

FOOD STANDARDS SCOTLAND

STATEMENT ON PERFORMANCE OF

FUNCTIONS

Introduction

This statement has been prepared by Food Standards Scotland (FSS) in accordance with the requirements of Section 5 of the Food (Scotland) Act 2015 (the Act), agreed by the Members of Food Standards Scotland ('the Board') and approved by the Scottish Ministers. The Act sets out FSS's functions and objectives which are, generally, to ensure that consumers in Scotland, the Scottish Ministers and public bodies are appropriately served by a single independent body working in their interests on diet and nutrition, and on the safety and standards of food and animal feed across the food chain. This statement sets out how FSS will work to deliver its objectives.

Our Strategy

The Act defines three objectives for FSS:

- to protect the public from risks to health which may arise in connection with the consumption of food;
- to improve the extent to which members of the public have diets which are conducive to good health;
- to protect the other interests of consumers in relation to food.

[FSS's Strategy for 2021-26](#) sets out how we will deliver these objectives, through our vision for ***a safe, healthy and sustainable food environment that benefits and protects the health and well-being of everyone in Scotland.***

Our mission is ***to be Scotland's leading authority on food safety, standards and healthy eating; using data and evidence to provide assurance and advice that inspires consumer confidence and improves public health;*** achieving our vision by directing our work towards five strategic outcomes:

- Food is Safe and Authentic
- Consumers Have Healthier Diets
- Responsible Food Businesses are enabled to thrive
- Consumers are empowered to make positive choices about food
- FSS is trusted and influential

The delivery of FSS's strategic objectives for 2021-26 is framed around six goals, and the programmes of work we will take forward during the first three years of our strategy are described in our [Corporate Plan](#). We will monitor progress against the six goals using a set of performance metrics which will be published annually.

Our Statutory Functions

The Act sets out some of our key functions, covering our responsibilities to develop food and feed policy and to advise the Scottish Government, Ministers, other authorities and the public on these matters. FSS is also defined in law as a competent authority for food and feed regulations for Scotland, which includes responsibility for monitoring the performance of and promoting best practice by other enforcement authorities for food and feed law.

Another important function for FSS is to advise the people of Scotland on diet – to inform the public on how to achieve a healthy diet and help them to make informed choices about the food they eat.

Performing effectively

The Act requires FSS to perform its functions in a way which is compatible with its objectives, ensuring processes are in place which provide appropriate levels of governance and accountability over all of our work.

FSS works independently of industry and the Scottish Government, and is accountable to the public in Scotland through the Scottish Parliament. When requested to do so and/or where appropriate, the Board will provide advice and guidance to Scottish Government, Ministers and other public bodies on all areas within our remit.

Within the general framework of the Act the Board will approve the strategic direction for the organisation through our five year strategy. This document will be published alongside a corporate plan detailing the work that will be delivered during the first three years of the strategy. The Board will ensure appropriate governance arrangements are in place to enable the delivery of FSS's vision, policy and strategic objectives. To earn the trust and confidence of consumers the Board will require the organisation to act in an open and transparent manner. The Board will meet in public not less than four times a year, and will adopt Standing Orders that set out, among other things, what matters the Board will

consider in private and how the reasons for discussing items in private will be recorded and published.

The Chief Executive will be responsible to the Board for the design, development and implementation of the functions required to deliver our objectives and for leading FSS staff. The Chief Executive will ensure that FSS has the capacity to carry out its functions by ensuring that resources are used effectively in terms of access to the relevant expertise either from within the organisation or through external provision.

The Chief Executive will also ensure the effective operation of our Memorandum of Understanding (MoU) with the Food Standards Agency and MoUs with other government departments and agencies. In addition, the Chief Executive will be responsible for the application of any Common Frameworks agreed under the [programme established by Ministers in 2017](#).

We undertake to review periodically the performance of service delivery with our partners and stakeholders to ensure a consistent approach to food and feed safety, hygiene and standards is maintained.

We will also ensure that considerations of environmental sustainability will be taken into account in our operation and our decision-making, and will report on our performance in this regard.

Meeting our objectives

To meet our objectives we will act to:

- Protect consumers from potential risks associated with food and feed, intervening by seizing, detaining and investigating fraud and incidents as necessary;
- Ensure consumers have advice and guidance to inform positive food choices and can trust the provenance and origin of the food they buy;
- Work to improve the safety, standards and nutritional quality of food and feed produced and sold in Scotland to help Scottish consumers live longer healthier lives;
- Support the growth and reputation of our food and drink industry through fair and proportionate controls which promote compliance, with robust enforcement and guidance when needed to protect consumers;

- Maintain a robust and effective regulatory assurance regime in Scotland beyond EU Exit, safeguarding consumer protection and enabling Scottish food businesses to meet the requirements of future trading partners, and;
- Act positively to be an evidence-based, transparent, smart and proportionate regulator.

We will protect consumers through:-

- Leading the delivery of proportionate and risk based regulation, ensuring that food producers are meeting their obligations to provide food and feed that is compliant with legal standards;
- Robust yet fair enforcement action, including referrals to the Procurator Fiscal where needed;
- Ensuring fully audited official controls are delivered to provide assurance on consumer protection on food and feed safety;
- Ensuring traceability requirements are adhered to and that appropriate action is taken where they are not;
- Influencing changes to the food environment which empower consumers to make safe, healthy, and sustainable choices, and;
- Delivering targeted, evidence based communication strategies on food safety, standards and a healthier diet to bring positive change.

We will make consumers better informed by:-

- Ensuring labelling information is clear so that consumers are able to make informed choices;
- Providing clear information to inform consumers on food safety, food standards and how to improve diet; and
- Providing advice and information to consumers that enables them to take action that protects their health (e.g. allergy alerts, information about food recalls).

We will represent the interests of consumers by:-

- Working with other Scottish bodies, in partnership, to enable a smart, consistent approach to food and feed safety, hygiene and standards; and take a leadership role in tackling unhealthy diets in Scotland;

- Seeking positive change, where necessary, from the food and feed industry and other stakeholders to meet our objectives;
- Promoting sustainability – taking account of the impacts of climate change and other environmental and societal factors when developing and implementing new policies on food safety, standards and nutrition; and,
- Making evidence based recommendations to Ministers, and influencing wider Scottish Government policy on food and diet.

Being proportionate, transparent and accountable

We will manage risk in an effective, balanced and proportionate way by:-

- Working with partners to implement effective horizon scanning and share intelligence on new and emerging risks;
- Ensuring directly and through partners that a surveillance system is in place to identify risks and enable effective and efficient investigation and enforcement action which protects consumers in Scotland;
- Implementing structured, transparent processes for assessing, managing and communicating risks, ensuring Scotland’s interests are reflected in UK policy and recommendations made to Scottish ministers are evidence based;
- Delivering a strategy for reducing foodborne illness in Scotland which focusses on prevention and action to protect consumers, and;
- Protecting consumers by working with any and all interested stakeholders across the UK and internationally to achieve an appropriate balance between risks to public health and education so that consumers are able to make more informed decisions about the choices they make.

Implementing good decision making practice

Our decision making processes will involve:-

Ensuring that all stakeholders, including consumers, have the opportunity, through appropriate and proportionate consultation, to become engaged and involved in policy development in either new initiatives or reviews to ensure a balanced, bold, positive and diverse approach to help shape executive recommendations and inform Board decision making;

- Implementing a structured risk analysis approach to identifying and managing public health hazards, ensuring a clear separation between risk assessment and risk management functions. We will undertake risk assessment using robust science to identify hazards and estimate the potential risk to health, and ensure risk management decisions take full account of this evidence as well as other factors related to consumers' wider interests in relation to food;
- Ensuring that policy decisions are evidence-based and inform risk management approaches which are proportionate and provide effective levels of public health protection;
- Ensuring that our policy decisions and recommendations are informed by an assessment of impact on equality and fairness;
- Publishing the results from our research projects and surveys of food, drink and feed products;
- Striving to achieve a balanced judgement between public health risk and enabling consumers to make informed choices; and
- Recording policy recommendations, our decisions and the reasons for them in the minutes of FSS Board meetings and making these publicly available.

Developing and maintaining effective links

We will work in partnership with:-

- Scottish and UK government to facilitate delivery of common frameworks which support the UK's post EU Exit regulatory regime; ensuring agreements made between the UK Government and devolved administrations support collaborative approaches to policy development;
- Food and feed businesses to improve the safety, labelling and nutritional quality of their products, ensuring we consider the impact on their business without the detriment of public health, and we work with them to ensure they have the support and guidance they need;
- Other public bodies and the third sector, to secure a healthier diet for the people of Scotland by coordinating promotion of consistent healthy eating messages as a key mechanism to influence diets and improve our future health outcomes;
- Local Authorities and other regulators to deliver a smart, fair, consistent and robust food and feed enforcement regime across Scotland;

- Other food safety and nutrition research funders in Scotland, the rest of the UK and internationally to ensure co-ordination of efforts and focus; and
- Other Government departments in Scotland and across the UK with a shared interest in our remit, to ensure we improve food and feed safety, labelling and the nutritional quality of food and drink products across the UK.

Adopting the principles of good governance

The Board will ensure adherence to the nine principles underpinning public life in Scotland, and will adopt and publish a Code of Conduct for Members, incorporating those key principles and covering the general conduct expected of Members, the requirements for the registration and declaration of interests, and rules regarding lobbying and access to Members. The Board will, in addition, adopt and publish Standing Orders and Terms of Reference specifying: the conduct and proceedings of the Board and any committee established by the Board; the matters which are solely reserved for the Board to determine and the matters that are delegated; matters which the Board will consider in private and the reasons for this; the right of access to the public and the press; and the remit of the Audit Committee.

We will also develop and publish a range of policies and documents that are required by relevant legislation or that support and fulfil FSS's commitment to good governance and transparency. In particular, we will publish a Framework Document that sets out arrangements for accountability, and annual reports and accounts that show how we have delivered against our objectives and managed our finances. We will also adopt the Scottish Information Commissioner's Model Publication Scheme, and produce and publish a Guide to Information that sets out the classes of information we make available, how the public might access that information, and whether or not it is available free of charge.