

MINUTES OF THE FSA BOARD 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)
Nathan Barnhouse	-	Director for Wales (for FSA 21/09/07)
Pam Beadman	-	Director of Finance and Performance
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland (NI)
Anjali Juneja	-	Deputy Director of EU Transition and International Unit (for FSA 21/09/04)
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)
Steven Pollock	-	Director of Communications (For Questions for the Board)
Sabrina Roberts	-	GM Senior Policy Advisor (via Zoom for FSA 21/09/06)
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer
Michael Wight	-	Head of Food Safety Policy (via Zoom for FSA 21/09/06)

1. Welcome and Introductions

- 1.1 The Chair welcomed everyone to the meeting. This would be the first meeting of the FSA Board that she would chair, and she expressed thanks to the Deputy Chair, Ruth Hussey, for her work as Interim Chair following the end of the previous Chair's tenure. Apologies from Board Member Fiona Gately were noted.
- 1.2 The Chair said the meeting had been arranged in person but in recognition of COVID-19 restrictions. For this reason, there was no live audience in the room for the meeting, but the meeting was live streamed for viewing online.
- 1.3 No new declarations of interests were registered by Board members and no items for Any Other Business were raised.

- 1.4 The Chair outlined changes to the process for how the FSA would handle questions from the public posed to the Board. She explained that questions received before the deadline of noon the day prior to the meeting, relating directly to papers on the FSA Board meeting agenda, would be read out at the start of the meeting. The Board and Executive would then have the opportunity to address them as part of the relevant discussions.
- 1.5 Questions which did not relate to a paper on the FSA Board meeting agenda would receive a written reply within 14 working days, which would then be published on our website.
- 1.6 Questions received after the deadline would receive a written reply within 14 working days, which would then be published on the FSA website.
- 1.7 Steven Pollock explained that four questions about regulated products, which did not feature on the day's agenda had been received. Answers to these questions would be provided on the website. Steven read out the following questions that had been received prior to the deadline and that related to matters on the agenda:

- 1) To ask the FSA Board why, in former FSA Chair Dr Ruth Hussey's letter to Defra Secretary Rt Hon George Eustice MP, dated 16 March 2021, the FSA suggests that the absence of data relating to the safety of gene edited products means that 'it is not currently possible to give a comprehensive safety statement on these technologies in food and feed', when the European Food Safety Authority, in a scientific opinion delivered in November 2020, confirmed that simple genome edited plants (ie the subject of the recent Defra consultation) pose no greater risks than equivalent conventionally bred plants, a scientific opinion which has been reiterated by other high-level scientific publications and advice including from the European Academies' Science Advisory Council (EASAC) and the European Commission's High Level Group of Scientific Advisors (SAM)?

**Samantha Brooke
Chief Executive
The British Society of Plant Breeders Ltd**

- 2) Can you please consider making it mandatory in England (as I believe it is in Wales) to display the hygiene rating at every eating establishment. This would give the public an immediate knowledge of the eating place. We have just returned from holiday and always check before we eat and its amazing how many low scoring eateries do not display their rating. Also it would be a massive incentive to those who have a low score to upgrade their standards.
Thanks

Mr and Mrs D Poyner

- 3) To ask the FSA Board why, in Paper FSA 21-09-06 on Genome Editing, the description of ‘other existing regulated product regimes’ does not include reference to the regulatory framework for the approval and consent to market new conventionally bred plant varieties. This is a proven system of robust, outcomes-focused regulation which operates effectively alongside existing UK food safety, environmental protection and novel foods legislation with an impeccable track record of safety. Over time, this system has been adapted to take account of new policy or market requirements, and can readily embrace plant varieties produced with new precision breeding techniques.

**Dr Tina Barsby OBE,
NIAB chief executive**

- 1.8 The Chair explained that she would answer question 2 during the Chair’s Report and Rebecca Sudworth would address questions 1 and 3 during the discussions for FSA 21/09/06 Genome Editing - Update.

2. Minutes of 16 June 2021 Board Meeting (FSA 21/09/01)

- 2.1 The Board confirmed they were content that the minutes of the FSA Board meeting of 16 June were an accurate record of the meeting.

3. Actions Arising (FSA 21/09/02)

- 3.1 The Board had no comments on the actions noted in the paper.

4. Chair’s Report (Oral Report)

- 4.1 The Chair noted that a list of her engagements as Chair of the FSA, since the previous Board meeting had been published. The list included meetings with Ministers across England, Wales and Northern Ireland as well as with the Chair of Food Standards Scotland (FSS) and various industry and consumer groups. The Chair said she welcomed the opportunity to meet with stakeholders and hoped that more face-to-face meetings would be possible as COVID-19 restrictions were eased, highlighting upcoming visits to Wales and Northern Ireland.
- 4.2 In response to question 1 received in advance of the meeting, the Chair noted that the Board had previously expressed the view that it was in favour of mandating the display of FHRS ratings in England and acknowledged the support for this from Local Authorities (LAs) and consumers. However, there was a need for legislation to enable this to take place and, other Government priorities could mean that this would not happen immediately. In the meantime,

the FSA would continue to encourage maximum voluntary take-up of the scheme.

5. Chief Executive's Report to the Board (FSA 21/09/03)

- 5.1 The Chair invited Emily Miles, the Chief Executive (CE), to deliver her report to the Board. The CE expanded on some of the updates in her written report including: the National Food Strategy (NFS); EU Exit and changes that had taken place since the publication of the report; regulated products applications; pancytopenia in cats; and changes in allergen labelling. In particular she mentioned that, since the Chief Executive's report had been published two days earlier, the Government had announced a delay to the implementation of import controls on EU goods, from 1 October until 1 January 2022 for pre-notification of imports of products of animal origin and high risk food not of animal origin from the EU; and until 1 July 2022 for physical and documentary checks on relevant imports from the EU.
- 5.2 The Chair noted the recommendations for the FSA contained in the NFS and indicated that these would be considered in conjunction with discussions on the FSA Strategy at the Board Retreat in October.
- 5.3 Colm McKenna mentioned import controls and asked about operational implications for the FSA. The CE said there had been no access to the Rapid Alert System for Food and Feed (RASFF) since January, that pre-notification would be a helpful part of the toolkit, particularly in helping the FSA trace food incidents; but that work had been carried out to mitigate this lack by establishing alternative work-arounds.
- 5.4 Mark Rolfe noted the reference in the CEO's report to the fact that there had been a significant reduction in non-compliant imports coming through the port of Dover. He asked whether this had been a significant problem previously. Colin Sullivan explained that the food safety risk from the imports was low, and that one business had been responsible for many of the 55 imports. The FSA had spoken to this business, and it was not anticipated that there would be any further issues.
- 5.5 Margaret Gilmore asked about changes in allergen labelling requirements and whether small businesses were prepared for the changes. The CE said a survey, carried out in Spring 2020, showed that three quarters of businesses were already doing full ingredient labelling on items pre-packed for direct sale (PPDS). The CE said that a subsequent independent survey had found that though many businesses did not feel fully ready, they had done a lot of the necessary work to prepare. Trade bodies like the British Retail Consortium and UK Hospitality, and LAs, had used their networks to distribute information to help businesses prepare. The Chair noted that she and the CE would be meeting with businesses and charities shortly to discuss the changes to help businesses prepare and to coordinate efforts and communications to support businesses to do so.

- 5.6 Margaret Gilmore asked about the possibility of the FSA bringing enforcement functions in-house, mentioned in the CE's report, and whether this was linked to the Operational Transformation Programme (OTP). Colin said it was not explicitly connected to the OTP. Rather, the two main drivers for change were the implementation of the Official Controls regulations from December 2019 and the ability to provide a more consistent service across the UK.
- 5.7 Margaret asked if there was sufficient infrastructure currently in place to enable physical inspections to return. Rebecca Sudworth reported that the FSA was involved in discussions about infrastructure with the Department for Environment, Food & Rural Affairs (Defra) for whom it was a priority. The CE added it was expected that some things might not be ready in time in readiness for October 2021 import controls, and it would be helpful to have additional border control posts for carrying out import inspections. This would take longer to establish but pre-notification would be key to mitigating the risks that could arise from this.
- 5.8 Ruth Hussey asked about the classification of waters for live bivalve molluscs and the review of the sampling protocols and whether the results of sampling were shared with organisations that could do the work around water quality. The CE explained that the results of the sampling were shared with Defra and Welsh Government and emphasised the amount of work that had been done on this issue by the teams in the FSA since the European Commission declared a new approach to shellfish. Rebecca explained that when pollution was found, action was taken with all relevant parties to find the root cause and work continued with the relevant organisations at a policy level to find longer term solutions.
- 5.9 The Chair then invited comments on the recommendations for the FSA contained in the NFS. Timothy Riley said he welcomed the recommendations and the FSA's initial response to them, particularly around healthy and sustainable food. He noted that the ambition of the recommendations would need to be balanced by resource availability and legislative limitations.
- 5.10 Margaret noted that the FSA had its own priority legislative asks for ensuring its core remit of food safety was delivered, including FHRS mandation in England and Police and Criminal Evidence Act (PACE) powers for the National Food Crime Unit (NFCU), which should remain the FSA's focus.
- 5.11 Lord Blencathra noted a point raised in the NFS around meat and sustainability and the importance of not substituting domestic production with imported meat.
- 5.12 The Chair said that safe food would remain the FSA's priority but that she hoped the FSA could also play its part in ensuring that the production of food was also safe for the planet. Defra's White Paper on this represented an opportunity for cross-government working on food policy and it was important for the FSA to be involved in those discussions.
- 5.13 The Chief Scientific Adviser (CSA), Robin May, said that the food system was hugely integrated and that consumer choices had complex impacts across

transport and agriculture. There was a challenge in gathering the data around this to avoid unintended consequences of policy or communications. The CE added that there were currently insufficient data standards to enable retailers to report in a consistent way around issues such as environmental labelling or animal welfare standards, noting Defra's consultation on animal welfare labelling.

- 5.14 The CE noted the limited opportunities for legislative change given the Government's current list of priorities but if a Food Bill were to be brought forward, there could be significant opportunities to include FSA's legislative priorities within it.

6. FSA/FSS Annual Food Standards Report (FSA 21/09/04)

- 6.1 The Chair explained that this joint report on food standards with FSS had been initiated by her predecessor Heather Hancock and noted that FSS would also be discussing a version of the paper at their Board meeting held on the same day. The Chair invited Anjali Juneja to introduce the paper. Anjali gave an overview of the paper, saying that the annual report would cover consumer eating and food purchasing habits and consumer concerns. She described the proposed structure of the first report with flexibility for future iterations; the proposals for the scope of report; and publication plans.
- 6.2 Lord Blencathra said that the issue of 'food we can trust' was wider than food safety and where it was contributing to long term health issues such as obesity and poor nutrition, it was not trustworthy. Rebecca noted that FSA already had a strong and a legitimate interest around healthy food and held specific responsibilities for nutrition in NI.
- 6.3 Lord Blencathra said that the report should also always include a section on 'fake foods' not containing the ingredients claimed on labelling. The Chair noted that food fraud and authenticity was part of the work of the NFCU, and the Board would hear their report at the December meeting.
- 6.4 Colm McKenna said that the Northern Ireland Food Advisory Committee (NIFAC) had considered the paper and they saw it as a positive step while noting production of the report would be an iterative process. Peter Price said the paper had been considered by the Welsh Food Advisory Committee (WFAC) who had suggested taking full advantage of the FSA's sampling and surveillance programmes to create an evidence base. Ruth Hussey said it would be important to ensure that evaluation was built into the plans so that future reports focused on the right issues.
- 6.5 Rebecca Sudworth said she was grateful for the input from WFAC and NIFAC noting that the FSA was good at getting the perspectives of the devolved nations, especially through WFAC and NIFAC, and this would also be the case for this report. She noted the need for a firm evidence base. Areas of focus would need to be chosen carefully but the issues raised by the Board were all ones where the FSA had a legitimate interest.

- 6.6 Peter said WFAC had concerns about food poverty in discussions of the nation's plate and differences in the levels of access to food across different areas of the UK, noting the attention given to this issue by the Welsh Government. Rebecca said that a lot of work had been done through the COVID-19 tracker on food poverty, and consumer access to food.
- 6.7 The Chair said this report would be discussed further at future Board gatherings. The Board agreed the direction of travel and had noted issues of particular focus.
- 7. Operational Transformation Programme - Future Delivery Model Public Consultation (FSA 21/09/05)**
- 7.1 The Chair invited Colin Sullivan to introduce the item. Colin gave an overview of the paper which covered the outcome of the consultation exercise which ran from May to July 2021. He noted that the programme team had taken an active approach to engage with known stakeholders and, following this, had received 29 written replies. The FSA had also commissioned an Ipsos Mori report to find out consumer perspectives, which had included a series of Citizen Panels that were held. Colin highlighted that there was broad support for the Future Delivery Model but there were also a number of concerns raised: the costs for delivery; the veterinary and meat hygiene personnel required to resource the model, the use of technology and data, and what needed to be done to improve the data to support the model; and the possibility and risks of divergence within the UK, He also mentioned the work programme for the next 12 months.
- 7.2 Timothy Riley said that he welcomed the report and the progress made and noted the challenge as the profile of the different supply chains changed. He said that the FSA would need to be sensitive to those changes. Colin said that the FSA was alive to these sensitivities and would work with the different stakeholders to ensure careful management and that we did not take a one size fits all approach.
- 7.3 The Chair mentioned visits she had made to abattoirs since becoming Chair of the FSA and noted the diversity in the profile of the establishments. Measures that might be effective for a larger abattoir might not be effective for a smaller, or mobile, establishment. Mark Rolfe said that care must be taken to avoid assumptions that larger businesses require a lower regulatory burden as the risks posed by these businesses was amplified by their reach and the expectations of their compliance should be high. Colin said concerns around what was best for different sizes of abattoir would be part of a risk-based approach and the level of risk, whether by species, levels of throughput or the different levels of compliance would all be considered.
- 7.4 Peter Price also noted the difference in scale over a range of businesses and said that WFAC had looked at the stakeholder lists and advised that more small businesses should be included. Colin said that there would be a bespoke approach for different sizes of slaughterhouses and noted the account manager

system which had been advanced further during COVID-19 had been very helpful in engaging with different abattoirs.

- 7.5 Mark agreed that the staged approach was the correct one and asked for reassurance that the stages would be prioritised to start with those with maximum impact. Colin said that the big impact would come through legislative change but that until that became possible, the FSA would continue to do what was possible within the current legislation.
- 7.6 Margaret Gilmore advocated promoting the use of smart technologies to provide more accurate information about the food being produced and said this should not present a threat to MHIs and Official Veterinarians (OVs). Colin agreed and said that MHIs and OVs would continue to be an important part of the future delivery model.
- 7.7 Margaret asked about the risk of divergence with Northern Ireland operating under different rules. The Chair highlighted that the possibility of divergence was something that the FSA was alive to. Colm McKenna said that he was glad to see an acknowledgement of the risk of a two-tier system. Colin said that the possibility of doing things differently in different parts of the UK was being looked at with the focus on ensuring that outcomes were not compromised anywhere for food safety, animal welfare and public health.
- 7.8 Lord Blencathra added that senior MHIs would need to be involved in developing the new model to share their experience. Colin said there was an ongoing engagement with MHIs and other impacted staff and that included drawing upon their experience and skills. There had been regular engagement with field operations colleagues and with trade unions.
- 7.9 The Chair said the Board supported the principles laid out in the paper and urged vigilance around divergence within the UK. The Board had emphasised the importance of a collaborative approach to organisational change and expressed a desire to now see some of the detail underpinning each element of the future delivery model.

8. Genome Editing – Update (FSA 21/09/06)

- 8.1 The Chair invited Rebecca Sudworth to introduce this item. In response to question 3 submitted for the Board ahead of the meeting, Rebecca said the Paper was focused on the FSA's regulatory responsibility, which was why novel food and animal feed regimes were highlighted. It was true that there were other regulatory processes in place, as mentioned by Dr Barsby, which were part of Defra's remit rather than the FSA's, but it was useful to be reminded how they could relate to each other.
- 8.2 In response to question 1 submitted for the Board ahead of the meeting Rebecca said some changes made by gene editing posed no greater risk than changes made by traditional breeding, but that the risk related to the outcomes as well as the process and could be dependent on the size of the edit. Safety

was not only about how the food or feed was produced but also the characteristics in use of the product. That was why among others, the FSA's own independent Advisory Committee on Novel Foods and Processes (ACNFP) had advised the safety assessment on Gene-edited (GE) products would need to be made on a case-by-case basis. Some GE products would pose no greater risk, but at this stage, the FSA could not provide a comprehensive assurance of the safety from outcomes of gene editing techniques, and it was important to ensure that there was an appropriate regulatory regime that was proportionate to the risk.

- 8.3 Rebecca then invited Michael Wight to give an overview of the paper covering: Defra's proposals; potential impacts on the different nations of the United Kingdom; the results of the FSA consumer research; and early thinking on how GE products could best be regulated.
- 8.4 Mark Rolfe said there would be a need for extensive public engagement if the FSA were to maintain trust in food. Peter Price added that WFAC had also raised the same issue about public trust in food. Ruth Hussey noted the challenges of designing a regulatory framework including communicating to consumers how that framework would operate to give confidence in the regulatory regime. The CSA said he and others in the FSA were engaging with stakeholders such as the Nuffield Trust for bio-ethics in terms of public consultation and also with scientific colleagues within the field about what is in development now and what could be emerging. It was important to understand what it was that people wanted to know to inform their decisions about food, and also that a regulatory framework was created that would be able to withstand future developments.
- 8.5 Mark noted that the paper highlighted the need to consider aspects of traceability. He stressed that enforcement considerations, which would rely upon this traceability, must be central to the policy. Margaret Gilmore advised a precautionary approach and the need for any advice to be underpinned by clear science. The CSA said issues of traceability and labelling needed to be clearly underpinned by science to enable consumer choice. He emphasised the importance of close public engagement as the science developed and new products potentially entered the market.
- 8.6 Timothy Riley said one source of concern for the public would be that it appeared to be a move towards light touch regulation. The Chair agreed that this concern reflected what she had heard from stakeholders. She emphasised the importance of reshaping regulation to best fit developments in technology and science while maintaining public confidence.
- 8.7 Peter said that WFAC had raised concerns about regulatory alignment on this issue between England and Wales. Colm McKenna noted that Northern Ireland did not appear to feature to a great degree in the paper, despite the regulatory differences. He noted that there were concerns in Northern Ireland on the impact it could have on the supply of animal feed should the EU take a stance that would prohibit GE products moving from GB to NI. He flagged that this could be the first significant instance of post EU divergence in Northern Ireland

which could present political and regulatory challenges for the FSA. Lord Blencathra urged contingency planning if Scotland or Wales took a different approach. The Chair said that the FSA would need to remain vigilant over the risks of divergence through all its work and some scenario planning could be helpful to consider the implications of that should instances of divergence arise.

8.8 The Chair said that the Board recognised that Defra was the lead agency for this work and noted the complexity of the issue. The Board supported reshaping regulation and the first approach outlined in the paper was the favoured option, recognising the need for this to be able to adapt to future developments. The Board had also raised the importance of maintaining consumer trust as the scientific evidence developed.

9. Welsh Food Advisory Committee (WFAC) Chair & Wales Director Report (FSA 21/09/07)

9.1 The Chair invited Nathan Barnhouse to introduce this item. Nathan gave an overview of the work of the FSA in Wales including: the response to the challenges of the pandemic; partnership working with Welsh LAs; priorities for the coming year; post-EU Exit work; the new Programme for Government; and engagement with the Members of Senedd.

9.2 The Chair then invited Peter Price to cover the work of WFAC over the past year. Peter gave a summary of the work of the Committee including recruitment and appointments; the two types of WFAC meeting (to discuss Board papers and to consider strategic topics); the themes covered at WFAC's themed meetings.

9.3 Colm McKenna thanked Peter and WFAC on behalf of NIFAC for their engagement and sharing of views, keeping NIFAC apprised of what was happening in Wales on issues being discussed.

9.4 Ruth Hussey noted the Welsh Government's emphasis on sustainability in the programme for government and asked whether this focus had implications for the FSA in Wales. Nathan noted the familiarity of FSA staff in Wales with the Well-being of Future Generations (Wales) Act 2015 and said there were good connections between the FSA in Wales and Welsh Government.

9.5 Julie Pierce mentioned her role in ensuring the FSA Executive oversight in all of the FSA's work within Wales. She explained that the FSA was alive to how food and environmental issues intersected in Wales. Julie said she was due to speak at the BlasCymru event the following month to discuss opportunities presented by data and work with the academic community in Wales.

9.6 The Chair noted that much of this work aligned with the recommendations included for FSA in the NFS, which, though written for England, coincided with a lot of the ambitions in Wales.

10. Northern Ireland Food Advisory Committee (NIFAC) Chair & NI Director Report (FSA 21/09/08)

- 10.1 The Chair invited Maria Jennings to introduce this item. Maria covered: the engagement of FSA in NI staff across UK departments and departments across the island of Ireland; the response to the pandemic; and work done in preparation for the end of the transition period and post EU Exit.
- 10.2 The Chair invited Colm McKenna to talk about the work of NIFAC. Colm mentioned: changes to the membership of NIFAC with thanks to departing members Aodhan O'Donnell, Liz Mitchell and Sara McCracken; issues discussed by NIFAC over the period; DAERA's food strategy; and upcoming meetings.
- 10.3 The Chair noted opportunities to learn from the work that was done within the devolved administrations, highlighting Northern Ireland's remit on dietary health, and invited questions from the Board.
- 10.4 Ruth Hussey asked about the work on nutritional standards for health and social care procurement, the extent to which guidance was being adopted and any plans for enforcement. Maria explained that the work had been driven by the view of the Chief Medical Officer (CMO) in Northern Ireland that the public sector should lead by example before advising private sector businesses on how they can improve nutritional standards. Nutrition supervisors had been included in the school inspection process and a lot of learning had been taken from their findings. A nutritionist had also been based in one of the health trusts to give advice and support to the trusts in Northern Ireland to comply with nutritional standards. Compliance in the public sector with these standards was high.
- 10.5 The Chair said that the annual reports from Northern Ireland and Wales represented an opportunity to learn from the work that had been done in these areas. She thanked the teams in Wales and NI as well as of those Board Members with additional responsibilities to represent those nations on the Board.

11. Annual Governance Report (FSA 21/09/09)

- 11.1 The Chair invited Ruth Hussey to deliver this item. Ruth gave an overview of issues contained in the report including a reversal in the reduction of quorum for the Board (introduced during the pandemic); the Terms of Reference (ToRs) for the Board, Business Committee and the Audit and Risk Assurance Committee (ARAC); feedback on the induction process; and the external effectiveness review.
- 11.2 The Chair confirmed that the Board were content with the adjustment to the wording to increase the number of Board Members required for quoracy; the Terms of Reference for the Board; and the Terms of reference for ARAC. agreed.

11.3 Colm McKenna said that he agreed with the proposals in the paper, agreed that the effectiveness review was timely and urged the Chair to pursue continuity in Board membership in discussions with DHSC, where possible, to ensure that experience accumulated throughout tenure was not lost earlier than would be desirable. The Chair said that this issue had already been raised with DHSC, citing the complexity of the issues that the Board of the FSA tackles; the need for thorough induction of new Members and the limits to the contribution Board members were able to make during the pandemic.

12. Annual Report to the FSA Board from the Chair of the Audit and Risk Assurance Committee (ARAC) (FSA 21/09/10) and Reports from Meetings of ARAC on 12 August and 6 September 2021 (INFO 21/09/01)

12.1 The Chair asked Colm McKenna to deliver the ARAC Chair's Annual Report. Colm gave an overview of: the role of ARAC; the relationship with the CE in her role as Accounting Officer; the contribution of the previous Director of Finance, Chris Hitchen; the contribution of John Furley, the Head of Internal Assurance and all current and former Members of the Committee over the past year; and delays to the accounts arising from an issue with the London Pensions Authority (LPA). Colm then gave an overview of the discussions from the extraordinary ARAC meeting on 12 August and the ARAC meeting of 6 September.

12.2 Margaret Gilmore said that as one of the newer members of ARAC she had been impressed by the work of the Committee and the extent of scrutiny, as well as assurance by the Executive.

12.3 Ruth Hussey thanked Colm for his Chairmanship of the Committee and said that the deep-dive, single issue meetings had been useful and could provide a model for future. Colm added that a programme for deep-dives had been agreed with the previous FSA Chair Heather Hancock.

12.4 The CE said that on priority issues, the scrutiny could feel sharp, and it was appropriate that it should be so.

13. Reports from the Chairs of the Food Advisory Committees (Oral reports)

13.1 The Chair asked Peter Price and Colm McKenna if they had anything to add about their respective recent Food Advisory Committee meetings. Peter said that he was looking forward to welcoming the Chair to Wales the following week and to saying Croeso i Gymru to the whole FSA Board to Wales in December.

13.2 Colm said that it was hoped that NIFAC's October meeting would be held in person and that he was looking forward to welcoming the Chair to Northern Ireland at that time and to meet with Minister Swann and other stakeholders.

14. Any Other Business

- 14.1 The Chair said that no other business had been raised previously but if there were any reflections the Board Members would like to share, they could do so.
- 14.2 Timothy Riley said it could be timely to devote some time to Board discussions around animal feed, possibly involving Dr Ian Brown, the former chair of the Advisory Committee on Animal Feedingstuffs, to provide expertise.
- 14.3 The CE said that food affordability was an issue that was of increasing concern to a number of trade bodies. Information gathered through the COVID-19 Tracker gave insights into the social and the economic changes that affect consumer behaviour and could be useful for the Board's discussions of various policy areas. Lord Blencathra noted that discussions of food affordability should consider not only cost but also average wages and disposable income levels, which if also rising, would mitigate many of the issues from rising costs. This would also need to take account of differences across different areas of the UK.
- 14.4 The CE also raised the risk of divergence, both with the EU and within the UK's internal market. The Executive had been thinking through a set of principles to bring back to the Board to help guide the Executive on how to approach this question.
- 14.5 The Chair welcomed these suggestions. Before closing the meeting, she paid tribute to her predecessor, Heather Hancock for the work that she had done during her Chairmanship of the Board. No further business was raised, and the meeting was closed. The next meeting would take place on 8 December 2021 in Cardiff.

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.