

**MINUTES OF THE MEETING OF THE FOOD STANDARDS SCOTLAND BOARD HELD ON 16 MARCH 2016 FROM 10.30 TO 14.55 AT PILGRIM HOUSE, ABERDEEN****Present:****FSS Board**

Ross Finnie, Chair  
George Brechin  
Marieke Dwarshuis  
Heather Kelman  
Carrie Ruxton  
Sue Walker (until item 11)  
Louise Welsh

**FSS Executive**

Geoff Ogle, Chief Executive  
Elspeth Macdonald, Deputy Chief Executive  
Ian McWatt, Director of Operations  
Peter Midgley, Director of Policy and Evidence  
Garry Mournian, Head of Corporate Services  
Karen McCallum-Smith, Head of Private Office  
Hazel Stead, Board Secretary

**1 Introduction, Apologies**

- 1.1 The Chair welcomed everyone to the Food Standards Scotland (FSS) Board meeting. Apologies had been received from Anne Maree Wallace.

**2 Minutes and Actions arising - 16/03/01 & 16/03/02**

- 2.1 The minutes were accepted by the Board as an accurate record of the meeting held on 20 January 2016.
- 2.2 The Chief Executive (CE) updated the Board on three outstanding actions recorded on the action log. The recruitment of a Chief Scientific Advisor had taken longer than anticipated but an appointment is expected to be announced in the near future. A paper on Diet and Nutrition implementation and governance will be presented at the 19 October Board meeting. A letter had been sent to the Minister and a meeting to discuss animal feed had been arranged.

**3 Chair's Report**

- 3.1 The Chair invited board members to declare any conflicts of interest. No conflicts of interest were declared.

**4 Chief Executive's Report – 16/03/03**

- 4.1 In addition to the meetings detailed in the report, the CE had met with the retailer Morrisons to discuss a range of issues including diet and nutrition, reformulation and food safety. On folic acid, the CE confirmed that scoping work and liaison with stakeholders had taken place and discussions are on-going on how to progress towards a suitable solution for Scotland.
- 4.2 As Food Standards Scotland (FSS) is approaching its first anniversary, the CE wished to express his thanks to the staff and was very proud of the tremendous efforts made over the past year. The Chair endorsed the CE's comments and added the Board's appreciation of the efforts of all staff in the past year.
- 4.3 In discussion, the Board asked for clarification on a number of topics. On folic acid, the CE explained it was too early to confirm whether all types of flour would be fortified; FSS aware that industry would prefer a UK wide solution but was likely to be difficult to achieve given the UK Government position on folic acid. He explained the changes in staff terms and conditions to Scottish Government (SG) policies will bring benefits in terms of morale and retention, make FSS attractive as an employer to those in the Scottish Administration, provide pay progression and aligns FSS with SG. He confirmed the Eatwell Guide was due for publication on 17 March 2016.

## 5 Campylobacter – 16/03/04

- 5.1 The Chair invited Peter Midgley to introduce the paper and welcomed Jacqui McElhiney to the meeting. Peter reminded the Board of the decisions made at their meeting on 15 June 2015 and explained that the present paper provides further background on the UK strategy and FSS's role. The Food Standards Agency (FSA) Board was also discussing Campylobacter strategy today: both FSA and FSS Boards will be asked to agree that the FSS and FSA Chairs should write jointly to the major retailers to seek agreement to publish monitoring data to demonstrate on-going commitment to Campylobacter reduction.
- 5.2 The Board was asked to note that FSS will undertake a consultation during summer 2016 on a foodborne illness strategy for Scotland, with a view to tabling proposals for a foodborne illness strategy at the October board meeting.
- 5.3 Jacqui referred to the latest published results of FSA's survey of retail chicken on sale in the UK, which measures how the major retailers are progressing against the target to reduce Campylobacter in chicken. Although the target had not yet been met, progress had been made through industry interventions which provide confidence that it can be achieved. The FSA has now set an ambitious target for reducing the number of human cases of Campylobacter. Jacqui noted that figures published by Health Protection Scotland in 2015 show that infection rates in Scotland remained static over the lifetime of the current UK strategy. The present review of the strategy provides an opportunity to look at the Scottish context. FSS will work with partners, including the Scottish Health Protection Network to identify where we can work with SG to support the UK programme and improve public health outcomes in Scotland.
- 5.4 In discussion, a number of comments were made. On measures to reduce levels of campylobacter, a number of treatments such as sonosteam, rapid and blast surface chilling and secondary scalding are available to industry, but these can be expensive to implement. However, it was becoming clearer to industry which solutions were the most appropriate in securing improvement. On-farm biosecurity measures are another effective method to reduce campylobacter levels. The current FSS research programme was also discussed, which included an epidemiological study to identify and further understand sources of human infection. A surveillance programme to measure the prevalence and types of Campylobacter in Scottish produced chicken was also being undertaken. The CE noted that consumer and industry education would also be important. The Chair noted that the joint letter would need to strike the correct tone, and the Board was clear that pressure must continue to be applied where this is necessary to drive the changes needed to improve food safety.
- 5.5 The Board
- **noted** the progress made by the UK Campylobacter reduction campaign to date, and proposals for the next phase of the programme;
  - **agreed** that the Chairs of FSS and FSA should write jointly to the Chairs of the major retailers to ask them to publish their monitoring data on a regular basis to demonstrate their on-going commitment to Campylobacter reduction;

### **ACTION 2016/01: CHAIR**

- **agreed** that FSS should continue to work with FSA to implement a UK Campylobacter reduction strategy;
- **noted** the development of a foodborne illness strategy for Scotland, which will set out FSS's approach for reducing the risks of food chain contaminants, including a programme of work which will build on the UK Campylobacter reduction strategy.

## 6 Performance Reporting – 16/03/05

- 6.1 The Chair invited Elspeth Macdonald to present this paper. She referred to previous Board discussions which identified the need for the Executive to be able to articulate, and the Board to assess, the progress made towards achieving the aims of the FSS strategy.
- 6.2 Elspeth explained the intention for FSS was, as per the Board's request, to adopt an outcome based approach for performance reporting which can clearly identify the impact of FSS's activities. She reminded the Board that FSS has aligned its outcomes with the relevant National Outcomes from SG's National Performance Framework. Discussions with SG statisticians who developed the Framework have taken place: they are supportive of the proposed approach and are keen to identify and develop suitable outcome indicators that will help measure and report the progress achieved.
- 6.3 Elspeth recognised it will take time and effort to develop an evidence-based approach which includes key management information and 'business as usual' activities which go towards demonstrating how we achieve FSS's strategic outcomes.
- 6.4 In discussion, a number of key points were made. Whilst there was general agreement from the Board that an outcomes based approach was the correct method to use, it was recognised that this isn't easy to achieve. A suggestion was made that a few key milestones could be included to demonstrate progress and further work would be necessary to identify suitable indicators. The Executive confirmed that performance reporting would also be looking to provide the Board with output measures to enable assurance to the Board on business as usual performance and progress on change initiatives, and that they will also be drawing on logic-modelling work to help identify the right indicators to measure our progress.
- 6.5 The Board:
- **agreed** that the performance reporting framework should involve an outcomes based approach and be aligned with the SG 'Scotland Performs' Framework
  - **agreed** that the Executive should progress with a logic modelling approach to identify outcome indicators that would be used to evaluate and assess our progress

## 7 Audit and Risk Committee Update

- 7.1 The Chair invited Sue Walker, Audit and Risk Committee (ARC) Chair, to give an oral update on the ARC meeting held on 02 March 2016.
- 7.2 Sue confirmed that the ARC had discussed a range of issues including being updated on progress on the current SG Internal Audit (IA) plan, the draft SG IA plan for 2016/17 and the Official Controls IA plan 2016/17. A new risk had been added to the Risk Register in relation to delivery of animal feed controls by Local Authorities. She noted that the report on assurance mapping had been delayed until the next ARC meeting on 08 June.
- 7.3 A report on health and safety matters had been received and it was heartening to note that the spike incidents noted at the previous meeting had not been repeated. There had been no cases of fraud or significant losses to report.
- 7.4 It was noted that the timetable for producing the Annual Reports and Accounts was challenging but the executive agreed it was manageable. Audit Scotland will present the Board with its audit of the FSS Annual Report and Accounts at the 15 June Board meeting Annual Report and Accounts at the 15 June Board meeting.
- 7.5 Recognising that FSS was approaching its first birthday, Sue thanked staff for their efforts on the governance procedures and noted that whilst work was still on-going, substantial progress had been made.

## 8 Financial Performance Update – Q3 2015/16 – 16/03/06

- 8.1 The Chair invited Garry Mournian to introduce this paper. He summarised FSS's financial position at the end of Quarter 3 and provided an overview of the financial position as at end of January 2016.
- 8.2 Garry highlighted that the Executive intends to report on spend across FSS by aligning the budget and strategic plans to the Strategic Outcomes from the start of 2016/17. Spending plans for next year have been developed as part of a full budget and business planning exercise to ensure FSS budget is both balanced, affordable and within spending limits, to ensure delivery of the FSS Strategy and Corporate Plan.
- 8.3 The Draft Budget Bill has passed the three stages of the parliamentary process and is expected to receive Royal Assent before Easter. FSS spending plans have been based on the draft budget figure of £15.3m.
- 8.4 In discussion, a number of comments were made. A concern was raised by the Board on timing of financial reports. The Executive confirmed a table containing a real time update at the end of each quarter will be included in the introduction of future financial reports. The most significant risk and issue in relation to the budget are pension liabilities and transfer of fixed assets. The Executive confirmed that provisions for these liabilities had been made based on an actuarial valuation provided by FSA as part of the forecasts for the financial year. On valuing and transferring fixed assets, FSS is working closely with FSA and expect to complete this work shortly. The Executive was seeking clarification whether FSS would be required to demonstrate a 3% efficiency saving and the Board would be updated accordingly.
- 8.5 The Board:
- **noted** the third quarter financial report
  - **noted** the subsequent changes to the FSS 15/16 budget following the Spring Budget Revision in January
  - **noted** the on-going work relating to the 2016/17 budget and high-level budget provision against strategic outcomes

## 9 Finalising the FSS Strategy and Corporate Plan – 16/03/07

- 9.1 The Chair noted that the aim was to agree all the major principles and any changes required to reflect today's discussion, so that final approval of the strategy could be achieved in the near future. He then invited Elspeth MacDonald to present the paper.
- 9.2 Elspeth informed the Board that a written consultation on the Strategy and Corporate Plan had been completed. Responses were received from a wide range of organisations including industry, trade bodies, local authorities, other regulators, other public bodies, NHS Boards, academia, community interest groups and consumer bodies. The paper draws together the views expressed, and crystallises the matters raised into a number of questions for the Board listed in paragraph 3.14. Since the paper had been drafted, an additional response had been submitted which took the total number received to nineteen – Elspeth would ensure that views expressed in the final response were woven in to the discussion.
- 9.3 The responses to the consultation were generally very supportive of the Strategy and Corporate Plan. Responses received contained a range of comments covering overarching strategic elements and also specific points of detail and drafting, particularly around the activities in the Corporate Plan which the Executive will consider in finalising the documents.
- 9.4 The Board began by discussing the Strategy, and the questions raised by the consultation and listed in paragraph 3.14.

- 9.5 At this point, Carrie Ruxton declared an interest as she conducts work for the Meat Advisory Panel. Board members were uncomfortable with some of the comments on sustainability and would only accept these where an evidential basis existed. Board members also felt that the strategy should show the value of sustainability in the broader context, and include a focus on sustainable consumption to avoid food waste may be appropriate.
- 9.6 It was noted that paragraph 3.14 did not include a question about whether the strategy should include reference to the FSS role with respect to alcohol. The Executive undertook to take this point away for consideration.
- 9.7 Following detailed discussion and careful consideration, the following responses to the questions were made by the Board:
- Q. 3.14 (a) The Board recognised the argument for an alternative term, but decided on balance that they were content with the term consumers;
- Q. 3.14 (b) The Board agreed that sustainability should be included and broadened to reflect the Board's discussion;
- Q. 3.14 (c) The Board agreed with the content in the current drafts on Local Authorities but agreed the Executive would reflect on LA references when re-drafting.
- Q. 3.14 (d) The Board agreed to retain the original broader wording on inequalities;
- Q. 3.14 (e) The Board agreed to the principles as they stood;
- Q. 3.14 (f) The Board considered various alternatives, but agreed that "food is authentic" concisely expressed Outcome 2;
- Q. 3.14 (g) Again on the grounds of conciseness, the Board agreed that Outcome 4 should remain as "responsible food businesses flourish".
- 9.8 The Board moved on to consider the Corporate Plan. Elspeth noted that the Corporate Plan will also include the budget allocation for 2016-17 and tabled an additional report which provided the Board with further detail on how the budget is allocated across the Strategic Outcomes. The Board expressed the view that some financial projections over the full period covered by the plan were required, noting that these would of necessity be assumptions and subject to caveats.
- 9.9 The Board agreed to clear the Strategy in the near future and the Corporate Plan longer term, subject to the changes which had been discussed in paragraphs 9.4 and 9.8. Both documents were to be circulated for final agreement by the Board before publication.

#### **ACTION: 2016/02 EXECUTIVE**

- 9.10 The Board:
- **noted** that there were 19 responses to the consultation on the FSS's draft Strategy and Corporate Plan
  - **agreed** their responses to the questions set out in Paragraph 3.14
  - **noted** that the Executive will update the documents in light of some of the more detailed comments received and produce a composite response to all the consultation comments.
  - **noted** that the final versions will be circulated to the Board before publication

## **10 Developing the FSS Regulatory Strategy – 16/03/08**

- 10.1 The Chair welcomed Steve Hardie and Bill Adamson to present this paper. Steve explained that the paper begins a process of setting out the proposed future FSS regulatory approach. The development of a regulatory strategy is a key activity in the FSS Corporate Plan and will enable and

support delivery of our strategic priorities, in particular Outcome 4. It also provides a framework for achieving wider better regulation objectives to support the further embedding of better regulation approaches; to make for better policy and delivery.

- 10.2 The regulatory strategy also provides a starting point on future delivery of official food and feed controls in Scotland which are sustainable and robust; ensures consumers are protected and addresses future challenges for both national and regional regulators.
- 10.3 Bill Adamson moved onto the two key elements of the regulatory strategy; the approach to regulatory decision making and the adoption of an intervention based approach linked to a national compliance spectrum. Both of these elements are important in demonstrating our support for applying better regulation principles and help build trust with consumers and businesses.
- 10.4 In discussion, a number of key comments on the draft regulatory strategy were made. A feedback mechanism could be used for ensuring intelligence and ideas are fed into the regulatory development process. The Executive confirmed that governance procedures are in place and a programme board had been set up to provide this function. The wording of regulatory outcome 4 should reflect that work on official controls is responsive and agile. On regulatory approaches, it should be clear that FSS will work with other regulators; and on regulatory outcomes, a reference should be included to reflect that we share and promote best practice with industry. It was suggested that an appropriate reference to risk management and food safety could be incorporated into the vision statement. In future proofing the regulatory strategy, it should be clear how this is communicated to consumers and stakeholders, so that we are perceived as a regulator and our capacity to manage food safety risks effectively can be properly reflected.
- 10.5 The Board:
- **agreed** the draft outline regulatory strategy set out in Annex A.
  - **agreed** the regulatory outcomes and approaches proposed for FSS at paragraphs 2.5, 2.7 and 2.10.
  - **agreed** the principles for regulatory decision making and national compliance spectrum proposed at paragraphs 5.8 and 5.9.
  - **agreed** proposals for external stakeholder engagement to further inform development of our regulatory approach.

## 11 FSS Communications and Marketing Strategy – 16/03/09

- 11.1 The Chair welcomed Katherine Goodwin to present this paper and congratulated her on her recent permanent appointment as Head of Communications and Marketing. The CE introduced the paper and highlighted the important role that communications and marketing plays in gaining consumer trust. Katherine outlined the purpose of the paper and referred to the FSS Communications and Marketing Model which frames the strategy. She emphasised the importance of Communications and Marketing and how it is linked to the outcomes in the strategy in particular Outcome 5.
- 11.2 In discussion a number of key points were made. The Board welcomed the innovative approach of the Communications and Marketing model. FSS was commended on its social media presence. The Executive confirmed that the public attitudes tracker survey could provide a baseline and be used as a performance indicator. The Board sought, and received, assurances on communications input into incident and crisis management, on increasing FSS visibility, and on addressing misinformation in the press.
- 11.3 The Board
- **noted** the communications and marketing activity carried out to date
  - **agreed** the FSS Communications and Marketing Strategy
  - **noted** the communications and marketing plans for 2016/17

**12 AOB**

12.1 The CE updated the Board on the tax on sugary drinks in the UK Government's Budget which was announced today.

**13 Question and Answers**

13.1 The Chair invited questions from members of the public in the audience.

13.2 Ian Anderson, of Scottish Association of Meat Wholesalers, commented that he would be interested in how FSS would comply with paragraph 2.7 in the regulatory strategy. The Chair confirmed that FSS is committed to the delivery of the strategy and will look to the Executive to provide the detail of how this will be implemented.

13.3 There were no further questions; the date of the next Board meeting is 15 June 2016. The Chair closed the meeting.