

## FSA 22-09-03 - CE Report to Board

Emily Miles presents the Chief Executive's report to the FSA Board

### Death of Her Majesty Queen Elizabeth II

1. Board members will be aware of the profoundly sad news on Thursday 8 September on the death of Her Majesty Queen Elizabeth II. I had the honour of being invited to the Lying-In-State of Her Majesty on Thursday 16 September, and offered my respects on behalf of everyone at the Food Standards Agency.
2. In the hours and days after the announcement by Buckingham Palace, teams in the FSA worked at speed to distil guidance from Cabinet Office in relation to internal protocol as well as in the undertaking of government business during the period of National Mourning. The Chair and I took the decision early on Friday 9 September to postpone the FSA Board and Business Committee meetings which were scheduled to take place in Belfast in the coming week, as holding open meetings and stakeholder engagement events would not have been in keeping with the guidance. All other FSA visits, receptions, social engagements, speaking engagements and media appearances that were not related to urgent public health messages were also postponed or cancelled for the period of mourning.
3. We have communicated updates to staff through all-staff calls and articles on the intranet which have also signposted to support available during this time.

### Our Food 2021

4. Since my last report in June, I am pleased that we launched our first joint annual review of food standards with Food Standards Scotland (FSS). This is a huge milestone for us as the report was laid in all four legislatures. The FSA hosted parliamentary briefings in Westminster, Northern Ireland and the Senedd. A link to the report can be found [here](#). This is a flagship example of us fulfilling the 'watchdog' and 'evidence generator' roles that we set out in the [FSA's 2022-2027 strategy](#), and, accordingly, a core part of our work, post-EU Exit.

### Civil Service 2025

5. At our June Board meeting, we discussed the request to the Civil Service to model scenarios of 20, 30 and 40% headcount cuts by 2025. The FSA submitted our response to the Cabinet Office and HM Treasury's Civil Service 2025 commission at the end of June 2022, as discussed at the June Board. In response to this request, we identified potential reductions to our forecast headcount and set out the significant impact these would have to food safety and the whole food system domestically and for exports. We have not yet received any further formal feedback or further instruction from the Treasury.

### Priorities for 2022-23

6. Since we agreed our [2022-23 annual corporate priorities](#) at our March Board meeting, there have been several areas of work (either new or that have had an increase in scope) that are placing significant and unanticipated demands on key areas of the business. They include the Civil Service 2025 Commission; work to support the development and implementation of the Genetic Technology (Precision Breeding) Bill (which was introduced to the House of Commons some months earlier than we had originally expected); and work to support the Department for Environment, Food and Rural Affairs (Defra) and the Cabinet Office on the Borders Target Operating Model (Borders TOM) for 2023, in the light of the Government's decision to delay import controls for EU goods from Summer 2022. We are also awaiting decisions from the UK Government on the content of legislation to reform or replace retained EU law, and the timescales involved. This could have very major implications for the work of those in the organisation doing policy, strategy, analytics or legal work.

7. Following a review of our Q1 position, we have been undertaking an in-year prioritisation exercise to identify where work can be slowed or paused to ensure that our resources are focussed in the right areas. We have already had to slow or reduce work in some areas. For example, we have delayed the launch of our new People Plan until Q4 due to the need to complete work on the headcount commission and have similarly delayed some of the work to support the long-term embedding of the strategy and to scope out potential work on health and sustainability until Q4. We have moved staff from other teams over to work on Precision Breeding. This has resulted in a delay to the year one review of the foodborne disease framework and delays in developing a new customer engagement strategy for regulated products. This will be picked up in the autumn once new resources are in place.

8. We expect to have to make further, potentially more radical, prioritisation decisions in the next month or so as the scale of the resource challenge becomes clear, and we will engage with the Board on these decisions during October.

### **Update on supply chain disruption as a result of the conflict in Ukraine**

9. Following the Board meeting in June, we issued a letter to local authorities setting out the FSA's expectation that businesses work towards a return to compliance by the end October 2022. This was specifically in relation to the presence of undeclared ingredients (permitted oils used as a substitute for sunflower oil) in the product, but not reflected on the packaging.

10. We have received 96 notifications, relating to 105 product reformulations across a range of different foods, where local authorities have agreed to a pragmatic approach to enforcement in relation to undeclared ingredients. This has therefore been an issue for a relatively small number of products. In all cases, local authorities have worked with the business to ensure that consumers are informed through mitigating actions, such as over-stickering with labels, ink-jetting onto the packaging, point of sale notices and online information. All businesses have been working towards a return to accurate labelling by end of October. In a minority of cases, the business has ordered new packaging but is not yet confident it will arrive on time, given continued uncertainties in this supply chain.

11. We do not see merit in amending the timeline of end October for return to compliance, given its galvanising effect, and are content that local authorities and businesses have worked effectively to mitigate the risks to consumers where labelling has been inaccurate. Local authorities will continue to engage with businesses in their area to ensure swift progress towards return to compliance if the October deadline is indeed missed in a small number of cases, and to ensure that mitigations remain in place if so.

12. For information, in our June letter to local authorities on this issue, we also clarified our advice in relation to the use of the term 'in varying proportions,' where different vegetable oils are grouped on the ingredients list.

## **Food Hygiene Ratings Scheme**

13. The Board will know that it has long been our ambition to align England with Wales and Northern Ireland on the mandatory display of hygiene ratings. It is a simple measure that will make a difference without imposing costs on businesses, help consumers make informed choices, recognise food businesses doing the right thing and be better for public health and for the public purse by reducing costs associated with food borne illnesses. We had strong support from a wide range of stakeholders and were hoping that the proposal would be included in the Department of Health and Social Care's (DHSC's) Health Disparities White Paper. Unfortunately, since that White Paper was delayed following the previous Prime Minister's resignation, we have not yet been able to proceed to a consultation and have had to conclude that we cannot bid for legislation in the coming Parliamentary session. We will explore with DHSC whether we can include our bid in the next round, in summer next year.

## **Annual Shellfish Classification Review**

14. We have recently completed the annual review of classification for the 327 live bivalve mollusc harvesting areas in England and Wales. This is a labour-intensive annual process, assessing formal compliance of monitoring data for all classified shellfish beds with the prescribed regulatory standards. The review has led to several changes to the classification to ensure the class awarded continues to reflect the levels of contamination, although the vast majority of classification zones have remained stable. In this review, several areas have been upgraded to year-round class A (13) or to seasonal A (14). One area has been downgraded from a class B to a seasonal B/C and two areas have been prohibited. The [revised classification list and updated protocols](#) has been published on the FSA website.

## **Food Data Transparency Partnership**

15. The FSA has continued to work closely with Defra, DHSC, devolved administrations and representatives from across the food supply chain to develop the Food Data Transparency Partnership (FDTP). FDTP was announced as part of the Government Food Strategy in June and looks to improve food system data and information. This partnership is intended to champion consumer interests, providing people with the information they need to make more sustainable, ethical, and healthier food choices, and incentivise industry to produce healthier, more ethical and sustainable food. It will also streamline all reporting requirements for industry relating to the production and sale of food and drink. The intention is that Defra and DHSC would set up and define the partnership and its specific workstreams to help the UK develop consistent and defined metrics to measure the health, environmental sustainability and animal welfare impacts of food. As part of the partnership, the FSA is leading the data workstream, with Julie Pierce, Director of Wales, Information and Science, as co-chair of the data/technical working group. The data workstream is integral to the overall delivery of the FDTP for reliable data and visibility of the supply chain and will support the development of the other three workstreams, which are health, environmental sustainability and animal welfare; DHSC leading on health and Defra leading on environmental sustainability and animal welfare. Co-chairs of these working groups will be announced in due course. Work is in its early stages to understand the scope and goals with engagement activities launching in the autumn.

## **Northern Ireland Protocol**

16. The UK Government's Northern Ireland Protocol Bill has progressed through the House of Commons and is expected to enter the House of Lords' stages in the autumn. Key elements of the Bill for the FSA include the proposals for green and red lane arrangements for the movement of goods into NI and the introduction of a dual regulatory regime in NI (the ability for business to choose whether to meet UK or EU rules when placing goods on the NI market), and the

consequences of the proposals for consumers and enforcement of the food and feed regime in NI. Defra is the UK Government lead on the Bill policy proposals for agri-food.

17. The FSA is working closely with Defra on the development of detailed options for implementing the NI Protocol Bill to ensure that the consequences for the food and feed regime in NI are fully considered. Over the summer, we supported Defra's extensive agri-food engagement with stakeholders across the UK on the Bill proposals. We will return to the Board with a more detailed update when we have a clearer understanding of the approach to implementing the Bill in NI and the consequences for the FSA, consumers and delivery of the food and feed regime in NI. As needed, the FSA will also provide technical input on a negotiated settlement with the EU as and when required.

## **Borders Target Operating Model**

18. The FSA is working with other government departments on the development of the Borders Target Operating Model (Borders TOM), which aims to modernise the GB border and introduce Sanitary and Phytosanitary (SPS) import controls on EU goods and reform the controls on non-EU goods, by the end of 2023. The FSA's priority continues to be ensuring maintained, or improved, levels of food and feed safety when the new Borders TOM is introduced to protect consumers and the UK's agri-food export markets.

19. Following the delay of the introduction of SPS controls on EU goods planned for July 2022, the development of this major reform policy is progressing well across Government, but timescales remain challenging. The FSA has prioritised this work including by obtaining additional expert resources.

20. The FSA is gathering and reviewing evidence at different parts of the import journey to improve our understanding of the risk profile of commodities imported from the EU and to inform the work on the Borders TOM. The levels of pre-notification for EU high-risk food and feed remains consistently high. In the first six months of 2022 approximately 511,000 consignments of EU high-risk food and feed entered GB.

21. While the volumes of pre-notifications are high, some consignments of EU high-risk food and feed are still not being pre-notified. The FSA has reminded importers that they must pre-notify the authorities before high-risk food and feed arrives in GB. A link is provided [here](#). Those who persistently fail to pre-notify will be subject to proportionate enforcement action.

22. The new Borders TOM is due to be presented to Ministers in October 2022 and the Government continues to engage with industry and wider stakeholders on its development. It is important to the FSA that additional import controls are put in place on EU food and feed by the end of 2023, as highlighted in the FSA-FSS annual review of food standards.

## **Engagements**

23. Since my last report to the Board, I gave evidence at the Public Accounts Committee on 13 June on regulating post EU-Exit alongside Sarah Albon, Chief Executive of the Health and Safety Executive and Dr Michael Grenfell, Executive Director of Enforcement at the Competition and Markets Authority.

24. I also met David Kennedy, Defra Director General for Food, Farming, Animal and Plant Health and Jonathan Marron, DHSC Director General for the Office for Health Improvement and Disparities, and Clara Swinson, Director General for Public Health at DHSC. In August I met the Permanent Secretary of the Welsh Government, Andrew Goodall. I had an introductory meeting with Chief Executive of the UK Health Security Agency, Dame Dr Jenny Harries and I also met Lee McDonough, Director General of Net Zero Strategy and International at the Department for

Business, Energy and Industrial Strategy.

25. I joined an NHS leadership conference and I also participated in a panel on Delivering for the People at a Civil Service Live event in Blackpool. I accompanied the Chair at the Westminster and Senedd launches of the inaugural FSA-FSS annual review of food standards.

26. In July, I had an introductory meeting with David Holdsworth, the Chief Executive of the Animal and Plant Health Agency.

27. I had a meeting with Susan Barratt, CEO of IGD (Institute of Grocery Distribution) and I also met Sir Dave Lewis, Non-Executive Chair of GlaxoSmithKline and Chair of WWF-UK.

28. In August, I met Ann Godfrey, Chief Executive of GS1. I met Alex Thomas of Institute for Government, and Dustin Benton of Green Alliance. I joined Gabrielle Rifkind and Baroness Bryony Worthington for a discussion on the future of food.

29. The Chair and I hosted our FSS counterparts, Heather Kelman and Geoff Ogle in the London office. I held a meeting with John Mettrick, Legislation Director of National Craft Butchers and Chair of the Abattoir Sector Group. We were joined by Marisa Heath, Abattoir Sector Group Adviser and Eleanor O'Brien, Head of Membership and Marketing at National Craft Butchers.

30. Rick Mumford (Deputy Chief Scientific Adviser), and I visited the Fera Science laboratory in York. I also participated in a virtual meeting with Liverpool City Region chief executives of local authorities.

31. At the beginning of September, I was invited by the Chief Medical Officer for Wales, Sir Frank Atherton, to join the UK Chief Medical Officers quarterly meeting in Cardiff where I gave a short presentation on the work of the FSA.

32. I joined the chief executives of safety regulators for our quarterly meeting, and I attended a reception celebrating the 150 Anniversary of the London Port Health Authority.