Food (Scotland) Bill

Royal Environmental Health Institute of Scotland (REHIS)

The merits of creating a stand-alone body rather than enhancing the current Food Standards Agency Scotland (FSAS) arrangements

The current scope of FSAS has limited the provisions of a robust and integrated system for the effective protection and promotion of food matters pertaining to public health in Scotland. REHIS supports the creation of an independent food body which will reflect, support and respond to the evolving public health needs of the Scottish population.

Food and feed safety policy and enforcement are a devolved matter to the Scottish Parliament, and the creation of an authority which can meet and protect the specific food interests of Scotland is advocated. We are concerned about the approach taken by the Westminster Government to isolate food nutrition and labelling from the Food Standards Agency (England). This fragmented approach does not support the holistic approach to public health which REHIS promotes. It is felt that there is potential that Scotland's views on food labelling and nutrition under the English structure may become devalued, misrepresented or lost due to the perception that the Food Standards Agency Scotland works in the same way. There is a perceived risk that other responsibilities of the FSA may also be transferred to other organisations in the future resulting in further fragmentation of food and feed policy and enforcement. By creating an independent stand-alone food body in Scotland, the country's voice is protected and promoted locally, nationally and internationally and the integrated approach to food and feed policy and enforcement is safeguarded.

The scope of the objectives and functions of Food Standards Scotland (FSS), including whether and how they could support Scotland's sustainable development

The objectives of the FSS as detailed under section two of the Food (Scotland) Bill provide the foundations to build strategic and operational priorities which will protect and improve food related public health in Scotland. REHIS supports the flexible approach of these objectives which will allow the FSS to be adaptable to the identification and management of current, evolving and future risks associated with the consumption of food and other food matters. REHIS recognises that sustainable development is an overarching consideration for every policy areas and that sustainability issues are integral to the new food body. REHIS believes that the sustainability of the current public health workforce is uncertain. The delivery of official controls for the most part rests currently with local authority based public health professionals, namely Chartered Environmental Health Officers, Environmental Health Officers and other environmental health professionals such as Food Safety Officers. REHIS advocates the development and implementation of a regulated delivery framework that supports training and competency for official food and feed control in Scotland. This should also include mandatory
workforce planning to ensure the viability of the local authority public health workforce.

REHIS believes that the general functions of FSS as described under section 3 of the Bill are acceptable and will contribute to the protection and promotion of food matters pertaining to public health in Scotland.

The proposed administrative and governance arrangements for the FSS

REHIS supports the principles of proportionality, transparency, accountability and good decision-making practice detailed in section four of the Food (Scotland) Bill.

However, we believe that the new food body must also work in a consistent manner to ensure equality and fairness in how the body will discharge its duties. There is currently some geographical variation in how official controls are executed such as food premises approval and border inspection controls, and the new food body should be charged to secure consistency in the operation and discharge of official control duties. This will also align the FSS's proposed administrative and governance arrangements with the philosophy of Better Regulation as detailed within the Regulatory Reform (Scotland) Act.

In addition, REHIS believes that the independent operation of the FSS from Scottish Ministers and the Scottish Government should be emphasised within the administrative and governance arrangements of the FSS. This will enhance the credibility of the FSS within the local, national and international food and drinks industry and promote greater public and consumer confidence that the work of FSS is impartial.

The proposed powers of FSS

REHIS acknowledges the broad and wide ranging powers granted to FSS that will allow the body to carry out its functions. This will allow FSS to develop a flexible and responsive approach to food and feed standards and safety whilst promoting independence and autonomy.

The likely efficacy of the new provisions relation to food information to prevent food fraud

The provisions relating to food information to prevent food fraud as outlined under section 31 of the Bill will bring the regulatory response available to food authorities in line with similar offences relating to food hygiene. This is welcomed by REHIS.

One of the main problems with food standards regulation and food fraud is that it has the potential to cross regional, national and international boundaries. REHIS advocates a multiagency arrangement and therefore
welcomes a Duty of Co-operation between bodies and officeholders as outlined under section 16 of the Bill. This will ensure that FSS and other relevant bodies including local authorities coordinate and co-operate with each other whilst undertaking inspection and scrutiny activities.

The Provisions set out in the Bill for non-compliance with food safety and standards

REHIS advocates the introduction of alternative enforcement options to deal with food safety and standards contraventions. There is currently a gap between informal actions and reporting contraventions to the Procurator Fiscal office for consideration for prosecution. The introduction of fixed penalty notices (section 35) and compliance notices (section 41) will allow a more proportionate use of resources and more effective response to dealing with manufacturers, packagers and retailers of food.

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

REHIS welcomes the addition of the requirement of the Duty of User Focus as detailed under section 16 of the Bill. This will ensure that FSS will continually improve their approach to stakeholder engagement and promote openness, and transparency in the organisation’s governance and operation. REHIS would welcome the opportunity to discuss further how the Duty of User Focus would be development, implemented and maintained within FSS and how this would impact on the work of the food authorities.

Royal Environmental Health Institute of Scotland (REHIS)
May 2014