

# Guidance on responsibilities for functions and decisions in the FSA - Scheme of Delegations

The Board holds overall responsibility for the FSA's activities, excluding the duties of the Accounting Officer. Operational functions can be performed by the Chief Executive or other staff on behalf of the Board. Additionally, the Chief Executive delegates responsibilities to the Executive Management Team and other individuals or committees, overseeing their execution.

The Board is ultimately accountable for all of the FSA's activity, except for responsibilities of the Accounting Officer. However, the functions of the FSA can be carried out by the Chief Executive or other staff on behalf of the Board. The Chief Executive in turn delegates functions and decision-making responsibilities to members of the Executive Management Team of the FSA and to other individuals or committees, and supervises the exercise of such delegated functions and responsibilities.

**Part 1** sets out functions which are generally exercised by the Board itself, according to its terms of reference.

**Part 2** sets out guidance on the functions which the Board expects will generally be carried out by the Chief Executive or other staff on behalf of the Board.

**Part 3** sets out guidance about when the Board expects to be engaged in decision-making. It provides examples of the circumstances in which the Board expects to be informed about or consulted on a decision which might usually be left to the Executive.

All functions and decision-making responsibilities which usually rest with the Chief Executive or other staff can be re-assumed by the Board should the need arise.

## Part 1: Functions of the Board (from the Board Terms of Reference)

The Board has overall collective responsibility for the activities of the Food Standards Agency in England, Wales and Northern Ireland, and for ensuring that the FSA discharges its statutory duties to protect public health and consumers' interests in relation to food. The Board provides visible leadership of the FSA to the public, representing the FSA's position to the media and key stakeholders, and providing assurance to the appropriate authorities (in practice, health ministers) on the effective discharge of the FSA's duties and responsibilities.

The Board:

- sets strategy, strategic priorities and strategic outcomes - for instance our five year corporate strategy and three-year plan

- identifies and monitors strategic, reputational and corporate risk; determines the FSA risk appetite
- takes major decisions on the regulatory and controls framework
- takes major decisions on policy and key issues of principle - for instance providing policy direction on major issues or principles to be followed in policy-making, or providing the framework within which officials will conduct fast-moving activity such as trade negotiations
- provides advice to Ministers on prominent issues
- has collective responsibility for FSA activities and discharge of our statutory duties
- through the Chair and subject to approval from the appropriate authorities (ie. relevant ministers), appoints the CEO and holds them accountable; and
- approves the Annual Report

## Part 2: Responsibilities of the Chief Executive

The Board generally expects the Chief Executive to carry out a substantial number of the functions of the FSA and take related decisions, either personally or through other staff in the FSA. Examples of these are set out below.

### 1. Leadership and Management

Securing that the activities of the Agency in England, Northern Ireland and Wales are carried out efficiently and effectively, and in accordance with our Statement of General Objectives and Practices. This includes:

- I. The leadership, day-to-day operations, and management of the FSA, including fulfilling the statutory responsibility to appoint Directors for Wales and Northern Ireland (subject to approval of the appropriate authorities)
- II. Proposing annual business plans for approval by the Board, which fulfil the Board's strategic objectives for the FSA
- III. Appointment and all aspects of staff management and organisation
- IV. Approving some decisions concerning litigation (e.g. agreeing settlement), with advice from FSA Legal
- V. Providing routine advice and evidence to ministers on parliamentary business, including on their responses to written and oral Parliamentary questions, Senedd questions in Wales and Assembly questions in Northern Ireland which relate to the work of the FSA
- VI. Delivery of digital, data, and technology services to support the work of the FSA, including information management, information security incidents and compliance with relevant standards

### 2. Financial matters

As Accounting Officer, the Chief Executive is accountable for the stewardship of public money and assets by the FSA. Their responsibilities are outlined in [Managing Public Money](#), [Managing Welsh Public Money](#) and [Managing Public Money NI](#) and include:

- I. Maintaining a robust system of internal controls including governance and risk management frameworks
- II. Setting the annual budget in order to use the FSA's resources efficiently, economically and effectively

III. Preparing the Annual Report, Accounts and Governance Statement on the FSA's activities and performance during each financial year, and arranging for it to be laid before parliament, the Senedd and the NI Assembly

IV. Ensuring that effective procedures for handling complaints are in place

### **3. Regulatory functions**

Execution of the FSA's regulatory functions, including:

I. Delivery of official controls to meet domestic and exporting requirements, regulatory audit and assurance, and National Food Crime Unit functions as described in our [Manual for Official Controls](#)

II. Setting standards for enforcement authorities' performance by advising ministers on the content of [Food and Feed Codes of Practice](#) and the [Framework Agreement on Official Feed and Food Controls by Local Authorities](#), and providing advice to enforcement authorities within the Board's risk appetite on the interpretation of those standards

III. Taking action in relation to concerns about enforcement authorities' performance, in line with our [escalation procedure](#)

IV. Advising government ministers on authorising regulated food and feed products for sale

V. Conducting [risk analysis](#) which informs our regulatory decisions, for instance on regulated products authorisations or imports controls on High-Risk Foods and Feed Not of Animal Origin

### **4. Food policy and advice to ministers**

In line with the Board's risk appetite and any policy principles or specific policy decisions agreed by the Board, developing food and feed policy and providing advice and information to public authorities.

### **5. Providing information to the public**

Providing information and advice to the general public, and publishing information in the public interest. In Wales, this means providing this information bilingually, as outlined in the FSA's statutory [Welsh Language Scheme](#) necessitated by the Welsh Language Act 1993.

### **6. Conducting and monitoring evidence-gathering, analysis, and scientific research**

Monitoring developments in science and technology in relation to the FSA's functions, and commissioning research, analysis and evidence-gathering on those matters.

### **7. Incidents management**

Issuing guidance to local or public authorities, in order to manage outbreaks of foodborne disease, and operational decision making in line with our [Incidents Management Plan](#).

## **Part 3: How the Board expects to be engaged in decision-making**

As set out in part 1, there are specific decisions which are generally taken by the Board. Some of these are clearly delineated decisions such as setting the FSA's risk appetite or agreeing a new organisational strategy. Others may require a judgement to be taken by the Board (e.g. whether something is a "major decision on policy".) The Board also sometimes sets out principles that should be followed by the executive (for example, in developing new policy).

The following guidance from the Board to the Executive sets out the circumstances in which the Board will generally expect to be engaged on a decision that the executive proposes to take. The power to make a decision can be re-assumed by the Board at any point, should the need arise. Where relevant, the Chair decides whether the full Board should be consulted, under Board Standing Order 26.

The principles complement but do not replace the specific frameworks for determining the classification of [routine and non-routine incidents](#), or of [routine and non-routine risk analysis issues](#).

### **Principles for when the Chair or Board should be consulted on a decision**

When any non-routine recommendation is being made by the FSA to government ministers and a strategic policy direction has not yet been provided by the Board; see the [routine and non-routine risk analysis issues](#) framework for example of criteria for triaging non-routine issues.

When there are significant political, four-nation, stakeholder or consumer sensitivities/interest; for example when routine advice is given to ministers on a topic where there has been significant media attention and there is a risk to public trust in the FSA or the food system; or on an issue with potential for divergence within the UK with a material impact on the UK market.

Where a decision goes beyond the stated corporate risk appetite; for example when issuing food safety advice which facilitates the wider interests of consumers, by applying our framework of proportionate controls for risky foods.

### **Principles for when the Chair or Board should be informed of an executive decision**

When there is a reasonable expectation that the Chair or Board may need to respond to ministerial or media interest in the decision, or represent the decision to the public; for example when FSA issues consumer advice on a topical issue.

Where a financial decision is significant, novel or contentious; for example the awarding of contracts over the value of £5 million.

When any policy Submissions are made by the FSA to ministers in the UK Government or a Devolved administration – this excludes routine business matters such as routine regulated products authorisations, consultations, and biannual updates of the lists of High-Risk Foods and Feed Not of Animal Origin which are subject to increased or additional controls at entry to GB.

(Adopted 20th March 2024).