

'A vision for working together' - Address to the Chartered Institute of Environmental Health

Our Chief Executive, Emily Miles, spoke at the [Chartered Institute of Environmental Health](#) conference on 22 October 2020.

In her speech she discussed the impact of COVID-19 on the food sector and on local authorities. She spoke about the value of 'food you can trust' and set out her vision for the future of the Food Standards Agency and local authorities' work together. Transcript of the speech as follows:

Introduction

I am very pleased to be joining you today albeit virtually.

First let me introduce myself. I joined the FSA in 2019. I have twenty years' experience in central Government, most recently working in Defra on EU exit planning, but in the past working on policing and immigration.

In the last year, I have fallen in love with the importance of food. It touches all of our lives, every day. 'Food you can trust' means the public has confidence in the food industry, an industry that will be vital to the UK's economic recovery. You know this through your work.

The COVID-19 pandemic has been a difficult time for everyone, not least for the environmental health profession.

Thank you for all of your efforts over the last few months, where you have proved once again why Environmental Health professionals are such essential workers.

I would like to talk to you today about the impact of COVID-19 on the food sector and on local authorities, about the value of 'Food you can trust', and the future of the FSA and local authorities' work together.

Impact of COVID-19

The pandemic has had an extraordinary impact on our work as regulators. It has been a catalyst in the food industry for new, emerging and alternative business models, as well as rapidly evolving consumer preferences.

In the last few months, more restaurants have been converting to takeaways, food wholesalers have started selling direct to consumers via online retail platforms. Over the period since COVID-19 started we have seen not far off 20,000 businesses registering through Register a Food Business; and those that are operating from domestic settings have risen from only 30% pre-COVID to 45% in early October.

New business models can bring new risks: with no 'bricks and mortar' premises consumers don't

always know from whom they are buying. For regulators, it can be difficult to establish which businesses are operating where, who is operating them, to determine what activities they are carrying out and to manage the risk they present to consumers.

The regulatory system has traditionally been built around physical premises and that increasingly doesn't reflect the reality of the food system.

The FSA and local authorities need to be able to monitor the risks associated with this rapidly changing landscape.

Local authority resourcing

The pandemic has served as another reminder of the funding shortages that local authorities have had to contend with over many years.

An NAO report last year found that food hygiene staff numbers declined by an estimated 13% relative to the number of food businesses operating between 2012-13 and 2017-18, and the number of food standards staff fell by an estimated 45%.

Local authorities have told us that the situation has continued to decline since that NAO report.

At the start of this financial year, only 80% of the professional posts that local authorities need to run their food service were allocated budget for 2020/21. In other words, local authority food teams went into the pandemic already 20% below full strength.

These already stretched resources have been further depleted since. The picture varies widely, but across England over 40% of LAs have lost 70% or more of staff in their food team to COVID-19 re-deployment. These figures are from a survey the FSA carried out in September, and we have intelligence from local authorities that the situation has deteriorated further in the month since then.

I know this won't be news to those of you working in local authorities. I understand how stretched your teams are. Faced with an ever-growing list of demands linked to COVID-19, you and your bosses are making extremely challenging decisions about priorities in a fast-moving and resource-constrained environment and I know you will not be taking these decisions lightly.

I want to be clear to the relevant parts of Government that there simply isn't enough funding available for local authorities to carry out their duties on food safety and this poses a real risk to consumer protection. I know, like me, you want to protect the country's ability to assure food safety and food standards. This is not just critical to public health in relation to food, and to consumer safety, but also vital to the food industry and to the UK's ability to export food.

Why does this matter?

The latest data show the UK agri-food sector alone contributing £234bn in consumer expenditure, with exports valued at £23.6 bn in 2019. The sector employed approximately 4.1m people in 2019, around 13% of employment in Great Britain. To put the costs of regulation in context, that NAO report I referred to earlier estimated that the cost of delivering food controls in England in 2016-17 was £164 million, with 73% of costs being met by local authorities and port health authorities.

The impact of major foodborne disease incidents in the past have shown the value of consumer confidence in the UK's food industry. After the BSE crisis in the 1980s and 90s, the UK saw a complete loss in beef exports for 10 years with an annual value of around £1.22bn in today's prices. After the EU export ban was repealed, there was permanent damage to the UK beef

export market with the size of the market in 2019 being 50% of that in 1995, pre-BSE export ban.

“Food you can trust” is not just something that consumers want and need. It’s also a valuable asset for the reputation of UK produce at home and abroad. A major incident in the future may impact significantly on the UK economy. Depleting regulatory resources now will have short- and long-term impacts that will be challenging to reverse. And prevention is cheaper than cure.

We have to protect people’s plates and get the right regulatory resources in place.

This is not a problem that the FSA can resolve on our own as we do not have budget to distribute to local authorities for official controls, it’s Ministers who own the powers for whether services can be charged out, and we are not in charge of how money gets allocated locally. Money for food regulation comes from HM Treasury via the MHCLG grant, with no ring-fence. We have made the case to both MHCLG and HMT for additional support.

In the meantime, the FSA has adjusted its expectations of local authorities because of the pandemic. I have recently written to local authority Chief Executives, highlighting the FSA’s serious concerns but also setting out our expectations for priority activities. I understand that COVID-19 has introduced a whole range of other pressures and that local politicians and leaders are understandably prioritising them, but I hope that this kind of intervention from the FSA at a strategic level can help make the arguments in your organisations for maintaining priority on food. If there is more we can do in this respect, we are keen to hear from you about what would be helpful.

We do, however, also need to work out how we live with the current difficult resourcing arrangements. We need to keep doing all we can to regulate in the most efficient and effective way possible.

Why do we need to reform the way we regulate?

This isn’t only about the resourcing pressures. There are two other pressing issues that are focussing our minds on the need for reform of the food regulatory system.

The first of these is the imminent end to the transition period and life outside of the EU. From 1 January 2021, the UK will be in charge of its own food law for the first time in nearly 50 years. This is not just about leaving the protection of the EU but about how we are going to be seen as a potential new trading partner by the rest of the world.

Around 90% of UK food safety and hygiene regulation has been determined in Europe. While food and feed safety rules will not immediately change on 1 January 2021, our departure from the EU will mean more control and greater scope for grasping the opportunities outside of the EU, and for designing a UK regulatory system that is fit for the challenges we face.

One of the key responsibilities the FSA will be taking on from Europe will be that of authorising new food products for sale in our domestic markets. We don’t underestimate the importance of this task: our consumer insight tells us how emotive the issues around food are. The food we eat reflects the values that we have as a nation.

The media debate on chlorine washed chicken began almost as soon as the referendum vote came in. The 1 million signatures that the NFU presented this year to encourage the Government to maintain our excellent food standards shows the depth of feeling. I’m very aware that other organisations making these sorts of tough calls have faced huge pressure from every side. EFSA, for example, had to call in the bomb squad to deal with an attack from a pressure group in 2016 over their decision on glyphosate.

The FSA's job is to advise Ministers in Westminster, Cardiff and Belfast on new foods and new food production processes. Since the FSA was established twenty years ago, we have been committed to making our decisions based on sound science and evidence. We are here to tell the truth about food. We have strengthened our existing risk analysis process, which will inform our authorisation decisions. This includes: a clear separation between our risk assessment and risk management functions; an expanded role for our Scientific Advisory Committees; a doubling of staff to 50 in our risk analysis function, and over 300 academics added to our lists of experts.

We will continue to provide independent advice to consumers, health ministers and others so that people can trust that the food they buy is safe and what it says it is. Strong evidence on the moral, social and economic considerations as well as the human health risk will be central to our risk analysis processes.

This brings me to the other pressing issue, which is the pace of change in the food industry. Over the last few years there have been some of the most significant changes to the food system this country has known. Food production has embraced digital technology and there is a changed relationship between vendor and consumer as businesses move online and new platforms emerge. As I mentioned earlier, this trend has only been accelerated by COVID-19.

What do we want to do?

Some things will not change. We will always put the consumer first and food businesses will remain ultimately responsible for the safety and authenticity of food. The current system has served us well, and EHOs and TSOs will continue to play a key role in ensuring businesses do the right thing. The vast majority, around 97%, of the half a million food establishments in the UK are small and medium enterprises. Most of the regulation will still be conducted based on checks at individual premises carried out by local authorities, but we must refine how this is done, not least to ensure that limited resources are targeted at the areas of greatest risk.

We want to do this in a way that makes it easier for businesses to do the right thing by being more outcome-based and less rules-based. To support this, we need to build on the local expertise and knowledge of EHOs by looking at the national picture and what is going on in the private sector.

Some businesses are more influential than others

The food system is now a network with new hubs and platforms that serve the consumer, often directly. JustEat has 38,000 takeaways on its platform. 95% of consumer spend goes through just 10 major retailers. These are hubs. A handful of businesses who impact thousands of others across their platforms or supply chains. This means we need more of a systems-led approach.

What this means is that the primary authorities for JustEat, Amazon, Tesco's, Morrison's, these local authorities, are carrying national-level responsibility on behalf of consumers. I'm not convinced our current primary authority approach reflects the import of these critical relationships with these major businesses.

- Primary Authority partnerships are very much what businesses decide they want them to be, businesses choose who to partner with,
- there's no consistency around what's covered within an agreement,
- data isn't shared, including with the FSA.
- Within PA there are no standards around how to assess a businesses' corporate system for management of food safety, rather than their individual establishments, which is what the current regulatory model focuses on.

So, we want to look at where we can improve this.

It also means that we need to think of these major businesses as partners with us, the regulators, in pursuing high food standards. This is a joint endeavour.

Is it risky to take more of a partnership and systems approach to these large businesses? Well, we've been analysing data to segment groups of businesses with different characteristics, to understand how risky or trustworthy certain segments of the food industry are. We found that the big supermarkets have on average, across their estate, the highest FHRs scores of all food establishments. But they also have the highest number of inspections from local authorities, per establishment. This means that LA resources are going into low-risk work, rather than high-risk work. This does not make sense.

This shows that private sector assurance can be as robust and effective as our own and for us not to use this work seems foolhardy – particularly when our colleagues are stretched to breaking point. We cannot continue to treat all businesses as bad actors. For the good actors there must be more trust and less suspicion and for bad actors more suspicion less trust. This is what proportionate and targeted means.

We have to work digitally

At heart our challenge is how to translate our physical world into a digital one.

Data, networks, and sensors are fast becoming the tools which businesses use to maintain the integrity and resilience of their systems. We need to set standards and be able to assure these tools, which underpin industry's approach to delivering safe food.

We are also thinking about how we can get industry to use our data and are already working well with many of the new aggregators in this sector. Platforms like Uber Eats, Deliveroo or Just Eat, use the FHRs ratings to determine whether they will allow businesses on to their platforms. An example of more traditional regulation being amplified by the digital.

Similarly, we are also using digital tools to improve systems and processes that are already in place.

Register a Food Business allows businesses to register digitally with their local authority using a smart phone, tablet or PC, with information sent in seconds to the local authority's database. With more than 170 local authorities using the new system, we want all businesses, wherever they are based to have access to this technology. It's a key part of our approach to make it easy for businesses to do the right thing, and to make it easy for local authorities to identify and focus on the highest risk businesses.

The importance of achieving the same ends through more flexible means

How else can we innovate?

- Through the pandemic we have been working with local authorities to deliver **remote assessments** and we are about to conduct an independent evaluation of LAs' experiences of this. That evaluation will inform our thinking about how remote assessment might be used in the future, so please do let us have your views.
- We also remain open to working out how to incorporating **accredited third party assurers**

into the system.

- **Mandatory display of hygiene ratings** in England remains a priority and we hope Ministers will adopt it.
- We are also developing a new **food standards model**. This establishes a more intelligence-led targeting of official controls for standards.

The environmental health profession remains critical

And coming back to where I started this speech, we cannot forget the vital role that environmental health professionals play in all of this, and the role that you will continue to play as we meet these challenges together. Environmental health professionals serving local communities are ideally placed to undertake the range of activities that are core to a balanced food service – from working with new businesses to provide advice and help them get right from the start, understanding and challenging often complex technical processes, having excellent investigative skills when things go wrong, and good communication skills to help businesses understand what is required of them.

We recognise that there is a fundamental problem with the availability of suitably qualified and competent people to deliver food official controls so we have been doing a number of things to help address this.

We have been working closely with CIEH on development of the new Advanced Professional Certificate in Food Hygiene and Food Standards Control. This will support the move to a holistic approach to food law interventions and help make effective use of resources. We are also developing a new competency framework for those delivering food official controls, to allow a wider cohort of Environmental Health and Trading Standards professionals to undertake certain activities that the current Food Law Code of Practice restricts. I encourage you to get involved in that consultation and have your say.

Conclusion

It is the most extraordinary of times for the country. Even before we knew what COVID-19 was, Brexit was causing us to look at how we will work together in the future to ensure we maintain the high standards of food safety and authenticity we enjoy in this country. In the FSA, our vision is that, guided by consumer interests, we use our knowledge, powers and influence to make it easy for all in the food system to make food you can trust; and we are trusted to tell the truth about food. Making it easy, joint endeavour, and telling the truth about food, are our watchwords.

Food is at the heart of our national life. Over the next few months and years, it will be more important than ever for the FSA and Environmental Health Professionals to work together to deliver a regulatory system that is agile, robust, and continues to put the consumer interest at the heart.