Food (Scotland) Bill

NHS Lothian

1. The merits of creating a stand-alone body rather than enhancing the current FSA Scotland arrangements

Comments: The Duty of partnership under the Public Health Act and Category 2 status under the Civil Contingencies Act previously existed de facto at United Kingdom level under previous arrangements. The FSA could also work with veterinary authorities, SEPA and licensing bodies on food and feed controls.

The benefit of a stand-alone body is its independence from government and the food industry – this, along with transparency in its ways of working, is important in relation to building public trust and confidence in the information provided.

2. The scope of the objectives and functions of the FSS, including whether and how they could support Scotland’s sustainable development

Comments: The three core objectives - encompassing food safety, nutrition and wider food-related consumer interests – are broad. While it is important at this Bill stage to avoid being too prescriptive in the FSS’ objectives and functions, in order to allow flexibility in its approach in the long-term, it will be very important to ensure that the FSS has clear areas of focus and strong formal links with other bodies and government departments with similar objectives and functions.

Concerns have been raised that there could be a conflict of interest between working for safer food/improving diet and supporting the growth of the Scottish food and drink industry. Focusing FSS’ role for the food and drink industry so that it was focused on sustainable healthy produce would harmonise that conflict but the safety function would need to be organisationally maintained with clear statutory and regulatory authority. By working across the food supply chain, there is also the opportunity to expand the evidence-base in relation to interventions that promote both public health and environmental sustainability.

We note that there is no mention within the list of functions of dietary surveillance and research, which are key functions of the FSA at present in relation to improving the diet of the public. It is important that the FSS maintains these functions, particularly in relation to understanding the relationship between food and health inequalities within Scotland.
3. The proposed administrative and governance arrangements for the FSS

Comments: The administrative and governance arrangements are clearly outlined and appear to allow the FSS to work independently and transparently while having a close relationship with Ministers.

4. The proposed powers of the FSS

Comments: It is positive that the FSS is granted powers to work independently to carry out its functions, and that field staff in particular have the power to enter premises and carry out their role effectively.

5. The likely efficacy of the new provisions related to food information to prevent food fraud (such as the recent horsemeat incident).

Comments: It is positive that the Bill allows authorised officers to detain food that may contravene food information law, but not possible to comment on whether this in itself is likely to prevent food fraud.

6. The provisions set out in the Bill for non-compliance with food safety and standards.

Comments: The administrative sanctions outlined appear to be an efficient and cost-effective way of penalising non-compliance. For FSS to achieve its potential, the role of environmental health in local authorities must also be strengthened. The Scottish Government should implement the recommendations on the future of the environmental health profession.

7. Any other comments on the Bill that relate to areas not covered above.

Comments: It is not clear from the Bill or explanatory notes how the FSS will link with other bodies that have similar objectives and functions. It is important that there are clear mechanisms through which the FSS, NHS, government, local authorities and third sector communicate and collaborate to ensure that the public have access to consistent, evidence-based messages on nutrition, affordable healthy food and the skills necessary to prepare healthy meals. More working in collaboration with other statutory agencies to issue guidance on control of food-borne diseases would also be welcome.

The creation of a new food body for Scotland provides an opportunity to focus on understanding the dietary attitudes and behaviours of our population and identifying policies and interventions that can tackle issues around food poverty, sustainability and health inequalities. There also needs to be thorough thought into how the FSS achieves its objective of improving the Scottish diet in ways that complement broader public health programmes, e.g. life-stage approaches such as the Early Years Collaborative.
It is not clear from the Bill where leadership for improving the diet of the Scottish public will sit. Clarity of roles and leadership areas will be crucial in moving forward.

The budget arrangements for the FSS may be an area of concern. The explanatory notes outline an additional annual cost of around £5 million, which *may* be offset by a transfer from the UK-wide budget. This is as a result of the new FSS performing roles that were previously carried out in England. It is important, in the light of the current financial climate, that duplication of effort doesn’t lead to additional costs overall. The increased overall running costs of food standards and safety within Scotland may lead to difficult decisions over what type of work is funded in future.

**NHS Lothian**  
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