

## MINUTES OF THE FSA BUSINESS COMMITTEE MEETING ON 15 SEPTEMBER 2021

etc.venues, Liverpool Street - 133 Houndsditch, London

### Present:

Susan Jebb, Chair; Ruth Hussey, Deputy Chair; Lord Blencathra; Margaret Gilmore; Colm McKenna; Peter Price; Timothy Riley; Mark Rolfe.

### Apologies:

Fiona Gately.

### Officials Attending

Emily Miles	-	Chief Executive (CE)
Pam Beadman	-	Director of Finance and Performance
Jenny Desira	-	Head of Knowledge Information Management and Security (for FSA 21/09/17)
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland
Professor Robin May	-	Chief Scientific Adviser (CSA)
Rick Mumford	-	Deputy Director of Science, Evidence and Research (via Zoom)
Katie Pettifer	-	Director of Strategy, Legal, Communications and Governance
Julie Pierce	-	Director Openness, Data, Digital, Science and Wales (via Zoom)
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer
Noel Sykes	-	Head of Standards and Reward (For FSA 21/09/17)
Philip Randles	-	Head of Incidents & Resilience (For FSA 21/09/16)
Craig Thomas	-	Head of Finance and Performance (For FSA 21/09/14)
Rajwinder Ubhi	-	Head of Incidents (For FSA 21/09/16)
Darren Whitby	-	Head of Animal Welfare and Delivery Assurance (For FSA 21/09/15)

## 1. Welcome and Introductions

1.1 The Chair welcomed everyone to the meeting. Apologies had been received from Board Member Fiona Gately.

## 2. Minutes of 16 June 2021 (FSA 21/09/11)

2.1 The Business Committee confirmed that the minutes of the 16 June meeting reflected an accurate account of that meeting.

**3. Actions Arising (FSA 21/09/12)**

- 3.1 The Chair noted there were no actions outstanding, and no comments were raised from Committee Members.
- 3.2 No Committee Members declared any conflict of interests in respect of items on the agenda.

**4. Chief Executive's Report to the Business Committee (FSA 21/09/13)**

- 4.1 The Chair invited the Chief Executive (CE) to introduce her report. The CE gave an overview of the paper covering: staffing for official controls; Eid-al-Adha and the practice of Qurbani; progress against the Local Authority (LA) Recovery Plan which had been agreed by the Board in May 2021; the FSA's financial position; and COVID-19 and FSA office occupancy levels.
- 4.2 The Chair noted the work of the National Food Crime Unit (NFCU) mentioned in the paper and said she had written to Ministers, to seek Police and Criminal Evidence Act (PACE) powers for the NFCU.
- 4.3 Mark Rolfe asked about the diversion of LA resources due to COVID-19 noting that much of the legislation relating to the pandemic had now expired. Maria Jennings said many LA staff had not yet been able to return to their core duties, but the FSA would assess LA resources again in October. Though some LAs were reporting that felt they were not meeting the FSA's minimum expectations, no LAs were currently considered a cause for concern.
- 4.4 Ruth Hussey said it was hard to know what the implications of the Government's COVID-19 Winter Plan would be. If levels of restrictions in England were to rise, this could have an impact on the pace of recovery. She noted some encouraging signs. For examples, LAs had been resourced by the FSA to triage their backlog. Some LAs were reporting that as many as a quarter of the food businesses on the list did not need visiting as they were dormant businesses; and a large proportion of the list consisted of very low-risk premises. On the other hand, there were risks. The delay in carrying out interventions should not be prolonged further than necessary due to concerns over the degradation of controls over time and resources within the workforce.
- 4.5 Mark was concerned that Environmental Health and Trading Standards qualifications were not mapped to apprenticeship standards. Maria explained that a number of environmental health teams had taken on apprenticeships and offered to provide further detail on this following the meeting.

**Action 1 - Maria Jennings to provide detail on apprenticeships within Environmental Health teams in Local Authorities.**

- 4.6 Colm McKenna asked about the underspend for Northern Ireland. Maria said the underspend in Northern Ireland related to money that was given to the FSA

to fund specific new duties that were carried out by Councils relating to inspections at points of entry. The money was allocated on the basis of work carried out and there had now been a reduced requirement request from the Councils and some of that money would now be surrendered. Julie Pierce noted the FSA in Wales was also forecasting an underspend and was actively considering how expenditure plans could be accelerated. Welsh Government had been kept informed of the situation and approach.

- 4.7 Margaret Gilmore asked about a return to office working and what the positives and negatives had been from home working during the pandemic. The CE said that some in-person activity was restarting and there was an expectation that hybrid meetings would become a greater feature of how work was conducted in the near future. Some staff had also been offered the opportunity to change contracts to be either multi-location or home based. It was noted that current distancing requirements were such that the social aspect of being in the office was diminished which reduced the attraction of working in the office for some staff.
- 4.8 Lord Blencathra asked whether senior management were able to demand physical presence from their staff. The CE explained that this was the case in some roles which could not realistically be done remotely, as with Meat Hygiene Inspectors (MHIs) for example. It was also possible to offer an office-based contract for welfare reasons – for example if it was a young person who could not feasibly work from home because of their living arrangements. She noted that flexibility over location had increased the number of staff coming to work at the FSA who lived areas further from FSA offices including northern and southern parts of England and in west Wales. Julie Pierce added that many teams were spread between different locations and so, even when working from the office, it would not necessarily be the same office. Technological innovation had allowed for teams to progress their work effectively despite the physical distances involved. The Chair noted that the FSA had been one of the more advanced government departments in this regard prior to the pandemic. Maria agreed and said that the FSA had been approached by a number of other organisations who were keen to learn from the FSA's approach.

## **5. Performance and Resources Q1 2021-22 (FSA 21/09/14)**

- 5.1 The Chair offered the Board's thanks to former Finance Director Chris Hitchen who had left the FSA earlier in the summer. The Chair asked Pam Beadman, his successor, to give an overview of the paper. Pam covered some key points from the report including: draft figures for August for Wales; the Westminster underspend; the impacts of COVID-19 on delivery; and the work being done on the estates strategy. Pam also noted that more real-time forecast numbers would be brought to the Board's attention for future meetings.
- 5.2 Mark Rolfe noted the FSA's position in the public reputation tracker and asked who the organisations were that were perceived as being more trustworthy than the FSA. Steven Pollock said that this information was not published. It was

known that the NHS Blood and Transplant Authority came top but the others were not known.

- 5.3 Mark noted that 33% of NFCU investigations led to at least one disruption and asked for some context to assess the value of that outcome. Colin Sullivan explained that the numbers were benchmarked against other enforcement bodies but that the numbers were too small at present to be able to draw definite conclusions. The Chair asked if consideration could be given to how to incorporate more meaningful figures into future planning.

**Action 2 - Colin Sullivan to ensure figures on NFCU performance were put in context to allow judgments about extent of progress, in future reports and Board papers.**

## **6. Animal Welfare Update (FSA 21/09/15)**

- 6.1 The Chair invited Colin Sullivan to introduce the item. Colin noted that this was an area where the FSA was implementing policy that was the remit of other departments and then invited Darren Whitby to give an overview of the paper. Darren summarised key points from the paper including: the impact of the pandemic; the work of the cross-departmental Animal Welfare Steering Group; the publication of non-compliance data; future plans from Defra and Welsh Government; the consultation of animal welfare in transport; and developments in the Welsh Government approach to mandatory CCTV in slaughterhouses.
- 6.2 Timothy Riley noted the different approaches to maintaining animal welfare standards across sectors within meat processing and suggested that the same standards should apply and that this required a sensitive approach to effectively find what was happening. The Chair noted that CCTV would likely continue to be an important topic for the FSA. Colin said CCTV was an important tool and had played a part in assessing animal welfare breaches. He noted that the Welsh Government had included the mandating of CCTV in slaughterhouses in its Programme for Government. He noted that the FSA had a “zero-tolerance” approach for non-compliance and the higher-level and critical non-compliances were reviewed on a monthly basis to ensure a consistent approach was applied in responding to different levels of non-compliance.
- 6.3 Lord Blencathra asked about animals arriving at slaughterhouses with injuries sustained in transit and the FSA role in protecting animal welfare. Colin acknowledged the issue and said it was an area where improvement was being sought working with the agencies with lead responsibility: the Animal and Plant Health Agency for welfare on the farm; and local authorities for welfare during transport. Darren said there was a working group that included LAs and the Animal and Plant Health Agency (APHA) given their responsibility for enforcement of animal welfare before lairage. He noted that there were a number of IT improvements that could be made had been identified including: a digital evidence repository; giving access to other regulators to provide feedback; and providing reports to share with Defra and Welsh Government on

pre-slaughterhouse issues to identify particular patterns or trends. There was also engagement with livestock organisations and trade bodies.

## **7. Incidents & Resilience Annual Report 2020/21 (FSA 21/09/16)**

- 7.1 The Chair welcomed Philip Randles and Rajwinder Ubhi to the meeting and invited Colin Sullivan to introduce the item. Colin gave an overview of the item including: working methods that have developed following EU Exit; the role of the INFOSAN network; and stakeholder engagement including international engagement.
- 7.2 Margaret Gilmore asked whether there had been any impacts from the risks of divergence. The Chair said that divergence was something that had been given a great deal of attention given we are now working under different regulatory systems with products meeting different regulatory standards, in different jurisdictions within the United Kingdom.
- 7.3 Colin added that there had been no degradation in the incident response capability as a result of using the INFOSAN system instead of the EU's Rapid Alert System for Food and Feed (RASFF). Lord Blencathra asked if more detail could be provided about the incident response capability.

**Action 3 - Colin Sullivan to provide details, for circulation to Board Members, on how the INFOSAN network maintains the FSA's incident response capability.**

- 7.4 Philip Randles explained that there was still a legal requirement for the Commission to communicate risks that were entering the UK to the FSA, as competent authority.
- 7.5 Mark Rolfe asked if work had been done to assist LAs to access intelligence that was received through INFOSAN. Philip said the FSA had opened up forums with industry and LAs to ensure that the communication of intelligence was appropriate for their planned arrangements.
- 7.6 Margaret asked about winter emergency planning. Colin said they were alive to the possible necessity of a winter emergency plan as had been enacted in winter 2020/21 and the need would continue to be monitored.
- 7.7 Mark asked about Root Cause Analysis work and if there was sufficient focus on learning lessons from previous incidents. Colin said that the programme was at the initial stages and had been delayed because of COVID-19.
- 7.8 Timothy Riley asked a question about incidents received by Hazard Category, the risks from residues of antimicrobial veterinary medicines and the trends in these incidents shown in the paper. Philip said that the figures in the paper related to those that were reported and did not necessarily indicate an actual change in food safety risk. All instances were followed up in coordination with the Veterinary Medicines Directorate and there were well-established routes for

the investigations. Philip highlighted the fluctuation in incident numbers over the past 12 months saying that there had been an overall downturn, which had now reversed back to pre-EU Exit levels. Philip offered to provide a written answer to cover the detail of this.

**Action 4 - Philip Randles to provide a written update on incident data received, by Hazard Category.**

- 7.9 Colin invited Rajwinder to provide some of the detail on incident numbers. Rajwinder said that notifications were received from a variety of stakeholders. Notably, the FSA had been dealing with pancytopenia in relation to cats and an ongoing incident in melons. The FSA had liaised with international counterparts on these and a number of other incidents and were dealing with these through incident and non-incident management plans.
- 7.10 The Chair noted that the Business Committee were content that the systems which were in place now were sufficient post EU-exit but expected a close eye to be kept on them.

**8. Annual Report: Freedom of Information Requests, External Complaints and Internal Whistleblowing Cases (FSA 21/09/17)**

- 8.1 Maria introduced the paper as the annual report on the FSA's management of Freedom of Information (FOI) requests, external complaints and internal whistleblowing cases. Maria then introduced Jenny Desira who highlighted: the FSA's high level of compliance with FOI legislation; the integration of the FOI service into the wider information governance services; and highlighted the recommendations being made to the Business Committee.
- 8.2 Noel Sykes provided a summary of the issues captured within the paper relating to external complaints and internal whistleblowing, noting: the trends in the complaints data; measures established to further improve our performance in these areas; and recommendations being made to the Business Committee.
- 8.3 The Chair asked what was being done to encourage whistleblowers to speak out. Noel provided some examples of what work had been undertaken to build confidence in the FSA's 'Speak Up' arrangements which continued to have support from the Trade Unions. The portfolio had now been brought within the People and Organisational Change Directorate, allowing the opportunity to develop our future approach by bringing together a range of related subject matter expertise including bullying and harassment; diversity and inclusion; and concerns about other types of misconduct.
- 8.4 Timothy Riley asked about the amount of overlap between FOI and external complaint cases. Noel said that the two areas seldom overlapped although occasionally a complainant may make a FOI request as a prelude to making their complaint. The FSA would treat the two processes separately not allowing one to influence the other. Jenny added that her team and Noel's team did work together closely and although there was not a large degree of overlap on

individual cases, this allowed wider synergies or issues they revealed to be identified. The CE noted that complaints, FOI cases and insight from those who were subjected to our services (such as meat businesses) amounted to diverse forms of feedback. It was important that the FSA listened to feedback and acted on it, however it was presented. From an operational perspective the account management system was one way of allowing this feedback to be harnessed more systematically.

- 8.5 Margaret Gilmore noted that two cases had been referred to the Information Commissioner's Office (ICO) and asked if there was an update on these cases. Jenny said that since the paper had been published, one of these cases had come to an end with the ICO upholding the FSA's position. The other case was still pending.
- 8.6 Margaret asked whether there was difficulty persuading staff to speak out without fear. Noel responded that this was a challenge for the FSA and indeed wider Government, and the FSA continued to improve perceptions here including the annual 'Speak Up' awareness campaign that was due to take place the following week.
- 8.7 Margaret asked about transparency on what would be released in relation to an FOI case. Julie Pierce explained that in general the approach applied to publishing data was that decisions were made based on a combination of Cabinet Office advice and the FSA's view of the risks set within the context of legitimate exemptions. It was emphasised that the FSA had a fundamental commitment to be as open and transparent as possible.
- 8.8 The Chair confirmed that the Business Committee agreed the recommendations made in the paper.

## **9. Annual Update on Antimicrobial Resistance (AMR) (INFO 21/09/02)**

- 9.1 The Chair noted that this paper was included on the agenda for the information of Committee Members and invited Rick Mumford to give a summary of the issues. Rick gave a brief overview of the paper and invited questions from the Committee.
- 9.2 The Chair mentioned a supportive note about the work that had been conducted that had been received from Dame Sally Davies, the UK Special Envoy on Antimicrobial Resistance (AMR).
- 9.3 The Chief Scientific Adviser (CSA) noted the public perception report and welcomed the findings that AMR was an issue of importance to the public.
- 9.4 Ruth Hussey said that she was interested in the situation in chicken. Paragraph 7.2 of the report said that the FSA anticipated commissioning surveys for beef and pork and was exploring commissioning new surveys for chicken and turkey. She sought reassurance that the level of surveillance was being maintained and asked whether there was more that the FSA should be

doing given that levels of AMR Campylobacter in chicken remain unchanged. Rick confirmed that surveillance would continue and noted that surveys associated with meat were previously EU harmonised. Future work in the area would be domestically driven, starting with beef and lamb and later incorporating poultry. The CSA added that AMR was a key focus of PATHSAFE, which was a cross governmental surveillance project.

**10. Any Other Business**

10.1 No other business was raised, and the meeting was closed. The next meeting was scheduled to take place in Cardiff on 8 December 2021.