

Heather Hancock
FSA Board Chair
Food Standards Agency
Aviation House
125 Kingsway
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1 December 2017

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 2017

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:

- Regulating Our Future – FSA Role as a Supporting Regulator under Primary Authority
- Regulating Our Future – Development of the Assurance Framework for the Target Operating Model
- Strategic Surveillance Update
- Understanding People: Social Science in the FSA
- Update on FSA's Activities Concerning Antimicrobial Resistance

The paper due to be considered by the Board on the Food Crime Unit was not available in time to be discussed by the WFAC. I propose to seek comments on this paper by correspondence and will provide oral feedback at the Board meeting.

I am grateful to Michael Jackson and Paul Cook for joining by video conference and Nina Purcell and Julie Pierce who joined in person to present their papers, and for answering questions from members. The Committee was also pleased to welcome Laura Sandys, Zoe Bond and Laura Eden to the meeting.

Regulating Our Future - The Food Standards Agency's Role as a Supporting Regulator under Primary Authority

The Committee considered the paper which set out a proposed approach to the FSA's role as a supporting regulator under Primary Authority (PA). The WFAC noted the background in relation to PA status in England and Wales and that the FSA became a supporting regulator in October 2017 as part of changes brought about by the Enterprise Act 2016. Members enquired about the current appetite for PA status and noted that in Wales, this was static. In noting the proposed nature and extent of the role of the FSA as a supporting regulator under PA, the WFAC made the following comments:-

- the need to have robust assurance and governance mechanisms for the proposed role;
- the need for further clarity on the role of PA in relation to Wales;
- the importance of managing perceived conflicts of interests to ensure that the FSA's role as a supporting regulator does not conflict with its existing role as either a Central Competent Authority, a Competent Authority, or as a national regulator in any PA determination process; and
- the need to fully understand whether the concept of supporting regulator has the potential to enable the FSA to provide a more structured means of providing advice to PA partnerships without any compromise to the FSA's inherent values of independence, openness and transparency and commitment to putting the consumer first.

The committee noted the uncertainties around the likely demand for the FSA in a supporting regulator role and, in light of the above considerations, concluded that a stepped approach might be more appropriate. WFAC was of the view that restricting the supporting regulatory role to exceptional circumstances in matters of intervention only might help to limit adverse impact on the FSA resources. It was noted that this interim measure would not restrict future review and revision of the FSA's supporting regulatory offer.

Regulating Our Future – Development of the Assurance Framework for the Target Operating Model

The WFAC considered the paper which sets out work being undertaken to develop the assurance framework for the ROF Target Operating Model (TOM) and discusses the priority which might be attached to the Certified Regulatory Auditor (CRA) concept of the assurance framework in particular. In relation to

the assurance framework for the ROF TOM, the Committee made the following observations:-

- the need to explore the evidence which is suggesting that some local authorities are finding it increasingly difficult to maintain appropriate levels of resource to undertake the full range of official control activities. In this respect, the Committee noted that in Wales the FSA has recently written to Chief Executives of five local authorities in response to identified shortfalls in food hygiene interventions at food businesses during the period 1 April 2016 to 31 March 2017. The letter reminds Chief Executives of their local authority's statutory responsibility for delivering food hygiene interventions and their importance in maintaining the credibility of the Food Hygiene Rating Scheme (FHRS). It was noted that Chief Executives have also been requested to provide details of any mitigating circumstances and their plans for addressing shortfalls;
- the need for a deeper understanding of the workforce needed to deliver effective controls into the future. Clarity on the range of skills needed would assist with workforce planning;
- the need to maintain the integrity of the FHRS in Wales;
- concerns about the earned recognition aspects of the framework, and in this respect the WFAC would welcome seeing this concept piloted and tested. It was noted that assurance schemes worked successfully in some aspects of industry including the farming industry; and
- the need for progress to be made on a sustainable funding model for the TOM itself so that the capacity and skills to deliver a sustainable system can be planned.

In relation to the CRA concept, the WFAC welcomed the work which has been undertaken to explore the potential for introducing a person employed in the private sector to gather official assurance on the application of food safety controls in food businesses. The WFAC noted the mixed feedback which had been received from consultation with a range of stakeholders and the public on the CRA concept and in particular, concerns in relation reconciling the potential for conflict of interest that could arise from CRAs. Overall, the Committee was of the view that there was still much uncertainty around the role of the CRA and a degree of concern that it might not fulfil expectations.

In commenting on both the above ROF papers, the WFAC had been made aware of, and had been provided with a copy of, the recent communication

from Directors of Public Protection in Wales (DPPWs) on their response to the FSA 'Regulating our Future' paper. The WFAC has not considered the detail of the DPPW paper and noted that a formal response to the document would be provided by the FSA.

Strategic Surveillance Update

The WFAC welcomed the update on the FSA's surveillance strategy and noted the main drivers for the surveillance programme including preparations for EU exit, the realisation of the ROF programme and future proofing the food supply chain. In noting the intention to commission an external review of the UK official control laboratory system, the Committee commented that it would welcome further information on the scope, cost and timetable for the review. The WFAC signposted the importance of holding discussions with Public Health Wales as part of this review. In relation to the surveillance high level operating model detailed in the paper, the Committee commented that it would have been helpful if the governance arrangements for the surveillance programme had been made more explicit. The importance of ensuring robust source data was highlighted. Further, the WFAC highlighted a number of surveillance issues associated with port health controls.

Subject to the above observations, the WFAC concluded that it welcomed the paper and the innovative approach being adopted by the FSA in its work on surveillance.

Understanding People: Social Science in the FSA

The WFAC considered the paper which provided the annual update on the use of Social Science in the FSA and set out proposals for its future direction. This included the merger of the FSA's consumer engagement team and the social science team to form a new Analytics Unit in Science, Evidence and Research Division. The WFAC endorsed a number of principles outlined in the paper including the importance of developing strategic partnerships, including industry and academic networks, to bring in innovation and interdisciplinary thinking. In noting the intention to establish a new Social Science and Data Advisory Committee, the WFAC commented that it would welcome further information on the proposed constitution and role of the committee.

In commenting on the future direction of travel the WFAC highlighted the Regulating Our Future programme and work towards EU exit as areas for particular focus. Additionally, the Committee highlighted the need to understand more fully the changing consumer landscape across England, Wales and Northern Ireland and any country specific issues. In making this comment, the WFAC is mindful that Wales has high levels of poverty and the

committee, with support of data analysis from the social sciences team, is currently exploring the relationship between poverty, food security and food safety in Wales.

In its conclusions, the WFAC welcomed the paper and fully supported the increased focus on the use of social science.

Update on FSA's Activities Concerning Antimicrobial Resistance

The WFAC considered the paper which sets out the FSA's activities concerning antimicrobial resistance (AMR) and provides an update on progress since the Board last discussed this issue in September 2016. In noting the progress which has been made in the surveillance activities in the area the committee made the following observations:-

- that it welcomed the significant progress which has been made in the areas of evidence generation, bridging the animal and human health aspects, and international engagement;
- that it recognised that work on AMR was an urgent global issue;
- that it hoped that EU exit would not impact negatively on progress being made within the UK and that in relation to the EU Harmonised Survey, it hoped that relationships would be maintained after 2019 to ensure that the collaboration and surveillance work continues;
- that it would have welcomed information on progress at the country level to reduce antibiotic use in food industry as set out in the Welsh Government plan. It requested an update from the interim Director Wales following his forthcoming meeting with the Chief Veterinary Officer in Wales; and
- that there were possible gaps in data in relation to aqua culture and environmental gaps in relation to water supplies.

Subject to the above observations the Committee endorsed the approach proposed in the paper to ensure that the FSA is making the best contribution it can to cross-government work on countering the threat of AMR.

Other Matters

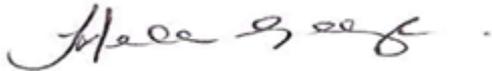
As usual, I provided a written report to the WFAC which gave a summary of discussions at the last Board meeting which included discussions on EU exit

and Animal Welfare. I informed the Committee on the main topics discussed at the October Board retreat and provided an oral update on the September meeting where I accompanied the Board Chair at a meeting with Rebecca Evans AM, the then Minister for Social Services and Public Health.

The WFAC was pleased to receive the report from the interim Director in Wales, which informed the Committee of recent changes to the First Minister's ministerial team with responsibility for the FSA now resting with the Cabinet Secretary for Health and Social Services, Vaughan Gething. This report advised of the recent signing of a memorandum of understanding with Welsh Lamb and Beef Producers Ltd which sets out the general principles of collaboration, cooperation, roles and responsibilities, which support the earned recognition process involving the FSA and Welsh Lamb and Beef Producers Ltd.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ruth Hussey', followed by a period.

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