

Immediate next steps for National Level Regulation

FSA 25/06/04 - Report by Andrew Ashworth

1 Summary

1.1 Since September 2024 work around National Level Regulation (NLR) has been focused on two key areas, on which next steps are set out in this paper for the Board's consideration:

1) We have worked with the Senior Steering Forum (membership at Annex A) to co-design the immediate next steps for the use of business insight to add value in the current system. The Board are asked to support these immediate next steps. See section 3.

2) Following extensive stakeholder engagement around the proof-of-concept trial, the Board is asked to review proposals for further exploratory work to support longer term thinking on regulatory reform. In particular, the Board is asked to agree to scoping a discovery exercise, with a view to understanding opportunities around a future National Level Regulation model, in the manufacturing sector. See section 4.

1.2 In addition, we ask the Board to note that proposals for National Level Regulation sit within a broader system view of regulatory reform, on which we intend to report back later this year, building on the Board's previous discussions and with your support. See section 5.

2 Introduction

2.1 In its September 2024 discussion, the Board supported the proposal of using national level scrutiny of food safety controls and data in some large businesses to supplement local authority and primary authority activity. The Board acknowledged the significant level of stakeholder interest in this work, asking us to pause further detailed development to ensure we engaged stakeholders in the trial and evaluation first, agreeing a set of immediate next steps with them.

3 Immediate next steps for Large Retailers in England

3.1 Following engagement activity by the FSA with stakeholders across England, Wales and Northern Ireland to disseminate the rationale and results of the proof-of-concept trial, events were held with attendees from across the food system to enable trial participants to share their experiences and take an in-depth look at outcome-based regulation. This allowed conversations to build support for a data-informed approach as a shared goal and explore the principles around data sharing and usage.

3.2 This extensive engagement reached over 700 people across the system, including Local Authority Environmental Health Officers and Environmental Health professionals working in large businesses or third-party assurance bodies, Trading Standards, Local Government Association Board, the Chartered Institute for Environmental Health and their Expert Advisory Panel, as well

as a range of other interested parties right across the UK.

3.3 We asked stakeholders for their views and ideas on how we could use the data we continue to access from participating large retailers in England, to complement the current system of regulation. The Senior Steering Forum (SSF) then played a critical role in triaging the long list of ideas to recommend what should be taken forward as the immediate next steps. The other ideas submitted are not being progressed at this stage but will be considered as part of any future development. A full list of the forum membership and the ideas submitted are at Annexes A&B.

3.4 The Board is asked to note that the immediate next steps proposed by the SSF are intended to support all regulatory partners to improve their understanding of how retailer data can be used to assure compliance. To achieve this, we rely upon the continued cooperation and support of the participating Large Retailers and their Primary Authorities (PAs). They continue to engage and provide access to their data as an investment in innovation, which we recognise creates additional work for them and we value their continued involvement.

3.5 The SSF's recommendations, which we support, are as follows:

- Sharing business insight with Local Authorities via circular or FSA Link to help inform intervention planning at participating large retailers
- Sharing business insight via Primary Authority Inspection Plans to help inform intervention planning
- Building trust around the use of data through a robust governance framework.

3.6 Sharing of business insights with PAs and local authorities (LAs) in England could help to better target interventions in the short-term. Feedback about inspection outcomes could in turn help to build trust in the data accessed by the FSA, acting as a further test for this data-informed approach. This process would require the LAs to share their findings on the ground with the FSA, enabling us to deepen our understanding of the value of this approach – which would need careful design work.

3.7 Detailed design work for all three ideas is underway with members of the SSF, the Large Retailers and their PAs, and other key stakeholders. *With Board's support*, we would be able to commence testing business insight sharing via circular or FSA link by 31st August 2025, with a view to sharing via Inspection Plans at a later date. As we begin to share this business insight, we would then like to invite other large retailers (with whom we have previously engaged but were not part of the trials) to take part in this activity.

3.8 We ask the Board to note that these immediate next steps represent an evolution of data sharing within the existing regulatory framework rather than the introduction of National Level Regulation (i.e. regulation of these businesses by a national regulator, using an outcome-based approach), which would require further development and legislative change.

4 Wider opportunities proposed by other stakeholders

4.1 In addition to the ideas submitted for immediate next steps, we also heard feedback from stakeholders about other opportunities and areas to explore, linked to potential longer term regulatory reform. Multiple stakeholders queried why we had not explored opportunities for a National Level Regulation approach within the manufacturing sector, and a small number of manufacturers have approached us directly about this. They felt that this might enable us to test

reform of the system on a greater scale.

4.2 The work with Large Retailers has enabled us to build a clearer picture of the connections, leverage, dependencies and the existing audit mechanisms used by multiple actors. We have also learnt that the approach we trialled works best where businesses have a centralised digital food safety management system covering the entirety of its outlets. The largest manufacturers work within highly scrutinised and audited regimes producing data that is not fully utilised in the regulatory system. A better understanding of how that data could inform regulation can contribute to discussions on potential future reform.

4.3 We request that Board support a high-level discovery (research activity) into manufacturing and NLR, with a view to returning to Board with an update and any relevant recommendations in December 2025.

4.4 The work proposed above, to implement the immediate next steps, including the potential for other large retailers in England to participate, and undertake a high-level discovery into manufacturing data, is achievable within the current resource, during this financial year.

5 Future of food regulation discussions

5.1 In December 2023, following a process of engagement with stakeholders and experts, we outlined to the Board a potential blueprint for the future of food regulation, consisting of a series of building blocks. These included National Level Regulation, an enhanced registration process, centralised coordination and sharing of intelligence, the right enforcement toolkit and a high-quality guidance hub. A recap of the building blocks is at Annex C.

5.2 In a further update to the Board in December 2024 we said that we would hold a series of discussions with stakeholders, building on this work, to explore system-wide challenges and identify solutions. To take this thinking forward, on 20 May 2025 the FSA hosted a broad group of stakeholders from across the food system in an event designed to share perspectives on future regulation. The event brought 90 people together from over 50 organisations representing Industry Bodies, Businesses, Regulators, Civil Society groups, Other Government Departments and Third Parties.

5.3 The event was framed by our core mission of protecting consumers and public health, whilst giving us the opportunity to listen to discussions between representatives from different parts of the food system as they shared perspectives on what could be done to make the regulatory system work better for people and businesses. We heard from a representative for the Department of Business and Trade about the regulation for growth agenda and held listening exercises to gather input from different parts of the system about their own challenges and opportunities.

5.4 In our role as a convenor, we explored appetite for establishing a set of common principles that can unify work across the food system and support collaboration. We presented stakeholders with a proposed list, intended to provoke debate. These were:

- **Safe:** Food is safe and what it says it is. The regulatory system ensures high levels of consumer safety.
- **Informed:** Regulators and businesses have the tools and information they need to comply with the requirements, and consumers are able to make informed choices.

- **Transparent and fair:** The regulatory system is risk based; effort is proportionate to the nature of the risk.
- **Cost effective:** The regulatory system is resourced effectively, administered to reduce burdens and encourages investment and growth.
- **Trustworthy:** Regulators, international trade partners, businesses and consumers have a system they can trust.

5.5 We are still taking stock of what we heard, but there was a shared sense of ambition for effective collaboration across the food system, and calls for openness, empowerment, an agreed sense of risk and a culture of accountability. Annex D provides a summary of feedback on these principles from the event. We welcome the Board's views on the common principles and outcomes underpinning the food system, to guide future reform activity.

5.6 We set out the FSA's existing package of regulatory reform (Annex E) and sought views and feedback on stakeholders' own work to meet their challenges, so that we can map our collective actions. We heard perspectives on relative priorities within reform activity, recognition of the complex interdependencies between reform activity, and support for the FSA's system stewardship role.

5.7 If the Board is supportive, we propose to work up proposals for the next phase of work, in dialogue with stakeholders, to put back to the Board in December 2025, along with an update on the results of our discovery and progress on immediate next steps.

6 Conclusions

6.1 Since September 2024 we have undertaken extensive stakeholder engagement around the proof-of-concept trial and worked closely with the Senior Stakeholder Forum to co-design and recommend immediate next steps, which we are seeking the Board's support for, allowing us to share business insights, derived from data we access from participating businesses with PAs and LAs to inform their inspection planning.

6.2 On NLR, we recommend that our next step is to build on the positive views we have heard that there could be greater benefits in testing a NLR approach across food manufacturing. We are seeking the Board's support for this, we have recommended we undertake some research into manufacturers and bring back proposals for the next phase of NLR work to board in December 2025.

6.3 Our work to develop proposals for National Level Regulation sit within a broader system view of regulatory reform which encompasses work across the FSA. We have tested whether setting the common principles and a framework for this activity could improve our ability to build support and confidence in the overall direction regulatory reform. We recommend that we continue to develop this approach.

Annexes

Annex A = SSF membership

Annex B = SSF table of opportunities

Annex C = Building Blocks (as presented to FSA Board in December 2023)

Annex D = Summary of feedback on common principles discussed on 20 May

Annex E = Existing package of FSA reform work

Annex A Senior Steering Forum Representatives

Organisation:

Association of Chartered Trading Standards Officers (ACTSO)

Association of Chief Environmental Health Officers (ACEHO)

Chartered Institute of Environmental Health (CIEH)

Chartered Trading Standards Institute (CTSI)

Directors of Public Protection Wales (DPPW)

Food Standards and Information Focus Group (FSIFG)

Food Standards Scotland (FSS)

Faculty of Public Health

Local Government Association (LGA)

National Food Hygiene Focus Group (NFHFG)

Northern Ireland District Councils

Office for Product Safety and Standards (OPSS)

Welsh Local Government Association (WLGA)

Annex B Senior Steering Forum (SSF)-Immediate Next Steps (INS) and Longer-Term Opportunities Log

FSA analysis of the opportunities that could be INS and could be considered by SSF The other opportunities we propose would require longer term thinking or, in one case, would be outside of FSA policy remit. To note INS opportunities are for England only.

#	Opportunities(to note INS opportunities are for England only)
Immediate next steps - considered by SSF	
1	Sharing insight via circular or FSA Link The FSA to share insights gathered from the LRs with LAs via FSA Link (or similar) to help LAs focus activities. The approach would include a feedback loop for LAs to feedback findings.
3	Mechanism to use Inspection Plans By using the existing PA Inspection Plan approach and working with the PAs, the FSA can feed in insights and intelligence to allow the PA to direct LA resources for their inspections of LRs.[incorporating idea 12]

12	Use of PA inspections plans and feedback – encouraging greater use of PA inspection plans by LAs to promote greater consistency and more specific feedback.[incorporated into idea 3]
6,7,8	Ensuring data set access provides the right level of info that gives assurance to LAs [Single idea - incorporating ideas 6,7,8]
6	Understanding data governance and data requirements.
7	Data - ensuring we use data in the right way to assure compliance and maintain consumer safety.
8	Test data security Further development of data governance to build trust with the data.
Longer term thinking (will be logged for future thinking)	
2	Additional Scoring Mechanism for Large Businesses A new scoring factor could be created for qualifying large retailers within the existing food hygiene risk rating system.This scoring mechanism would lower the overall risk assessment score and result in LR premises moving into a lower banding.
4	Independence of data collection, analysis and dissemination Exploration of the use of an independent body to collect, analyse and then disseminate the data.
5	Governance assurance framework for use of data Need for added rigour in food system data and learn from other sectors, such as financial services.
10	New Legislation Develop legislation to mandate food hygiene rating display and 'permit to trade.'
11	Utilise third party audit data to provide more up to date information and intelligence that LAs could use to prioritise.
13	Introduce a compliance 'dashboard,' offering local authorities an integrated view of individual retail outlets, showing real-time updates on training completion, pest control records, environmental swabbing results, audit findings and corrective action status.
14	Allow EHPs direct access to real time environmental test results, enabling proactive identification of emerging contamination risks.
15	Implement mandatory uploading of food safety lab testing results (microbiological, chemical, allergen presence) onto a shared platform.
16	Retailers required to upload scheduled pest control inspection reports, including actions taken and follow-up plans, onto a shared digital system.
17	Clear guidance for LAs regarding the scope of reactive interventions and the use of audit information for specific non-conformances.
Not Within FSA Policy Remit	
9	Enhancing National Food Safety Consistency Through Strengthened Primary Authority Collaboration. Work with OPSS to promote the benefits of PA arrangements. Establish a dedicated PA taskforce with OPSS and local regulators to coordinate efforts and develop national food safety checklists.

Annex C – Building Blocks for Future Regulatory Reform Discussion

These building blocks were previously discussed and presented to Board in December 2023 and again in September 2024. Following research with a range of stakeholders we proposed that a future assurance system for food you can trust might have the following building blocks:

- **national-level regulation** for the largest, most powerful businesses, providing appropriate regulatory oversight for their systems and processes, and setting up a regulatory relationship which can be used to drive positive behaviour throughout their supply chains. the feasibility of enterprise-level regulation is being tested through our trial at the moment. If successful, a future national-level regulatory model for the biggest businesses could free up local authorities to spend more time focusing on the smaller businesses who need their guidance and challenge;
- An **enhanced registration** process for the rest of the food industry, ensuring that local authorities have good quality data to support their assurance activity. This might include considering an appropriate registration fee, which could be used to improve the current system without placing undue burdens on smaller businesses;
- a **central role for the FSA in collecting, co-ordinating and sharing intelligence** about risks to drive activity, building on the role already developed as part of the food standards model. This might also involve greater use of data and information from businesses and third-party assurance providers;
- The right **enforcement toolkit** to drive compliance, with proportionate sanctions; and
- a high-quality **guidance hub** for businesses.

Annex D – Summary of feedback on the proposed principles received at the Future of Food Regulation Discussion event on 20 May 2025

On 20 May 2025, the FSA hosted an event to gather insights and feedback from various stakeholders, including businesses, local authorities, and consumers. We are still taking stock of the day as a whole, but the discussion on proposed principles to shape future food regulation is recorded below.

Stakeholders were invited to comment on a set of principles, which were intended as stimulus for discussion rather than a final list. Debate was constructive, with particular agreement around the importance of safety and information. A strong theme emerged around the interdependence of being informed and being trustworthy: stakeholders highlighted that today's consumers expect transparency and consistency, and that trust in the system is built on the ability to access and act on reliable information.

Technology and data were frequently mentioned throughout the day. Participants consistently pointed to their potential to improve regulatory effectiveness, support risk-based approaches, and enable better communication and information sharing. This insight aligns with the FSA's focus on

staying current with advancements in these areas.

The insights gathered during this event have given the FSA a rich basis for reflection. They are summarised below under the different principles discussed.

Safe—“Food is safe and what it says it is. The regulatory system ensures high levels of consumer safety.”

Stakeholders emphasised that safety is non-negotiable and foundational, with a strong call for better education and outreach, especially from the FSA. They suggested adding “consistency” and “sustainability” as either standalone principles or integrated into “safe.” In addition, they noted areas for improvement:

- Businesses need clearer, more accessible guidance and support, particularly in navigating a complex LA landscape.

- Risk-based approaches are welcomed but need clearer definitions to avoid ambiguity.

Informed—“Regulators and businesses have the tools and information they need to comply with the requirements, and consumers are able to make informed choices.”

Stakeholders highlighted this principle’s central role in enabling both compliance and proactive risk management. There was a popular suggestion to rename the principle to “Empowered” to better reflect the need for businesses to not only access information but also act confidently on it.

Technology and data were consistently identified as critical enablers for both regulators and businesses, with a particular emphasis on the need for stronger digital infrastructure and more effective data sharing, especially among Local Authorities (LAs). Participants also stressed the importance of tailored support for smaller businesses and called on the FSA to enhance its consultation processes and ensure that guidance is timely, accessible, and practical.

Transparent and fair—“The regulatory system is risk based; effort is proportionate to the nature of the risk.”

Stakeholders broadly supported the intent behind this principle but raised concerns about its distinctiveness, noting potential overlap with “Trustworthy.” They highlighted inconsistencies in Local Authorities’ practices, often due to a lack of central guidance. This variability was seen as undermining fairness and transparency across the system.

There was a strong call for clearer accountability at both local and national levels, with stakeholders emphasising the need for better communication, particularly around legislative updates and regulatory expectations. They also advocated for greater collaboration across the food system and alignment with international standards such as Codex and WTO rules.

Finally, while technology was recognised as a valuable tool for improving transparency, participants cautioned against over-reliance. This highlights that attendees acknowledge technology is crucial but not the sole solution to food system challenges. It is one of several tools to enhance regulatory responsibilities and ensure food safety and authenticity.

Cost effective—“The regulatory system is resourced effectively, administered to reduce burdens and encourages investment and growth.”

While stakeholders supported the intent behind this principle, some felt that the term “cost effective” might be too narrow. Alternatives such as “effective” or “efficient” were suggested to better reflect the need for a regulatory system that delivers value while accounting for workforce and resource challenges, particularly within LAs. There was a clear call for realism in expectations, recognising the financial and operational pressures faced by those implementing

regulation on the ground.

Participants strongly endorsed the use of data and artificial intelligence to streamline regulatory processes and reduce burdens.

Simplifying regulatory interfaces and reducing complexity were seen as essential steps to help businesses, particularly smaller ones, navigate the system more easily and efficiently.

Finally, The UK's strong reputation in food safety was seen as a strategic asset that should be leveraged in international negotiations, such as SPS agreements.

Trustworthy—"Regulators, international trade partners, businesses and consumers have a system they can trust."

Stakeholders emphasised that trust in the food regulatory system must be underpinned by consistency and proportionality. While consumers often assume trust as a given, participants noted that clearer communication, particularly around inspection frequency and food-related risks, could help reinforce public confidence.

There was a strong call for better engagement with newer types of businesses, especially those operating via social media platforms, which are often less familiar with regulatory requirements. Regulators were encouraged to be more visible and influential in public-facing spaces such as schools and online environments, where they can help shape informed consumer choices and build trust from an early age.

Importantly, stakeholders cautioned against allowing the principle of trust to be diluted by industry interests. They stressed that consumer protection must remain at the heart of the regulatory system, in line with the FSA's founding purpose.

ANNEX E– Existing FSA reform activity and projects

A list of current FSA reform activities and projects;

- LA Data Project
- Food Standards Delivery model
- Expansion of Earned Recognition
- Ongoing development of LA Intelligence co-ordination
- Food Data Transparency Partnership
- National Level Regulation
- Enhanced registration (e.g. permit to trade, licensing)
- Guidance hub
- Enforcement toolkit
- Online marketplaces
- Mandatory display of FHRS in premises and online
- Aggregators food safety charter
- Competent Authority resourcing
- Professional skills in the system
- Cost recovery