

Heather Hancock
FSA Board Chair
Food Standards Agency
Clive House
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30 November 2018

Dear Heather

Advice from the Welsh Food Advisory Committee (WFAC) to the board of the Food Standards Agency on issues addressed by the committee: November 2018

The key role of the Food Advisory Committees is to advise the Board of the Food Standards Agency. At yesterday's meeting, the WFAC considered the following issues that will be discussed by the Board at its open meeting in December.

- EU Exit
- Incident Management Post EU Exit
- Annual Surveillance Report
- Regulating Our Future Programme – Report on the Review of Food Standards Delivery
- Report from the Science Council Working Group (Capability and Assurance)
- Report from the Science Council Working Group (Risk and Uncertainty)
- Risk Analysis Process
- Social Science
- Raw Drinking Milk – Triggers for Review
- National Food Crime Unit Annual Report

I am grateful to Rod Ainsworth, Philip Randles, Jesus Alvarez-Pinera, Michael Jackson, Patrick Miller, Michael Wight, Michelle Patel, Kevin Hargin and Andy Morling for joining by video conference to present and answer questions from members and stakeholders in attendance.

EU Exit

The WFAC received an oral update in relation to EU exit. The WFAC was informed that the FSA's EU exit work was continuing in accordance with plans. In relation to legislation, members noted that the first batch of EU exit Statutory Instruments had been approved and would be laid next week. The WFAC was briefed on contingency planning work underway, including the building of new data systems (to replace TRACES) to manage imports of high risk foods. The need for continued engagement and co-operation amongst a wide range of government departments was highlighted. Discussions were held on the impact of ports, including ports in Wales, and the WFAC was informed of the work that has already been undertaken with ports in Wales. Members were advised that additional resources were being made available to local authorities in Wales in 18/19 in support of their EU exit work. The WFAC was also informed that the FSA in Wales will be hosting a roundtable for industry stakeholders, on 11 December, to provide an update on our EU exit preparations. This would be supplemented by separate series of engagement visits with local authorities in Wales and a range of other key stakeholders.

Incident Management Post EU Exit

The WFAC considered the paper which detailed the work of the Incidents and Resilience Unit (IRU) to strengthen the FSA's resilience, capability and capacity, to ensure that the FSA maintains, and continues to improve upon, the UK's high standards of incident handling post EU Exit.

In its discussions the WFAC made the following comments:

- that it welcomed the update report and noted the progress being made to strengthen the FSA's resilience, capability and capacity in relation to incident handling post EU Exit;
- that it noted the contingencies being put in place, including increased levels of engagement with the International Food Safety Authorities Network, should the UK not have access to data systems including the Rapid Alert System for Food (RASFF) post EU exit;

- that it welcomed the approach being adopted to encourage continued full access to the RASSF network, and agreed that it would be mutually beneficial for the UK, and EU, to continue to share data on food safety;
- that it would welcome the involvement of Welsh local authorities in exercises and drills to be commissioned in the 2019 looking at resilience in relation to incident management; and
- in noting the intention to develop an eLearning course to support local authorities and food businesses undertaking of root cause assessments, the WFAC commented on the need to ensure accessibility to all. In this respect, the WFAC was encouraged to learn that work was underway to ensure that any digital support would be supplemented by transcripts.

Annual Surveillance Report

The WFAC considered the paper which provided a description of the new overall surveillance approach and how the components fit together, an update on the progress in the design and delivery of those components, an update on the progress of the laboratory capacity and capability review and identification of the need for a new sampling strategy. In welcoming the paper, the WFAC made the following comments:-

- a note of caution in relation to an over-reliance on modelling to take a longer-term view of new and emerging food system risks. In this respect, the WFAC was reassured that modelling is only one surveillance tool used in the FSA and it is supplemented by both current and historical data and by consumer intelligence;
- the integrity of freely available data was highlighted as a possible concern by WFAC. WFAC was informed that the FSA had confidence in the open data which was being shared and noted that the FSA's surveillance strategy would also be informed by other data sets;
- the importance of solid communication and business processes to support the FSA's surveillance approach was highlighted; and
- the need for the FSA's approach to strategic surveillance to also align with the Regulating Our Future Programme proposals was discussed.

Regulating Our Future Programme – Report on the Review of Food Standards Delivery

The WFAC considered the paper which provided a summary of the findings of the Food Standards Delivery review undertaken by the FSA, which has

provided a baseline assessment of the delivery of food standards official controls across England, Wales, and Northern Ireland. The evidence from this survey will help to inform the development of a new approach to these controls and the next steps to be taken within the Regulating Our Future (ROF) programme.

In detailed discussions on the paper and the report, the WFAC made the following comments:-

- that it noted that there had been a good response from local authorities in Wales, with 16 authorities completing the survey developed for the review;
- that it noted that the review was a fact-finding review and that options to take forward its findings would be drawn up that would look at the four distinct areas of people, reporting and oversight, intelligence led working and changing business behaviour;
- in noting the main findings of the review, primarily that local authorities appear to be struggling to comply fully with their obligations relating to interventions under the Food Law Code of Practice, the WFAC observed that local authorities in Wales had generally provided a more positive response to their ability to undertake the delivery of food standards official controls than their counterparts in England;
- that currently, National Inspection Strategies were limited to food hygiene official controls and do not presently extend to food standards delivery;
- noted the increased numbers of environmental health practitioners now enforcing food standards legislation across England and Wales with concerns associated with that in relation to lack of training and support; and
- noted the finding that there is an inconsistent approach to the provision of business advice and guidance across the three countries and to any charges made for advice services being offered.

The WFAC enquired whether the findings of the report had been discussed with the Chartered Institute of Environmental Health (CIEH). It was confirmed that this was the case. The report had been considered by the expert advisory group for the ROF programme where the CIEH was represented and separately with the ROF workstream on competency where the CIEH was represented. It was confirmed that there was a continued programme of engagement with the CIEH, the Chartered Trading Standards Institute and a wide range of other stakeholders on the ROF programme.

The WFAC commented that it was concerned that the findings of the report would be considered in isolation and that there were separate data available from both the Local Authority Enforcement Monitoring System and from audits that have been undertaken on local authorities which would provide a more informed picture.

The WFAC expressed concern about a number of statements made in the report which might not be factual if all available evidence was considered. This was a view shared by a number of stakeholders who observed the discussions. The CIEH representatives, who attended the meeting, informed that while they welcomed the review, which was considered long overdue, they did have some concerns relating to its findings and that CIEH would be writing separately to the FSA on the matter.

Subject to the above comments, the WFAC welcomed the focus of the report.

Report from the Science Council Working Group (Capability and Assurance)

The WFAC considered the paper which presented the final report from the FSA Science Council's Working Group on Capability and Assurance and set out the Executive's analysis of the Working Group's recommendations and its proposed response. The committee welcomed the recommendations within the report and the inclusion of detailed annexes.

Subject to the Board's approval of the recommendations within the report, the WFAC welcomed the intention to create a more detailed implementation plan which will map the proposed actions against timescales.

In relation to a comment within the paper referencing a decline in expenditure on science within the FSA, it was noted that the data in the report was from 2017 and that a Science Update paper presented to the Board in September 2018 included more recent data on science expenditure.

The committee was assured in regard to one recommendation that the FSA Chief Scientific Adviser's use of personal contacts to identify centres of excellence and partnerships will be UK wide and will include contacts in Wales.

Regarding the schematic at annex 2, a committee member raised concerns that including FSA Wales and FSA Northern Ireland as separate within the graphic could give the impression that the needs of the devolved countries were considered separately during this process and not as central and core to the Agency's work. The WFAC was reassured that this was not the case.

In conclusion, the WFAC welcomed the report from the Science Council Working Group and the recommendations within. It noted the overall

commitment to engagement and drawing on skills and expertise from throughout the science community.

Report from Science Council Working Group (Risk and Uncertainty)

Members considered the paper which presented the final report and recommendations from the FSA Science Council's Working Group on Risk and Uncertainty and set out the Executive's analysis of the Working Group's recommendations, including which actions are priorities. The WFAC noted that implementation of many of the recommendations is included in the Agency's work on risk analysis and this is reflected in the Risk Analysis Process paper.

The report from the working group had commented on the risk management principles relating to action being 'proportionate'. Discussions were held on how risk management work would consider the legislative requirements of the Wellbeing of Future Generations Act (Wales) 2015 particularly in relation to being preventative and making decisions which benefit in the longer term. The WFAC noted that this would be beyond the scope of this report but would be relevant to the separate Risk Analysis paper which was to be considered by the Board. To conclude, the committee welcomed the report but noted that as this work evolves, there will need to be cognisance of interactions with Welsh legislation such as the Wellbeing of Future Generations Legislation.

Risk Analysis Process

The WFAC considered the paper (a follow up to the Risk Analysis and Governance papers presented to the Board in September 2018) which outlined the process and principles that should be used at the different stages of risk analysis. It also set out the plans to strengthen capacity and structures of FSA Scientific Advisory Committees for EU Exit and for establishing the Advisory Forum on Food and Feed (AFFF).

The WFAC commented on the need for timescales within the paper. The WFAC welcomed confirmation that the timeliness of work will be embedded in the framework and there will be a specific, balanced timescale set for every separate issue that arises.

In considering the report, the WFAC commented that it:-

- welcomed the introduction of the AFFF and noted that its aim as a risk management policy committee will be to agree common approaches across the four countries of the UK on recommendations to respective Ministers;

- acknowledged that AFFF's primary role will be as a risk management body and will facilitate joint working between the 4 countries of the UK;
- noted that food safety will be the AFFF primary consideration to begin;
- welcomed the development of a common approach within the UK framework for food and feed safety and hygiene and noted that this was still under negotiation. The committee would appreciate an update on the joint-working processes when agreed; and
- noted that a campaign is about to launch to recruit experts to the four Scientific Advisory Committees to develop additional capacity.

Progress and Future of Social Science in the FSA

The WFAC considered the paper which updated on the work undertaken to date to implement the 2017 Review of Social Science and proposed priorities for the social science function over the coming year, including priorities for the Advisory Committee for Social Science and the planned review of Food and You. The committee was pleased to see the emphasis on Social Science.

The WFAC noted that respondents selected to complete both Food & You and the Public Attitudes Tracker were targeted using census data to ensure a representative sample of respondent from Wales. Members welcomed the offer of an opportunity to feed into the development of topics for the next wave of Food & You. Members also noted that work is underway on researching the prevalence of adult allergies.

In discussing the Agency's social media listening work, the committee commented that it:-

- noted that social media conversations in Welsh were not currently being tracked as part of this work, but welcomed confirmation that it would be done in future; and
- were reassured by confirmation that the big data sets accessed through social media were anonymised where necessary.

To conclude, the WFAC welcomed and supported the progress being made on the development of social sciences with the Agency, but were keen to ensure all future development continues to keep Welsh interests in mind to help the FSA understand if and where there are differences in findings across the countries.

Raw Drinking Milk – Triggers for Review

The WFAC considered the paper which updated on progress on the actions arising from the last Board discussion on RDM in June 2018 paper and presented recommendations for data-enabled “triggers” that would prompt the Executive to review the control strategy.

- that it welcomed the progress made and the recommendations on triggers for review of RDM controls;
- that it was keen to see full implementation of the recommendations as soon as possible;
- that it noted that while RDM from other species such as sheep, goats and buffalo are not subject to the same legislative controls/sales restrictions as raw cows’ drinking milk, it welcomed that it is envisaged that the enhanced controls that will be introduced for raw cows’ drinking milk production would also be applied to the production of RDM from other species;
- that it welcomed the datasets which have been identified for monitoring change and for prompting investigation, and in this respect the WFAC requested that the monthly dashboards which will be produced to monitor developments, be published;
- that it would encourage all RDM producers to become members of the Raw Milk Producers Association; and
- that it noted that the RDM labelling Statutory Instrument has been delayed, due to some concerns from the Secretary of State for Health and Social Care, and that the FSA is working closely with officials in the DHSC to allay those concerns. The WFAC commented that it would welcome early conclusion to these discussions.

Subject to the observations above, the WFAC was grateful for the progress made in identifying triggers for the review of RDM controls.

National Food Crime Unit Annual Report

The WFAC considered the paper which provided an annual business update on the progress of the National Food Crime Unit (NFCU) and, following the Board’s decision in June to proceed with Phase 2, highlighted progress being made towards building an end to end counter-fraud capability within the FSA.

In discussing the update paper, the WFAC made the following comments:-

- that it welcomed the progress being made and the update provided in relation to recruitment to fill the 3 posts which would comprise the NFCU's unit in Wales;
- that it noted that primary legislation would be required to ensure that the NFCU is able to achieve its full operating capability, and that pending such legislation, a range of non-legislative mechanisms have been put in place to ensure the NFCU has access to a suite of interim powers;
- that it welcomed the establishment of the Global Alliance on Food Crime (GAFC) and the value GAFC can bring in the application of a mainstream enforcement approach to economically motivated crimes;
- that it welcomed further alliances being made, particularly in relation to Interpol and Europol cooperation;
- that it noted the challenges of industry engagement and welcomed the signing of a formal information agreement between the FSA and the Food Industry Intelligence Network. It was noted that there were aspirations that this relationship might be developed further; and
- that in relation to Annex A that it would welcome a breakdown of achievements specific to Wales.

As a final comment, the WFAC recommended that the FSA should undertake a capability exercise once each of the four current FSA offices and the newly established office in Birmingham become fully operational.

Other Matters

As usual, I provided a written report to the WFAC which gave a summary of discussions at the last Board meeting, which was held in Cardiff, and included discussions on Animal Welfare, Incidents and Resilience Annual Report, Regulating Our Future – Assurance Framework for Primary Authority National Inspection Strategies and Next Steps on Regulated Private Assurance, Risk Analysis, Process, Governance and Communication, an Update on the FSA's Activities on Antimicrobial Resistance and the Annual Reports From myself as Chair of the WFAC and from Richard Bowen as interim Director of the FSA in Wales.

I also reported on a planning session of the WFAC which was held in October which provided the opportunity for the WFAC to work through the draft implementation plan which is in development to take forward the recommendations from the Review of the Food Advisory Committees in Wales

and Northern Ireland. At this planning session, the WFAC was provided with a demonstration of the new digital business registration scheme which is being developed as part of the Regulating Our Future Programme and also received feedback from one local authority in Wales which has been piloting the registration scheme.

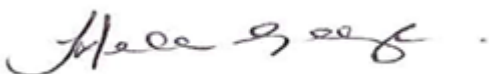
I informed of the first joint meeting between the Board of the FSA and the Board of Food Standards Scotland which was held to consider the findings and recommendations from the joint Review of Meat Cutting Plants and Cold Stores as published on 11 October 2018.

The WFAC was pleased to receive the report from the interim Director in Wales, which informed of recent engagements including discussions held with Lesley Griffiths AM, Cabinet Secretary for Energy, Planning and Rural Affairs, Welsh Government Health Protection Committee, and with Directors of Public Protection Group Wales. The interim Director also reported on his attendance at the Parliamentary Reception, the Regulating Our Future Working Group meeting and the FSA/ESRC Symposium on Social Science which was held in Cardiff. The Director reflected on the FSA's attendance at the 2018 Royal Welsh Agricultural Show and the National Eisteddfod, where a new corporate stand was launched. The WFAC was informed that the new stand provided a successful and efficient platform from which to engage with consumers in Wales on key activities relating to the FSA's remit and that the executive was considering how to build on this platform and would be proposing additional events in Wales, in 2019, where the FSA might usefully have a presence. The interim Director advised WFAC that he was currently arranging a series of engagement visits with a range of key stakeholders in Wales, including local authorities, to present an overview of the FSA's current priorities as an effective, modern and accountable regulator.

The report also informed WFAC on the latest information emanating from the LAEMS food hygiene intervention data for Wales which indicates there have been significant improvements in Wales in the number of outstanding food hygiene and standards interventions. The Director informed that he was continuing to review intervention information and to support local authorities in Wales and was proposing to make additional funds available to local authorities to support both further intervention work and to support EU exit work during 18/19.

I am copying this letter to the Board Secretariat and to the Chief Executive.

Yours sincerely,



pp Dr Ruth Hussey CB, OBE
Chair of WFAC
(Authorised by and signed in her absence)_