on UK Frameworks with UKG, Wales and Northern Ireland. Good progress at officials level, without prejudice to Ministers' views. Ministers have been updated, and discussions are underway re. plans for stakeholder engagement. Meetings held with FSA on the FW in August 19 and subsequent discussions have taken place since then, albeit with a focus on no-deal planning and working level arrangements.</p> <p>Operational readiness engagement with SG and UKG increasing, including contingency planning through developing FSS no deal stocktake approach. FSS closely involved in SG-led work on exports to ensure importance of certification and impacts for LA's are understood and taken into account. Programme has also flagged up the need to further consider import controls with regards to FSS role and that of the LA's to ensure Scottish consumers interests in relation to food safety from imported goods into the UK are addressed. Revised guidance and Q&A has been finalised and published on FSS website. Updates have been given to industry via stakeholder events and SGoRR Food sector resilience group.</p> <p>The UKG negotiating mandate published in early March identifies an approach which significantly increases the risk of EHC requirements for EU destined goods. In addition lack of clarity over the application of the NI protocol is making planning assumptions here difficult. The risk has been increased accordingly. FSS continue to work with SG in attempts to mitigate these risks.</p> <p>Operational planning delays across government as a result of COVID 19 have minimised progress in delivering proposed mitigations in this area. In the meantime the EU and UKG have published positions with respect to the Northern Ireland protocol which strongly suggest that many GB goods destined for Northern Ireland will require EHCs, exacerbating the original delivery challenges in this area. The risk likelihood score has therefore been increased from 3 to 4 with a consequential increase in the overall score for this risk.</p>
10	Ian McWatt		<p>Event: There is a risk of increased frequency of outbreaks of foodborne illness or other food incidents</p> <p>Cause: Growing pressure on LA's leaving them unable to maintain the current level of delivery of official controls to food businesses.</p> <p>Effect: Potential for serious cases of human illness and other risks to public health, loss of confidence in the food supply chain and loss of trust in FSS and other regulatory bodies.</p>	<p>Ongoing training for FSS and LA partners in Level 4 HACCP as well as engagement by FSS at Food Liaison Group level and through SFELC is actively supporting the maintenance of food safety skills by regulatory / enforcement personnel. Enforcement Delivery Branch actively engages with and provides support to Local Authorities principally through Working Group activity but also through provision of guidance materials and Enforcement letters to LA Lead Food Officers. FSS LA audit has also been recalibrated to ensure greater alignment with the legal obligations placed on LA's in terms of food official controls. Detailed Guidance to LA's on Official control activity at Approved Establishments has been completed and a pilot to test the approach commenced in September 2017. Use of CLIO system.</p> <p>A bespoke training course has been developed for FSS and this will be delivered via 3 courses during this financial year. Other activities include FSS pilot of a new Annex 5, development of a new compliance model as part of our Regulatory strategy, development of a specialist officer network across all Scottish LA's as well as ongoing work re. unpasteurised cheese production. There is also ongoing dialogue through SFELC and the food safety sub group and LA Food Liaison groups to ensure risks to the consumer are identified, action prioritised and review, where necessary, of operational guidance. This further ties into development work around Annexe 5 and ensuring FSS has access to up to date information through the development of the Scottish National Database. Agreed recruitment of additional personnel in Enforcement Delivery branch to progress roll out of Annexe 5 but also, crucially the review of the Food Law Code of Practice. Timescale for implementation now compressed and will see project outturn in 2019 instead of 2021.</p>	3	50	150	Static	APP	<p>Action: OCV development</p> <p>Owner: Ian McWatt</p> <p>Date of delivery: March 2021</p>	2	50	100	<p>Update 05/02/2021 FSS continues to monitor foodborne disease data and evidence is not emerging at this time that would suggest any increased incidence. LAs however remain under pressure to secure Covid compliance and whilst FSS with Minister agreed adjustment to FLCoP, work has been completed on a restart plan and this has been socialised with LAs and work is ongoing to support OC delivery going forward.</p> <p>OCV Delivery hampered by Covid Outbreak however training remains in forecast for delivery in FY 2020 - 21. Guidance and ENF letter issued to all LA's advising on OC delivery approach during Covid outbreak. Paper outlining approach tabled at DCEO and SMT meetings and both reaching full agreement as to approach wrt targeting OC resources including EHOs and FSOs at FBOs presenting greatest risk. Further guidance issued and published on website regarding physical distancing measures in food businesses and also sector specific guidance for Takeaway establishments.</p> <p>FSS in receipt of letter from COSLA seeking 'permission' from FSS to allow LA's to depart from FLCoP requirements and essentially throttling back on OC delivery. Initial response has been to push back on this as there is not a one size fits all approach that would sufficiently address the risks that each LA is facing. Agreement to meet with COSLA to discuss further and also meeting with SFELC and SoCOEHS to consider options and to confirm that this is less a permission matter for FSS and more an issue for LA's to make a determination on their approach to service plan delivery and how they can meet local priorities. All of this underpins rationale for increasing trend and moving likelihood score from 2 to 3</p> <p>SND progressing well and expected to be fully deployed by April 2019 This date for full implementation has had to be extended due to one LA refusing to sign up over concerns around GDPR and use of personal data. As mentioned in Risk 8, updates to FLCoP will address this and expectation is full uptake by April 2019. meantime, manual upload of data is having to be provided by the LA in question. This will allow 'real-time' access to LA information management systems and OC & premises data and will help to inform FSS confidence in LA capability and capacity to deliver OCs effectively going forward.</p> <p>Risk proximity considered 'Approaching' as recent incident activity shows that there are food businesses who continue to disregard advice, guidance and regulation resulting in product recalls, withdrawals and enforcement action being taken.</p> <p>Official Controls verification pilot launched. Concepts developed through SLWG under SFELC and rolled out fully to FSS Approvals process. Evidence gathered wrt performance and compliance of FSS approved establishments very much improved and discussion ongoing to consider application of OCV within LA sector. Likelihood increased from 2 to 3 Trend changed from increasing to static.</p> <p>Risk scoring and trend remains unchanged. Despite adjustments to delivery as detailed in amended FLCoP, evidence is not emerging that would support risk of increased frequency of outbreaks. Continued dialogue with PHS colleagues further supports this. Engagement with SFELC and SOCoEHS also continues.</p>
11	Marion McArthur	Alexis Ovenstone	<p>Event: There is a risk that consumers could have unrealistic expectations that food safety controls considered proportionate and appropriate by FSS will reduce all risks for consumers to zero</p> <p>Cause: Consumers not understanding their own responsibilities for food safety</p> <p>Effect: Increase in foodborne illnesses</p>	<p>Segmentation of the Scottish population by risk attitudes, and food safety knowledge and behaviours is being developed.</p> <p>This will underpin all future FSS food safety comms, marketing and interventions in this area, including additional segmentation work being developed between FPSS and C&M focusing on older, at risk groups and campylobacter reduction.</p>	2	25	50	Static		<p>Action: Wave 11 (Food Safety) results</p> <p>Owner: Alexis Ovenstone</p> <p>Date of delivery: Feb 2021</p> <p>Action: Refresh of segmentation, focusing on food safety and older age groups with a view to targeted marketing activity / intervention in 2021/22 should budget be available.</p> <p>Owner: Alexis Ovenstone</p> <p>Date of delivery: end Jan 2021</p>	1	25	25	<p>Update 27/01/21 Food Safety segmentation model is 98% complete, final visuals expected Fri 29/01. Specific over 60s segments to follow asap after that as design needed to be finalised on the main Food Safety model before proceeding.</p> <p>Regular, lower level food safety work continues - for example Alexa voice search successfully launched late 2020, promotion of the fast factsheets on the 5 key pathogens when a relevant opportunity arises. Education resources, REHS food hygiene course, events such as RHS, CSA blog; publicising of the new text and email food alert system, development of risk communication approach and capacity as part of the wider organisational Reg Strategy programme risk assessment and management work, development of recalls approach with the FSA as part of the Efficacy of Recalls project.</p> <p>NB. Difficult to give this risk a proximity range given it is an ongoing and perennial issue. This risk has been assessed to be static and a lack of proactive activity on food hygiene as a result of budgetary constraints in 19/20, combined with a continuing risk that there is a lack of capacity and resilience to deal with multiple food safety incidents alongside Brexit, Coronavirus, ECA and programme work within the Comms & Marketing team means this likelihood is relatively high.</p>
12	Julie Hesketh-Laird	Garry Mourmian	<p>Event: FSS's regulatory and operational delivery functions are largely related to EU law leading to lack of preparation leading up to EU exit.</p> <p>Cause: Due to tight timescales and ongoing uncertainty about constitutional issues, there are concerns that FSS does not have adequate time to prepare for the effect this will have in Scotland.</p> <p>Effect: This would affect our capability and capacity to achieve our strategic plan, for example through loss of statutory levers or through diverting resources away from carrying out the key activities agreed in the corporate plan.</p>	<p>Brexit-specific risk register identifying and mitigating for risks specifically associated with withdrawal from the EU. Continue to engage with SG/FSA closely on evolving thinking. Board regularly updated.</p> <p>Whilst EU exit has now taken place, ongoing uncertainty about the future of EU/UK relationships may require periodic renegotiation of the agreement.</p> <p>Additional in-year funding for Brexit consequential was agreed in May 2019 and allowed for additional resource to be allocated.</p>	3	50	150	Decreasing	APP	<p>Action: Continued engagement with FSA and UKG interlocutors</p> <p>Owner: Garry Mourmian</p> <p>Date of delivery: in line with programme plan.</p>	1	10	10	<p>Update 08/02/21 FSS have been able to recruit some of the agreed priority posts within the new structure to support delivery of the EU Exit transition plan. The programme board has agreed to wind up the transition programme. Accordingly the risk has been decreased slightly.</p> <p>Likelihood reduced from 5 to 3</p> <p>Continued uncertainty make exit planning challenging, as there is no clarity as yet over the future relationship between the UK and EU. This work is relatively well advanced through discussions with SG and UKG regarding UK frameworks and we continue to be engaged in relevant forums and working groups. UK-wide legislative fixes as part of no deal contingency planning have progressed well, and the majority of fixes relevant to FSS have been notified to the Scottish Parliament in line with the consent protocol agreed between the Parliament and Scottish Government, and laid in Westminster. These fixing instruments effectively repatriate EU powers to Scottish Ministers and FSS accordingly providing the platform for future regulatory controls.</p> <p>Work in 19/20 has been funded through additional in-year budget provision from SG. This funding has now been allocated to FSS from SG for which has helped to alleviate budget pressures on FSS and enable other non-Brexit work to continue.</p>

13	Julie Hesketh-Laird	Elaine McLaughlin	<p>Event: Risk there is a diversion and/or reduced resource available to deliver our Strategy and Corporate Plan, whilst ensuring the protection of public health across the food chain</p> <p>Cause: Programme requirements for Brexit</p> <p>Effect: FSS failing to achieve strategic outcomes to original timelines</p>	Brexit consequential bid assessed and submitted to SG in November 18 and FSS advised in May 2019 that additional in-year is available for Brexit.	2	50	100	Static	APP	<p>Action: Board and Executive discussion of 2019-20 budget allocation.</p> <p>Owner: Garry Mourmian</p> <p>Date of delivery: March 2019</p> <p>Action: Submit longer-term resourcing plan to SG.</p> <p>Owner: Geoff Ogle</p> <p>Date of delivery: July 2019</p>	1	10	10	<p>Update 07/02/2021 A future structure for FSS was developed and is in the process of being implemented to ensure we have the capacity and capability to deal with the new and additional requirements that we now face in a post EU exit world. Following approval of our EU Exit business case, there was a requirement to phase our costs in the initial 2 years. To this end further funding of upto £5m was approved for FSS in 2020/21 and the final additional budget required was £2.8m.</p> <p>Scottish Government have confirmed the resource budget for FSS has been set at £19m for 2021-22 which includes additional budget of £3.5m relating to the EU Exit business case. A further £3.5m of funding will be transferred either at the Autumn or Spring Budget Revision, with the final amount reflective of the actual expenditure incurred during the year.</p> <p>This risk has been mitigated in the short term with the allocation on additional in-year funding from SG. FSS's increased resource requirements will be ongoing however, so longer term resource requirements have been assessed and submitted to SG for consideration re. Spending Review. CEO wrote to SG in August 19 outlining the resourcing plan/requirements to ensure FSS can manage and mitigate the impact Brexit will have on the span of our responsibilities from 20/21 FY onwards. Further discussions took place with SG Health Finance who recognise the impact Brexit will have and aware of the timing pressures with regards to FSS being able to implement our plan due to the timings of Westminster Budget and proximity to end Oct and the subsequent impact this may have on SG spending review plans. FSS made a case to have a decision prior to any formal conclusion of SG spending review and this business case was subsequently approved by Ministers in October. Work now progressing to develop the FSS future structures will need to be in place to ensure FSS are able to meet its current and future statutory obligations. This work should mitigate resource challenges associated with post Brexit demands and allow revised strategic objectives to be implemented.</p>
17	Julie Hesketh-Laird	Jane Horne	<p>Event: There is a risk that the attitudes of food businesses could change</p> <p>Cause: Due to legal decisions made in 2018 with regards to food safety and specifically the presence of STEC</p> <p>Effect: There is an increased likelihood of food being placed on the market that is unfit for human consumption, leading in turn to increased levels of foodborne illness.</p>	Clear legal obligation on FBOs to produce safe food. Guidance available on foods that are higher risk, e.g. burgers served rare, and on raw milk cheese.	1	25	25	Static	DIS	<p>Action: FSS collaboration with SFELC re. pilot of raw milk cheese guidance to allow guidance to be finalised.</p> <p>Owner: Garry Mourmian</p> <p>Date of Delivery: by end 2019</p> <p>Action: Build on foundations of FSS approach to surveillance</p> <p>Owner: Garry Mourmian</p> <p>Date of Delivery: by end 2019</p> <p>Action: Review provision, awareness and availability of FSS guidance.</p> <p>Owner: Garry Mourmian</p> <p>Date of Delivery: As part of Phase 2 of Regulatory Strategy.</p>	1	25	25	<p>Updated 01/02/21 No evidence that FBO attitudes have changed however over the past year focus for LAs has been on ensuring implementation of COVID controls rather than food safety inspections which may have impact on FBO behaviours.</p> <p>FSS has continued to support FBOs by updating its tools for FBOs on production of smoked fish and fresh produce.T22:U22</p> <p>No evidence that FBO attitudes are changing in this regard - no evidence of increased food safety incidents.</p> <p>The SFELC Guidance on cheese made from unpasteurised milk is now in place following extensive discussion with the Specialist Cheesemakers Association. The guidance, which is for use by LA enforcement officers, was subject to workshop training for all affected LA's in March 2019. It is published on our website. SFELC will review the guidance at the end of this year gathering evidence as to how it has operated in the field. The guidance will be modified and updated if required following this review. The SCA will again be involved in any modifications required, although it is expected that these will be minor given the scrutiny applied to the current guide.</p>
18	Julie Hesketh-Laird		<p>Event: There is a risk that provision of scientific services in Scotland fails to deliver FSS requirements</p> <p>Cause: Under-investment in Public Analyst laboratories and poorly co-ordinated scientific expertise across the public sector.</p> <p>Effect: This may result in insufficient laboratory capacity in Scotland to adequately support surveillance, official controls and incident response</p>	<p>FSS provided input to define analytical requirements for food and feed to support the business case for Shared Scientific Services. This project aimed to bring together the 4 public analyst laboratories in Scotland to develop centres of excellence for food, water and environmental analysis. The business case was not approved by Local Authority Chief Executives, but FSS has continued to engage with the relevant LA's on initiatives aimed at safeguarding these services.</p> <p>FSS has continued to work with FSA to assess the risks associated with future laboratory provision for food and feed and identify possible solutions. FSS has also engaged with users and suppliers of laboratory services across Scotland (including SEPA, Health protection Scotland and Scottish Government's Rural and Environment Science and Analytical Services Division (RESAS)) to identify shared interests and risks.</p> <p>FSS has previously funded the 4 Public analyst Laboratories to co-ordinate annual Local Authority sampling grants programmes which has helped to support testing capability in key areas.</p>	4	50	200	Increasing	CLS	<p>Action:</p> <p>Owner:</p> <p>Date of delivery:.</p>			0	<p>Update 01/02/21 This remains a risk as per the update of 08/10/2010. Current lockdown restrictions has seen a sharp drop in sample numbers submitted to the labs with approx. 150 samples per month vs 600 per month pre-Covid. This has impacted on the income for the labs with private work being their key income and one PA lab has raised possibility of withdrawing from testing of official control samples. Red team meeting In December explored the issue and outcome of this work is still awaited.</p> <p>FSS is continuing to engage with Scientific Services in Scotland and relevant partners to promote the development of analytical provision in Scotland for food, water and environment and co-ordination with public health laboratory networks. FSS Senior Management and the Board will consider how FSS can provide a strategic leadership role in driving this forward.</p> <p>This remains a risk for delivery of laboratory provision in Scotland. During the COVID pandemic, a reduced number of samples has been submitted to the PAs by LA's as part of the FSS funded sampling grants and LA own sampling programmes. FSS has written to all lead food officers highlighting the key sampling priorities to focus and highlighting the relaxation of the LA CoP allows some flexibility wrt to enforcement. Some LA's have since engaged in discussions with PAs to take the samples on their behalf, however other LA's have raised a range of issues on why sampling at this time is not feasible. FSS will continue to engage with labs to assess the impact of COVID and wider issues on lab capacity and capability.</p> <p>FSS alongside FSA facilitated a workshop for labs to explain potential changes to import sampling post EU exit and identify implications for future laboratory service in Scotland.</p>
20	Ian McWatt	Sandy McDougall	<p>Event: Contraction of the food and drink sector owing to adverse trading conditions</p> <p>Cause: Conditions owing to EU Exit</p> <p>Effect: Reduced demand for meat Official Controls & reduced income for FSS.</p>	<p>* Mitigating risk of business failing to access EU Export market.</p> <p>* Broader workforce planning & consideration of redeployment opportunities to meet other Brexit-related pressures.</p> <p>* Limited opportunity to control particularly in the light of no compulsory redundancy policy</p> <p>* It could present FSS with the opportunity to support other work as additional resource would be available</p>	2	10	20	Decreasing	DIS	<p>Action: Operational colleagues to monitor current & future supply & demand requirements.</p> <p>Owner: S McDougall Delivery date: Ongoing</p>	2	10	20	<p>Update 27/01/2021 There is presently no sign of a decline other than the fish sector. There has been no impact on FSS resourcing. Trend reduced to Decreasing and likelihood reduced to 2. Target score currently met.</p> <p>Propose discussion at SMT with a view escalate to FSS Strategic Risk Register due to impact on meat industry & resulting impact to FSS. Still awaiting interim report on liberation of resources for EHCs. Recommend scoring be reviewed.</p> <p>14/01/20: Dec-19 Programme Board requested risk reworded from "Contraction of the meat industry..." to "Contraction of the food and drink sector ...". Risk tabled at SMT for discussion/feedback on escalation to FSS Strategic Risk Register.</p> <p>9/10/2020 - Lack of clarity around trade deal and end of EU Exit Transition period and the impact of the COVID pandemic supports changing this risk from static to increasing. Risk specifically focuses on meat industry income which will require continued monitoring as at present, there does not appear to be any increased likelihood of premises closure as meat consumption remains stable. If anything, potential trade tariffs may result in increased production in Scotland as UK seeks to become more self-sufficient and less reliant on EU imports</p>

16	Ian McWatt		<p>Event: There is a risk that Local Authorities feel less able to take appropriate and proportionate enforcement action in relation to microbiological food safety. Cause: Due to legal decisions made in 2018 by the courts. Effect: This could lead to lower levels of protection for consumers and an inability to adequately protect public health.</p>	<p>Continued engagement with LA's, SFELC, Industry. Production of guidance for LA community insofar as delivery of official controls in establishments producing raw milk cheese.</p>	1	25	25	Decreasing	DIS	<p>Action: Continued dialogue and collaboration with regulators, industry reps and industry in refinement of guidance Owner: Ian McWatt Date of delivery: By April 2020</p>	1	25	25	<p>05/02/2021 - PROPOSE RISK IS CLOSED - NO EVIDENCE TO SHOW THAT THIS RISK REMAINS A CURRENT CONCERN</p> <p>No further evidence from previous update to indicate this risk is materialising hence a reduction in likelihood from 3 to 2. Will continue to monitor and seek views from future SFELC meetings.</p> <p>Propose that trend is now decreasing as there is no evidence from LA's that LA's do in fact now feel less able to take enforcement action. There is however an attendant risk with regard to not being able to progress the Sanctions Code work due to competing Brexit priorities and this will need to be discussed at the next Reg Strat PB.</p> <p>Meetings held at SFELC in February 2019 as well as CEO meeting with SCA, ECL and LA's to discuss latest iteration of LA guidance. Ongoing dialogue with SGLD regarding potential court action</p> <p>Ongoing discussion with HPS, LA's through SFELC and SGLD</p> <p>Likelihood decreased from 3 to 2.</p>
19	Julie Hesketh-Laird		<p>Event: Through the EU (Withdrawal) Act, the Trade Bill or other Brexit-related legislative changes e.g. to the Food Standards Act &/or Food Safety Act, the UKG temporarily reserves matters of food safety and standards law to the Westminster Parliament, with (through legislative consent motion - LCM - or without (using Westminster supremacy powers) consent of the Scottish Parliament. Cause: Political decision purportedly needed for the 'UK market' to function effectively after the UK leaves the EU. Also to prevent any difference or divergence within the UK having an adverse effect on the UKG's ability to secure trade deals with other countries. Effect: This would change the constitutional settlement between Scotland & the UK on a temporary basis & potentially remove legislative, executive competence of the Scottish Parliament & Scottish Ministers respectively, at the crucial time in setting the future direction of travel for the UK & effect SG ambitions as set out in Scotland's Place in Europe documents. The likelihood here is high and the effect potentially severe depending on SG/FSS influence in the process (LCM etc.).</p>	<p>* FSS connected into SG Constitution & Europe Programme, providing policy analysis to SG Constitution & UK Relations Team. * Strong working relationships & ongoing dialogue with FSA. * Formal engagements with Defra, FSA, Wales & NI. * FSS fully participating in discussions/negotiations on frameworks, legislative consequences, operational readiness & upstream engagement. Board regularly updated at meetings & seminars. 22/02/19: Risk mitigated as much as FSS can. Risk now accepted.</p>	3	50	150	Increasing	CLS	<p>Action: Owner: Date of delivery:</p>	2	50	50	<p>08/02/2021 - PROPOSE RISK IS CLOSED - Does not reflect current picture, event has now passed.</p> <p>05/09/19: Risk proximity increased from APP to IMM due to 31/10/19 EU Exit date. 07/11/19: Proximity decreased from IMM to CLS due to revised EU Exit date of 31/01/20. General Election outcome may impact the wider constitutional issue surrounding this & therefore the risk may materially change once more depending on that outcome. 05/12/19: Risk likelihood is the only aspect that can now change & this is determined by UK Government policy.</p> <p>12/03/20 The new UKG administration approach to dis-respecting the devolution settlement appears even more aggressive than it's predecessor and the new UKG Internal Market (IM) project poses another risk to encroachment into our devolved food policy territory. In attempts to mitigate this FSS have been working closely with SG CUKR to help expose weaknesses in some of the UKG rationale behind their proposals. We have also sent our exit strategy plan to the Cab Sec for constitutional affairs highlighting our concerns here and although our UK FFSF currently fully respects the devolution settlement the IM developments pose an ongoing threat. Our UK frameworks have been categorised accordingly as heavily IM dependent.</p> <p>15/10/20: FSS response to IMB sent to parliament. FSS continues to support SG position where appropriate.</p>