

FOOD STANDARDS SCOTLAND FRAMEWORK DOCUMENT

**Agreement between
the Scottish Government
and
Food Standards Scotland**

May 2021



1. INTRODUCTION

2. STRATEGIC GOALS, ROLES AND FUNCTIONS OF FSS

3. ROLES, RESPONSIBILITIES AND RELATIONSHIPS

- **Members of FSS**
- **Code of Conduct and Declarations of Interest**
- **Role of the Members of FSS**
- **Responsibilities and Delegation**
- **The Chair of FSS**
- **The Chief Executive**
- **Performance Management**
- **The Director General for Health and Social Care**
- **Scottish Ministers**
- **Reporting responsibilities of FSS**

4. FSS AND THE SCOTTISH GOVERNMENT

5. FSS AND THE SCOTTISH PARLIAMENT

- **Parliamentary Committee Attendance**
- **Parliamentary Questions and Ministerial Correspondence**

6. FINANCIAL REGIME

7. COMPLAINTS AND THE OMBUDSMAN

8. USE OF SCOTTISH GOVERNMENT SERVICES AND CONTRACTS

9. STAFF OF FSS

- **Organisational Development and Performance Management**
- **Learning and Development**
- **Staff Engagement**
- **Health and Safety**

10. REVIEWING THIS AGREEMENT

1. INTRODUCTION

- 1.1 Food Standards Scotland ('FSS'), established by Part 1 of the Food (Scotland) Act 2015 ("the 2015 Act"), is a body corporate, governed by members appointed by the Scottish Ministers. Being a body corporate gives it a distinct legal identity with which Ministers and other stakeholders can deal. The Food (Scotland) Act (Consequential Provisions) Order 2015 makes FSS part of the Scottish Administration, alongside, but separate from, the Scottish Government – as FSS is non-ministerial.
- 1.2 FSS employs its Chief Executive (CE) and its staff ("FSS staff"). The Chief Executive is authorised by FSS to arrange for the exercise of all FSS functions allowed under section 14 of the 2015 Act. The actions of all staff are undertaken on behalf of FSS – i.e. regulation is carried out, policy is made, agreements are entered into by FSS staff on behalf of FSS. This Framework Document sets out respective roles and responsibilities which underpin this authorisation.
- 1.3 FSS provides broad strategic direction to the staff it employs and holds the CE to account for the leadership and performance of FSS. The CE is responsible for the day-to-day running of FSS. The staff of FSS are civil servants, appointed by and accountable to FSS.
- 1.4 This Framework Document sets out the terms of an agreement between FSS and the Scottish Government in relation to the governance, financing and operation of the functions of FSS. The framework document is a statement of intent, agreed jointly. It does not create legal obligations.

2. STRATEGIC GOALS, ROLE AND FUNCTIONS OF FSS

The 2015 Act

- 2.1 The 2015 Act gives FSS three statutory objectives:
 - a) 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,
 - b) to improve the extent to which members of the public have diets which are conducive to good health,

- c) to protect the other interests of consumers in relation to food.

2.2 The Act also sets out FSS's general functions. These are:

- a) 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;
- b) to 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;
- c) to keep the public adequately informed about and advised in relation to matters which significantly affect their capacity to make informed decisions about food matters;
- d) to 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
- e) to monitor the performance of, and promote best practice by, enforcement authorities in enforcing food legislation.

2.3 By delivering its functions effectively to achieve its statutory objectives, FSS will contribute to the Scottish Government's Purpose Targets across a range of National Outcomes, in particular:

- making sure food in Scotland is safe, and improving the diet and nutrition of people in Scotland, so people lead longer, healthier lives;
- being efficient and responsive to Scottish circumstances, helping to ensure that our public services are high quality, continually improving, efficient and responsive to local people's needs.

Regulation and enforcement

2.4 The 2015 Act gives FSS its objectives and general functions such as: developing policies; providing advice; keeping the public informed; and monitoring the performance of enforcement authorities. However the 2015 Act also gives FSS powers to carry out observations and powers of entry for authorised officers so that FSS can also 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.

- 2.5 FSS is also designated as a competent authority and enforcement authority under retained EU food and animal feed law in Scotland. As such, FSS has responsibility for providing relevant policy advice to Scottish Ministers as part of the [UK Common frameworks](#) processes (once they are agreed), as well as on other relevant matters out with the scope of these frameworks. In this regard, FSS will act to ensure the interests of consumers and ministers in Scotland are fed into policy development at UK level, and will make recommendations to Scottish Ministers based on the outputs of risk analysis and the application of the UK Common Frameworks. FSS will also provide assurance to Scottish ministers that official control activities are being delivered as appropriate.
- 2.6 As part of the arrangements established following the UK's exit from the EU FSS will also report annually on the status of food and feed safety and standards in the UK and official control delivery where required. FSS delivers these responsibilities alongside the Food Standards Agency, which is the Competent Authority for food and feed law in other parts of the UK. FSS's working relationship with FSA in respect of these matters is set out as part of a Memorandum of Understanding and in associated protocols agreed between the two bodies.

Diet and Nutrition

- 2.7 By the minute dated 23rd April 2015 the Scottish Minister clarified the statutory objective set out in 2.1 above regarding FSS's role in dietary health policy.

The diet and nutrition remit for Food Standards Scotland will be a leadership role and focused on:

- a) Creating an authoritative primary source of evidence-based diet and nutrition advice for Ministers, delivery partners and consumers about diets conducive to good health to support the Scottish Dietary Goals;
- b) Providing a strategic co-ordination of diet and nutrition research and surveillance, through partnership working, to help ensure the effective use and application of resources. To advise on, publicise and develop policy in respect of the Scottish diet;
- c) Providing the guidance and expertise necessary to ensure coherent and aligned delivery of dietary health improvement;

- d) Advising Ministers, making recommendations, where appropriate, on actions that improve dietary health.

2.8 Ministers expect FSS to lead a co-ordinated approach through working in partnership to:

- ensure that public health nutrition policy protects the health of the Scottish population and puts the consumer first;
- be the primary source of impartial and evidence-based public health nutrition advice for consumers, health and education professionals and policy makers in Scotland;
- be involved in the provision of all consumer focused diet and nutrition advice to ensure it contributes positively to achieving the Scottish Dietary Goals;
- improve the nutritional quality of food and drink in the Scottish food chain;
- contribute to improvement in health outcomes by providing evidence-based advice on diet and nutrition for all public sector areas such as the NHS, prisons, care homes and schools;
- ensure effective targeting of research and surveillance on diet and nutrition in Scotland to provide information on which to revise and develop dietary policy for Scotland, through an open and transparent tender processes;
- be responsible for co-ordinating all relevant diet and nutrition SG-funded research.

3. ROLES, RESPONSIBILITIES AND RELATIONSHIPS

Members of FSS

3.1 FSS consists of a Chair and between 3 and 7 other members who are appointed by Scottish Ministers through the public appointments process. This process is governed by the Public Appointments and Public Bodies etc. (Scotland) Act 2003 which provides the framework for an open and fair ministerial public appointments process. The Commissioner for Public Appointments in Scotland plays a key role in ensuring appointments are made on merit. The members of FSS are informally referred to as the Board. The Board has collective responsibility for its own and all FSS staff actions as well as accountability for performance against FSS policy objectives and functions.

- 3.2 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. All will have knowledge and experience in areas relevant to the work of FSS or otherwise have skills and experience which would contribute effectively to the work of FSS.

Code of Conduct and Declaration of Interests

- 3.3 FSS operates in accordance with a Code of Conduct which is published on the FSS website. The Code of Conduct provides, among other things, for the circumstances in which members must declare any interest in a subject under discussion or consideration. The Commissioner for Ethical Standards in Public Life in Scotland requires members of devolved public bodies to comply with Codes of Conduct and guidance which is issued by the Standards Commission for Scotland. Complaints about breaches of these Codes are investigated by the Commissioner for Ethical Standards in Public Life in Scotland and thereafter adjudicated upon by the Standards Commission for Scotland.

Role of the Members of FSS

- 3.4 The Members of FSS (‘the Board’) are responsible for the strategic direction of the organisation and for supporting the Executive in its leadership function, ensuring that FSS achieves its statutory objectives and assuring itself that FSS’s functions are carried out effectively, economically and efficiently. The Board will assure itself that FSS has appropriate arrangements in place for corporate, business and workforce planning, risk and financial management, and reporting on its performance.
- 3.5 Board Members are collectively accountable to the Scottish Parliament for policy delivery, compliance with statutory duties and non-financial performance against agreed strategic objectives.
- 3.6 Individual Board Members are accountable to the Chair of FSS and to the public for their conduct as Members of FSS.

Responsibilities and delegation

3.7 The Board recognises that effective operation depends upon effective delegation of responsibilities. The Board will reserve certain decisions to itself and will delegate all other decisions to the Executive, through the CE. The matters on which the Board, or its authorised Committees, will retain decision making or approval are:

- The Strategy and Corporate Plan;
- Standing Orders;
- The establishment, terms of reference and reporting arrangements for all Committees of the Board;
- Recommendations from all Committees of the Board (where powers are not delegated);
- The Annual Report.

3.8 The Board recognises that as part of the Scottish Administration authority over its budget and for financial management rests with the CE as Accountable Officer, and the CE's direct accountability to the Scottish Parliament in that regard (see 3.12 below). Taking account of those responsibilities, and given that the Board has ultimate responsibility for FSS, the Board will:

- assure itself that procedures are in place to ensure the propriety and probity of public expenditure by the Executive;
- consider the Executive's estimates of the cost of delivery as part of its decision making and use of evidence, and challenge any financial analysis;
- delegate to the audit and risk committee responsibility for assuring itself that the quality of financial administrative systems that are in place are acceptable, for example on procurement and the AO delegation of financial limits;
- through assurance of the application of financial controls, sign off the annual report;
- seek assurance that the scheme of delegation to the Accountable Officer has been properly applied.

3.9 The Board may also, where appropriate:

- ask questions about the allocation of resource against priorities;
- request consideration of the re-configuration of expenditure against priorities.

The Chair of FSS

3.10 The Chair of FSS is appointed by Scottish Ministers. The primary duty of the Chair is to lead FSS in the successful performance of its functions. In doing so, the Chair will exercise particular leadership responsibilities on the following matters:

- formulating the FSS strategy and direction;
- ensuring that in reaching decisions Members of FSS have due regard to all appropriate information and evidence;
- ensuring that actions and decisions taken by FSS are in accordance with its statutory obligations and consistent with its aims and objectives;
- encouraging high standards of propriety and regularity across Members and staff of FSS; and
- representing FSS to stakeholders.

3.11 The Chair will also:

- ensure that all Members of FSS, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities, and receive appropriate induction and on-going training, including on the financial management and reporting requirements of public sector bodies;
- ensure that there are adequate arrangements in place for the on-going review of each Member's contribution to FSS; and
- ensure that there are adequate arrangements in place for succession planning.

The Chief Executive

3.12 In discharging the authorised responsibilities for the day-to-day operation of the functions of FSS and the leadership of the staff it employs, the CE works under the general direction of the Board and in accordance with this Framework Document. The CE is held to account by the Board, in particular, for the development and implementation of strategy and the performance of the organisation.

3.13 The CE is designated as the Accountable Officer for FSS by the Principal Accountable Officer for the Scottish Administration (in accordance with the terms of the Public Finance and Accountability (Scotland) Act 2000). 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, for ensuring propriety and regularity in the handling of those funds, and ensuring that FSS complies with the

requirements of the Scottish Public Finance Manual and other financial instructions and guidance issued by the Scottish Ministers. The CE has a statutory duty to obtain written authority from the Board before taking any action that the CE consider may be inconsistent with the proper performance of their functions.

3.14 The CE may delegate the day-to-day administration of the Accountable Officer responsibilities to other employees of FSS. The CE shall not assign absolutely to any other person any of the responsibilities set out in this document.

3.15 The CE is responsible for informing the Principal Accountable Officer about any complaints about FSS accepted by the Scottish Public Services Ombudsman for investigation and about FSS's proposed response to any subsequent recommendations from the Ombudsman.

3.16 The CE has a duty to secure Best Value, in accordance with Scottish Government guidance for Accountable Officers. This includes the concepts of good corporate governance, performance management and continuous improvement.

3.17 The CE's responsibilities include:

- ensuring the Board is provided with high-quality, impartial, transparent and evidence-based advice on all areas of FSS's responsibilities;
- providing effective leadership to the staff employed by FSS;
- ensuring the efficient and cost-effective day-to-day management of functions of FSS;
- ensuring that financial considerations are made as clear as possible to the Board at all stages in reaching and executing decisions;
- ensuring that effective human resource management policies are maintained for staff employed by FSS and that strategic human resource planning is related to FSS's objectives;
- ensuring robust systems of management and control are in place within FSS that support the achievement of the FSS targets, policies, aims and objectives, while at the same time ensuring the identification of risks to inform decisions on financial and operational planning;

- where appropriate ensuring the broad direction and particular perspective of FSS is conveyed to official level boards and committees of the Scottish Government.

3.18 The appointment of the CE will be conducted in line with the Civil Service Commissioners' recruitment principles as they apply to Senior Civil Servants in Scotland. The CE's remuneration is agreed in accordance with the performance and award arrangements for members of the Senior Civil Service pay band 2.

Performance Management

3.19 It will be the responsibility of the Board to ensure that the performance of the Senior Civil Servants working for FSS is managed to meet both the needs of the business and the requirements of the Cabinet Office strategy on Senior Civil Service performance management. Performance management should cover business, corporate and capability objectives. In the case of the CE, the annual report will be written by the Chair and countersigned by the Director General for Health and Social Care.

The Director General (DG) for Health and Social Care

3.20 The DG for Health and Social Care, is responsible for ensuring that effective and healthy working relationships are maintained between FSS and Scottish Government and, where appropriate, with Scottish Ministers. The DG will ensure that the CE or, where appropriate, the Chair, is informed about relevant issues which may affect FSS's functions or operations.

3.21 The DG will promote alignment between FSS and the Scottish Government as appropriate, for example ensuring that:

- the Board and CE are aware of strategic developments and decisions within SG which may impact on FSS;
- SG Directorates are aware of strategic developments and decisions within FSS which may impact on SG;
- the position of FSS is taken into account in relevant Scottish Government policy decisions, and that the Scottish Government has due regard for advice provided by FSS; and
- an agreed Framework Document is in place, and maintained.

- 3.22 Taking account of the draft Corporate Plan, draft Annual Report and other information provided by or requested from FSS, the DG will be responsible for advising the Scottish Ministers about the operation and performance of FSS. The DG will ensure that the appraisal of FSS's CE is considered as part of the Senior Civil Service pay and performance system. The appraisal will be carried out by FSS's Chair, and a report prepared and counter-signed in accordance with 3.19 above.
- 3.23 The DG will arrange an annual appraisal interview with FSS's Chair to discuss and review the Chair's performance.

Scottish Ministers

- 3.24 Under the 2015 Act, Ministers are responsible for appointing and reappointing members of FSS and for setting their remuneration. They also have responsibilities in connection with the following of FSS's functions:
- The terms and conditions of FSS staff are determined by FSS, subject to Ministers' approval;
 - Ministers approve a Statement on Performance of Functions which is laid in the Scottish Parliament; and
 - FSS must obtain the approval of Ministers before publishing certain documents, for example information published in accordance with the requirements of the Public Services Reform (Scotland) Act 2010, or changes to the Code of Conduct for Members.
- 3.25 Ministers are also responsible for setting FSS's budget. FSS is responsible for preparing its Corporate Plan.
- 3.26 The 2015 Act provides for Ministers to request FSS to provide advice or take specific or general action and the Act requires FSS to comply with such requests where reasonably practicable. Where Ministers consider that there has been serious failure by FSS to exercise any of its functions, they may give specific written and published directions to remedy the failure. Ministers must consult with FSS before issuing such directions.

Reporting Responsibilities of FSS

- 3.27 FSS has a wide range of statutory and administrative reporting responsibilities and many of these are covered in this Framework Document. Two of the most significant of these requirements are the publication of a Corporate Plan and the publication of an Annual Report (including the Annual Accounts). FSS will, before each 3-year planning period, prepare a Corporate Plan which sets out what it aims to achieve in a three-year period and the ways it will publicly measure performance and demonstrate that it has made the achievements. Once agreed by the Board, a copy of the Corporate Plan will be provided to the Scottish Ministers, and it will be published.
- 3.28 As soon as practicable after the end of each financial year, FSS will prepare and publish an Annual Report on the carrying out of its functions during that year. It is for FSS to determine the form and content of the report and how it is published. As a matter of courtesy, FSS will provide Scottish Ministers with sight of the report before it is published. FSS will send a copy of the published Report to Scottish Ministers and lay a copy before the Scottish Parliament, along with a copy of its annual accounts.
- 3.29 FSS will adopt the Scottish Information Commissioner's Model Publication Scheme, and will handle Freedom of Information (FOI) requests in accordance with relevant legislation.

4. FSS AND THE SCOTTISH GOVERNMENT

- 4.1 To ensure that consumers and the public are protected and advised at all times, the Scottish Government and FSS should keep the other updated as appropriate. Consumers will expect that this would include providing advance notice of any significant announcements or publications about food safety, food standards and diets conducive to public health which may impact on their respective policy responsibilities.
- 4.2 The Scottish Government and FSS will establish and maintain effective working relations. The Chair and, as appropriate, other members of the FSS Board and Executive will meet the Minister with portfolio responsibility for Minister for Public Health, Women's Health and Sport at least twice a year and with other Ministers as appropriate. The CE, Chair and other members of the FSS Executive and the Board will liaise regularly with the DG for Health and Social Care, the DG Economy and

other relevant DGs, or with members of those DGs' staff. The Scottish Government and FSS will review these arrangements from time to time.

- 4.3 Officials in the Scottish Government's Population Health Directorate and Agriculture and Rural Economy Directorate, and other relevant Directorates of the Scottish Government, such as Local Government and Communities, and Learning, will maintain routine contact with nominated FSS staff.
- 4.4 The Scottish Government will look to FSS for advice on implications of aspects of food policy, or policy which touches upon food or diet, where FSS has particular expertise, knowledge or information that could assist the Government's formulation or implementation of policy. FSS will also draw relevant issues to the Government's attention.
- 4.5 FSS will be responsible for working directly in partnership with other public bodies and the third sector in order to achieve its objectives.

5. FSS AND THE SCOTTISH PARLIAMENT

- 5.1 In accordance with the reporting arrangements outlined in paragraphs 3.27 and 3.28 above, FSS will lay before the Scottish Parliament a copy of its corporate plan, and annual reports on the exercise of its functions, along with a copy of its annual accounts.

Parliamentary Committee Attendance

- 5.2 The Scottish Parliament has the power to require any member of FSS to attend a Parliamentary Committee.
- 5.3 As Accountable Officer, the CE may be required to appear before the Public Audit Committee of the Scottish Parliament, or may be required to appear before other Committees in the capacity of Chief Executive.

Parliamentary Questions and Ministerial Correspondence

- 5.4 FSS is accountable to the Scottish Parliament (MSPs) through Scottish Ministers, and MSPs will routinely use Parliamentary Questions (PQs) as a method of holding FSS to account.
- 5.5 Since FSS is non-ministerial, and has operational independence, where Ministers are asked any PQ on operational matters in respect of FSS, Ministers may either refer MSPs directly to FSS or provide a written or oral response clearly stating that the response has been prepared by FSS.
- 5.6 Where Ministers are asked any PQ on food safety or food standards policy, Ministers may also refer MSPs directly to FSS or provide a response clearly stating that the response has been prepared by FSS. However, as Ministers retain overall competence for food policy, there may be circumstances in which the response to a PQ on food policy will not be referred to FSS. Where these circumstances apply, as a matter of courtesy, FSS would expect to be consulted or informed.
- 5.7 The same principles will apply where Ministers receive correspondence about FSS operational matters, or food safety or food standards policy.

6. FINANCIAL REGIME

- 6.1 As a non-ministerial office of the Scottish Administration, FSS's budget will appear in its own line, separate from portfolio lines, in the annual Budget Bill to the Scottish Parliament. When setting budget proposals, the Scottish Government will liaise with FSS to identify its resource requirements. It will ultimately be for Scottish Ministers to determine the budget proposals to be submitted to Parliament.
- 6.2 FSS is responsible for preparing and managing its budget for each financial year, and for ensuring that expenditure is in line with this budget. FSS will provide monitoring information on its expenditure to the Scottish Government Health and Social Care Finance Management team as requested. FSS's accounts will not be formally consolidated with Scottish Government accounts.

- 6.3 The Scottish Government and FSS will agree financial contingency arrangements for dealing with any unbudgeted costs associated with implementation of food and animal feed law, the use of FSS's statutory intervention powers, or the use of other provisions of the 2015 Act.
- 6.4 Subject to budgetary limitations, and the requirements of the Scottish Public Finance Manual, FSS has full authority to incur expenditure on individual items.
- 6.5 FSS has established and will maintain appropriate financial procedures in accordance with the Scottish Public Finance Manual. It will ensure that appropriate counter-fraud arrangements and policies are in place.
- 6.6 As FSS is part of the Scottish Administration, the Principal Accountable Officer requires that FSS has systems in place that give assurance that Scottish Administration resources are being used properly.
- 6.7 FSS will utilise the services of an independent and qualified internal auditor, who will provide a professional opinion on the adequacy, effectiveness and reliability of the internal control system. The opinion will be contained within a report provided to the FSS Audit and Risk Committee, and will form part of the assurance required to allow the Accountable Officer to sign the governance statement in the Annual Report.
- 6.8 FSS will be subject to external audit by the Auditor General for Scotland (AGS) or by auditors appointed by the AGS.
- 6.9 FSS's annual accounts will be published and laid before the Scottish Parliament as outlined in paragraph 3.28. Advance copies will be provided to the Scottish Government before publication.

7. COMPLAINTS AND THE OMBUDSMAN

- 7.1 FSS may be subject to investigation by the Scottish Public Services Ombudsman (SPSO) and will have in place a complaints handling procedure which complies with the statement of principles published by the SPSO.

8. USE OF SCOTTISH GOVERNMENT SERVICES AND CONTRACTS

- 8.1 FSS and the Scottish Government are committed to identifying opportunities for the use of shared services, and to ensuring that services meet an agreed standard (see section 8.3 below). Where possible, and where they are the option that delivers best value in meeting FSS's business requirements and statutory responsibilities, FSS will use Scottish Government corporate services or systems and negotiated contracts. Where FSS is giving consideration to withdrawing from shared service contracts, it will enter into discussions with the Scottish Government prior to making any financial or contractual commitments. FSS may enter into contracts on its own behalf if that would be more efficient, effective and economical.
- 8.2 FSS will receive the following direct services from the Scottish Government:
- Internal audit;
 - HR payroll and pension services; and
 - Information services and information systems (ISIS).
- 8.3 The Government and FSS will agree individual Memoranda of Understanding (MOUs) detailing service options and standards in each of these areas. Each MOU will include timescales for review.
- 8.4 FSS will also receive Legal services from the Scottish Government.

9. STAFF OF FSS

- 9.1 All FSS staff are civil servants within the Scottish Administration, appointed by open competition, bound by the UK Civil Service Code and the Civil Service Management Code, and, fully subject to the Scottish Government's public sector pay policy.
- 9.2 FSS has to have as a member of staff a CE. The first CE is appointed by the Scottish Ministers on such terms and conditions they determine. Thereafter FSS may appoint subsequent CEs on terms and conditions it, with the approval of Ministers, determines.
- 9.3 All other staff FSS appoints are to be appointed on such terms and conditions as FSS, with the approval of Scottish Ministers, determines. The number of staff is not to exceed any maximum that the Scottish Ministers determine.

- 9.4 FSS is therefore responsible for determining, within the budget approved and maximum staff numbers determined by Ministers, its organisational structure, and for ensuring that staff recruitment arrangements are fair, open and transparent.
- 9.5 To ensure Ministerial approval as to staff terms and conditions and numbers FSS will seek advice from Scottish Government Directorates – the People Directorate for terms and conditions and Finance Directorate for public sector pay policy and remuneration and pay remits.
- 9.6 Those Directorates will also help FSS comply with the Civil Service Management Code in respect to the Senior Civil Servants (SCS) it employs, and provide support to FSS on SCS employment matters such as creation of such posts, the means of recruitment, and levels of reward.

Organisational Development and Performance Management

- 9.7 All staff employed by FSS have a duty to the CE and through the CE to FSS to support the efficient and effective operation of FSS and the achievement of FSS's aims and objectives. The extent to which staff fulfil this duty is reflected in their annual individual appraisal reports.
- 9.8 FSS is responsible for ensuring there are adequate organisational development and performance management arrangements in place for staff below SCS level. The performance management arrangements for the CE (and any other senior civil servants appointed) will be the responsibility of the Scottish Government, agreed in conjunction with the Chair of FSS.

Learning and Development

- 9.9 FSS will have an appropriate learning and development strategy which supports achievement of the body's statutory objectives and pays particular attention to FSS's organisational priorities and the development needs of individual staff. The Scottish Government HR senior staff team will have responsibility for career development issues regarding the CE and any other senior civil service appointments, in conjunction with the Chair of FSS.

Common Citizenship

- 9.10 FSS will be included in the Common Citizenship arrangements in place for parts of the Scottish Administration which includes the Scottish Government. Staff in FSS will be eligible to apply for posts in the other Scottish Administration bodies that are party to the Common Citizenship arrangements and vice versa.
- 9.11 FSS is committed to diversity and equal opportunities and compliance with the Equality Act; all staff will be treated fairly in accordance with FSS policies, and FSS will ensure there are appropriate arrangements made for staff welfare.

Staff Engagement

- 9.12 FSS is committed to effective communication and engagement with its staff and their representatives. FSS will operate as part of the Scottish Government Main bargaining unit for collective bargaining purposes with the Trade Unions recognised for that purpose (PCS, Prospect and FDA). In doing so, FSS will adhere to the principles of the Scottish Government Partnership Agreement with the Council of Scottish Government Unions.

Health and Safety

9.13 FSS is responsible for ensuring compliance with the requirements of the Health and Safety at Work Act 1974 and other relevant legislation, and will aim to achieve the highest standards of health and safety in its operations.

10. REVIEWING THIS AGREEMENT

10.1 This Framework Agreement will be reviewed as necessary but no less than every three years. Amendments may also be proposed by the Scottish Government or FSS at any other time, in light of experience or changed circumstances, and any revisions will be agreed by FSS and Scottish Ministers.

A handwritten signature in black ink, appearing to read 'Hawes' or similar, written in a cursive style.

Signed on behalf of Scottish Government

A handwritten signature in black ink, appearing to read 'Ross Finnie', written in a cursive style.

Signed on behalf of Food Standards Scotland