

Memorandum of Understanding: Annex A- protocol on incident handling

This Memorandum of Understanding (MoU) sets out the working relationship between the Food Standards Agency (FSA) and Food Standards Scotland (FSS) and the principles that FSA and FSS will follow in the course of day-to-day working relationships.

1. Purpose and scope

The Food Standards Agency (FSA) and Food Standards Scotland (FSS) undertake to ensure the greatest achievable protection to consumers, across the full geographical scope of the UK, from any food or feed incident. This will be achieved through agreed protocols for management of such incidents.

This protocol provides guidance on the respective roles and responsibilities of the FSA and FSS in relation to:

- The management of incidents with actual or potential impact within the jurisdiction of both the FSA and FSS.
- Development and updating of detailed Incident Management Plans (IMP). For the purposes of this document, IMP refers to all IMPs and Incident Management Frameworks (IMFs) in use by the FSA and FSS. FSA's IMP outlines their communications processes, and FSS have a separate Incident Communications Plan (ICP).
- Maintenance of relationships and collective resilience.
- Sharing information relating to ongoing incidents, signal detection, and all other information relating to the effective prevention, detection, management and recovery of incidents with information and data sharing agreements in place.

2. General principles

Incidents have the potential to have an impact on any individual nation within the UK or any combination of two or more. For the purposes of this protocol, only two jurisdictions are distinguished: that of the FSA (which covers England, Wales and Northern Ireland) and that of FSS (which covers Scotland).

The scope of any individual incident will therefore be classified as FSA, FSS or UK-wide. UK-wide incidents include those potentially affecting the FSA and FSS as well as any incident with impact beyond the UK, or any incident involving a radiological hazard.

Radiological incidents will be led by the FSA, with FSA being responsible for the provision of policy and technical expertise to support the response, including provision of risk assessment advice. Where appropriate in Scotland, such incidents will be led by FSS and FSA will continue to provide technical expertise and risk assessment advice as requested.

The FSA and FSS will maintain and share compatible IMPs and ICPs.

Each organisation will consult the other ahead of any change to its respective IMPs or means of communication / ICP.

The FSA and FSS will maintain mutual assistance and resilience capability through:

- Ongoing liaison between officials in a way that maintains mutual understanding. This will be achieved using the four nation FFSH Common Framework, as set out in section 4.
- Reviews of selected incidents with a view to improving procedures.
- Participation and collaboration in UK emergency exercises, including radiological exercises, run on behalf of other government departments including the Ministry of Defence and the Department of Business, Energy and Industrial Strategy.
- Information and resource sharing in response to changing demands as required, including FSA Receipt and Management functions.
- Sharing training where applicable and ensuring that Standard Operating Procedures are compatible.

3. Specific provisions

The IMPs of the FSA and FSS will incorporate:

- Incident definitions.
- Alerting, Activation, Escalation and Closure.
- Procedures for incident management, including risk assessment and internal and external communications. In FSS, the specific internal and external communications protocols are referenced in the separate ICP.

4. Responsibilities between FSA and FSS on management of incidents

Incidents that originate in England, Wales or Northern Ireland will be led by the FSA. If an incident is initially led by the FSA and escalates to incorporate Scotland (i.e. it becomes a UK-wide incident), then the FSA will continue to lead the incident, unless it is mutually agreed that it is more appropriate for FSS to lead (for example, when the implicated Food Business Operator (FBO) is discovered to be in Scotland). Incidents that originate in Scotland will be led by FSS.

If an incident originates in Scotland or is initially led by FSS and escalates to a UK-wide incident, the FSS will continue to lead the incident, unless it is mutually agreed that it is more appropriate for the FSA to lead (for example, when the implicated FBO is discovered to be in England).

When leading UK-wide incidents, both FSA and FSS agree to involve the respective organisations on all response discussions, decisions and communications from the outset.

Information about in-country incidents will be shared on a regular basis. Where an incident is deemed to be UK-wide, all relevant FSA and FSS officials should be notified without delay.

5. Communication and information management

As set out in the 'Data Sharing Protocol' (Annex B), the FSA and FSS agree that all information sharing must be compliant with the General Data Protection Regulation (Regulation (EU) 2016/679, the Data Protection Act 2018 (DPA) and the Human Rights Act 1998 (HRA). Both bodies shall be responsible for ensuring individual compliance with all articles and principles of the above legislation at all times. The terms on how this will be achieved are set out in a separate information sharing agreement regarding incidents and food crime.

The FSA and FSS will communicate as quickly as possible any information required to ensure that both organisations can perform their respective responsibilities relating to management of UK-wide, FSA-only, or FSS-only incidents. This may not just include incidents information but may also include outputs from FSA Receipt and Management functions or information related to food crime.

Both organisations will share up to date organisation charts and staff contact details, including contacts for out of hours assistance and support.

Both organisations will also share unique, cross-referenced FSA or FSS reference numbers for each incident, where relevant.

The FSA and FSS will work under a four nation process to draft, issue and publish food alerts as appropriate to each organisation's jurisdiction. The FSA and FSS will also share relevant food alerts and consult on any other areas on incident reporting and any incident management performance information.

The FSA and FSS will notify each other with sufficient notice of any planned communications with Ministers, Local Authorities, the public, or wider industry, regarding an incident, to ensure dual drafting of co-ordinated communications.

The FSA and FSS will be independently responsible for ensuring that email addresses supplied by each body to the other for purposes of inter-agency communication are appropriately secure for that purpose.

Responsibility for the storage and retention of records of incidents that each organisation is involved in will rest with each organisation independently.

The FSA and FSS will ensure provisions for a secure collaborative forum to share specific information for the duration of any incident, (for example, incident situation reports, distribution lists, press releases etc.) as necessary. The extent, nature and format of such information sharing should be determined by incident managers on a case-by-case basis, according to the nature of the incident.

5.10. These provisions will include ensuring that the FSA and FSS have access to relevant information systems, by means of a shared platform.

6. Four nation collaboration

The FSA and FSS will continue to work on a four nation level, with formal quarterly meetings, attended by Incidents and Resilience Team leaders. These meetings will be run according to the 'Terms of Reference for 4 Nations Team Leaders' Strategy Meetings', which includes the tactical and strategic consequences of incidents detection, management, recovery, prevention and minimising divergence.

Further operational meetings will take place on a weekly basis. Additional meetings will be held as needed, in line with the FSA and FSS IMPs.

The FSA and FSS should arrange liaison meetings and collaborate in incident exercises as necessary. These will take place in line with the requirements set out in the 'Engagement and Liaison' and 'Incident Handling and Resilience' sections. Regular meetings will ensure that officials handling incidents are familiar with the relevant organisational arrangements and know their respective counterparts.

The four nation approach acknowledges the implications of the Protocol on Ireland/Northern Ireland. The FSA and FSS agree to work together to ensure that consumer safety and confidence

are not compromised by impacts of the protocol and related regulatory changes.

The general principles for FSA and FSS collaboration on international engagement are set out in the 'International Protocol' (Annex D).

The FSA and FSS will collectively cooperate on international stakeholder engagement planning in relation to incidents prevention, detection, response and recovery. This engagement includes the negotiation of international MoUs, when applicable, and engagement with the International Food Safety Authorities Network (INFOSAN). FSA and FSS will jointly consider potential international data sharing issues.

The FSA is the Emergency Contact Point for INFOSAN. The FSS will be an INFOSAN Focal Point. Both organisations agree to undertake the responsibilities those roles entail, as outlined in the INFOSAN Member's Guide.

The FSA will be the UK contact point for the European Commission's Rapid Alert System for Food and Feed (RASFF). The FSA will notify the FSS of any RASFF notification relevant to Scotland as soon as possible.

The FSA and FSS will cooperate when participating in international meetings regarding food incidents. Where either organisation cannot attend such a meeting, the FSA and FSS agree to meet beforehand to ensure that both parties agree on the UK's position. Both organisations will provide updates after any international meeting. Both organisations will keep each other updated on any ad-hoc international engagement.