Written submission from the Food Standards Agency (FSA)

- Thank you for your invitation to provide a written submission of evidence to the Committee, as part of its scrutiny of Part 1 of the Regulatory Reform (Scotland) Bill, in advance of the oral evidence I will be presenting at the meeting on Wednesday 29th May.

- The Food Standards Agency (FSA) is a non-ministerial UK government department operating at arms length from Ministers and governed by a Board appointed to act in the public interest. The FSA’s food safety & standards policy remit is one which is wholly devolved in the context of the provisions of the Scotland Act, and it is equally accountable to the Westminster and Scottish Parliament. As a consequence the FSA is responsible for delivering, the necessary statutory regulatory provisions with respect to its policy area in Scotland. In addition the FSA has, in its central competent authority role, the function of overseeing the delivery of food and feed regulatory enforcement by local food authorities and also the delivery of official controls in certain approved establishments.

- You have invited that we provide evidence, in particular, on Part 1 (Section 4) of the Bill which proposes that:
  - In exercising its regulatory functions, each regulator must contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions to do so.
  - The Scottish Ministers may give guidance to regulators with respect to the carrying out of this duty.
  - Regulators must have regard to any such guidance.

- The following evidence outlining relevant aspects of the FSA’s current strategic objectives and corporate priorities, together with some examples of how we put these into practice, should be helpful in allowing the Committee to consider the FSA’s capacity to meet the new obligations on regulators proposed in the Bill.

- The main objective of the Agency, in carrying out its functions, is to protect public health from risks which may arise in connection with the consumption of food and otherwise to protect the interests of consumers in relation to food. However, the FSA is committed to the better regulation principles of transparency, accountability, proportionality, and consistency and targeting.

- The FSA recently refreshed its strategy to 2015 and one of the revised strategic outcomes is that; Business compliance is effectively supported because it delivers consumer protection. This will include a focus on effective, risk-based and proportionate regulation and enforcement. Linked to this is a current corporate priority to support growth through better, smarter regulation. In particular we are committed to remove the unnecessary burdens on business and provide effective export assurance as two ways to support growth. The removal of unnecessary burdens will help enable local authorities and ourselves to concentrate resources on higher risk areas of the food chain. We are committed
to work with local authorities and the food industry so we can be clearer on the ways in which food businesses can achieve and demonstrate sustained compliance in order to earn ‘earned recognition’ reducing inspection burdens, while at the same time ensuring that those who cannot or will not comply with their obligations receive greater attention. In concentrating our attentions on non-compliant businesses we will reduce the risk of food incidents and thereby help the food industry retain public confidence necessary for economic growth.

- In Scotland the FSA works with Scottish Government in delivery of its National Food and Drink Policy. In recognition of the fact that food safety underpins consumer confidence in food production, it is a key headline indicator in the policy. The FSA Food Hygiene Information Scheme (FHIS) aims to drive up standards in businesses that sell food to the public. Businesses compliant with food law requirements area awarded a pass and the number of businesses achieving a pass is used as an indicator of progress.

- In our regulatory policy making capacity, the FSA is committed to negotiate more sustainable and proportionate rules emerging from Europe, where the majority of food law is now set. One recent Scottish example of success in this area was where, following jointly funded research with the Scottish farmed salmon sector, we were able to demonstrate that the pre-existing EU requirement to freeze salmon intended to be consumed raw or almost raw was not required for farmed salmon, thereby reducing the un-necessary cost of the freezing process. We were only able to promote this policy change, because our science research showed that the parasitic worm, whose potential presence was the reason for requiring the freezing treatment, did not present itself in the farmed salmon. Therefore this is would appear to be a good example of where in exercising our functions we contributed to achieving sustainable growth, except to the extent that it would be inconsistent with our main objective of protecting public health as envisaged by Part 1 Section 4 of the Bill.

- With respect to other Sections of Part 1, we note the proposed provisions in Section 5 for Scottish Ministers to issue Codes of Practice to regulators. Within the FA policy area Scottish Ministers already have primary powers to issue Codes of Practice with respect to the enforcement of Food Law. It might therefore be useful for clarity to have a ‘without prejudice to other similar primary powers’ type caveat detailed within this Section.