

# Minutes of the FSA Business Committee Meeting on 11 September 2023

FSA BC 23-12-01

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Via Teams

### Present

Mark Rolfe, Chair; Lord Blencathra; Hayley Campbell-Gibbons; Fiona Gately; Susan Jebb;

**Apologies** - Rhian Hayward

### Officials Attending

Emily Miles	Chief Executive
David Franklin	Scientific Sampling and Laboratory Policy Team Leader (For FSA BC 23/09/04)
Claire Forbes	Director of Communications
Junior Johnson	Director of Operations
Anjali Juneja	Director of UK & International Affairs
Robin May	Chief Scientific Adviser
Ruth Nolan	Director of People and Resources
Katie Pettifer	Director of Strategy, Legal, Communications and Governance
Julie Pierce	Director of Information and Science
Natasha Smith	Deputy Director of Food Policy (FSA BC 23/06/05)
Rebecca Sudworth	Director of Policy

## 1. Welcome and Introductions

1.1 The Chair welcomed everyone to the meeting. Apologies had been received from new Business Committee Member Rhian Hayward. Fiona Gately noted she had a new interest that had arisen since the previous meeting and now held a position with the Rothschild foundation. It was not considered that this new position presented a conflict with any items on the agenda.

1.2 The Chair declared an interest as Head of Kent Scientific Services, which is Kent County Council's in-house Public Analyst, toxicology and metrology calibration laboratory, providing these services to local and national government and business. To avoid a potential conflict of interest, he would recuse himself from the meeting for that item and asked Susan Jebb to chair that discussion.

## **2. Minutes of the FSA Business Committee Meeting on 12 June 2023 (FSA BC 23-09-01)**

2.1 No comments were made on the minutes, and they were approved as an accurate record of the meeting.

## **3. Actions Arising (FSA BC 23-09-02)**

3.1 The progress with the Actions from previous meetings was noted. No comments were raised from the Business Committee.

## **4. Chief Executive's Report to the Business Committee (FSA BC 23-09-03)**

4.1 The Chief Executive (CE) gave an overview of her report including Operation Hawk and changes to encourage whistleblowing on food fraud; the authorisation of the official controls contract; the cost-of-living payment to staff below grade six; the Human Resources switch to the new Workday system; budget uncertainties and implications for the FSA's estates; and the recent Polish eggs and beef tongues incidents.

4.2 In response to a question from the Committee on staff working from home and impacts on productivity, The CE explained that there was no straightforward way to measure the productivity of desk-based staff but, anecdotally, the amount of discretionary time home workers put towards their jobs, as well as looking at falling sickness rates as a proxy for productivity, suggested a slight increase in productivity where workers had the flexibility to work from home.

4.3 There were questions around the productivity review from HM Treasury. Ruth Nolan explained that the review would focus initially on the period to the period to the end of this Spending Review (March 2025) where the Chancellor had put a freeze on overall Civil Service growth. Treasury now had the FSA's return and discussions were ongoing. HMT would then focus on reducing Civil Service headcount to pre-pandemic levels in the financial years to 2028/29, which were likely to form part of the next Spending Review process.

4.4 Avian Flu and the risk of zoonotic infection was raised as a concern. The Chief Scientific Adviser (CSA) explained that the FSA had recently published a risk assessment which showed that the risk of human infection was generally low due to the short lifespan of infected birds and the need for inhalation of the virus rather than absorption through the gut. The larger risk was to workers on farms, which was being monitored, but there was no evidence of the virus moving into the human population more widely.

4.5 Mark Rolfe noted the extension of the E&J contract into a fifth year. He noted there was now a hard deadline, for the tender of the subsequent contract. The CE agreed and said that

work was underway to consider the approach to the tender.

4.6 An update was also given on a legal case around the infringement of the Food Hygiene Rating Scheme (FHRS) trademark, which had been settled on confidential terms.

## **5. Update on GB Official Laboratories Capability Building (FSA BC 23/09/04)**

5.1 Due to an interest as Head of Kent Scientific Services, which is Kent County Council's in-house Public Analyst, toxicology and metrology calibration laboratory, providing these services to local and national government and business, the Chair recused himself from the meeting for this item and asked Susan Jebb to chair the discussion.

5.2 Julie Pierce and David Franklin gave a brief update against the delivery of the previously agreed plan for building laboratory capacity and the skills pipeline.

5.3 In response to the Business Committee questions about the delivery timeline it was explained that there were plans for delivery work to continue and work for the design of phase three would accelerate over the coming months. Phase two was one year in and would be delivered by March 2025

5.4 The Committee asked about the capability gaps identified by the UK Health Security Agency (UKHSA) and how the challenges of capability across the lab systems would be addressed. The CSA said a meeting of CSAs from across government with concerns around surveillance in their fields was to be convened shortly, to identify common concerns and discuss the possibility of a common approach to funding. The capability gaps identified by UKHSA were largely technical ones around anaerobic bacteria and other, less common, pathogens and that his concerns around lab capacity were focussed on chemical analysis rather than microbiology.

## **6. Performance and Resources (P&R) Q1 2023-24 (FSA BC 23/09/05)**

6.1 The Chair explained the layout of the report and its relation to the FSA's strategy. Ruth Nolan introduced the report, inviting Katie Pettifer, Claire Forbes, Anjali Juneja and Junior Johnson to cover areas relevant to their directorates. Discussion of the P&R Report included: levels of trust and confidence in the FSA; local authority performance; the Achieving Business Compliance programme; and food crime.

6.2 In response to a question about who was subscribing to the FSA's newsletters, Claire highlighted that while media coverage played an important role in driving awareness, consumers got their news and information from an increasingly wide range of sources. As a result, other channels, such as subscriptions to FSA newsletters, or working with partners such as charities, could help the FSA reach different audiences particularly in areas such as food hypersensitivity.

6.3 Susan Jebb asked whether the figures for public awareness of the FSA represented a fair cross section of society and whether the figures could be segmented to see if there were groups that were not being reached. Julie Pierce said that the 56% referred to in the P&R Report was 'consumers' and represented a random selection. Further detail on use of segmentation in FSA's comms would be provided.

6.4 The Committee noted that feedback from Operation Hawk suggested that some businesses felt they had received little communication from the FSA. This was largely due to the messaging reaching them indirectly, through local authorities as this was often the best channel

for communicating with industry and did not imply that the FSA was not engaging with the issues.

**Action 1 - Claire Forbes to provide further detail on how the FSA makes use of consumer segmentation in the development of communication campaigns.**

6.5 The resourcing challenges being faced by Birmingham City Council, as well as local authorities more broadly were raised. The Committee was pleased to hear that in the FSA's recent discussions with Birmingham, the City Council had recognised enforcement of food safety to be a statutory service. The Business Committee encouraged the FSA to reinforce this point in correspondence, to support local authority food team leaders in demonstrating the need, within their organisations, for these services to continue. The Committee noted the FSA had escalation powers in the event that services were not delivered, for example to request Ministerial directions. The Committee also noted the importance of the support the FSA had already provided for local authority apprenticeship programmes.

6.6 The Committee asked for further detail about the figures presented for local authority interventions into businesses. Katie explained it was currently possible to say whether local authorities had made the interventions according to the expected timescales. It was hoped in future, it would also be possible to report the impact of interventions on business compliance, though the capability to provide that data was not yet available. Data on the number of local authorities at different stages in the performance management process would be circulated to Business Committee Members. Further detail on how a future system could be effectively designed could be discussed at the Board's October retreat.

**Action 2 - Katie Pettifer to provide data on the number of local authorities at different stages in the performance management process.**

6.7 A question was raised from the Committee about the feedback from the consultation with local authorities on the proposed changes to the food hygiene delivery model. Committee Members noted their support for being ambitious in this area. It was asked whether there was ongoing contact with local authorities to get a clearer picture of the reforms they were seeking. It was explained that the consultation included workshops with local authorities and a written consultation to which responses were received from a wider group of stakeholders such as third-party assurance providers. The intention had been to proceed next to a pilot phase. However, feedback from local authorities was that they currently face very significant resourcing challenges. They wanted to see some changes introduced more quickly than planned, and they encouraged the FSA to be more ambitious in the longer term. Some other stakeholders encouraged the FSA to consider additional ideas too. The Committee agreed that, in the light of this feedback, the FSA should consider what changes could be introduced without piloting and should also reflect on whether more ambitious changes could be proposed after that as part of ABC.

6.8 There was a discussion of the timetable for the Board's involvement in the Achieving Business Compliance programme. A paper would be included on the Board's agenda for December, and this discussion would be highlighted to the Board in the report from the Business Committee.

6.9 During discussion of Key Performance Indicators (KPIs) relating to the FSA's performance, the Committee questioned whether adequate detail was included within the KPIs to allow Members sufficient scrutiny of performance, noting that while greater detail would be required for the Committee's purpose, it was not necessary to see the detailed operational indicators. It was explained that the indicators used in the P&R Report were listed in the Annex and sought to demonstrate how the FSA was performing against the Annual Plan. A more detailed set of performance data was reviewed regularly by the Executive Management Team (EMT). It was suggested that consideration be given to whether a fuller set of FSA KPIs could be presented to give the Business Committee oversight of delivery and an understanding of areas of concern, and

it was agreed that KPIs would be articulated to give assurance that they were in hand. The CE said that it would include outcome indicators for the food system, high level indicators for the FSA, detailed indicators to EMT's consideration, and benchmarks for acceptable performance.

**Action 3 - Executive to consider how to provide KPIs to provide sufficient detail to enable them to meet the Committee's need to monitor the performance of the agency, ensure that good performance is celebrated and that under performance would trigger action to the Business Committee.**

6.10 The new style of the P&R Report was generally welcomed by the Committee, though it was noted that it did contain a much higher word count. It was questioned whether some of the contextual information could go in an accompanying paper instead. It was agreed that the structure of the discussion had enabled a good focus on relevant detail through breaking the Report up into separate agenda items on each of the themes.

6.11 In conclusion the Business Committee agreed the FSA's approach to monitoring and reporting. On the reporting schedule it was noted that feed and port health authorities were issues that were not included in the schedule. It was also noted that the biannual reporting on the National Food Crime Unit (NFCU) focussed on understanding the food crime threat rather than the NFCU's performance. It was suggested these issues be incorporated into the reporting schedule for future.

## **7. Any Other Business**

7.1 No other business was raised, and the meeting was closed. The next meeting of the Business Committee would be held on 4 December.