**PUBLIC SECTOR INCIDENT PROTOCOL**

1. **PURPOSE**

This *Public Sector Incident Protocol* (PSIP) aims to set out national arrangements for responding swiftly and effectively to food incidents that require coordinated action across the public sector.

The purpose of this protocol is to define the communication and coordination between Food Standards Scotland (FSS) and the affected Public Sector Organisations (PSOs), as detailed on the flowchart (Annex A).

FSS will require an efficient and timely flow of incident information which allows it to accurately prepare and disseminate briefings and coordinate activity between the PSOs in Scotland, the Scottish Government and the media. This Protocol has been developed with the PSOs: Centres of Procurement Expertise (Scotland Excel[[1]](#footnote-1), NHS Scotland (National Services Scotland), APUC (Advanced Procurement for Universities and Colleges)), Scottish Prison Service and Cordia[[2]](#footnote-2) (Glasgow City Council).

The types of incidents which can be anticipated are hazardous with a potential to impact on consumer safety, food fraud and non-hazardous incidents which may impact on the food supply chain, including issues of quality, provenance, authenticity, composition and labelling.

In addition to protecting consumer safety, the arrangements set out in this document are intended to assure an effective response of PSOs involved in the supply of food and the delivery of catering services under their management or control for schools, hospitals, universities and colleges, prisons, care homes, social programmes and public and staff catering.

Food business operators, including those within the public sector, must not place unsafe food on the market. In the event that they have reason to believe that food that has been made available to the public is unsafe, they are required to initiate product withdrawal and recall procedures and inform, and cooperate with, the competent authorities.

Outsourcing of food to a catering contractor (full delivery of a catering service including the procurement) exists across the public sector. In this case of Scotland Excel, NHS Scotland (National Services Scotland), APUC (Advanced Procurement for Universities and Colleges) and the Scottish Prison Service, they will liaise with the contract manager employed by the public body who will, in turn, liaise with the catering contractor. In the case of the Scottish Government catering contract, the main contact is the SG Director-General Strategy & External Affairs Facilities Services Contracts.

1. **SCOPE**

This protocol is designed to apply to food incidents that directly impact on the public sector. It includes food provided to the public, as service users, in publicly run facilities e.g. schools run by local authorities, hospitals (including PFI[[3]](#footnote-3) hospitals), prisons (including private prisons) and universities and colleges.

This protocol does not apply to private schools and private hospitals where the service is not supplied by the public sector for the public.

1. **COORDINATION AND COMMUNICATION**

In the event of an incident, FSS will take the leadership and coordinating role when:

* the implications for the public sector of an incident are serious in terms of consumer safety
* the incident extends across the boundaries of individual local authorities;
* there is wider media interest
* there is an advantage in treating the public sector as a single entity

The roles and responsibilities of each PSO are detailed in Annex B.

A Register of Contacts for this Protocol has been developed (Annex C). This shall be updated as required and then reviewed annually. FSS Incidents shall be responsible for ensuring the register is reviewed annually.

1. **PROCEDURE - GENERAL**

A “food incident” is defined as *“any event where, based on the information available, there are concerns about actual or suspected threats to the safety, quality or integrity of food and / or feed that could require intervention to protect consumers’ interests.”*

This protocol details the steps that are to be taken by the PSOs (a) when notifying food incidents to Food Standards Scotland (FSS) (section 5) and (b) responding to incident alerts issued by FSS (section 6).

This protocol runs alongside current systems for incident notification and handling via local authorities. FSS operates an [Incident Management Framework](https://www.foodstandards.gov.scot/business-and-industry/scottish-food-crime-and-incidents-unit/food-incidents/incident-management-framework) which provides an overview of how incidents are managed. Food Alerts and Allergy Alerts are currently published on the [FSS Website](https://www.foodstandards.gov.scot/news-and-alerts?type=alerts) and you can [subscribe](https://www.foodstandards.gov.scot/subscribe) to receive these as they occur.

For both the notification of food incidents to FSS and responding to food incident alerts, PSOs shall set up their own internal incident handling procedures. Annex D provides a list of areas that should be considered within the organisations’ procedures for incident handling.

1. **PROCEDURE – NOTIFICATION OF A FOOD INCIDENT TO FSS**

If a Food Business Operator (FBO) becomes aware of a food incident, they are required by law to notify the competent authority, which is the local authority Environmental Health Service. The local authority (Environmental Health), depending on the nature of the incident, may then contact FSS. The FBO should also notify its public sector customer(s) as detailed in their conditions of supply to the relevant PSO(s).

If a PSO becomes aware of an incident, they should not assume that the food business operator has reported it and they should contact FSS with as much information as possible. The Food Incident Report Form (Annex E in this document) shall be used to report food incidents to FSS. This is also available on the [FSS website](https://www.foodstandards.gov.scot/business-and-industry/scottish-food-crime-and-incidents-unit/food-incidents/reporting-a-food-incident-guidance/food-incident-report-form). The completed form shall be sent to the FSS Incidents mailbox ([incidents@fss.scot](mailto:incidents@fss.scot)) and followed up with a phone call to the FSS incidents team (details in Register of Contacts at Annex C).

As well as receiving information from food business operators about food incidents, as described above, intelligence about incidents may also come from surveillance activities, consumers complaints, sampling and food business inspections, for example.

Depending on the nature of the food incident notified to FSS, a determination shall be made whether to issue a Public Sector Food Incident Alert. This determination shall be made by FSS.

1. **PROCEDURE – RESPONDING TO PUBLIC SECTOR FOOD INCIDENT ALERTS**

If FSS determines that a public sector food incident alert is required, it will be issued by FSS to the nominated contact(s) within each PSO, as detailed in the Register of Contacts (Annex C). Alerts will be uniquely referenced and all subsequent communications related to that incident shall use that reference. An example of a public sector food incident alert is provided as an Annex F to this procedure. All communications issued after the original alert will be suffixed with an update number.

Each alert will be assigned an alert status which applies at the time of original notification; however, this may change as the incident develops (escalate or de-escalate). Any change to the alert status shall be highlighted by FSS.

The alert statuses are detailed below. FSS will determine what level is appropriate and when there is reason to treat the public sector, or parts of it, as a single entity because there is a need for coordination and assimilation of facts from across the public sector.

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| --- | --- | --- |
| PS Level | Status | Incident related action |
| For information – PS LEVEL 1 | Developing situation - readiness signal. | Likely to be for information only.  However, all participating organisations should aim to establish whether they are affected by the alert, as quickly as possible. They will then be able to respond to alerts accordingly.  PSOs are recommended to consider identifying areas of their business that may be affected and gathering relevant information, which depending on the nature of the incident, may include, for example, distribution of products, identification of suppliers, affected volumes, inspection and sample results etc.    FSS may request information via a PS Level 1 Alert. |
| For action – PS LEVEL 2 | Issued for action to individual PSOs | This incident is likely to be restricted to one or two PSOs or restricted geographically.  FSS will ask the affected PSO(s) to take specific action and / or provide information, which must be reported back to FSS.  All PSOs will receive a copy of the Alert regardless of whether it applies. |
| For action – PS LEVEL 3 | Issued for action to all PSOs | This incident is likely to be wide spread across the public sector and unlikely to be limited to the public sector.  The incident may result in food-borne illness or death.  FSS will ask the PSOs to take specific action and / or provide information, which must be reported back to FSS.  The Public Sector Incidents Team will be convened to ensure that a coordinated approach is undertaken to information gathering, sampling and product withdrawal, for instance.  A Situation Report (SITREP) will be issued regularly or as required. |
| De-escalation - PS LEVEL 4 | Issued to all PSOs for information | The incident has been or is being investigated and action taken as necessary. The affected food is no longer available.  Information may still be required to fully close the incident.  Closure occurs when the affected food is not available and corrective action taken by the FBOs. A closure notice will then be issued. |

Depending on the nature of the incident, the next stage may be de-escalation. This occurs where the incident has been or is being investigated, and action taken to ensure the affected food is no longer available. However, further action or information is required to fully close the incident.

Any request for information from PSOs or the food business shall be actioned as soon as possible and sent to the FSS Incidents mailbox ([incidents@fss.scot](mailto:incidents@fss.scot)). Any other action required shall be taken and confirmation, or otherwise, that this has taken place shall be advised to FSS [at](mailto:at) the email address above.

Once an incident has been established, FSS, with input from the local authority Environmental Health Service, will manage the incident, as normal, in accordance with standard incident management procedures. The investigation phase of the incident is managed by the local authority environmental health and this may require direct contact with the individual food business operators, details of which will be established during the incident investigation, recognising that the arrangement with the food supplier may be outwith the direct control of the PSO. The relevant PSO will be copied into communications as necessary by FSS.

For PS Level 3 incidents, regular Situation Reports (SITREP) shall be issued by FSS to PSOs. A template is provided in Annex K. The SITREP shall provide a history of incident events and new information shall be highlighted at each update.

1. **MEDIA HANDLING**

In response to, or in anticipation of, media enquiries, the Communications Teams of all affected PSOs and FSS will jointly develop media lines. Communications teams of the PSOs and FSS may develop their own lines but these should be discussed and shared with all involved organisations to ensure that all messages being issued are joined up. This may be done by email or through the Public Sector Incident Team (see below).

When there is a high level incident, media lines are to be agreed across the PSOs, Scottish Government and FSS and a decision will be made as to who issues the media lines. This will be determined by the scale and nature of the incident, and extent of media interest.

1. **PUBLIC SECTOR INCIDENT TEAM (PSIT)**

As appropriate, the PSIT shall be established to act as a central coordinating body, for a particular incident. This is most likely to be required for PS Level 3 (ACTION) incidents requiring action and response, but may not be restricted to these.

FSS will request from the affected PSOs an official, or a group of lead officials, that may convene at any time to discuss and agree any coordinated action that the sector should take. The official(s) should include incident response and media interests. FSS shall chair the PSIT. Local Authority Environmental Health services may be invited to attend, as necessary.

PSIT meetings may take place face-to-face, but more likely by video links or tele-conference calls. Its role shall include:

1. providing a single point of contact for its members
2. coordinating action across the public sector including, where appropriate, with suppliers
3. collating information to inform situation reports that can be shared across the public sector and with Scottish Government and Ministers, as required
4. discuss the options and practical considerations ahead of any advice being issued
5. developing appropriate media lines for use by the public sector, where appropriate, in collaboration with Scottish Government and others
6. attendance at stakeholder incident meetings as necessary

PSOs are expected to work within lines or courses of action agreed by the PSIT. However, in exceptional circumstances, the expectation on the PSO would be that it ensures the PSIT are informed as rapidly as possible of any separate action it intends to take or has taken.

1. **OUTBREAK OF FOODBORNE ILLNESS**

If an outbreak of foodborne illness is identified during the course of the incident investigation, this will be managed in accordance with the [Management of Public Heath Incidents](https://publichealthscotland.scot/publications/management-of-public-health-incidents-guidance-on-the-roles-and-responsibilities-of-nhs-led-incident-management-teams/management-of-public-health-incidents-guidance-on-the-roles-and-responsibilities-of-nhs-led-incident-management-teams/) (updated 14 July 2020).

FSS will attend the Incident Management Team (IMT) meetings on behalf of the PSIT and will keep members of the PSIT aware of the meeting discussions and decisions. This protocol will continue to operate alongside the Management of Public Health Incidents.

1. **INCIDENT DE-ESCALATION, CLOSURE AND REVIEW**

As above, depending on the nature of the incident, there may be a period of de-escalation and informal review, to ensure all outstanding issues have been addressed and corrective action taken, before an incident could be closed.

For all incidents, FSS, or the PSIT (if they have been established), will determine incident closure. FSS will issue a formal closure notice with a title reference and number once the incident is considered to be resolved.

A formal incident review, led by FSS, may take place after a PS Level 3 incident is closed to ensure that lessons can be learned to improve incident handling. PSOs would be requested to participate in this exercise.

1. **GLOSSARY**

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| APUC | Advanced Procurement for Universities and Colleges |
| CoPE | Centre of Procurement Expertise |
| EH | Environmental Health (Service) |
| FBO | Food Business Operator |
| FSS | Food Standards Scotland |
| IMT | Incident Management Team |
| LA | Local Authority |
| NHS | National Health Service |
| PFI | Public Funded Initiative |
| PS | Public Sector |
| PSIT | Public Sector Incidents Team |
| PSIP | Public Sector Incident Protocol |
| PSO | Public Sector Organisation |
| SITREP | Situation Report |
| SG | Scottish Government |
| SPS | Scottish Prison Service |

1. **LINKED DOCUMENTS**

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| Annex A | Public Sector Incident Alert - Flowchart |
| Annex B | Roles and Responsibilities |
| Annex C | Register of Contacts (NOT PUBLISHED) |
| Annex D | Incident Procedures |
| Annex E | Food Incident Report Form |
| Annex F | Level 1 (For Information) Alert Example (fictitious) |
| Annex G | Public Sector Incident Alert – Level 1 (Template) |
| Annex H | Public Sector Incident Alert – Level 2 (Template) |
| Annex I | Public Sector Incident Alert – Level 3 (Template) |
| Annex J | Public Sector Incident Alert – Level 4 (Template) |
| Annex K | Public Sector Food Incident – Situation Report |
| Annex L | Public Sector Incident Alert – Closure Report (Template) |

1. Scotland Excel manages collaborative food contracts for local authorities in Scotland, with the exception of Shetland and Orkney. [↑](#footnote-ref-1)
2. Codia ceased trading in September 2018, Glasgow City Council have now taken on their responsibilities. [↑](#footnote-ref-2)
3. Private Finance Initiative – funded privately, but used by the NHS [↑](#footnote-ref-3)