

**MINUTES OF THE MEETING OF THE FOOD STANDARDS SCOTLAND BOARD  
HELD 20 SEPTEMBER 2023 – 13:45 – 16:40  
HYBRID – SAUGHTON HOUSE, EDINBURGH**

**Present**

**FSS Board**

Heather Kelman, Chair  
Alban Denton, Deputy Chair  
Aileen Brown  
Carol Evans  
Phillip Couser  
Kate Richards  
Christina Bichan  
Paula Charlesworth

**FSS Executive**

Geoff Ogle, Chief Executive  
Julie Hesketh-Laird, Deputy Chief Executive  
Garry McEwan, Head of Governance and Infrastructure  
Garry Mournian, Director of Policy and Science  
David Gally, Chief Scientific Advisor  
Kate Smith, Head of Comms & Marketing  
Emma Scott, Head of Private Office  
Rachael Hay, Private Secretary to CEO

**Apologies**

Ian McWatt, Deputy Chief Executive  
Joanne Smith, Board Secretary

**1. Introduction, apologies for absence and declarations of conflict of interest**

1.1 The Chair welcomed everyone to the Food Standards Scotland Board meeting, she also welcomed everyone attending via Teams. No external stakeholders were present at the meeting.

1.2 Apologies were received from Ian McWatt and Joanne Smith.

1.3 No conflicts of interest were declared by Board members. Carol Evans updated the Board that she has been appointed as a non-executive Director for the Account Commissioner for Scotland.

**2. Social Research priorities - 230901**

2.1 The Chair welcomed Sue Bond (Principal Social Researcher) and Emma Timmons (Policy Analyst) to the meeting and invited Garry Mournian to introduce the Social Research paper which describes the approach for strengthening the use of social science in FSS for the Boards consideration.

2.2 Sue commented that the paper is structured around the how, what and who. The “what” is the social science and the “how” is the use of different social sciences and develop social science messages. Annex B within the paper contains a summary of work to date and future priorities. The social research projects in Annex C include seven works commissioned by Sue’s team and three led by the Public Health Team. Kate Smith (Head of Communications and Marketing) advised the Board that Communications are looking to shift the focus of the consumer tracker to

more of a brand and consumer concerns tracker and gather data across all outcomes.

2.3 The Chair commended the team on the list of Social Research projects commissioned by FSS since the launch of the 2021 – 26 strategy as documented in Annex C within the paper.

2.4 The Chair thanked Sue and Emma for their paper and invited questions from Board members.

2.5 Given the resource constraints, the Board asked if there should be three priorities over three years or if the risk was limited. Sue explained that the team's workplan will be kept under review and some projects can be held back and the focus will be on emerging priorities e.g., SAFER. Garry Mournian commented that the team are also working on a robust framework.

2.6 The Board commented that the Food and You2 (FY2) survey is a great idea and will allow a UK wide perspective and asked about the scale and cost of the survey. Sue explained that FSS will be involved from Wave eight of the survey (reporting at the end of March 2024). A sample of one thousand households in Scotland will be taken involving fifteen hundred individuals and the survey will also cover the Food Hygiene Information Scheme (FHIS).

2.7 The Board commented on policy evaluation and value of impact and how that can be captured. Within the paper, page twelve talks about the impact of activities and measuring everything FSS does.

2.8 The Board asked if the Food and You2 survey would replace the consumer tracker as will be focused on brand, food safety issues in-depth, food intolerances and also FHIS. Kate Smith advised that with the FY2 survey including all four nations it will provide FSS which much more concise information.

2.9 The Board asked in regard to the building social science "toolkits" if there will be any oversight of their use. Sue responded that the toolkits are not actually physical but are more methodologies that can be used (e.g., have used call off contracts, evidence reviews), and by looking at what evidence already exists they can advise people to use at different approaches depending on the stages of the project cycle.

2.10 On social science research capacity, the Board asked where additional capacity comes from. Sue responded that social research networks are a key component in building capacity within FSS. For example, work on Prepacked for Direct Sale (PPDS) brought people from science and policy together. Policy colleagues have the expertise the science team can use for evaluation, reviewing the content etc. Building understanding within the organisation is key – what is social science? How can you use it?

2.11 Following discussion the Board:

- **Noted** the progress with the development of a dedicated social science function, since its inception in FSS in February 2021;

- **Noted** the proposed framework for delivering social science as detailed in Annex A;
- The Board confirmed that given the financial pressures and challenges, they are content with the present areas of action outlined in paragraph 5.2; **and are content** with the proposed future priorities for social research in paragraph 5.4.

### **3. Annual Report & Accounts 2022/23 - 230902**

3.1 The Chair invited Elaine McLaughlin, Head of Finance and Procurement, to present her paper on the audited Annual Report and Accounts (ARA) for the year ended 31 March 2023. The cover paper provides an outline of where FSS is at in regard to the ARA and takes into account any changes of the ARA following comments received from the Audit and Risk Committee (ARC). All comments received have been included in the version of the ARA that was circulated to FSS Board members today.

3.2 Elaine commented that due to the delay in receiving information from the London Pension Authority FSS is not quite where would usually be but that Board members had seen previous drafts of the ARA for their comment.

3.3 The Chair invited questions from the Board.

3.4 The Board asked about the timeline for FSS receiving the pension information in order to take the finalised ARA to the Board. It was noted that Elaine is waiting for Deloitte to receive assurance regarding the pension fund, and it is hoped that the information will be available early October.

3.5 The Chair invited Geoff Ogle, as the Accountable Officer to introduce the ARA 2022/23. Geoff referred the Board to the Chief Executive Statement -see annex A - and Geoff commented that Deloitte have confirmed they anticipate being able to give an unqualified auditor's report at the meeting of the Board. However, this will be a draft until such time as they have received assurance from the auditors of the London Pension Fund Authority (LPFA) expected early October 2023. Therefore, Deloitte are unable to sign off the accounts until they have received the relevant assurances. A further extraordinary Board meeting will now need to be held after this to close off this point at the end of October (possibly around the Board away days scheduled for the 24<sup>th</sup> and 25<sup>th</sup> of October.

3.6 Geoff thanked Karlyn Watt and her team, the ARC Chair and ARC members and Elaine McLaughlin and her team for all their work on the ARA.

### **4. Deloitte Annual Audit Report - 230903**

4.1 The Chair introduced, Karlyn Watt, Senior Manager, Audit and Assurance, Deloitte Ltd. Karlyn explained that the report was considered in detail at the Audit and Risk Committee (ARC) meeting on 6 September 2023 and subject to the outstanding points listed on page four of the paper, Deloitte are expecting to issue an unmodified opinion.

4.2 Karlyn confirmed that Deloitte's pension specialists have completed the review of the assumptions which resulted in an adjustment being made to the figures in the accounts of around £4m. This has been updated in the latest version of the accounts. This means that the only outstanding area is the assurance that Deloitte are awaiting from the pension fund auditors which is needed before the annual report and accounts (ARA) can be signed off. This is expected to be received by mid-October. The other items listed are all things that need to be done at the date of signing of the ARA, including final clearance, final quality control procedures and confirmation of any subsequent events up to the date of signing.

4.3 Karlyn noted that the action plan has been agreed with management and thanked Elaine and her team for their cooperation.

4.4 The Chair thanked Karlyn for the report.

## **5. ARC Draft Annual Statement of Assurance - 230904**

5.1 The Chair invited Aileen Brown, Chair of the Audit and Risk Committee (ARC), to present the draft annual ARC Statement of Assurance to the Board. Aileen commented that the statement complements the report given to the FSS Board following each ARC meeting and the ARC Annual Report to the Board and draws together the recommendations of the ARC to the Board.

5.2 Aileen highlighted within the assurance statement section 4.2 which details the four audits completed during 2022/23. The audits cut across three operational aspects of FSS: Operational Delivery; Scottish Food Crime and Incident Unit (SFCIU) and Feed Official Controls. Section 5 within the statement highlights a few themes in regard to the ARA.

5.3 The ARC based on:

- assurance provided through reports presented to it through the year by internal audit and by ARC scrutiny of reports from the executive on a number of matters including risk management and the internal controls assurance framework.
- the substantial annual assurance opinion for 2022-23 of FSS internal auditors, the Scottish Government Directorate of Internal Audit and Assurance in regard of FSS audits and their reasonable assurance opinion regarding the SG shared services on which FSS depends.
- the overarching assurance statement in relation to audits required under Article 6 of Regulation (EU) 2017/625 provided by the FSS Head of Audit and Assurance,
- the draft Annual Audit Report from our external auditors,
- its own and the Board's scrutiny of the content of the draft ARA

is content to recommend to the Board that it should approve the Annual Report and Accounts for 2022-23 as presented. However, given the issues already discussed, at this stage the assurance can only be conditional and the ARC Chair would provide a

final recommendation at the extra ordinary meeting once the outstanding issue had been resolved.

5.4 The Chair invited questions from the Board.

5.5 The Board were concerned that section 4.2 contradicts section 6 within the statement. The ARC received a report from Marion McArthur (Head of Audit Assurance) which provided an overarching statement in relation to official controls delivered by FSS based on the results of the audits. Outcome ratings for the four audits completed during the year were as follows: Withdrawals/Recalls – Substantial Assurance, Enforcement Action – Reasonable Assurance, Feed Official Controls – Insufficient Assurance and Export Health Certification (Seafood Hubs) – Reasonable Assurance. With regard to the Feed Official Control Audit, Aileen advised that several issues identified in the report were compounded by resources and capacity. Aileen agreed to update the Board through ARC on implementation of the agreed action plan put in place following the audit through her verbal ARC update provided at the FSS Board meetings. Geoff commented that FSS is compliant with the legal obligations in which food law is delivered.

5.6 The Chair asked the Board if, based on the verbal update provided by Elaine McLaughlin under agenda item 3 and the previous drafts of the ARA which the Board had sight of, if they had any issues with the draft ARA and draft Deloitte report.

5.7 The Board commented that it would have been better to have more time to look at the final ARA in more detail. It was noted that a number of Board members would have had seen a number of versions of the draft ARA through the ARC.

5.8 The Chair thanked Garry McEwan, Elaine and the team for the draft ARA, the ARC for providing assurance and oversight of the ARA, Deloitte and Karlyn's team and the FSS leadership team for being in a good position with the ARA despite working with constrained resource.

5.9 The Chair noted that a lessons learned session will be held on the ARA for next year's process and hopefully the Board will reconvene in October to formally sign off the ARA.

## **6. Approval of Annual Report and Accounts for 2022/23**

6.1 Due to the outstanding information yet to be received from the London Pension Authority and satisfactory conclusion of all outstanding external audit procedures the FSS Board will reconvene for an extraordinary Board meeting at a future date in October to fully approve the final annual report and accounts (ARA)

## **7. Freedom of Information and Complaints Annual report - 230905**

7.1 The Chair invited Natalie Greenland, Head of Corporate Support, to present her paper, which provided an overview for 2022/23. Natalie noted that there had been 36 Freedom of Information (FOI) requests and no complaints in 2022/23.

7.2 The Chair invited questions on the Freedom of Information and Complaints Annual Report from Board members. The Board asked if under section 4.3 within the report if there was any distinguishable pattern from the source for FOI requests rather than in regard to the subject matter. Natalie responded that eight of the FOI requests were from one individual but that there was no distinguishable pattern in the other 28 requests received.

7.3 The Board commented that it was good to see that a FOI request may be declined if the cost of providing the information exceeds a limit of £600 and asked if this was worked out in terms of hours. Geoff responded that there is no clear defined process for calculation of the cost.

7.4 The Board commented that it was good to see that there had been no complaints in 2022/23 but asked where the organisation gains insight from. On internal issues, Garry McEwan advised that through the yearly Civil Service People Survey all members of staff can put their point across and that there is also a Civil Service whistleblowing policy that staff can use. For any staff who leave the organisation exit interviews are conducted and emerging issues are flagged to the Senior Leadership team (SLT). Garry Mournian also advised that the FSS policy team receive a number of enquiries through the FSS enquiries mailbox which the team will respond to accordingly and feedback can be received from these enquiries.

7.5 The Chair asked for her thanks to be passed onto the team who had dealt with the 36 FOI's received within 20 working days, meeting the desired target of 100%

7.6 Following discussion the Board:

- **Noted** the information provided within the paper.

## **8. Risk Analysis and Regulated Products – update – 230906**

8.1 The Chair invited Garry Mournian to introduce the Risk Analysis and Regulated Products Service update which provides a routine update on the Food Standards Scotland (FSS) and Food Standards Agency (FSA) risk analysis process and GB regulated products service. The update also provides information on the progress made on continuous improvement to the current system and a high-level update on future regulatory reform. The previous update at the FSS Board meeting on 21 June 2023 contained more detail, but it was noted that the level of detail in the September report would be the level of detail the Board would receive in the updates going forward.

8.2 Garry highlighted some of the key points contained within the update which included:

- The publication of the [smoked fish risk assessment](#) in July, the first FSS-led joint risk assessment with FSA
- A further 16 applications have been completed since the June Board update, bringing the total number of completed applications to 50 since the service went live in January 2021

- FSS are working with FSA towards an aspiration to deliver around 60 completed applications in 2023-24
- FSS are also working with FSA on the approach to cultivated protein and a decision model for food and feed
- Garry passed on his continued thanks to the teams across the policy and science divisions

8.3 The Chair thanked Garry for the paper and invited questions from Board members.

8.4 The Board asked if FSS were aware of any complaints FSA may have received on the process given the various demand and capacity issues. Garry responded that he would need to check with the team.

**ACTION: 2023/03 : Garry Mournian**

8.5 The Board asked if following the launch of the Case Management System (CMS) on 20 June 2023 with the quality of applications improving how long would the legacy of applications take to clear. Garry responded that he would need to check with the team but commented that the CMS is not a new system as such, it is the same system but involves less back and forth with applications. When looking at the detail behind the reports it can be a speculative enquiry rather than an actual application.

**ACTION: 2023/04 : Garry Mournian**

8.6 Following discussion, the Board:

- **Reviewed** the update on the performance of the risk analysis process and regulated products service
- **Noted** the progress made on continuous improvement
- **Noted** the update on longer term reform work

**Break**

**9. Finance & Business Committee Oral Update – Oral Update**

9.1 The Chair invited Alban Denton, Chair of FBC, to provide an oral update on the FBC meeting which took place on 23 August 2023 via Teams.

9.2 The FBC were presented with the Financial Performance Update paper for quarter one of the financial year. The FBC questioned where the £1.3 million overspend is coming from. Elaine explained that the budget was overallocated at the start of the year as experience from previous years is that we underspend during the year and therefore have surplus budget left. The forecast overspend at the end of the

first quarter had reduced by £0.9m over the period. The FBC were satisfied with the financial performance overview provided.

9.3 The FBC received a presentation on the Key performance indicators which the FBC were content with.

9.4 The FBC were presented with the 2022-23 Business Delivery and Performance dashboard. The FBC raised a general point of feeling there was some overlap on some items. The Chair said we need to be clear when an item is for FBC, ARC or the Board. Geoff mentioned we have an audit on governance which could highlight any issues to SLT.

9.5 The FBC had a good focus on FSS staff turnover, when looking further at the information provided a number of FSS staff have transferred to the Scottish Government.

9.6 It was highlighted to Board members that the FBC papers are accessible for all Board members on Objective Connect. It was discussed if FBC papers also needed to go into the public domain.

## **10. Audit & Risk Committee – Oral Update**

10.1 The Chair invited Aileen Brown, Chair of ARC, to provide an oral update on the ARC meeting which took place on 06 September 2023 in Saughton House.

10.2 The ARC held in camera sessions with the auditors.

10.3 The ARC were presented with an executive update from Geoff Ogle, CEO/Accountable Officer, which covered FSS pay awards, the SAFER programme and the latest position on SVS

10.4 The ARC noted the additional unbudgeted cost of the pay award- £800k plus £290k for changing working patterns. Management advised this was being incorporated into budgets and believed it was manageable.

10.5 The ARC welcomed Alison Thomson, the new SGIAA manager who presented the internal audit progress report alongside the LA Stakeholder Engagement report which received a Reasonable rating which is defined as “Controls are adequate but require improvement”.

10.6 Alison updated ARC on the current status of the HR workstream, SG which has delivery issues resulting in an Amber/Red rating. These processes are out with the management of FSS but important as they deliver corporate services to FSS.

10.7 The ARC received the Official Controls audit update from Marion McArthur. No reports were presented at the meeting but the ARC heard the Allergen Control audit is at the draft stage.

10.8 In relation to the Delivery of Feed OCs Marion advised that implementation of recommendations was progressing well however ARC noted the ongoing risk.



10.9 The ARC were presented with the Risk papers and discussed and agreed the strategic risk register and the strategic issue register. No new risks were proposed.

10.10 The ARC noted changes to ratings for several risks:

- Food security rating was reduced to 75 with a wider definition agreed covering any major disruption to food security – not just the Ukraine conflict.
- Misinformation rating was reduced to 100
- Delays in Recruitment increased to 150 – ARC discussed the AI challenges that are causing disruption to the selection and recruitment processes.

10.11 The ARC noted slippage in the mitigation actions for the Misinformation risk but heard that a recent new appointment will now be very focussed on this matter.

10.12 In regard to the strategic risks issues FSS continues to run with two -Budget Allocation and Public Sector Resourcing. Management continues to deal with both as live issues.

10.13 The ARC received the Annual Report and Account (ARA) in draft from alongside the report from the external auditor Deloitte. Deloitte anticipate an unmodified audit report on completion of outstanding points, including independent assurance on the LPA asset and final ARA reviews (reference section 1.2 of the Deloitte report). Deloitte presented a range of recommendations particularly on financial management and sustainability.

10.14 The ARC agreed the draft Statement of Assurance to the Board. The statement was subsequently updated with ARC members agreement.

## **11. Minutes arising from meeting held 21 June 2023 - 230907**

11.1 The Minutes of the meeting held 21 June 2023 were agreed as an accurate record.

## **12. Action Log**

12.1 The action log was discussed and following the updates provided for both actions the Board agreed to close actions 2023/01 and 2023/02

## **13. Chair and Chief Executive Reports – Oral & 230909**

13.1 In the period between 21 June 2023 to present day the Chair attended meetings and events as per the [Chairs report](#)

13.2 The FSS Chair invited Geoff Ogle to provide an oral update to supplement his written report.

13.3 For the Board's information Geoff updated that Jacqui McElhiney, Jane Horne and Marianne James hosted three staff from the Centre for Disease Control and Prevention (CDC) who came across from Atlanta to meet with FSS this week in Edinburgh to discuss a number of areas including artificial intelligence (AI) and whole genome sequencing. FSS did meet briefly with CDC at this year's GFSI conference.

13.4 Geoff and Ian McWatt attended the SOLACE conference on Thursday the 14<sup>th</sup> of September. Geoff is looking to arrange a meeting with the CEO of SOLACE to discuss SAFER further.

13.5 Geoff advised that FSS are looking to arrange a meeting with New Zealand to further discuss the food crime risk profiling tool.

13.6 Geoff advised that FSS submitted evidence to the Westminster Committee Select Committee Enquiry on devolution.

13.7 Geoff has his usual regular meeting with Jenni Minto, Minister for Public Health and Women's Health. Currently waiting on two meetings to be arranged, one joint meeting with the Minister and Cabinet Secretary, Mairi Gougeon in regard to SVS. A tri-lateral meeting is also due to be arranged with the Minister, Cabinet Secretary, Mairi Gougeon and Joe Fitzpatrick MSP to further discuss SAFER.

13.8 Under 5.3 within the CEO report the Chair passed on her congratulations to Dennis Treacy (finalist in the *Food Defender of the Year* category in the New Food Magazine Apples award).

13.9 It was noted that both the Chair and CEO will be attending the FSA's launch of the FS/FSS Annual Report on food standards across the UK on 8 November at Westminster.

13.9 The Board noted the oral reports.

#### **14. Questions from Public**

14.1 There were no other questions from the public and the meeting was closed.

## Annex A

### **Annual Report and Accounts 2022/23 – Board Meeting 20 September**

I'd like to present the audited FSS annual report and accounts for 2022/23 to the Board, so that members can review and subject to their consideration, approve the annual report and accounts and authorise their issue by myself as Chief Executive, and the FSS Accountable Officer.

The Board will be aware that the annual report and accounts have to be prepared in accordance with the Government Financial Reporting Manual (FReM) and to meet the requirements of Section 15 of the Food (Scotland) Act 2015 and the Accounts Direction given by Scottish Ministers.

As such, I believe I have fulfilled my responsibilities for the preparation of the 22/23 annual report and accounts with regards to both financial regularity and the organisations corporate governance arrangements.

All accounting records, documentation and other matters which I am aware are relevant to the preparation of the annual report and accounts have been made available to Deloitte for the purposes of their audit.

All transactions undertaken by Food Standards Scotland have been recorded in the accounting records and properly reflected in the financial statements.

As a result I can confirm that, in all material aspects, expenditure was incurred and income applied in accordance with the applicable enactments and guidance issued by the Scottish Ministers.

Additional details with regards to the production of the annual report and accounts, and how I have met my specific responsibilities as Accountable Officer, are further explained in my letter of representation to Deloitte dated ?? (*likely towards end of October*).

*As such, Deloitte have confirmed they anticipate being able to give an unqualified auditor's report at the meeting of the Board. However, this will be a draft until such time as they have received assurance from the auditors of the London Pension Fund Authority (LPFA) 'expected early October 2023'. So they are unable to sign off the accounts until they have received the relevant assurances. A further special Board meeting will be held after this to close off this point end of October.*

The Board will be aware of the requirement for the annual report and accounts to consist of three separate sections:

- Performance Report
- Accountability Report
- Financial Statements

The Performance Report includes both a Summary and Analysis section and continues to report a consolidated view of our outcome reporting to the Board over the year, with the analysis section providing some additional detail on those, and other areas, of performance over the reporting period.

### Overview

- Significant work and planning around the Retained EU Law (REUL) (Reform and Revocation) Bill.
- Carried out reprioritisation exercise in year where 7 key areas of work were agreed (including data and digital transformation to underpin delivery), and implemented temporary reconfiguration structure.
- Published a Sustainability Plan to embed sustainability into our decision making processes
- Ran on farm prevention campaign to help protect livestock from the consequences of lead poisoning.
- Published FSS Food Crime Control Strategy

### On nutrition:

- Ran a campaign through the winter months to encourage people in Scotland to take vitamin D supplements.
- Agreed our new Public Health Nutrition Strategy in March.
- The healthier catering guides for industry published into 4 other languages (Mandarin, Punjabi, Urdu, Bengali)
- Provide evidence for mandatory calorie labelling regulations and restriction of high in fat, sugar and salt (HFSS) promotions in the SG Public Health Bill

### On food safety:

- Launched the Advanced Online Allergen Training for food businesses.
- Delivered risk assessments on listeria in smoked fish and blue cheese, and norovirus in oyster.
- Also assessed the allergenic risks of the substitution of oils resulting from the invasion of Ukraine.
- Promotion of the risks of campylobacter to vulnerable groups.
- Published a survey on the chemical contamination of oats, oat products and plant-based milks.

The Accountability Report has remained largely the same in terms of content and format and continues to reflect the role and responsibilities of both the Chair and the Board and these sections are contained within the Corporate Governance Report.

The Financial Statements within the annual report are confirmation of our financial performance for 2022/23. The section on financial performance within the Performance Analysis section of the annual report outlines our financial outturn against budget. For the year ended 31 March 2023:

- Total resource expenditure was £22.7m compared to a Departmental Expenditure Limit budget of £22.9m, resulting in an underspend of £0.2m.
- Non-Cash Annually Managed Expenditure (AME) was £0.3m compared to a budget of £0.4

- FSS drew down £19.7 in cash terms to cover its capital and net operating costs.

The annual report and accounts have also been reviewed by the Audit and Risk Committee (ARC) and recommend that the Board approve the annual report and accounts and their issue by myself as Chief Executive and the FSS Accountable Officer.

The Board are also asked to note the positive statements made by Deloitte in their audit report, which will be discussed later in the agenda, specifically around assessment of quality indicators and the open and transparent way in which we conduct our business.

We also accept the recommendations made by Deloitte and will action these going forward. Thanks to our auditors for their work over the past year.

I therefore ask that the Board consider the points raised at paragraph 1.4 within the cover paper and request that the Board approve the 2022/23 annual report and accounts and authorise their issue to the Chief Executive and the FSS Accountable Officer.

Geoff Ogle  
Chief Executive  
Date: 20/09/2023