**Food Advisory Committee**

**17th March 2015**

**Pilgrim House, Old Ford Road, Aberdeen**

**Open Session**

**Present**

Committee Members:

Liz Breckenridge Deputy Chair

Bernard Forteath

Lesley Stanley

Carrie Ruxton

Alison Jones

Food Standards Agency in Scotland (FSAS) Officials:

Geoff Ogle Director FSAS

Tanya Olmeda-Hodge SFAC Secretariat

Food Standards Agency Officials

Patrick Miller - Joint Head of Chief Scientist Team/Head of Science Strategy and Governance

Peter Midgley – Head of Policy and Operations

Apologies:

Jim Wildgoose

1. **Chairman’s Introduction and Welcome**

1.1 The Deputy Chair welcomed members, guests and observers to the open meeting of the Scottish Food Advisory Committee (SFAC) and noted that it was the last meeting of SFAC.

1.2 The role of SFAC is to provide advice to the Food Standards Agency (FSA) on all food safety and standards matters, in particular those with a specific Scottish perspective. The FSA in turn has to consider fully the Committee’s views when determining its actions and the policy advice it gives to Ministers. Food issues are devolved to Scottish Ministers and legislation is implemented by the Scottish Parliament. This Committee is an essential element for the FSA, to ensure that devolution is taken into account.

1.3 There were apologies from the Chair of SFAC, Jim Wildgoose.

1.4 There were no conflicts of interests declared by the Committee.

1.5 The Deputy Chair outlined that there were four items for discussion and three information items.

1. **Minutes and Matters arising from previous meeting**
   1. The Deputy Chair referred the Committee to the minutes from the previous open meeting held on 20th January 2015 in Aberdeen and asked if there were any changes or comments to be made.
   2. The Deputy Chair thanked Will Creswell’s team in FSA for producing a very useful diagram (tabled), which had been requested at the previous meeting. It showed how the different bodies and committees involved in food fraud fitted together **(Annex A**). Geoff Ogle explained how the diagram related to Scotland and the importance of working with Police Scotland in the fight against food fraud.
   3. At the last meeting (Minute item 5.3.4) the work being done by an Interest Group set up by Directors of Public Health in Scotland on children’s eating habitats was asked to be followed up. The Deputy Chair informed the meeting that the report was still at very early draft stage and that FSAS were involved in its progress.
   4. The Chair had raised an issue at the FSA Board meeting in January concerning increased concerns about supermarket practices on procurement given the pressures on margins, following a question from the audience at the last SFAC meeting. The FSA Chief Executive had confirmed the Chair’s response that the Food Crime Unit and information hub were alerted to these pressures and the potential for fraud.
   5. Members agreed the minute was a true and accurate record of the meeting. The other two matters arising had been discharged.

**3. FOOD STANDARDS AGENCY STRATEGIC PLAN 2015 - 2020**

3.1     The Deputy-Chair welcomed the FSA Strategic Plan 2015 – 2020 and praised its development which had been developed over a year through comprehensive engagement and input with industry, experts and FSA staff.

3.2 Geoff Ogle, the FSAS Director introduced the paper, a draft of which SFAC had seen before. The principal aim of the Strategy was to empower consumers to enable them to make safe choices about food, and to set out how FSA was going to achieve this. Further work had taken place on the detail, including the underpinning elements of the Strategy, which were now under five broad themes: Science, Evidence and Information; Regulatory Strategy; Openness and Transparency and Engaged Capable Workforce; and How We Influence. The Strategy set out how FSA would deliver in year one, two and three and within each theme there was a focus on the activities for each year.

3.3   SFAC had an extensive discussion on the paper and raised some of the following points:

3.3.1 Under 5.2: the importance of the Chairs of FSA and FSS meeting to discuss shared interests and working arrangements for the benefit of consumers across the UK was raised and it was questioned what the frequency of those meetings might be and whether any had been already set up. Geoff Ogle responded by explaining that Tim Bennett, Ross Finnie, Geoff Ogle and Catherine Brown had met twice to date: the first meeting was in Edinburgh and the second was more informally at the FSA Board meeting in Cardiff. Furthermore, the MOU between FSA and FSS clearly recognised that FSA and FSS would continue their dialogue. There were no dates as yet for more formal meetings but there was full commitment from all parties.

3.3.2 It was questioned whether, with the development of future FSA and FSS strategies, each would have sight of the other strategy at a draft stage. Geoff Ogle responded that he would expect that any future strategies would be shared between FSA and FSS before the final stages. There would be some strategic outcomes which would be the same for both organisations (eg safe food) with an emphasis on working together to deliver some outcomes. Other areas would be Scotland focused, e.g. elements of research. He noted that the MOU had a “no surprises” approach for both organisations.

3.3.3 It was questioned whether the FSA Strategic plan would be implemented in FSS until it had developed one of its own, or if there would be an FSS Strategy from 1 April 2015. Geoff Ogle replied that there would not be a FSS Strategy from 1st April. However, the Chair of the FSS Board was keen to develop a Strategic plan for FSS quickly. First it would be necessary for FSS Board members to become familiar with FSS work in order to inform the Corporate Plan. The absence of a FSS Strategy in the first instance was being addressed at executive level by the development of a first year business plan for FSS. There were no plans to adopt the FSA plan going forward although some of the themes\priorities were likely to overlap.

3.3.4 It was questioned what approaches, in terms of smart objectives, FSA could take to ensure 2.1 last bullet point “*Consumers have access to an affordable healthy diet, now and in the future*”, was an achievable objective, particularly given the change in objectives for the FSA, and the size of this objective in relation to the size of the organisation. Geoff Ogle responded by explaining that diet and nutrition were still part of the remit and responsibility for FSA in Northern Ireland and FSA in Scotland. Part of the Strategy was looking at how we influenced consumers and portrayed the other interests of consumers..

3.4 The Deputy-Chair welcomed the inclusion of consumers rights to this Strategy which she indicated was an approach that was well-supported by consumers through consumer insights. The Deputy Chair also confirmed that she agreed with the shifting balance of power towards consumers taking decisions for themselves and looked forward to seeing how that part of the Strategy developed. Furthermore, she expressed interest in whether FSS followed a similar strategic route.

3.5 The Chairman thanked Geoff Ogle for introducing the paper to the Committee.

**4. FUTURE STRATEGY FOR FSA SCIENCE**

4.1 The Deputy Chair welcomed Patrick Miller, Joint Head of Chief Scientist Team/Head of Science Strategy and Governance to the meeting and asked him to introduce this Board paper and take questions via video conference.

4.2 The paper was a framework which set the ‘bones’ around which the detailed science programmes which would be built up in the coming months. The framework was based on a vision which reflected the ambition that FSA wanted to set for their science work. FSA had a good reputation as a science and evidence based organisation. However, the new Strategy and up and coming challenges in the wider environment had made it clear that FSA would have to raise its game on science. The high-level priorities in the framework were developed by looking through two lenses:

* ”What” – scientific activities that needed to focus on in order to address challenges ahead, and
* “How” - how FSA should do its scientific work to get the right underpinning conditions to do the first part.

4.3 SFAC had an extensive discussion on the paper and raised some of the following points:

4.3.1 Concern was raised over the lack of focus on research projects in the Strategy but it was acknowledged that this may be due to it being a skeleton document, with the research projects coming later in the process. Patrick Miller confirmed that the delivery plan would include the key individual research projects and programmes.

4.3.2 The section on horizon scanning had a very national focus and it was questioned how the FSA planned to use the information coming from global scientific literature. Patrick Miller explained that it was not the intention to limit this to the UK and that he would review the wording around this subject to correctly reflect FSA work at EU and international levels.

4.3.3 There was concern that there was no mention of the Agency’s attitude to commissioning and the provision of research. It was questioned whether it would continue in the same way, and who the providers would be. This also seemed to have a national focus. It was thought that it would be beneficial to include how the FSA was going to engage with the European Research programmes e.g. Horizon 2020. Patrick Miller confirmed that the FSA would continue to commission external evidence gathering and the approach would not be changing radically. The Agency was keen to ensure existing data was used to its full potential. He agreed to look at wording that would fully reflect FSA’s engagement in EU and international matters.

4.3.4 Page 9/point 1 – it was questioned whether in the statement “*to ensure consumers are effectively protected from risk*”, “unacceptable” should be inserted before “risk”. Patrick Miller confirmed that they would not be looking at a zero risk policy – and one of the areas they would be addressing was to look at the definition of unacceptable risk.

4.3.5 The meaning of “big data” was asked. Patrick Miller explained there this was the potential for extracting valuable data from a large amount of data for example that generated through social media or by genomic techniques and using data analytics to extract that value.

4.3.6 Page 3 (iv) in the introduction paper – under what works - a question was asked regarding the research and whether it would be only targeted at useful policy objectives or if there would still be room for blue sky research. Patrick clarified that much of the emphasis would be on policy research however, there would also be space for blue-sky research and the Strategic Evidence Programme’ led by Guy Poppy as FSA CSA, had been established to provide a dedicated part of the portfolio focused on strategic research.

4.3.7 Page 4 (ii) developing a QA framework - it was questioned whether the QA framework would be the identical for scientific studies and social science research. Patrick agreed that there should not be a rigid QA framework but a more flexible one to reflect different demands and characteristics of different types of research and evidence, but that these should achieve comparable outcomes in terms of appropriate assurance and confidence.

4.3.8 There was often a risk to use social media before it was shown to be an effective tool for behavioural change, and it was questioned how this was being addressed. Patrick Miller confirmed that this was an important area and described projects that were underway to explore the boundaries of use of this kind of data including ethics and confidentially.

4.4 Geoff Ogle was asked for his views on whether FSS would take the same approach to regulation as FSA, and how collaborative FSA and FSS would be on scientific issues. He explained that approaches to regulation would depend – there were similarities as Ministers in Scotland had issued a regulators code, but he was mindful that attitudes to regulation differed between administrations.

4.5 Geoff Ogle confirmed that FSS would have a Science Strategy - this was currently at an early stage, and recruitment had begun for a Chief Scientific Adviser. At risk groups and a greater focus on behavioural sciences, especially in diet and nutrition, had been highlighted as key areas. Furthermore he highlighted a structural change to the Food Safety, Monitoring and Policy team which would build in more capacity on surveillance. FSAS had also recently become more involved in the Scottish Government's Rural and Environment Science and Analytical Services Division (RESAS) research programme. Furthermore, the FSS Shadow Board, who met recently, had expressed their commitment to the view that science and evidence should underpin decision making.

4.6 Geoff considered that there should be some dovetailing between FSA and FSS science - as it made sense for both organisations to have conjoined research with a more stratified approach to taken into account the different consumer views in the different UK countries. Patrick Miller agreed that there would be opportunities to share information and work together and when commissioning research FSA should always think about whether there were other organisations that they could approach - FSS being among those at the top of the list.

4.7 The Deputy Chair urged both FSA and FSS to think about the scientific evidence held by the industry - manufacturers and retailers - and advised them not to be afraid to work with industry to ensure this was shared: there was a huge amount of information held within industry that could be positively used.

4.8 The Deputy Chair recognised that the FSA had been leading the way within the Civil Service in the use of social media in the consumer interest, and had gained many awards along the way. She urged the FSS to build upon this experience in the future.

**ACTION 170315/1:** Patrick Miller agreed that he would review the wording in the Strategy to correctly reflect FSA work at EU and international levels.

**5. FSS – SOME THOUGHTS ON PRIORITIES**

5.1This paper sought to assist discussion on FSS priorities going forward. SFAC had over the last year produced 4 advice papers which are now with FSS Chair designate and FSS Chief executive designate.

5.2 The Deputy Chair highlighted priority points from the paper, i.e. the construction of a FSS strategy; excellent incident handling has to be a must from day one; great linkage with the FSA which will come down to people and practice on a daily basis; Communication arrangements were very important and SFELC continuation.

5.3 Geoff Ogle said the SFAC papers had been very helpful and useful and mirrored much of his thoughts going forward. He made the following comments:

5.3.1 FSS were looking at bringing in a retired Detective Chief Inspector to advise FSS on how it could improve its intelligence gathering and capabilities in line with the Scudamore recommendations.

5.3.2 Geoff Ogle would regularly attending FSA Executive meetings for the next few months.

5.3.3 Geoff Ogle recognised the importance and usefulness of SFELC and noted that the Local Authorities were our key delivery partners and it would be important to continue our support for them. FSS would be looking at the Terms of reference to ensure it reflected FSS requirements.

5.3.4 There was currently work going on looking at the Diet and Nutrition remit of FSS.

5.3.5 Risk audit and governance were statutory responsibilities. FSS were looking at overall assurance of which audit is part of that assurance.

5.4 It was questioned if there were agreements set up with FSA on data sharing. Geoff Ogle confirmed that the MOU between FSA and FSS was almost agreed and included core areas which would have added emphasis on working together. It also included some broad themes, and below these there were working level agreements.

5.5 It was noted that the FSA would continue to be the competent authority in the EU but it would be important for FSS to improve its capability in this area . Hope was expressed that FSS would play a full part in EFSA and that Geoff Ogle would join the Head of Agency Group. It was suggested that Ray Ellard who was part of FSA in Ireland would be a good contact. Geoff Ogle explained that there was a clear requirement now under Devolution for the UK Govt. to be engaged with the devolved administration and expected this approach to continue. He noted that that the FSAS Head of Food Monitoring and Policy branch has been involved in key EU discussions on shellfish, and there was no reason why that sort of approach could not continue.

**6. FOOD HYGIENE RATING SCHEME (FHRS) – UPDATE AND NEXT STEPS**

6.1 Peter Midgley introduced this Board paper which reviewed the scheme operating in England, Wales and Northern Ireland.  Firstly, it provided an update on how the scheme had developed since its launch in 2010.  Secondly, it acknowledged changes to the arrangements relating to FHIS after April 2015, and thirdly it outlined the next steps. It acknowledged the points that were working well and issues to be addressed and made recommendations for the way forward.

6.2 The Deputy Chair highlighted the fantastic opportunity that lay ahead for Scotland to learn from Wales and Northern Ireland in terms of the development and introduction of mandatory display, and what it could bring for consumers, and urged FSS to use this information for the benefit of the consumer in the future.

6.3 The Deputy Chair recognised the enormous support from the Local Authorities for FHRS and FHIS, and urged FSA and FSS to protect that support, which had been hard earned and could be easily lost. There was buy-in from Local Authorities now but she reiterated that the plans for the future needed to be carried out at pace to keep them on board.

6.4 It was considered that FHRS and FHIS would both benefit from increased consumer awareness and it was suggested that FSA and FSS should approach tourist boards and Trip Adviser to gain access to a wide network of consumers.

**7. FSA in Scotland Update**

7.1 Geoff Ogle, FSAS Director, gave a brief update on the following areas of work being carried out within FSA in Scotland, which included some of the following items which were focussed on the new food body and some business as usual items:

7.1.1 Website domain and email addresses

Our website domain name has now been confirmed as: [**www.foodstandards.gov.scot**](http://www.foodstandards.gov.scot) and we also have confirmation of our email addresses which will be: [**firstname.surname@fss.scot**](mailto:firstname.surname@fss.scot).The website was coming on apace and design concepts have been approved. The majority of content was in existence and had been identified on food.gov, rationalised and would be ported over. A large proportion required updating and/or re-writing, and all required reorganising to allow an easier search function. Online nutrition resources previously held separately online e.g. Eatwell Everyday are being pulled into the new site.

7.1.2 FSS Board Visit

Feedback from the board visit on Wednesday 11th February was very positive. The Board was given a full tour of the teams and a briefing by each branch. They were impressed with the work we do and by the range of our responsibilities. They are keen to understand our work in more detail and over the next few months we will be having a number of more in-depth briefing sessions: shellfish, Scudamore and incident management are likely to be early candidates.

7.1.3 Memorandum of Understanding (MoU)

The MoU was discussed by the FSA Board in Cardiff and the FSS Board had a discussion on the MoU. They were content for us to proceed on the basis of the MoU but have asked to be kept informed of progress and how it was working in practice.

7.1.4 Business Readiness.

Part of our work in preparing to become FSS has been to look at the current FSA Human Resources (HR) policies. Over the last few years FSA HR policies had been updated to reflect civil service-wide policies and best practice, FSS will be rebranding these FSA HR policies and adopting them as they stand.

7.1.5 Incidents

There have been a number of high profile incidents, most specific to Scotland was the counterfeit Glens Vodka detected in Highland and Moray which led to a Scottish led UK response. This alcohol contained levels of substances that could present a health hazard but only to those who are abusive drinkers of alcohol. We have worked with the company involved in Glens Vodka production and the investigation has been a joint effort between the LA, (trading standards and environmental health), and Police Scotland. FSA in Scotland led a web story and submissions to Ministers and contributed to press releases distributed by the main LA’s. There is also a body of work on going on the Cumin incident which is led from London but in which FSAS has a role.

7.1.6 Emergency Exercise

On 24th February the FSA in Scotland delivered an emergency exercise aimed to test our recently developed incident protocol for the Public Procurement Sector. The exercise was attended by local authorities, Scottish government, Scotland excel, national Services Scotland and FSA staff and was designed to test a scenario impacting the food supplied to our Schools, hospitals and prisons. The exercise went well and the post exercise report is expected mid- March.

7.1.7 Shellfish Harvesting Areas.

This year’s annual classification exercise involved the review of *E. coli* sampling data for Scottish shellfish harvesting areas over the previous 3 years to determine whether they can be awarded Class A, B or C status. Preliminary results were issued to stakeholders on 2 February and indicated a potential downgrade in microbiological quality for 48 areas, and improvements in 23 areas.

**8. Scottish Food Enforcement Liaison Committee**

8.1       The Deputy Chair asked Committee member Lesley Stanley – who attended SFELC at the last meeting - to give an update.

8.2       Lesley Stanley informed the Committee that at the last SFELC meeting Geoff Ogle had updated SFELC on recent progress towards the vesting of FSS on 1st April. There was some discussion as to how, and by what routes, enforcement reporting would work in the future.  Aspects of the new draft Terms of Reference for SFELC were debated, including whether and how to widen the membership to include all forms of enforcement activity.  As there would no longer be a SFAC member on SFELC, it was suggested that the committee should perhaps have a position for a member with an independent advisory role, and the Chair agreed to take forward consideration of this possibility.  Lorna Murray reported on the Scudamore report and there was discussion on the Which? report that had just reported that some Scottish Local Authorities were at bottom of list in terms of enforcement - some LAs had responded to this with press statements, but there was still a general feeling that the situation in Scotland had not been represented fairly in the report.

8.3       The Deputy Chair thanked Lesley Stanley for her update.

**9. FSA Board UPDATE**

9.1 The Chair reported that the Board had met for its last open meeting at the end of January 2015 in Cardiff and had discussed amongst other papers, rare burgers. The Board had asked for urgency in providing advice to consumers which were knowingly and unknowingly consuming rare burgers.

9.2 The Board would meet on 25th March in London to discuss the Board papers discussed at the SFAC meeting.

**10. PUBLIC SESSION / AOB**

10.1 There were no questions from the public.

10.2 As this was the final meeting of the Scottish Food Advisory Committee, the Deputy Chair expressed sincere thanks to the staff of the Food Standards Agency in Scotland for their support of the Committee and offered the Committee’s good wishes to Food Standards Scotland. She also expressed sincere thanks to the SFAC Chair, Dr. Jim Wildgoose, for his outstanding leadership of SFAC and to SFAC members who had given generously of their time, commitment and effort over a number of years.

**ACTIONS FROM THE MEETING**

**ACTION 170315/1:** Patrick Miller agreed that he would review the wording in the Strategy to correctly reflect FSA work at EU and international levels.

**Annex A**

**The diagram below shows all the different food fraud groups and committees and how it all links up on a local regional and national level.**

**Key to diagram**

**Local level (Blue)** - Intelligence gathering by local authorities (Las) via established links to the FSA. FSA fields Operations and the FSA Rapid Response Team also operate on a local level.

**Regional Level (Yellow)**  - There is regional co-ordination of LAs and regional co-ordinators or chairs of the regional co-ordination groups. Trading Standards Scambusters teams also work regionally. The FSA via the Regional Team link to the LA regional groups. The FSA in the DAs also have strong links to their LAs. The FSA have Regional Intelligence Officers  and the GAIN network operates regionally. The Regional Organised Crime Units are a collaboration of police forces  and other regulators / enforcement bodies such as HMRC or UK Border Agency.

Co-ordination at the regional Level is shown in **Brown -**  this comprises resilience planning, training, development of regional policy and admin.

**National level (Green) -**  The FSA Food crime Unit links to various Government Departments, Agencies and central co-ordinated enforcement bodies with a food crime interest. Sources  of intelligence at the National Level are shown in **Brown .**

**International Level (Pink)** -  these are self-explanatory.

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