

interpretation, for both LAs and the FSA. WFAC had also commented on the self-funding nature of NIS noting, as had been discussed, that the FSA would be a part of that. WFAC had also commented on the relationship between the Primary Authority and LAs, noting that the Primary Authority will be expected to work with LAs to carry out inspections. Ruth raised the issue of the quality of the relationship if problems were to arise at an LA level, and how these could be best dealt with by a Primary Authority and suggested it would be helpful if part of the standards included a measure of whether a good working relationship existed between the Primary Authority and LAs. She also clarified that Primary Authority is separate in England and Wales and a business with a Primary Authority based in England, wishing to trade in Wales would need to have a Primary Authority there also. She also noted that, where the paper refers to the requirement for Secretary of State approval for a Primary Authority based in Wales, it is Welsh Government Ministers who give that approval

63. Ruth explained that both the evaluation report and the comments raised generally about NIS at their meeting had encouraged WFAC to suggest a communications project was required, both for consumers and also for stakeholders in Wales, highlighting the work of the engagement group led by Welsh Government around the work relating to ROF, explaining that WFAC would encourage further exploration of the issues around the practical implications of NIS, particularly around its compatibility with FHRs and the impact on LAs. She also welcomed the fact that, following the recent review of the Food Advisory Committees (FACs), there would soon be a change in the way in which the FACs considered papers such as this one.
64. The Chair thanked Ruth for these comments adding that she had received correspondence from the Welsh Local Government Association raising points broadly in line with those received by WFAC from CIEH and DPPW. She noted that the starting point had to be recognising that Primary Authority already exists for food businesses, as does the ability to implement a NIS. The decision to enable that to happen is for Welsh Ministers. The Board was being asked to look at creating a new FSA mechanism to ensure that any such system would be as robust as possible with appropriate levels of oversight. Officials are aware of issues relating to the credibility of FHRs. The paper asks the Board to make an initial decision that action is necessary to create three standards that will ensure that NIS can operate effectively. She explained that she would reply to the Local Government Association offering to discuss their concerns with them while distinguishing resistance to any kind of regulatory regime reform from the way that reform is taken forward to ensure maximum effectiveness.
65. The Chair summarised the Board's discussion on this aspect of the paper saying that the Board welcomes WFAC's comments, which has provided some important points relating to next steps and their recognition of the need for the

Whitehall Departments and ALBs, organised by Government Internal Audit Agency and hosted by HM Treasury at the end of October.

131. Colm then outlined an update on whistleblowing that ARAC had received at their recent meeting mentioning an issue raised by the NAO around the Chronos system. This was investigated, and no concerns were raised but a new system and process have been created. He also supported the Chair's comments around the need for risk to be a significant component of Board papers for future meetings.

ACTION 8 - Board to discuss the timing of ARAC meetings at their January retreat.

Food advisory committee reports (Info 18/09/01-02)

132. The Chair invited Ruth Hussey and Colm McKenna to comment on the reports from the recent meetings of WFAC and NIFAC respectively. Ruth explained that there was nothing to add that had not emerged previously in discussion. Colm drew attention to the item within the report on the work of the Standards and Dietary Health team in the FSA's office in Belfast. He explained that this update, received by NIFAC from Sharon Gilmore, the FSA's head of Standards and Dietary Health in NI, had been very informative and offered to share the detail of the presentation with Board members.

ACTION 9 - Colm McKenna to ask NIFAC Secretariat to share the Standards and Dietary Health update with Members of the Board.

133. The Chair thanked Colm for this offer.

Any other business

134. The Chair raised one further item of business, which was the approaching retirement of Nina Purcell. She paid tribute to Nina's dedication, attitude and length of service, citing her passionate commitment to the public interest and protecting consumers, and her pride in representing Wales within the FSA.
135. The Chair noted the next Board meeting would be on the 5 December in London.
136. The meeting then invited questions from members of the public who had attended as observers. One observer questioned the accuracy of the figures cited in the report on Animal Welfare. Colin Sullivan explained that the FSA takes animal welfare seriously as an issue and has demonstrated this in its approach adding that the figures in the report were robust and defensible, and outlining the measures the FSA takes to improve animal welfare at slaughter houses.

137. No further questions were raised, and the Chair closed the meeting.

List of Actions:

- ACTION 1 - Board secretariat and SAC secretariat to circulate periodic summary of the work being carried out by the FSA's Scientific Advisory Committees.
- ACTION 2 - LA Performance paper for the December Board meeting to include data from previous years.
- ACTION 3 - LA Performance paper for the December Board meeting to outline trends in written warnings and changes in levels for enforcement and official samples.
- ACTION 4 - Julia Williams and Simon Dawson to seek increased representation for the FSA on Defra's Animal Welfare Board.
- ACTION 5 - Philip Randles to provide report to the Board after March 2019
- ACTION 6 - Philip Randles to ensure that incidents data is easier to find on the FSA website.
- ACTION 7 - Chair to write to the Welsh Local Government Association to address concerns relating to ROF and NIS.
- ACTION 8 - Board to discuss the timing of ARAC meetings at their January retreat.
- ACTION 9 - Colm McKenna to ask NIFAC Secretariat to share the Standards and Dietary Health update with Members of the Board.

Minutes of the FSA business committee meeting held on 19 September 2018

RADISSON BLU HOTEL, CARDIFF

Present:

Heather Hancock, Chair; Laura Sandys, Deputy Chair; David Brooks; Rosie Glazebrook; Stewart Houston; Ruth Hussey; Colm McKenna; Mary Quicke; Stuart Reid; Paul Williams.

Officials attending:

Catherine Bowles - Deputy Director - EU Exit, Regulatory & International Strategy
Jason Feeney - Chief Executive
Chris Hitchen - Director of Finance and Performance
Maria Jennings - Director of Northern Ireland, People and Organisational Change
Julie Pierce - Director of Openness, Data and Digital
Guy Poppy - Chief Scientific Adviser
Nina Purcell - Director of Wales and Regulatory Delivery Division
Colin Sullivan - Chief Operating Officer
Steve Wearne (by video link) - Director of Policy
Jane Ince - Science Impact & Skills Lead
Noel Sykes - FOI, Complaints & Transparency Manager

Apologies:

Rod Ainsworth – Director of Regulatory & Legal Strategy Directorate

Welcome and announcements

1. The Chair welcomed everyone to the Business Committee meeting and noted Rod Ainsworth's apologies, explaining that Catherine Bowles was attending the Business Committee in his absence.

Minutes of meeting held on 20 June 2018 (FSA 18-09-14)

2. The Committee accepted the Minutes of the June Business Committee as an accurate record of their discussion.

Actions arising

3. There were no comments on the Actions Arising from the June Business Committee.

Chief executive's report to the business committee (FSA 18/09/03)

4. The Chair invited the Chief Executive to present his report to the Committee.
5. The Chief Executive summarised the listeria incident outlined on the first page of his report to the committee. He emphasised the scale of the incident and confirmed that the outbreak was traced to a freezing plant in Hungary.
6. Stuart Reid, wished to revisit a point he made during the morning session regarding the Board's standing orders. He clarified that he was not questioning the assignment of the task, but rather why the Chair was expected to schedule the year's meetings by Easter, a moving deadline. The Chair noted Stuart's point and agreed to amend the standing orders accordingly if Board members were content. The Board members agreed this change.

ACTION 10 - Private Office to Amend the Board standing orders accordingly

7. In response to concerns raised by Stuart Reid about the diversity in the membership of the AMR task and finish group, the Chair identified the FSA's Diversity Council as a mechanism for ensuring diversity is considered when setting up working groups. The FSA Science, Evidence and Research division is looking at improvements to the recruitment process for the scientific advisory councils which ought also to deliver greater diversity. The Chief Executive agreed that the FSA's diversity in areas other than gender could be stronger and that work needed to be done over the next 2-3 years to get diversity more engrained within the FSA. Laura Sandys suggested that the FSA first looks at what a good culture means before looking at how to create a culture of diversity within it.
8. Turning to EU exit, Mary Quicke asked how the FSA is communicating pre and post exit expectations to businesses. In accordance with central government, the Chief Executive explained that the FSA is issuing technical notices to businesses and are regularly meeting with stakeholders to discuss exit. Catherine Bowles, Deputy Director of Regulatory and Legal Strategy, added that non-disclosure agreements are unhelpful and limit the quality of some conversations with stakeholders. The Committee noted the restraint caused by the non-disclosure agreements and encouraged the FSA to start advising business on areas where information can be shared in the right context. Maria Jennings, Director of Northern Ireland, People and Organisational Change, raised concerns from industry regarding labelling and if and how this may differ across the four countries of the United Kingdom but noted that the phased release of technical notices will help clarify. The Chair asked Catherine if there was an indication of when the technical notices would be issued. Catherine responded that it would be soon but that no detail was known at the moment. The Chair proposed that she write to Ministers to press the need for the FSA to take the steps discussed and the need for clarity to enable confident decision making.

9. Stewart Houston informed the Committee of two points. First, he summarised the work of an active action group trying raise the plight of smaller abattoirs and blaming their decline on the cost of regulation. Then, he summarised the rise in reports of African Swine Fever in eastern European countries and that DEFRA have increased the corresponding risk level from low to medium. Stewart suggested that the FSA contact DEFRA to see what lessons can be learnt from their recent work identifying infected imports. In response, Colin Sullivan, Chief Operating Officer, confirmed that the FSA Incidents team are aware of the African Swine Fever outbreak and are already working with DEFRA on the issue. Julie Pierce, Director of Openness, Data and Digital, also informed the Committee that work is underway to investigate this real-time example to identify whether there were any indicators that could have pre-empted the outbreak.

Science update 2018 (FSA 18/09/17)

10. The Chair invited Steve Wearne, Director of Policy and Science, Michael Wight, Director of Policy, and Jane Ince, Science Impact & Skills Lead, to present their report to the Committee, summarising science achievements, spend and capability over the past year. The Chair noted that whilst the report asked the Business Committee to discuss the advice of the Science Council. However, since the Science Council report on capability and capacity wasn't included in the papers, the Board will discuss at the December meeting.
11. Steve commented on expenditure trends from the past year, noting that external science spend has stabilised and there has been an increase in co-funded projects. He then summarised some of the successful scientific work the FSA has supported over the past year. Steve finished with reference to the FSA's continued work looking to measure the quality, relevance and impact of the FSA's science and drew the Committee's attention to Annexe 1 of his report, which outlined the impact FSA science has had in the last year.
12. In stating that the FSA is increasingly focussing on science that can lead to impact, Guy Poppy, Chief Scientific Adviser, also summarised the benefits of co-funded research. Paul Williams welcomed the work on developing indices to value the FSA's work. In response to Mary Quicke's query as to whether the FSA intends to increase funding of near market science in future, The CSA outlined that the UK government is looking to increase the percentage of GDP it spends on science and that is being targeted towards production challenges.
13. In welcoming the paper, Colm McKenna questioned how the FSA is both relying more on science and data but also appear to be spending less on scientific activity. He noted it would be good to show the public the outputs and value generated from co-funded work. Guy Poppy agreed that spending was less but assured the Committee that the quality and impact of science within the FSA was increasing and better value for money was being found. The

Business Committee Meeting – 5 December 2018

Chair agreed and outlined the importance of looking at desired impact before looking at methods and spending, noting that it is the impact of science, and not the total amount spent, that is key.

14. Michael Wight added that the next priority will be getting structures in place to map internal science capability and science spend on new routes to market post EU Exit. He summarised some of the positive impacts the Science Council has had on capability and assurance within the FSA and confirmed the Committee will see more on this in a paper to be discussed at the December meeting.
15. The Chair concluded by noting that the Committee would look to determine the balance of spending priorities when agreeing the 2019/20 business plan, early next year.

Performance and resources report Q1 2018/19 (FSA 18/09/18)

16. The Chair invited Chris Hitchen, Director of Finance and Performance, to present his report to the Committee.
17. Chris highlighted two points from the report – the ROF and EU Exit milestones included in the report and the addition of targets and ambitions to the report structure. He referred to slide 17 of the presentation, indicating an overspend on EU Exit. However, due to new information relating to Local Authority bids, this is now also within spending limits. To close, Chris stated that all FSA spending for the year is on track.
18. Laura Sandys raised two questions. First, she wished to know if the FSA has considered what contingency needs to be put in place if work is needed to fill unforeseen gaps caused by the TRACES software, and secondly, referring to the corporate plan section looking at preparing for all scenarios, Laura noted that the July-September entry lists a lot of milestones, which have not quite been reached yet and wanted clarity on the progress.
19. In response to the first question, Chris noted Laura's point and hoped that the FSA would cover any additional cost as part of the existing envelope of funding. However, if not, the FSA would need to approach the Treasury to have a discussion around additional funding.
20. The Chief Executive addressed the Deputy Chair's second question by confirming that the FSA is about 4 weeks behind where they would like to be by the end of September.
21. The Chair raised concerns that the operations slide shows the FSA has more leavers than joiners. Maria Jennings informed the Committee that the figures are due to the timing of the report and there are currently several recruitment

exercises underway within the FSA. These will be reflected in the next quarter's report.

22. Referring to slide 16, Rosie Glazebrook welcomed the direction of travel regarding numbers of working days lost being below the Civil Service average and the drop in long-term and short-term absence. The Chair, aware of the inevitable pressures being caused by the EU Exit workload, asked to hear feedback on what the FSA is doing to support the resilience of the workforce through this period. The Chief Executive's response focussed on the ASPIRE values embedded amongst the workforce and the 'Our Ways Of Working' programme which provides staff with as much flexibility as possible. He highlighted efforts to create a culture where colleagues can raise the issue if their workloads become too much and noted that where necessary, recruitment is being used to bring in additional short-term resource to supplement existing capacity. The Chair agreed and added that the Board would support the FSA executive adapting service standards in some areas to accommodate additional workload on EU Exit.
23. Catherine Bowles, Deputy Director of Regulatory and Legal Strategy, expanded with a summary of the work to encourage the FSA to be mindful of their wellbeing and use their annual leave entitlements when possible to recharge.

Annual freedom of information (FOI) and whistleblowing update (FSA 18/09/19)

24. The Chair invited Noel Sykes, FOI, Complaints & Transparency Manager, to present his report to the Committee.
25. Noel Sykes summarised that the report covers the three main areas of his portfolio – FOI, external complaints and internal whistleblowing – and how important these three topics are to the FSA. He highlighted that the statistics show the FSA's response to all three of the above are improving and show the FSA is committed to dealing with issues effectively. Noel also informed the Committee that the FSA's Executive Management Team have committed to a continuous improvement review of the complaints handling process. Work is also underway to improve the confidence of staff in the whistleblowing process.
26. Colm McKenna asked that the Committee is regularly updated on the FSA's whistleblowing processes and also noted that the Committee should test the systems to ensure a good understanding amongst staff of how the system works.
27. Rosie Glazebrook, noted that only 67% of staff were confident in the whistleblowing process and wanted to hear what the FSA are doing to increase the levels of confidence. In response, Noel explained that recent internal campaigns have focussed on increasing awareness of the complaints procedure and data shows that this has increased awareness. Moving forward,

based on People Survey data the FSA will run focussed campaigns and target groups of staff who have low levels of confidence in the process.

28. Turning to Freedom of Information, Catherine Bowles asked to hear how the FSA is preparing for a likely increase in demand for FOI responses. Noel responded in two parts – first explaining that a briefing cell had been set up to process FOIs likely to come as a result of technical notices, and secondly explaining that, in the long term, the FSA will be increasing the level of FOI capacity within the FSA and training staff to handle requests.
29. The Chair thanked Noel for his paper and presentation and noted that there were no further comments