

# Report from the Director for Wales

FSA 23-09-09 This paper provides a high-level overview of the work of the Food Standards Agency (FSA) in Wales over the last year.

## 1. Summary

1.1 This paper provides a high-level overview of the work of the Food Standards Agency (FSA) in Wales over the last year and since the last report to the Board in September 2022.

1.2 In addition to providing an update on the specific priorities in Wales and the Wales team's contribution to the FSA's corporate priorities, it contains a forward look at the FSA in Wales priorities for the coming months.

The Board is asked to:

- **assess** the effectiveness of the outlined work to deliver FSA priorities;
- **consider** the alignment of this work with the FSA's strategic direction and nature of the FSA's three country approach;
- **provide feedback** on the identified priorities.

## 2. Introduction

2.1 The FSA in Wales contributes to the FSA's policy responsibilities for all aspects of food and feed safety and hygiene, with the additional remit of food compositional standards and labelling in Wales.

2.2 The FSA has a statutory responsibility for advising and making recommendations on food and feed policy and legislative changes to Welsh Ministers. We deliver functions which have been agreed with the Welsh Ministers in the form of our annual funding letter, and the FSA and Welsh Government concordat. Within this context, the FSA in Wales has embedded the principles of the two UK common frameworks that it is subject to as part of its policy making functions, ensuring that Welsh interests are appropriately considered. These two frameworks are the **UK Common Frameworks for Food and Feed Safety and Hygiene** and the **Food Compositional Standards and Labelling Framework**.

2.3 This landscape means that it is essential for us to work on a four-country basis, as well as with the devolved administrations and other UK Government departments and stakeholders across Wales.

2.4 The Wales team of 62 people are allocated across each of the devolved areas of work, in such a way as to maximise our contribution to the work of the FSA. We are responsible for communications and business support activity in Wales, including all communications campaigns, office and business management, all Welsh language translation and content, and administrative support to the Welsh Food Advisory Committee (WFAC). We are responsible for the relationship with local authorities, training provision, responding to issues and queries, issuing and updating

guidance, monitoring compliance, and following-up issues identified through audit. We have small teams responsible for the Welsh aspects of regulatory policy, hygiene and standards, including liaison with legal services, managing the course of legislation or regulations through the Welsh Government, the policy lead for novel foods and supplements, and imports and exports policy in Wales. And we maintain a consumer protection function in Wales, including incident management, local authority audit, and monitoring feed controls expenditure (which is hypothecated funding provided by the Welsh Government).

2.5 The Deputy Minister for Mental Health and Wellbeing is **committed to a review** of the operation of the FSA in Wales, which was first announced in [June 2021](#). The Welsh Government are still in the process of commissioning this review, and we continue to work closely with them.

Subject to identifying the resource and funding implications, we look forward to exploring opportunities where the FSA's advisory functions can be enhanced, where our role can offer benefits to the delivery of Welsh Ministerial objectives, or where the FSA's science and research capabilities can be further embedded in the Welsh Government's work.

2.6 Since the last update to the Board, there has been a restructure of Directorates and the FSA in Wales has moved into the UK and International Affairs (UKIA) Directorate under Anjali Juneja, UKIA Director with both Wales and Northern Ireland sitting within the directorate. This has led to more efficient and effective cross-country working.

2.7 This paper highlights:

- **progress** on the FSA in Wales priorities agreed at the Board meeting in September 2022;
- **work undertaken** to deliver the FSA's corporate priorities;
- a **forward look** to future challenges and priorities for FSA in Wales.

### 3. Progress against FSA in Wales priorities

3.1 The Board will be aware that the last paper in September 2022 highlighted **four priority areas of work**: recovering the delivery of food official controls; delivering the additional functions that the FSA undertakes post EU exit; tailoring our approach to support the delivery of broader Welsh Government priorities, in line with the Wellbeing of Future Generations Act; and extending our engagement across Wales. Over the course of the year, we have completed 60 submissions, briefings or heads-up notes to the Welsh Ministers. With each of these submissions we have ensured that a One FSA approach has been taken, with collaborative working across business areas. Below is an update on the team's progress and achievements against these priorities, and also in response to emerging priorities and programmes of work.

3.2 We work with the **Welsh Government and local authorities** in the spirit of the Wales Local Government Partnership Scheme, which requires partnership working based on mutual trust and respect that recognises the value and legitimacy of each body's role. We value and place emphasis on engagement, and we have a close working relationship with the 22 local authorities in Wales to support them in their duties (including with respect to the recovery from the pandemic). We engage on a national basis with Directors of Public Protection Wales, Food Liaison groups, Expert Panels and the Safe Sustainable Authentic Food Wales (SSAFW) group to co-design, co-produce and consult as appropriate to ensure that the Welsh delivery landscape adequately informs the development of FSA policy.

3.3 In addition to our statutory responsibilities, we use our relationship with the local authorities in Wales to take a **proactive approach to providing support in the delivery of official controls**. Alongside the provision of guidance and advice and responding to specific enquires, we target and fund additional training for officers undertaking official controls for food hygiene, food standards and animal feed. Since September 2022 we have provided training in General Food Law, Hazard Analysis and Critical Control Points (HACCP), Food Hygiene Rating Scheme

Consistency Training, Shellfish Purification, Food Sampling, Imported Food Training for Border Control Posts, Overview of Feed Legislation, Animal Feed Approval & Registration Processes, HACCP for Animal Feed, Medicated Feeding Stuffs and Feed Additives. A total of **701 training places** were provided to officers across Wales.

3.4 We also use our understanding of the operational context in Wales to target where our limited grant funding ability can best **supplement local authority public protection work**. For example, we have supported sampling programmes as well as supporting local authority and public bodies in incident investigation. In 2022/23, the FSA in Wales provided just over £75,000 in funding for sampling activity. This included OPSON, a Europol INTERPOL joint operation targeting fake and substandard food and beverages, and Wales specific retail surveillance sampling, alongside our usual funding to support and supplement local authority sampling activity.

3.5 The Welsh Ministers have a close interest in the **delivery of a fit-for-purpose regulatory regime**, capable of meeting the dynamic needs of consumers and food businesses. We have worked closely with the Welsh Government and local authorities to produce a [collaboration agreement](#) that the Deputy Minister published in April 2023. The agreement contains the principles for how we should all work together to deliver the Minister's expectations for the review and reform of food business regulation in Wales. It highlights the roles and responsibilities of each body, in addition to our shared objectives to make it easier for businesses to provide safe and trusted food for consumers, for regulatory resources to be more efficiently targeted according to risk and for compliance to be improved across the system.

3.6 Following the end of the **Covid 19 Local Authority Recovery Plan** in March 2023, we have resumed monitoring the performance of local authorities in Wales against the requirements of the Food Law Code of Practice (FLCoP). We collate and share summary reports of the data to enable local authorities to see their progress in relation to others across Wales, and we continue to support individual local authorities where they express concerns about being able to fully adhere to the FLCoP.

3.7 The **approval of regulated products** is a devolved responsibility, which means they must be granted by the Minister in each of the nations under their function as Appropriate Authority. For this to work in practice, the FSA in Wales is authorised in accordance with arrangements under section 83 of the Government of Wales Act 2006 to undertake certain administrative functions on behalf of Welsh Ministers. The FSA in Wales Policy and Regulated Products teams do this by working alongside colleagues across the FSA and Food Standards Scotland throughout the entire process on all authorisations – from policy development and stakeholder engagement, through to document preparation and production. We are a core part of the collaborative process that ensures that FSA recommendations are rooted in an approach that reflects the context for each government.

3.8 The Wales team is solely responsible for ensuring the legislative and clearance pathways pertinent to the Welsh Government are followed for applications so that legislation can be brought into force in Wales. We have taken all 50 GB applications through to authorisation in Wales since the service went live in January 2021, and we are progressing an additional 12 feed additive applications which should be authorised towards the end of 2023. Further details on specific statistics can be found in the Risk Analysis and Regulated Products Service update paper.

3.9 This is a new system, and we work across the FSA on ways to improve it. For example, we recognised the need to identify and resolve pinch-points early in the process. The Wales Regulated Products team created a shared tracker and timetable for FSA/Food Standards Scotland, which now allows for the entire approvals process across each administration to be mapped, with real time editing allowing for changes to be made by each team across the

3.10 In 2023 we saw the first requirement for an application to be taken through as an urgent authorisation – the feed additive Cobalt. Without action, these compounds would be unpermitted, with their withdrawal being at significant detriment to animal health and welfare. The Wales policy team worked with central Policy, Food Standards Scotland, and legal teams to develop an appropriate approach. This was a substantial piece of work, with the team in Wales responsible for directly engaging with and gathering the views of targeted Welsh stakeholders, such as the British Association of Feed Supplement and Additive Manufacturers, in Wales and NFU Cymru, and working with Welsh Government officials and lawyers to ensure that parallel legislation came into force in Wales. This work ensured that the cobalt compounds could remain on the market with no disruption.

3.11 In addition to the agreement on undertaking functions for regulated products, a separate s.83 agreement has been made with Welsh Ministers. This authorises the FSA in Wales to undertake the Welsh Ministers' devolved functions in relation to **enhanced controls for high-risk food and feed of non-animal origin at border control posts**. The team in Wales, working with colleagues in the wider FSA, Food Standards Scotland and Welsh Government, undertake a rolling programme of six-monthly reviews of these enhanced controls, and provide advice to the Welsh Ministers to inform their decisions. The first review led to advice on enhanced controls to 31 commodities from specific countries. The latest consultation on changes to enhanced controls on 39 commodities from specific countries closed on 28 August and responses are currently being considered.

3.12 We provide advice and policy input when there are **differences in legislative priorities between governments**. For example, although the Genetic Technology (Precision Breeding) Act 2023 applies in England only, due to common frameworks and mutual recognition, it impacts all nations. The Wales team have contributed to the development of policy and regulatory frameworks, engaging with central teams, Welsh Government and Welsh stakeholders and have provided evidence-based policy recommendations to inform the development of the approach. This has included, but is not limited to, areas such as enforcement and traceability and legislative divergence. We maintain the FSA's ongoing and regular contact with Welsh Ministers and Welsh Government officials, providing relevant studies, information, and updates to ensure they are abreast of developments, as well as supporting the Chair's discussions with the Welsh Ministers. We have also provided information and advice to assist Ministers' understanding of precision breeding and support them in their ongoing consideration of this topic, including most recently facilitating meetings between our Chief Scientific Adviser, Professor Robin May, and Welsh Government officials.

3.13 We have responsibility for additional policy areas such as **advising Welsh Ministers on labelling and compositional standards**, which is led by Defra in England. We work across governments to ensure the views of Welsh Ministers and stakeholders are reflected. We are currently working on proposed legislative changes on bread and flour composition and are in discussions on whether amendments are needed to bottled water legislation. Early-stage engagement is also planned with key stakeholders on the European Commission's proposals for compositional and labelling changes to the Breakfast Directives (covering jam, honey, preserved milk and fruit juices).

3.14 We are the FSA lead for **food supplements** and in 2022 we received 215 referrals and have so far received 178 referrals in 2023. Referrals generally cover requests for advice on supplements law applicability and labelling, issues relating to contamination, excessive amounts of certain ingredients, adverse reactions and products containing unauthorised ingredients. Our role requires us to provide general advice in some instances and risk management advice in others – for example, whether products need to be withdrawn from sale. This requires regular liaison with many other FSA teams including Contaminants, Additives, Novel Foods, Incidents

and Toxicology and externally with the Department for Health and Social Care (DHSC), the Medicines and Health Care Products Regulatory Agency (MHRA) and many others.

3.15 We have continued to improve our **level of engagement with stakeholders** to make us more effective in how we deliver the FSA's priorities across our remit. We are part of the drafting teams for the regular communications to Members of the Senedd (MSs) and letters to MPs, which ensures that parliamentarians in each country are kept abreast of key areas of FSA work such as food hypersensitivity, the Border Target Operating Model, precision breeding, the Achieving Business Compliance programme and regulation of the meat industry. We have amended our approach to planned engagement, focusing on maximising the opportunities for engaging with stakeholders on matters important in Wales. We used our presence at the Royal Welsh Show this year as a platform for the Chair and Chief Executive to engage with a wider range of key stakeholders, with a full programme of introductory meetings and discussions on policy matters of note in Wales.

3.16 The **Welsh Food Advisory Committee** (WFAC) is an important part of our work, and we provide direct support to facilitate its operation. In the last year we arranged for a range of experts to attend half-day themed discussions focussing on the North-east Wales food scene, FSA Operations, the Border Target Operating Model and local authority operations. These meetings have provided valuable engagement opportunities with academics at Bangor, Cardiff and Aberystwyth universities, local authorities, Welsh Government and the meat industry. They provide WFAC with a deeper understanding across the FSA's remit and prepare members so that they can provide advice to the Board Member for Wales ahead of Board discussions.

3.17 In addition to working towards the corporate and specific Wales priorities outlined in the sections above, the team have achieved other important highlights over the past year, notably the office move in August. The Wales team moved into the Welsh Government building in Cardiff, which was the culmination of an 18-month project. This creates operating efficiencies and long-term costs savings in rent and service charges. Other benefits include proximity to Ministers and public health and other policy colleagues in Welsh Government, in addition to improved facilities for staff and an office space designed around their needs, based on their input.

3.18 Other highlights over the past 12 months include:

- In March, the FSA in [Wales received the first and only Gold+ FairPlay Employer Award](#) from Wales's leading gender equality charity, Chwarae Teg. Chwarae Teg benchmark public and private organisations against others in their industry identifying significant success factors and potential areas to improve. This award is based on an assessment of diversity practices and staff views on inclusion in areas such as learning and development; and recruitment and selection.
- This year, the Welsh Language Commissioner acknowledged the effective practice embedded in the FSA in relation to **bilingual communications**, which was highlighted in a best practice [case study](#). This detailed the robust process developed in the FSA for creating effective bilingual marketing campaigns, ensuring that the final product is of the best possible quality and reaches the widest possible target audience in both languages.

## 4. Delivering Corporate Priorities in Wales

4.1 Alongside work on Wales-specific areas, we are integrated into wider FSA priorities and programmes and work with colleagues in England and Northern Ireland. Together we deliver on the FSA's core remit and ensure that the Welsh implications are considered. We also work with the Welsh Government and Ministers to deliver on these priorities as part of a four-nation approach.

**4.2 Border Target Operating Model** – we have a small team working with colleagues across the three nations, Food Standards Scotland, Welsh Government and UK Government to support the introduction of risk-based controls on food and feed coming into the UK. We advise Welsh Ministers on priority workstreams, including pre-notification of Sanitary and Phytosanitary (SPS) goods from the Republic of Ireland, streamlining Export Health Certificates, risk categorisation of Imports from the EU and the rest of the world and development of proposed trusted trader schemes. Members of the team in Wales sit on several UK government working groups ensuring that the development of the target operating model is informed by the local authority delivery landscape and have been advising Welsh Ministers on the implications of the target operating model with respect to the Windsor Framework. Our Chair has had regular meetings with Welsh Government Ministers to advise on the introduction of the target operating model.

**4.3 Retained EU Law (REUL)** – we have worked closely with the cross-FSA REUL programme to ensure that the impact on the statute book as it applies to Wales has been fully analysed and considered. We reprioritised activity in year to free up resources to embed a member of the Wales team in the programme. This has meant that, since the announcement of the Bill, we have been able to engage extensively with Welsh Government officials to ensure alignment with Welsh Ministers' expectations concerning specific retained law as it operates within the context of Wales, the devolution settlements and the consequences of clauses contained within the Act on the Welsh Government's competence. This has included providing Welsh Government officials and Welsh Ministers with assurances on our phased programme of work in line with wider commitments around UK Common frameworks. Following changes to the Act in May, we have been advising Welsh Government on the Act's revocation schedule ([Retained EU Law to be sunset or revoked by 31 December 2023 | Food Standards Agency](#)), which includes two pieces of FSA legislation that apply to Wales, as well as advising on interpretive effects.

**4.4** We have worked extensively with Defra on their REUL programme to ensure essential REUL within the food compositional standards and labelling (FCSL) policy space has been analysed. There is no FCSL policy related REUL on the revocation schedule that applies in relation to Wales.

**4.5** We have an established team responsible for the **management of food and feed incidents relating to Wales**. The team lead on multi-agency responses where required and represent Welsh interests during national outbreaks and incidents. Since the previous Wales report to the Board the team have been involved in 195 incidents affecting Wales. This includes 121 Welsh led incidents, with the remainder relating to national incidents with an impact in Wales. The team have been engaged in several national incidents and outbreaks, including those detailed within the case studies of the Incidents and Resilience Unit Annual Report and the team continue to play an active role in non-routine incidents impacting on Wales.

**4.6** The incidents team in Wales also support the wider work of the **Receipt and Management team** through monitoring of signals relating to possible risks to the UK food chain (identified using predictive surveillance systems). The team in Wales support this work on a weekly basis, and 406 signals have been processed by the team over the last year.

**4.7** We work closely with incidents teams from across the 4 nations and are embedded in much of the work detailed in the Incident and Resilience paper. We are also closely aligned to the work of the Risk and Crisis Management Review programme.

## 5. Forward Look

**5.1** Regulated Products, REUL reform and the Border Target Operating Model will remain key areas of work, and we will continue to work across governments to ensure the views of Welsh



stakeholders and Ministers are considered during policy development. In addition to working on the issues already identified, there are several priorities that the FSA in Wales will be working on in the next six to twelve months. These areas of focus in Wales are outlined below for the Board to consider and agree or comment as appropriate.

**5.2 Targeted, proportionate and fit for purpose regulation** – this means moving us on from a post-Covid recovery period in Wales to be more future looking around our regulatory reform work. This will include:

- Ensuring regulation is targeted and proportionate, in accordance with the [Minister's statement](#). This is a natural progression of the 2022 priority – from recovering the delivery of food controls to making sure they are fit for purpose in the future. This will include the food hygiene delivery model and the food standards delivery model.
- As part of the request from Welsh Ministers (see paragraph 3.3), we have begun to explore the requirements for, and understand the impacts of, a potential enhanced system of registration or licensing of food businesses prior to approval. We are working in collaboration with the Welsh Government and local authorities in Wales at this early stage, and the work is being considered within the ABC programme. The aim is to present initial advice to Welsh Ministers in early 2024.

**5.3 The programme of local authority audits**, which will be a key area of focus over the next three years, will recommence at the end of September. The audit programme for 2023/24 will focus on the delivery of food hygiene and standards official controls and will assess service planning and delivery of interventions following the end of the Recovery Plan, as well as reviewing any relevant open audit actions following previous audits.

**5.4 Whilst the Welsh Government's review of the FSA in Wales** is yet to be commissioned, we will use the time leading up to this to continue to refine our evidence-based business case for a more sustainable funding package from 2024-25, updating it to make sure it remains consistent with the FSA's funding priorities. This will support our ability to deliver on the FSA's corporate priorities, undertake our statutory duties on behalf of Ministers, and identify opportunities for the FSA to make a greater contribution in Wales. It will include highlighting areas where resource pressures create a delivery risk, such as our function on behalf of the Welsh Ministers on the risk assessment and approval of regulated products, where the volume of work has been greater than that originally forecast.

**5.5 Engagement will continue to be a priority.** Over the next 12 months this will include a joint campaign with Welsh Government, in liaison with local authorities, to mark 10-years of the mandatory Food Hygiene Rating Scheme in Wales. This campaign will be an opportunity to celebrate and highlight the success of this Scheme in driving up the number of top-rated food establishments in Wales and to emphasise its role in consumer confidence. It will also demonstrate the collaboration between the FSA, Welsh Government and local authorities, and how local authorities have been key in delivering this initiative. We are currently in the planning stages of this campaign, which we will mark with a Senedd reception in November to include Members of the Senedd and key stakeholders.

**5.6 Following the review of the [FSA's Food Advisory Committees](#) (FACs)** presented at this year's June Board meeting by the FAC chairs, we will be working with the new Board member for Wales to implement the recommendations to refresh the operation of the FACs and to ensure efficiency. This will include further focussing board paper review discussions on highest priority areas, ensuring country specific views are more actively fed back to Board following themed meetings, increasing the public profile and presence of the FACs, and maximising use and impact of FAC member networks.

## 6. Conclusions

6.1 This paper provides a high-level overview of the work undertaken by the FSA in Wales following the last Board update in September 2022 in addition to a forward look at priorities for the coming months.

6.2 Although the paper cannot detail all the work that has been undertaken, delivered and achieved during this period, it provides a snapshot of the work that is done by the team to keep consumers safe.

Overall, the Board is asked to:

- **assess** the effectiveness of the outlined work to deliver FSA priorities;
- **consider** the alignment of this work with the FSA's strategic direction and nature of the FSA's three country approach;
- **provide feedback** on the identified priorities.