

# December 2021 Board Meeting - Questions



Please note only questions for the FSA and pertaining to a paper on the meeting agenda will be read out at the start of the meeting. All questions get a written response published on our website either within the Minutes or separately.

## Questions to be read out and answered during the meeting

### Question 1

I note that the achieving business compliance programme paper states at paragraph 3.1 that around 95% of total UK grocery sales are made from ten food retail businesses.

I assume that those food retail businesses are the same retailers regulated by the Grocers Code Adjudicator.

1. Is this correct?

Further that the analysis also indicated that these ten supermarkets generally have a high level of compliance with food hygiene requirements across their portfolio of establishments.

2. What empirical evidence does the FSA have to show that these supermarkets have a high level of food hygiene compliance? Have the supermarkets provided the ABC programme team with copies of their third-party inspection reports for their whole portfolio for a period of three years or more? These reports would show the true level of compliance across the portfolio. I suspect not. Most supermarkets maintain that any non-compliance is a single isolated incident or an 'outlier' but a detailed review will show the actual levels of non-compliance especially in the areas of cleaning, pest control and food hygiene. I question this and I am aware that certain supermarket chains have a history of non-compliance which may not be obvious without this information.

Paragraph 3.1 goes on to say that these establishments are all inspected on a premises-level basis by individual local authorities, although they may have a relationship at a business level with a primary authority for assured advice on regulatory matters.

3. What evidence does the FSA hold to show that all supermarkets are inspected by local authorities? Most supermarkets are rarely inspected. Please confirm the numbers of food hygiene inspections carried out on supermarkets in 2019; 2020 and so far in 2021 including inspections per retail business.
4. How many supermarkets have received assured advice? I question the accuracy of the statements made in paragraph 3.1. I accept that the supermarkets have set up primary authority partnerships, but few have progressed to obtaining assured advice.

I look forward to hearing from you.

Kindest regards

**Kathryn Gilbertson**

Partner

Regulatory

Greenwoods GRM

### **Answer to Question 1**

I would like to take this opportunity to thank you for posing the questions in advance of the Food Standards Agency's board meeting on 8th December. I trust you were able to listen to the live transmission and hear the verbal responses given to these questions by Carmel Lynskey, Head of Achieving Business Compliance Programme. If you were unable to make the live transmission of the board meeting, a copy of the recording of the meeting is uploaded to the Food Standards Agency's Board meetings space on our website (<https://www.food.gov.uk/about-us/fsa-board-meetings>). Please find below the written responses to the questions that you posed.

**Q. I note that the achieving business compliance programme paper states at paragraph 3.1 that around 95% of total UK grocery sales are made from ten food retail businesses. I assume that those food retail businesses are the same retailers regulated by the Grocers Code Adjudicator. Is this correct?**

A. All ten of the supermarkets that the project has engaged with are regulated by the Groceries Code Adjudicator.

**Q 2. What empirical evidence does the FSA have to show that these supermarkets have a high level of food hygiene compliance? Have the supermarkets provided the ABC programme team with copies of their third-party inspection reports for their whole portfolio for a period of three years or more?**

**(These reports would show the true level of compliance across the portfolio. I suspect not. Most supermarkets maintain that any non-compliance is a single isolated incident or an 'outlier' but a detailed review will show the actual levels of non-compliance especially in the areas of cleaning, pest control and food hygiene. I question this and I am aware that certain supermarket chains have a history of non-compliance which may not be obvious without this information.)**

A. As described in the Board Paper, we are exploring how information and food safety assurance data that the retailers have, can be used more effectively to demonstrate and support their compliance with regulations. As the answer to the question below demonstrates, these outlets are regularly inspected by Local Authority Environmental Health Officers and have an extremely high level of compliance with food hygiene regulations. Evidence of which is provided in the consistently high Food Hygiene Rating scores, year-on-year.

**Q3. Paragraph 3.1 goes on to say that these establishments are all inspected on a premises-level basis by individual local authorities, although they may have a relationship at a business level with a primary authority for assured advice on regulatory matters.**

**What evidence does the FSA hold to show that all supermarkets are inspected by local authorities? Most supermarkets are rarely inspected. Please confirm the numbers of food hygiene inspections carried out on supermarkets in 2019; 2020 and so far in 2021 including inspections per retail business.**

A. Supermarkets are classed as food businesses and therefore are subject to inspection by local authorities at a frequency determined by the food hygiene intervention rating scheme in the Food Law Code of Practice (the Code). However, due to the impact of the COVID-19 pandemic, it has not been possible for local authorities to follow the Code and instead they have been asked to take a risk-based approach detailed in advice issued by the FSA to make sure that those establishments presenting the greatest risk to consumers are prioritised for inspection.

However, the number of planned inspections carried out at the large retailers identified in the Board Paper by local authorities in 2018 was 2390 with approx. 99% receiving an FHRS of 4 or 5. In 2019 the number of inspections was 3364 and approx. 98% received an FHRS of 4 or 5. The number of inspections in 2020 was reduced due to Covid priorities, 1833 inspections were carried out and 99% received a 4 or 5 FHRS rating.

**Q4. How many supermarkets have received assured advice? I question the accuracy of the statements made in paragraph 3.1. I accept that the supermarkets have set up primary authority partnerships, but few have progressed to obtaining assured advice.**

A. In England all 10 retailers identified in the Board Paper have a Primary Authority Partnership (PAP) in place, 8/10 have received Primary Authority Advice. In Wales of the 6 retailers who have a PAP in place, 5 have received Primary Authority Advice.

The specific nature of the advice and number of pieces of advice available will vary between each retailer.

I trust this information will answer the questions you posed and would like to thank you once again for raising these matters in response to the Board Paper. Progress with the programme can be followed at FSA Board meetings which provide significant scrutiny and challenge via programme governance to assure that consumer safety will not be affected.

## **Questions to be answered via correspondence only**

### **Question 2**

It seems possible that progress may be made on the labelling of isolated phenylalanine, needed to maximize the benefits of a therapeutic diet for individuals with phenylketonuria. Once this has been fully considered, will dietitians be involved in the decision making process on the most useful symbols or wording to be used?

Pamela Gardner

(Retired state registered dietitian, and health promotion specialist)

### **Answer to Question 2**

Thank you for your question. The FSA recognises the real challenges faced by those suffering from Phenylketonuria (PKU), and the need to manage their condition through a restricted low-protein diet. The suggestion that all foods be labelled with phenylalanine levels so that PKU sufferers can modify their diets and have more choice without risk would cover a great many foods, indeed anything containing the amino acid. This would require co-ordinated action between multiple government departments including DEFRA, DHSC, and authorities in Wales and Northern Ireland but this is not currently being considered.