



CODE of GOVERNANCE

for

FOOD STANDARDS SCOTLAND

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1. INTRODUCTION

Founding legislation and status

1.1. Food Standards Scotland (FSS) was established by the Food (Scotland) Act 2015 (the 2015 Act). It is a non-ministerial public body, and part of the Scottish Administration.

Statutory objectives and functions

1.2. The 2015 Act gives FSS three statutory objectives:

- To protect the public from risks to health which may arise in connection with the consumption of food, including risks caused by the way in which food is produced or supplied;
- To improve the extent to which members of the public have diets which are conducive to good health; and
- To protect the other interests of consumers in relation to food.

1.3. The general functions of FSS are to

- develop (and assist the Scottish Ministers and public bodies and office-holders to develop) policies in relation to food matters and animal feeding stuffs matters;
- advise, inform and assist the Scottish Ministers and public bodies and office-holders and other persons in relation to food matters and animal feeding stuffs matters;
- keep the public adequately informed about and advised in relation to matters which significantly affect their capacity to make informed decisions about food matters;
- keep users of animal feeding stuffs adequately informed about and advised in relation to matters which significantly affect their capacity to make informed decisions about animal feeding stuffs matters; and
- monitor the performance of, and promote best practice by, enforcement authorities in enforcing food legislation.

1.4. In addition, the 2015 Act gives FSS powers to act as an enforcement authority or regulator. Where the Scottish Ministers make regulations under a number of relevant Acts such as the 2015 Act and the Food Safety Act 1990, FSS can be signified by Ministers as being a competent authority or enforcement authority for the regulations. FSS is also signified as a competent authority and enforcement authority under retained EU food and animal feed law in Scotland.

The Code of Governance

1.5. The 2015 Act requires FSS to operate in a way that is proportionate, transparent and accountable, constitutes good decision-making practice, and is consistent with best practice principles of good governance. This Code has been developed to bring together the core elements of FSS governance, and is updated to reflect FSS's current strategy and responsibilities. It has been approved by the FSS Board. The code will be subject to regular review, and may be supplemented or

revised as appropriate at any time, subject to the approval of the Board.

- 1.6. The code sets out the responsibilities and structure of FSS, its decision making processes, and the standards of conduct that will be expected of its Members.

2. RESPONSIBILITIES, STRUCTURE AND ACCOUNTABILITY

- 2.1. The accountability framework for FSS, including the responsibilities of the FSS Board, the Scottish Ministers, and the Chief Executive and Accountable Officer, is set out in the **Framework Document** (Annex A).
- 2.2. FSS is a corporate body, comprising a Chair and between 3 and 7 other members (informally known as the Board). FSS is accountable directly to the Scottish Parliament for performance against its objectives and functions. FSS is responsible for, among other things, producing a corporate plan and an annual report on its activities, both of which are to be laid before the Scottish Parliament. The purpose and responsibilities of the Board are set out in the **Terms of Reference for the Board** (Annex B).
- 2.3. The Audit and Risk Committee (ARC) is a standing committee of the Board, with delegated responsibility for reviewing, in a non-executive capacity, the comprehensiveness and reliability of assurances on governance, risk management and the control environment. It is also responsible for reviewing the integrity of financial statements and the annual report. The purpose and responsibilities of the ARC are set out in the **Terms of Reference for the Audit and Risk Committee** (Annex C).
- 2.4. FSS employs its Chief Executive (CE) and its staff. The CE is accountable to the Board for the leadership and performance of FSS. As Accountable Officer, the CE is personally answerable to the Parliament for the effective and efficient operation of FSS, for safeguarding the public funds for which they have charge, and for ensuring propriety and regularity in the handling of those funds. The CE should act in accordance with relevant guidance in the Scottish Public Finance Manual (SPFM) and other instructions and guidance issues by the Scottish Ministers, and in particular in accordance with the Memorandum to Accountable Officers (Annex 2 of the Accountability section of the SPFM).
- 2.5. The **Scheme of Delegation** (Annex D) sets out information on decisions reserved to the Board and those that are delegated or otherwise the responsibility of the CE.
- 2.6. The Scottish Ministers are responsible for appointing the Members of FSS, and set the FSS budget. They may request FSS to provide advice, and may give specific directions where they think that there has been a serious failure of FSS to exercise any of its functions. The Scottish Ministers also approve a **Statement on Performance of Functions** (Annex E), which sets out how FSS intends to meet its objectives and operate within the principles of good governance and decision-making practice.

3. DECISION MAKING

3.1. The **Standing Orders** (Annex F) specify the conduct and proceedings of the Board and any committee established by the Board and the right of access for the public and the press.

4. STANDARDS OF CONDUCT

4.1. The FSS Board has adopted the Model Code of Conduct for Members of Devolved Public Bodies, produced pursuant to the Ethical Standards in Public Life etc. (Scotland) Act 2000 and overseen by the Standards Commission for Scotland. The **Code of Conduct** (Annex G) sets out the nine key principles of public life, the general conduct expected of Members, the requirements for the registration and declaration of interests, and rules regarding lobbying and access to Members.

4.2. The interests of the consumer and the general public will be the primary concern of each member. None of the members are 'stakeholder members' or will represent the interests of a particular sector or sectors. Each member will adhere to the processes for registering interests and dealing with conflicts of interest which are set out in the Code of Conduct.