

Memorandum of Understanding: Annex F- protocol on food crime

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.

29. Introduction

The FSA and FSS have similar responsibilities to prevent and detect food crime. Both work to a similar definition of food crime as “serious fraud and related criminality within food supply chains that affects its authenticity and integrity”.

Fraud offences are prescribed within statute and common law effective in each jurisdiction.

30. Current arrangements for the investigation of food crime

Both the FSA and FSS apply established National Intelligence Model (NIM) principles to identify threats, assess risks from a law enforcement perspective, and deploy resources to meet demand.

31. Intelligence

The FSA and FSS will separately manage information and intelligence and lawfully share intelligence for law enforcement purposes.

Both bodies commit to continue regular intelligence sharing to promote collaborative working to protect the public and have worked together to produce a strategic assessment on food crime across the United Kingdom.

Both bodies will continue to work with other countries independently where specific enquiries require it.

32. Operating model

Each body prepares their control strategy, identifying their tactical priorities and intelligence gathering requirements. Such strategies develop from the strategic assessments. They are independently prepared, likely to be complimentary and will be shared to promote interoperability.

Both the FSA and FSS will work to jointly lead on Operation OPSON (a Europol and Interpol joint operation targeting fake and substandard food and beverages) and this offers a model for cross border collaboration between the two units within the UK.

33. Tasking

The FSA's and FSS' food crime units have an established Tactical Tasking and Co-ordination Group (TTCG) structure in line with NIM that meets their respective needs. TTCG drives tactical activity and the tactical assessments prepared ahead of each meeting measure progress against identified tactical priorities as set out in the respective control strategies. Those strategies are derived from strategic assessments. The suite of tactical tasking documents will be mutually shared when published.

Strategic documents are shared appropriately in the course of preparation to ensure that each unit is maximising the intelligence capture ahead of finalisation of such documents.

Colleagues are invited appropriately to respective TTCG meetings. This will promote interoperability and enable opportunities for specific joint tasking, particularly in Border regions.

The sharing of such tactical documents enables each unit to identify areas of common interest. This MoU strongly recommends that officers proactively engage with respective departments in such circumstances to share good practice and intelligence, and work together (and with other agencies where appropriate) to jointly develop and deliver consistent strategies to protect the public and disrupt such criminality.

34. Investigations

Each body has investigation capacity and capability. They will continue to lead on their own investigations.

It is recommended that at the outset of any new investigation, the lead officer in charge of that investigation considers the potential for evidence to be gathered in either jurisdiction. They will also consider, based on known facts and intelligence at that time, the potential for that investigation to recover evidence of criminality in another jurisdiction e.g., Scotland or one of the other three countries.

That lead officer will record considerations and decision making as to how to progress that and in any event, it is recommended that early consultation takes place with colleagues in the FSA and FSS food crime units to discuss and agree how to progress such enquiries. This will promote joint working, maximise recovery of evidence in an expeditious manner, and demonstrate an audit trail of decision making in the event of investigations becoming complex.

Where joint investigations are run there will be a GOLD structure with an officer in overall command of the investigation. That will ensure clarity around jurisdictional issues and ensure evidence is lawfully and expeditiously preserved and secured and address disclosure requirements from the outset.

35. Existing MoUs with national partners

The FSA and FSS food crime units have established existing MoUs with relevant Local Authority partners e.g., Society of Chief Environmental Health Officers in Scotland, and Association of Chief Trading Standards Officers in England, Wales and Northern Ireland. Each unit will continue to consolidate those existing relationships and look to develop new ones with relevant national partners. This MoU will compliment such agreements, and inform new ones, rather than replace them.

36. Relationships

The independence of each agency is reflected in their involvement in established national and international forums and groups. This includes public sector partners, other law enforcement and business. The FSA and FSS food crime units will continue to so engage as they independently see fit, and will look to mutually and appropriately share the developments from those engagements.

Both units will continue to work with international partners through the new arrangements that will develop. Ensuring a single point of contact (SPOC) from each organisation represents maintains the independence of their unit/agency in such forums. The Scottish Food Crime and Incidents Unit (SFCIU) currently has adopted the Chair of the Global Alliance on Food Crime and will continue so to do, whilst the National Food Crime Unit (NFCU) remain a key member thereof.

The MoU agrees that both units will look to affirm good practice, deliver UK-wide, intelligence-led, proactive joint working and identify and share that through the year in line with TTCG meetings when officers attend the partner by invitation.