

Heather Hancock
FSA Board Chair
Food Standards Agency
Aviation House
125 Kingsway
London
WC2B 6NH

10 March 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: MARCH 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 Programme Update
- Stow Project Phase 2 – Sustainable Funding Model
- Food Allergy and Intolerance Programme

On behalf of the Committee, I am grateful to Nina Purcell for joining us via teleconference and to Jason Feeney, Richard Collier, Steve Wearne, Chun Han Chan, Stuart Armstrong and Paul Tossell, for joining by video conference to present their papers, and for answering questions from members and stakeholders. Unfortunately, persistent IT issues, at our end, hampered Bill Stow's repeated attempts to join the discussions.

Regulating Our Future (RoF) Programme Update

WFAC members discussed the paper which provided an update on activity across the programme since September 2016 and also gave an overview of the high level plan for 2017-19 along with a summary of the strategic risks.

In its more general discussions on the Target Operating Model Delivery Plan, the WFAC noted that the model was high level and was a living management tool designed to be revised and refined over time. The Committee noted that a number of governance changes had recently been made and that the work of the programme would now be overseen by the FSA's Executive Management Team (EMT). In this respect, it was noted that a more detailed delivery plan, with specific outcomes and defined timescales, would be prepared for, and regularly monitored, by EMT. The WFAC raised a number of queries in relation to the risks associated with the programme. While noting the extract of the RoF's risk register, it was agreed that the WFAC might benefit from seeing the more detailed register which would place the risks in more context and provide detail on the risk ratings assigned to each risk.

In considering the assurance aspects of the paper, the WFAC made the following comments:-

- that it would welcome further detail on the proposal for a Certified Regulatory Auditor (CRA) and, in particular, on standards of competence for the CRA – in this respect the WFAC noted that the assurance workstream had been charged with exploring this concept further; and
- that it had a concern about reliance on 3rd party assurance schemes, particularly assurance schemes paid for by individual businesses.

A number of questions were raised by the Committee in relation to the possibility of introducing the principle of permit to trade. Indeed, this was also an issue raised by a stakeholder question submitted in advance to the committee. The WFAC discussed the benefits of the statutory Food Hygiene Rating Scheme (FHRS) in Wales and its success in raising food hygiene standards in food businesses in Wales. This was also an issue raised by a stakeholder question. The questions received, and the responses which were provided at the meeting are attached at annex 1 for completeness. There were also a number of specific questions relating to the RoF programme, by stakeholders attending the meeting, which were raised in the general answer session. I am arranging formal responses to these. The concerned conflict of interest using paid assurance inspectors, an overreliance on data gathered by the private sector, and concern if there is a shift to private regulation that there will be a loss of support to businesses as audit and inspection are different skill sets. A further comment was made in relation to the Food Law Code of Practice being amended a few years ago to simplify the registration process while the direction of the RoF programme is now moving towards enhanced registration.

Subject to the above observations, the WFAC welcomed the update to the RoF programme given in the paper. The WFAC was of the view that it would benefit from a more detailed understanding of some aspects of the programme and it was agreed that the Executive would facilitate this. Further, the WFAC expressed an appetite to have in place a formal mechanism where information on the development of the programme might be shared and that this could comprise a number of channels including the dissemination of newsletters, attendance at hot houses as observers, attendance at internal briefings and attendance at internal FSA update sessions. I agreed to liaise with Nina Purcell, as Senior Responsible Owner, for the programme to put in place an arrangement to meet the Committee's desire for greater understanding of the direction of this significant programme of work.

Stow Project Phase 2 – Sustainable Funding Model

Members considered the paper which detailed the progress made to date by the Steering Group on Meat Charging, the implementation of Stow 1 discounting and charging arrangements from 28 March 2016. In noting the positive progress made to date in encouraging greater joint working between industry and the FSA by driving efficiencies in the delivery of official controls, the WFAC appreciated that a number of factors were now hampering the ability to make significant further progress. In its discussions on the paper the WFAC made the following observations:-

- that it was reassured that if it was agreed to suspend the work on the development of a future sustainable model, that it would not be problematical to resurrect this work and the steering group should the need arise;
- that it had been disappointing that it had not been possible to secure any Welsh farming union representation on phase 2 of the steering group;
- that should the group be resurrected, that its size and membership should be reviewed, and in this respect, the WFAC was of the view that a smaller steering group might be more beneficial supported by a wider consultative group;
- that it would appreciate a greater understanding of the total cost of delivering official controls and, in this respect, it would welcome a table identifying costs to the FSA (including what can be recovered) and costs to the industry over the last three financial years.

In conclusion, the WFAC supported the proposal to suspend its work on the development of a sustainable funding model pending further progress on the

future design of official controls. Further, the WFAC was of the view that the FSA should continue with the development of a definition of a small/micro premises with a view to designing a specific solution for such premises under any future sustainable funding model.

Food Allergy and Intolerance Programme

Members considered the paper which detailed the recent outputs from world-leading research and their routes to impact, with a view to shifting the emphasis of the research programme from food allergy in infants and children to adults. In its considerations of the paper, the WFAC made the following observations:

- the significance of a food allergy or food intolerance with relatively high numbers of hospitalisations;
- that it is important for the FSA to undertake research to underpin the future focus and priorities for any potential future policy interventions and advice;
- in recognising that risk groups include consumers who are teenagers and in their 20s, that the use of modern, reliable, technologies could usefully be explored;
- that consistent labelling standards introduced in the UK, and across Europe, under the Food Information Regulations legislation, has proved a useful safeguard in providing allergenic information for consumers; and
- that any future work might usefully be targeted at a greater understanding of, and further work with other bodies, in relation to a range of different cross contamination issues, including cross contamination in food premises and environmental factors and further work with local authorities to assist those working within an enforcement role.

A member of the Committee usefully fed back on his recent attendance at an FSA consumer panel held in Wales where it was observed that consumers highlighted that food labelling is complicated and not always fully understood and that clear and consistent messaging is vital with such a large number of imported foods being available.

Subject to the above considerations the WFAC supported the paper's recommendation for a shift in focus of the research programme to food allergy in adults.

Other Matters

As is usual, I provided a written report to the WFAC which gave a summary of discussions at the last Board meeting. I also provided an update on the visits and meetings I have attended since the last Committee meeting. In a further oral update, I provided further detail on the FSA Board retreat held in January and the resulting strategic priorities that have now been agreed for the Agency over the next three years.

The WFAC was pleased to receive the regular report from the Director in Wales, this time presented by Richard Bowen, interim Director for Wales, which informed the Committee on a number of issues including the laying of a report before the National Assembly for Wales, on 28 February on the Food Hygiene Rating Scheme and the annual review of the operation of the appeals system for the period 28 November 2015 to 27 November 2016. Additionally, this report informed the WFAC of discussions which have been held with Welsh Government officials on amending the FHRS guidance for local authorities in Wales, and a revised draft is currently with local authorities for consideration.

The Committee's discussions on the above issues were in open session and, in line with the views of the WFAC regarding the openness and transparency of its advice to the Board; it is my intention that this advice will be published.

Following the WFAC's open meeting, members received an informative presentation from the Future Generations Commissioner for Wales' office on their general role and statutory duties introduced as part of the Well-being of Future Generations (Wales) Act 2015. This informed of the Future Generations Commissioner's role in promoting the sustainable development principle, in acting as guardian of the ability of future generations to meet their needs, and in encouraging public bodies to take greater account of the long term impact of the things that they do. It also informed of the four challenges facing future generations which the Commissioner wishes to prioritise over the next three years as follows:-

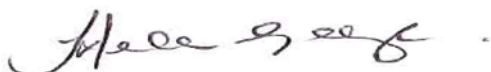
- Climate change – focusing on reducing emissions and tackling impacts;
- Economic change – shifting to an economy that is fit for future;
- Population change – tackling the challenges and opportunities of an aging population, the changing composition of communities and the importance of early years and adverse childhood experiences; and

- Citizen disengagement – championing public participation and involvement in decision making.

The WFAC was informed about the work the Commissioner's office has been undertaking with the National Procurement Service in Wales in revising procurement frameworks for public sector food contracts ensuring that the contracts provide for sustainable procurement. The presentation from the Commissioner's office was followed by a separate discussion on some initial work that the FSA Wales office has undertaken to map out and identify work the FSA is undertaking that might support the well-being goals set out within the Well-being of Future Generations legislation.

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)

Annex 1

Questions on the Regulating Our Future programme from the Wales Heads of Environmental Health:

Q1. Welsh Ministers have asked the Agency to explore and advise Welsh Government on the possibility of introducing an enhanced system of registration or licensing that would require prior approval rather than a right of registration for all food businesses. In the light of that, do paras 4.21 and 4.22 of the ROF update paper to the Board merely refer to England? What is the current position in Wales insofar as the potential for food business licensing is concerned?

A1. We are committed to the principle of permit to trade. We have met with Welsh Government lawyers to discuss how this might be introduced. We are also in discussions with our social scientists and economists to determine a suitable framework. All policy development, particularly that to be enshrined in legislation, requires a comprehensive evidence base on which sound proposals can be based therefore the approach on permit to trade that is detailed in paras 4.21 and 4.22 is applicable to England, Wales and Northern Ireland. We are committed to building this evidence base to ensure that the policy we develop is fit for purpose and will be sufficiently robust to withstand the challenges of the legislative process across each of the countries. We will be looking to local authorities to help us build the evidence base in Wales.

Q2. Given the Joint Welsh Government Ministerial Position Statement on ROF, in particular with regard to independent local authority inspections and the mandatory FHRS in Wales, to what extent does ROF reflect the potential for different approaches in Wales and England in relation to these matters?

A2 We have made it clear in para 7.1 that in progressing the development of a new operating model we are taking into consideration the need for flexibility in any new arrangements to enable the model to meet the needs of individual countries, whilst delivering an overall regime that meets the principles that support the programme. Through the open policy making approach that we have adopted we are committed to engaging with and listening to the views of key stakeholders across each of the countries and affording them the opportunity to shape development of the model and we will continue to work in this way.