

## Minutes of the FSA board meeting on 21 January 2020

Convocation Hall, Church House, Westminster, London, SW1P 3NZ

### Present:

Heather Hancock, Chair; David Brooks; Margaret Gilmore; Ruth Hussey; Colm McKenna; Timothy Riley; Mark Rolfe; Mary Quicke.

### Apologies:

Stuart Reid.

### Officials attending:

Emily Miles	-	Chief Executive
Alice Biggins	-	Head of Regulatory and Legislative Strategy Unit (for FSA 20/01/10)
Catherine Bowles	-	Deputy Director, EU Exit, Regulatory & International Strategy (for FSA 20/01/06 and FSA 20/01/09)
Theo Hawkins	-	Head of EU Exit and UK Frameworks (for 20/01/06)
Chris Hitchen	-	Director of Finance and Performance
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland (NI)
Paul Morrison	-	Director of Strategy, Legal & Governance
Rick Mumford	-	Director of Science
Michelle Patel	-	Head of Social Science (for FSA 20/01/13)
Julie Pierce	-	Director of Openness, Data & Digital and Wales
Steven Pollock	-	Director of Communications
Guy Poppy	-	Chief Scientific Adviser
David Self	-	Head of Private Office
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer
Michael Wight	-	Head of Food Safety Policy (for FSA 20/01/4)

### Apologies

Steve Wearne	-	Director of Science
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### Guest Speakers

Henry Dimpleby	-	
Susan Michie	-	Chair of the Advisory Committee on Social Science,

## 1. Welcome and Announcements

1.1 The Chair welcomed everyone to the meeting adding that this was the first Board meeting for new Board members, Margaret Gilmore, Mark Rolfe and Timothy Riley as well as for the Chief Executive (CE) Emily Miles. She added that it was also the first meeting for the Director of Strategy, Legal & Governance Paul Morrison. She said there would be an opportunity for audience members to ask questions at the end of the meeting and noted that there had been some questions received in advance. She invited Steven Pollock, Director of Communications, to read out the questions that had been

received. A full list of those questions along with answers will be published alongside this minute.

- 1.2 The Chair said that Board Members would consider the questions, as appropriate, during discussion of the relevant items.

## **2. Minutes of the FSA Board Meeting on 18 September 2019 (FSA 20/01/01)**

- 2.1 The Chair asked the Board if they were content that the minutes reflected an accurate account of the discussion at the meeting in Belfast in September 2019. The Board indicated that they were content, and the minutes were approved.

### **Action 1 - Secretariat to arrange publication of the minutes of the FSA Board Meeting on 18 September 2019**

## **3. Actions Arising (FSA 20/01/02)**

- 3.1 The Chair asked Board Members if they had any comments on the progress with the Action Points. Board Members raised no comments on the progress of the actions.

## **4. Chair's Update**

- 4.1 The Chair explained that this Board had not originally been scheduled for January but that the original, December, date had fallen in the General Election period. She explained that while it would have been possible to meet then, the general rules for purdah would have restricted the normal way of operating, especially in relation to openness and transparency. The December date was instead used for the Board to visit Allergy UK and to undertake training including on Codex, trade and UK frameworks.
- 4.2 The Chair said that since the General Election, she had written to every MP introducing or re-introducing the work of the FSA, and current priorities. She had also written to our key Ministerial contacts. She noted that an administration had now been formed in Northern Ireland (NI) and she would also be writing to the NI Ministers for Health, and Agriculture, Environment and Rural Affairs.
- 4.3 The Chair said that a full list of her engagements since the Board met in September had been published on the FSA's website and that several of these engagements had related to the FSA's work on food hypersensitivity, including a day with Barnsley Metropolitan Borough Council; meetings with the CEO and Technical Director of Leon; and the Board's visit to Allergy UK. She also mentioned the RUMA Conference who had welcomed the significant progress in reducing antimicrobials in farming. The Chair noted the potentially catastrophic public health risk posed by Antimicrobial Resistance (AMR).

- 4.4 The Board had held its annual Parliamentary reception in October and she had been delighted to have Jo Churchill MP, Minister for Public Health in the Department for Health and Social Care (DHSC) and Sue Hayman, then shadow Environment Secretary, speaking at the reception. The focus had been on food hypersensitivity.
- 4.5 The Chair explained that the previous day, the Board had held its annual risk workshop and had the opportunity to comment on the emerging business plan for the FSA for the 2020/21 financial year. The outcomes of both discussions would feed into officials' work on next years' programme. The Board had also reviewed progress on developing a Cost of Illness model, which the Board discussed at the September meeting and which is to be concluded and presented at the March 2020 Board meeting.
- 4.6 The Board had also discussed its position on the Free Trade Agreement negotiating objectives for the UK Government. Because of the sensitive and confidential nature of trade discussions, it had not been possible for the Board to cover this in public. She explained that, later on the agenda in discussion on Risk Analysis, she would put on record the conclusions that the Board had reached and would also explain the FSA's role.
- 4.7 The Chair said that the Board were still awaiting the appointment of a Deputy Chair. She said the process had been launched to recruit a successor to Ruth Hussey, who would be standing down as Board Member for Wales in the summer, and were also running a Civil Service Commission campaign to secure our next Chief Scientific Adviser (CSA), to take over from Guy Poppy in the summer.
- 4.8 She said she had asked Timothy Riley, one of the new Board members, to join the Audit and Risk Assurance Committee (ARAC) and he had agreed.
- 4.9 The Chair also formally put on the record that she would be standing down from the Chairmanship of the FSA in the Autumn, having been elected Master of St John's College Cambridge, which would be effective from October 2020. DHSC were progressing the recruitment of her successor.

## **5. Chief Executive's Report (FSA 20/01/03)**

- 5.1 1 The CE Congratulated the Chair on her new appointment. She explained that her report covered her first impressions on joining the FSA. She noted that the FSA was now 20 years old and would be coming of age, taking on substantial new responsibilities following EU Exit, emphasising the need to maintain the FSA's commitment to openness and transparency and data driven decision making. The second half of her report covered current issues pertinent to the FSA including the recent general election, leaving the EU, products containing cannabidiol (CBD) and guidance for online aggregators. The report also covered sales of DNP, which is fraudulently marketed as a weight-loss aid and can have lethal consequences for consumers. She added that the report

outlined a letter she had written to the Chief Executive of Birmingham City Council at Stage Three of the escalation process addressing progress in tackling a backlog of food businesses awaiting initial inspection.

- 5.2 Mark Rolfe asked a question about CBD products and whether there could be a risk of setting a precedent that the way to avoid the need for a novel food approval was to flood the market. The CE explained that the status of CBD was being kept under close review and that cooperation from producers to apply for authorisation was expected. If this was not forthcoming, or if any health concerns over consumption should arise, the current regulatory position on CBD would be revised.
- 5.3 Colm McKenna commented that he was pleased to see the communication with Birmingham City Council noting the importance of the relationship with Local Authorities (LAs) to carry out enforcement work and asking whether it was considered there was more that could be done to help them. The CE said that she agreed that the relationship with LAs was vital and that the concern about their level of resource was shared, particularly around food standards. She said this was an area where the FSA needed to use its voice to raise issues where things were perceived not to be working as they should. She added that she wanted to ensure that performance was being measured appropriately and that the balanced scorecard work would assist with this but that there was a need to ensure that the Key Performance Indicators properly support LA's to take a proportionate response to risk.
- 5.4 David Brooks asked three questions, firstly about what contact there had been with CBD suppliers to begin the authorisation process, noting that it had been a year since the issue was first raised and that there was an appearance that suppliers were being given a free hand to test their products on the public. Secondly, he asked a question about the recalls on pesto products. Noting that this, unusually, seemed to have occurred in several waves rather than as one comprehensive recall. Thirdly, he mentioned sales of raw pet food, asking if there was satisfaction that consumers were sufficiently aware of the risks to make the right choices around these products.
- 5.5 The Chief Scientific Adviser (CSA) addressed the question around CBD. He explained the issue related, not to products that were flooded onto the market, but products that were present on the market before an EC reconfirmation under the Novel Foods Regulations stated that they would require authorisation. Based on risk assessment information, the proportionate response was to allow a period for those products to go through the authorisation process as there was no reason at this stage to believe that they were unsafe. No new CBD products had been permitted onto the market and would not be without having gone through the authorisation process. This work had required a high degree of cross government working as there were prescription-only, medicinal CBD products, as well as the need to determine whether some CBD products contained the illicit substance THC. The FSA was working in conjunction with the departments with responsibilities in those areas.

- 5.6 The Chair explained that she had raised this point with Jo Churchill MP, Parliamentary Under-Secretary of State for Prevention, Public Health and Primary Care, mentioning the complexity of issues that cover various regulatory frameworks, and urging her and other Ministers to consider how we can more quickly resolve departmental boundaries to provide clarity and certainty of action more quickly. She invited Rebecca Sudworth, Director of Policy, to comment. Rebecca commented that it was disappointing that industry had not moved more quickly to come into compliance and that the FSA had again written to stakeholders to remind them of their responsibilities. She said that the FSA were taking the issue seriously and that should any evidence of harm caused by these products emerge, they would be withdrawn.
- 5.7 The Chair summarised the Board's position as confirming that there would come an end point for the FSA's tolerance of industry not progressing with authorisations. The FSA would then need to act, appropriately accommodating other government interests. She added that the more widely and clearly this position was communicated, the better.
- 5.8 The Chair invited Colin Sullivan, the Chief Operating Officer, to comment on the pesto recalls. Colin explained that he believed the FSA had acted properly in relation to the recalls, noting that the incident arose with a notification from one retailer on the 19 December. On the 20 December there was a recall with a RASSFF being issued the following morning. The products ingredients are sourced through Italy from Vietnam through Sacla, the largest supplier of pesto to the UK market. This recall covered a large number of retailers. Following this, the FSA ensured, with the British Retail Consortium (BRC), that other retailers were also being picked up. The third recall, which occurred in January related to a separate supply with a different company providing the pesto.
- 5.9 In relation to the spate of incidents involving raw pet food, Colin said that there were similar responsibilities for feed safety as for food safety and that the themes involved in these incidents related more closely to poor hygiene practices involving the storage and handling of the feed. He expressed a frustration that notification of these incidents was often slow to arrive; he noted that it was important to ensure that feed incidents were properly prioritised.
- 5.10 Mary Quicke commented on a point in the report that while the FSA's relationship with businesses was crucial for their success, the trust and reputation of the FSA as a regulator was also essential for food businesses to operate successfully. She said that this would be key to emphasise in a government perceived to have a deregulatory approach. The Chair added for clarity that the FSA was not adopting a deregulatory agenda.

## **6. FSA Strategic Objectives (FSA 20/01/04)**

- 6.1 The Chair invited the CE to introduce this item, noting that it represented the conclusion of a process that began with discussions at the Board's retreat in Edinburgh in October 2018. The CE gave an overview of the paper thanking David Self and Alice Biggins for their work on the paper. She highlighted the

five decisions she was looking for from the Board on the frequency of review of the various elements of the framework; reconfirming the mission; endorsing the vision; confirming the regulatory approach; and the overarching objectives. She also explained that she was looking for a steer on how to prioritise the proposals included in the paper so that this can inform business planning.

- 6.2 The Chair reconfirmed the points had already been agreed in the discussion in March, including on the department's mission and vision, and invited questions from the Board. Colm McKenna asked a question about the frequency of the reviews and whether they should be rigidly set or allow for earlier review if necessary. The Chair agreed that the review frequency stated should be seen as maximum limits, allowing for more flexibility, and invited comments on the objectives and priorities.
- 6.3 Ruth Hussey welcomed the clarity from the paper and suggested that when the paper came back in March, it would be good to see explicit outcomes connected to the objectives. The Chair said that there would be further points that would emerge about how the priorities should be approached through the discussion of the rest of the day's agenda, including the importance that we attached to food hypersensitive consumers. She noted that the Board was conscious of resources being stretched and that it might not be possible to do everything. She said it was not possible at this stage to set out the appropriate areas to be targeted with the resource available and would appreciate the options for that being laid out in the paper in March.

## **7. Annual Surveillance Report (FSA 20/01/05)**

- 7.1 The Chair invited Julie Pierce, Director of Openness, Data & Digital and Wales, to give an overview of the paper. Julie delivered a summary of the issues contained in the paper including the growing importance of surveillance to the FSA; the principle of making use of new opportunities that emerge from technology; and the work being undertaken in this area. The Chair invited questions from the Board.
- 7.2 Mary Quicke commented on possibilities presented from making use of data sharing from industry, highlighting the demonstration they received at the Institute for Global Food Security in Belfast in September. She also raised a point about the use of Artificial Intelligence (AI) asking how the building in of pre-existing prejudices could be avoided in designing the necessary algorithms. She also raised a concern over labelling of items such as 'lab-grown meat', pointing out that 'meat' has a legal definition and its use on these products carried a risk of misleading consumers.
- 7.3 In response to the use of industry's data, Julie replied that the FSA now had access to the Food Industry Intelligence Network (FIIN) data, and the National Food Crime Unit were working with this to see what can be learned from it. She said that the use of data trusts was also being looked at, where data could be shared in a way that benefits all parties where there were sensitivities in making data fully open. On AI, she said that the FSA had a project exploring

whether Food Hygiene Rating Scheme (FHRS) ratings could be predicted. She explained that all government AI projects followed principles set by the Turing Institute that have been designed to understand, minimise, and where possible eliminate, bias.

- 7.4 Mark Rolfe asked about the mechanism for sharing the outputs of this work with the FSA's delivery partners. He also asked about the accuracy of the automated searching of the proportion of food establishments displaying FHRS ratings online as mentioned on page 23 of paper. In the absence of the detail on this being to hand, Julie committed to follow up outside the meeting.

**Action 2 - Julie Pierce to provide information on the accuracy of the information from automated searches of the proportion of food establishments displaying FHRS ratings online as mentioned on page 23 of the Annual Surveillance Report (FSA 20/01/05).**

- 7.5 On sharing outputs, Julie explained that she was keen that the actual impact was realised. She said there were various approaches to how that information was shared depending on the nature of the information and the target users. It would usually be done through the relevant FSA business team.

- 7.6 The Chair suggested that it might be helpful for Mark to be better able to see the LA links and, from the FSA's end of the relationship, how the information is gathered and fed out. It was proposed that this could be done away from the meeting. Mark said he would welcome the opportunity to see that.

**Action 3 - Julie Pierce to provide more detail for Mark Rolfe on the gathering and sharing of surveillance information with Local Authorities.**

- 7.7 The CSA said that strategic surveillance is most impactful when it is being used for a targeted purpose. The FSA is very early in the development of a case study where we'll be able to say a particular piece of work had a definite, measurable outcome, as well as being in a position to say that if we had had another piece of information, we knew that further results could have been achieved. This sort of analysis could feed into a strategic surveillance cycle.

- 7.8 Rebecca Sudworth addressed Mary's question around 'lab-grown meat'. She said agreed that terminology was important and should be used with care to make sure that consumers are aware of what they're buying. As a regulator it would be important for the FSA to understand exactly what a product is to know how it meets these specific definitions.

- 7.9 Ruth Hussey asked about how we could get to a point where we are confident that our surveillance methods work and could be used routinely. Julie explained the need to make an evidenced case for a change from the way things had always been done previously. The approach had been one of co-creation across the teams, but support would be needed at all levels of the FSA, and particularly from individuals who can act as advocates. This would need to be tackled like any business change.

- 7.10 Margaret Gilmore said that it was welcome to see the allergens work highlighted in the paper as well as the work on food prices. She also noted the work around using FHRS to identify unregistered businesses. She asked a question around how easy it could be to summarise and anonymise data in order to make it publishable. Julie explained that she was aware of the sensitivities around data and said that anonymisation was one technique that could be used. She said that the FSA had a commitment to openness and would hope to make data open for others to use where possible but noted that there was a cost involved in techniques such as anonymisation, and there would need to be consideration of how this should be prioritised.
- 7.11 The Chair asked when the Board would be looking again at the work on sampling. Rick Mumford, Director of Science said that it had been discussed in September and that the next paper would seek to cover that as a part of the wider surveillance work. This is currently scheduled for June.
- 7.12 The CSA said that sampling is one method of generating useful information but that there were areas where sampling could not help. He mentioned that the data gained through sampling was unbiased, but this objectivity meant that sometimes the subjective expertise necessary to spot issues early could be missing. Julie agreed that sampling was only one source of data but emphasised its importance to testing and proving information gained from other data sources.
- 7.13 The Chair summarised the discussion encouraging anyone who was watching the meeting to consider looking at the annexes included with the paper for the spread and variety of innovation and learning evident, demonstrating the FSA's position as a global leader in this area. The Board were happy with the direction of travel shown in the paper and wished it to continue.

## **8. EU Exit Update (FSA 20/01/06)**

- 8.1 The Chair invited Catherine Bowles, Deputy Director, EU Exit, Regulatory & International Strategy, to introduce the EU Exit Update. Catherine gave an overview of the paper covering exit preparations, common frameworks and next steps.
- 8.2 The Chair thanked Catherine for the update and congratulated her on passing a significant milestone in her civil service career. She invited questions from the Board. Margaret Gilmore noted that as well as having new responsibilities, the FSA would have new vulnerabilities. She asked whether there were any known gaps in the capability that the FSA will need to be alert to when dealing with imports and exports and the NI protocol. She also asked whether there would be enough resource, particularly human resource, in a period when pressures across government could see a rise in requests for staff to be seconded.



- 8.3 Catherine said that the impact of the need to cope with pressures from imports and exports had been considered, adding that there would be a need for close partnership working with Defra on these issues. She said that she was hopeful that the transition period would provide a calmer stage, during which it would be possible to assess what will be necessary thereafter. She acknowledged industry concerns adding that she was cautiously optimistic that the FSA would be fully sighted on issues and have the necessary levers to address them.
- 8.4 On exports, Catherine explained that the FSA was working closely with LAs and Port Health Authorities and had made funding available to ensure that LAs would be ready.
- 8.5 The CE said that previously, the FSA had used funding to prepare for a no-deal exit from the EU as the Minimal Viable Product. She said that there would be a need to move beyond the focus on EU Exit and onto a permanent arrangement between the UK and the EU. She explained that assumptions had been made around the number of requests for authorisations that would be received but that if the number proved to be much higher, more resource will be needed. On the cross-border work, the CE said there would also be a need to see whether assumptions had been gauged correctly. She added that the NI protocol would carry a cost to implement and that spending review 2020 would be the place to discuss the appropriate funding, highlighting that the new responsibilities meant there should be a new baseline for that decision.
- 8.6 Colm McKenna congratulated the team on getting to this point and said that his main concern was around the NI protocol. He asked what was being done to ensure that the protocol was well understood across government, at both UK and NI levels as well as at ports in Britain.
- 8.7 The CE agreed that there would be significant implications to the protocol and that there was a lot of cross-government work going on to address this. She invited Maria Jennings, Director of Regulatory Compliance, People and Northern Ireland to say more. Maria noted that there was now a new executive in NI after nearly three years of not having one. She said there was a coordinated approach across the FSA to raise relevant questions at senior levels in the administration. She explained that the FSA in NI was well connected with officials in the NI Executive and that the team in London had good links with officials across Whitehall, which could be used to achieve this.
- 8.8 Catherine Bowles said that the practical implications of the NI protocol were significant and the links through the FSA office in Belfast were important. She said that work had begun in mapping out the appropriate contacts and the routes into government that would be relied upon. Catherine explained that there were areas where we would need questions to be answered as we were implementing something that has never existed before; as such, it would be necessary to take an iterative approach to get it right. She asked Theo Hawkins, Head of EU Exit and UK Frameworks, to say more on this. Theo confirmed that the team were in contact with all the relevant workstreams across Whitehall but that there was some distance to go before there could be certainty.

- 8.9 Mark Rolfe asked whether there was now a higher degree of confidence that the IPAFFS system would be able to deliver and what contingency arrangements were in place if it failed. He also asked whether the culture in the FSA was sufficiently agile to manage in that event.
- 8.10 The Chair added that it was important not to lose sight of the need to impress upon Defra ministers that we want IPAFFS to be switched on for high-risk products and products of animal origin coming from the EU within a reasonably short space of time following the transition period. Catherine added that, in the transition period, the need for the IPAFFS system would be in abeyance as we would expect to be using the TRACES system, with an assumption that this could continue. A new iteration of TRACES had been introduced and there were some problems coming from that new iteration, impacting, not only the UK, but also other Member States. She added that officials would continue to press, in talks with Defra, the need for IPAFFS to be operational and to meet the Board's concerns about it being ready to use for EU food imports. Catherine explained that it was known what was necessary to step up contingencies if needed but there was optimism that it would not be.
- 8.11 Ruth Hussey asked whether Welsh consumer interests were also feeding into the discussions about the NI protocol resulting from the flow of food through, to and from Wales into the island of Ireland. Catherine agreed that it was necessary to consider the needs of the three countries of Britain alongside those of NI in those discussions and that work was taking place with FSA staff in Cardiff as well as with Food Standards Scotland.
- 8.12 The Chair noted that there had been some public calls for a Food Standards Committee to advise on whether production standards for food that may be imported match those required of domestic producers. She emphasised that the FSA's focus and its statutory purpose was clear and that it was the FSA's duty to protect all consumers' interests in relation to food, not only those regarding food safety. She added that the National Farmers' Union and others had raised concerns with government about maintaining production standards and creating a level playing field in trade negotiations, and that suggestions had been made about how to safeguard this, including through new structures.
- 8.13 The Chair set out the FSA Board position: it cautioned against creating new arrangements, which risk confusing consumers and businesses, and which duplicate the remit of existing bodies. She added that particularly in this case, the FSA had a duty to provide advice to public bodies and others on the wider consumer interest in relation to food, based on science and evidence and the Board did not believe the consumer interest was served by advice in this area coming from another body that represents the industry's interests.
- 9. Modernising Regulation - Progress Update and Forward Plan (FSA 20/01/07)**

- 9.1 The Chair invited the CE and Maria Jennings to introduce the item on Modernising Regulation. The CE gave an overview of issues covered by the paper including those issues still to be resolved; the meaning of change in a multi-agency landscape; risk assessment and data management; and what is possible within FSA principles.
- 9.2 The Chair suggested that the paper be dealt with in two sections, firstly to consider whether the Board were satisfied that the paper correctly defined the problem. Board members indicated that they were content. The Chair said that the paper represented a key moment for the FSA Board, as it focussed on the role of the FSA following EU Exit and setting our own interpretation of what it means to be a Central Competent Authority (CCA). She noted that it was the FSA's duty to ensure that there that there was a fit for purpose food and feed safety regime and to ensure that all those who operate within the food system were fulfilling their responsibilities. She added that the case for change reflected the Board's ambition for how they saw the FSA in future.
- 9.3 The Chair asked the Board to comment on the lessons learned. The Board had no comments on this section, so the Chair asked for questions on the priorities and constraints. Colm McKenna said he did not disagree with the constraints as they were expressed in the paper but asked whether these were agreed with delivery partners, suggesting that it might be simplistic to suggest that the pace of movement in this area was only because of EU Exit. He asked whether there was confidence that delivery partners were adequately resourced.
- 9.4 The CE explained that, in terms of barriers to moving forwards, there was a resource issue, a staffing issue, and barriers concerning the law around data sharing, noting that the need for data to be shared in a manner compliant with ethical principles had been a central theme of the Annual Surveillance Report discussed earlier on the agenda. The other barrier the CE mentioned concerned the roles and responsibilities across the regulatory system, and areas that different competent authorities felt were theirs to operate within. Colm said that one of the roles of then FSA as the CCA would be to look across the whole food landscape and ensure there are no gaps between the roles competent authorities operating within the food system. The CE mentioned the setting up of the National Food Crime Unit (NFCU) as an example of where the FSA had identified such gaps and moved to ensure they were addressed. Maria added that, in terms of working with delivery partners, the CE of the Chartered Institute of Environmental Health had given feedback on proposals and the FSA had been working closely with food safety and trading standards groups.
- 9.5 Ruth Hussey said that the process had begun with an open policy making approach and that this would help LAs with clarity about their role and would also help inform SR20. She added that the FSA had a covering role to ensure that all relevant agencies were sighted on each other's requirements.
- 9.6 David Brooks said that the key role of the Board was to hold the ambition and that it was incumbent upon the Board to show that they supported the team. He noted that the necessary changes caused by EU Exit were likely to have

been frustrating for the team and that we were now in a position where the food system would likely be under greater scrutiny as well as being prone to greater levels of stress arising from a decline in readily available agricultural workers, and workers in other parts of the food sector, from the EU. He supported the work program detailed in the paper but added that it would be important not to become too distracted by online food sales as this, though important, still represented a relatively small part of the market. He highlighted the need to be honest that some of the skills that we would be seeking would be lost following EU Exit and would not be easily replaceable. This highlighted the need to ensure that resources were used effectively. He added that this was an opportunity to create a new, effective, regulatory system and that he was looking forward to seeing the ambition for that at the next meeting.

- 9.7 The CE noted the clear message from the Board to be ambitious.
- 9.8 The Chair emphasised the need to maintain momentum. She noted that on other programmes such as EU Exit, there were unavoidable deadlines, which gave a sense of urgency to the work. She said that the modernisation work was just as urgent but the lack of a ‘burning platform’ meant that it was easy to lose momentum. She noted that the National Audit Office (NAO) report had added weight to the issue, highlighting the changing nature of risks in food system; the increasing pace and complexity of those changes; the financial challenges facing the FSA and LAs in delivering inspection, assurance and oversight; and the decline in entry into key professions.
- 9.9 The Chair acknowledged the complicated landscape of responsibilities across government departments, and the variation in the remit across England, Wales and NI noting that handovers at the margins of a department’s responsibility could enable risks to grow. She summed up the Board’s position as being committed to ambitious reform and modernisation of the regime. The Board did not believe that more money would be enough to solve these challenges: the FSA did not have all the levers necessary to fully join-up the system, hold it to account, and drive change. The Chair emphasised that the food regulatory regime in the UK should not compromise trade opportunities post EU Exit and that, on food safety and authenticity, public trust and public health must not be compromised. It was the job of the FSA, as owners of the strategic risk that was ‘trust in food’, to highlight issues before that could happen, and find and implement solutions to those challenges.

## **10. Food Hypersensitivity Strategy (FSA 20/01/08)**

- 10.1 The Chair invited Rebecca Sudworth to introduce the item on Food Hypersensitivity. Rebecca gave a brief overview of the paper covering the need to ensure choice for food hypersensitive consumers current priorities and near-miss reporting. The Chair invited questions from the Board.
- 10.2 Mary Quicke raised a question about collaborative, cross sector workshops. She acknowledged the work of the external stakeholder group but stressed the importance of bringing commentary from across all sectors of business and

society to ensure consumer trust that recommendations will be implemented properly.

- 10.3 Rebecca noted the benefits of bringing these viewpoints together and said that this would be done as a part of future strategy development. She also mentioned the allergy symposium which would include representatives from various sectors and backgrounds.
- 10.4 Ruth Hussey emphasised the role of the NHS in supporting individuals' access to diagnosis, noting that we were sharing research with health services on different types of allergens. It would be important to help the NHS in understanding the scale of the issue in order to support their ability to provide the diagnoses on which consumers depend. She also mentioned that she had an interest as having been diagnosed with adult onset food allergy.
- 10.5 Rebecca agreed that there was a lot that could be achieved from collaboration with NHS services. She explained that the FSA were working across government and opportunities for collaboration were being considered to help inform the strategy. She added that data sharing between businesses will also be key.
- 10.6 Timothy Riley asked how the consumers reticence to find out about their own risk could be mitigated. He asked what relationships there were around education to help address this issue, particularly with younger people. Rebecca said formal collaboration with the education sector would usually take place through other agencies, highlighting projects around how food in schools can be made safe and looking at how issues around allergy and food hypersensitivity can be introduced in the right way. She added that the branding for the Easy to Ask campaign had been intended to target younger people in particular, addressing reticence around asking about allergens.
- 10.7 The Chair noted that the Board had taken the view, in the context of making life better for people with a food allergy or intolerance, that the FSA's direction would be particularly influenced by the effect on the 16-24 year old demographic because of the evidence showing that they are disproportionately at risk. The Chair said that it was important to be clear that this would drive the FSA's view of what represents a proportionate response to issues around food hypersensitivity. An example of being particularly attuned to this age group, was that they were much more likely to be eating from takeaways, which were known to score much lower on average for FHRS and were more likely to present language and other barriers for asking about allergens. She asked that as well as addressing the issue around Pre-Packed for Direct Sale (PPDS) products, issues around the higher risk posed by these types of premises should not be overlooked.

**Action 4 - Rebecca Sudworth provide a future Board meeting with specific advice on food businesses that presented particular risks to 16-24 year olds, and actions to help mitigate those risks and assist businesses in understanding and meeting their legal obligations.**

- 10.8 Colm McKenna endorsed the four-country approach outlined in the paper but highlighted the NI interest around a fifth country in the Republic of Ireland. He asked how it could be ensured that food coming across the border was suitable for food hypersensitive consumers in the UK market. He also asked about the challenges for small businesses of implementing measures and how they could be supported. Mary Quicke mentioned the lack of a relationship to FHRS. Margaret Gilmore added that consumers can often perceive a 'may contain' label as back-covering, leading them to take risks on products labelled this way. She also asked about whether there had been consideration around allergen labelling for alcoholic drinks.
- 10.9 Maria Jennings responded to Colm's point about the relationship between NI and the Republic of Ireland. Maria noted the importance of the relationship with the Food Safety Authority of Ireland (FSAI) and she was conscious that there were concerns around allergen labelling there too. She mentioned the MenuCal tool that was developed on an all-island basis that enabled restaurants to enter their recipes into the tool and find the appropriate allergy information. She said that issues around allergy and intolerance were always top of the agenda at the regular meetings that FSA in NI hold with FSAI. Rebecca mentioned the importance of supporting small businesses in implementation and related this to the focus on take-aways, which are often small businesses. She acknowledged that this was a sector that would need the FSA's advice and support and that the advice would be tailored and set out very clearly for their needs
- 10.10 Rebecca also addressed Mary's question about the provision of an 'at-a-glance' scheme for allergens along the lines of FHRS. She noted the resource, planning and time required to bring about the FHRS and suggested that to do something similar for allergens would likely be equally complex but that early work on this was underway and an update on this would be provided to the Board.

**Action 5 - Rebecca Sudworth to include information about progress towards an 'at-a-glance' scheme for allergen information provision in future Allergens Update paper.**

- 10.11 On alcohol labelling, Rebecca invited Michael Wight, Head of Food Safety Policy, to comment on the differences for alcohol labelling regulations. Michael Wight explained that where allergens were used and were present in alcoholic beverages, they needed to be declared. This was true of things such as sulphites but also applied to other allergens depending on whether there was any protein left in the final product.
- 10.12 The Chair mentioned a recent visit with Barnsley Metropolitan Borough Council, which showed that there were health authorities across the country actively trying tie the notification process to LA information around compliance. This was welcome but a systematic approach of capturing and presenting that information to consumers would be needed. She asked whether the FSA could always be copied into coroners' reports where there had been a food

hypersensitivity issue - while this was happening in many instances, there were some that were not being received. She expressed disappointment that part of the response to the recent pesto withdrawals would be that Sacla would implement precautionary labelling on its products, which is an approach that carries its own risks, adding that the aim for the FSA was to extend consumer choice for food hypersensitive consumers, not to limit it as precautionary labelling would.

10.13 The Chair confirmed that the Board supported the vision and objectives set out in the paper.

10.14 Rick Mumford reminded the Board that Science Council Working Group 5 was looking at the issue of food hypersensitivity. The Chair said she would invite Dr Paul Turner to update the Board on this issue in September.

**Action 6 - Rick Mumford to invite Dr Paul Turner to update the Board on the work of Science Council Working Group 5 in September 2020.**

## **11. National Food Strategy (FSA 20/01/10)**

11.1 The Chair introduced and thanked Henry Dimbleby, who is leading the creation of a National Food Strategy for England, for making the time to attend the meeting.

11.2 Henry thanked the FSA for their support to date, particularly on the metrics for the measurement of food safety. He described a projection, made in the mid-twentieth century, on the needs of the food system, based on expected population increases, recognising a need for a significant increase in calorie production from the same area of land. He said that the success of techniques that had come about to meet that requirement had meant that there had been no famines in the last century that were not the result of either bad government or poor food distribution.

11.3 He said that one outcome of this success was that the human population had become heavier and had begun to become sick as a result. There had also been harms to wildlife through pesticides and herbicides. He added that increased carbon release had been another consequence, noting that the food sector accounts for 30% of carbon emissions. He said that the fact that there was such success in adapting the food system to meet those needs means there was reason to be optimistic that it would be flexible enough to meet the demands of those other challenges, but would need to be alert to unwanted consequences.

11.4 He explained that the interim report on the National Food Strategy, due in April, would set out the principles and vision for what is desirable from the food system. Actions to bring that about will then be considered, cautioning that many of those actions may not be easily calculable economically. Following the interim report, the final report would be published in the winter and that

government had promised to bring forward a white paper six months following that.

- 11.5 Henry mentioned some of the points in the FSA paper on the National Food Strategy. He mentioned a human tendency to create plans and start to implement them with initial enthusiasm that eventually wanes. He suggested consideration of how to embed principles into a new way of working. He noted that the FSA is not a legislative body and that power may not be vested appropriately across the system. He noted the role of data mentioned in the paper and the role of trade, explaining that this was one of the major threads that connects the food system together and presents problems for the reduction of carbon emissions.
- 11.6 The Chair thanked Henry. She said that the Board had long wanted there to be a National Food Strategy, were committed to it being a success and wanted the FSA to play its part. Because food safety was working well in the UK, there was a loss of memory among some decision makers about past incidents including BSE, and their causes and consequences. This highlighted the importance that the National Food Strategy should reflect and embed the lessons of past challenges on food safety, not just assume it did not need mentioning because all was well. She suggested that the Strategy should address feed as well as food and that she would be keen to hear where he thought the FSA could be helpful.
- 11.7 The Chair added that the other major factor for the FSA was around truth, emphasising that a large part of what the FSA does is to tell the truth about food. She said that the FSA believed it owned the public health risk in relation to food. The department focussed its efforts on mitigating that risk.
- 11.8 Henry agreed with the Chair's point about decision makers not carrying forward the lessons from previous food incidents, and said that it does not come up, except for Andrew Jarvis' assertion that another, large scale, food scare or outbreak of food borne disease was due. He asked for the Board's thoughts on what measures should be in place to make sure that this was wrong.
- 11.9 The CSA said that he was excited to see the strategy emerging and that the FSA had been included early in the process. He mentioned the issue of trade and how this had changed over the years and added that the change in dietary preferences over generations would also have had an impact. He acknowledged the UK's food system was one of the world's safest but cautioned that safety, authenticity and trust could not be taken for granted. He said that the FSA would be able to help on any of the future transformations that had been mentioned and gave an example of the issues around single use plastics and food waste. He explained that offering the food safety expertise in terms of how these issues are tackled had been vital in proposals to deal with them. The CSA also said that the microbiome was one important area to consider and that healthy soil generally meant soil which contained a rich and diverse microbiome and that this was true of animal and human health also. He explained how understanding had expanded around the importance of gut



bacteria for a range of conditions and how it can be impacted by the microbiome throughout the food chain.

- 11.10 The Chair said that she saw a joint interest in identifying whose interests should be put first in relation to trade, and that the FSA would always make the case strongly that it should be the consumers' interest that comes first. She said that it would be helpful if the report could show whose interests are being protected and make it clear how to hold to account all those who would have delivery responsibility for the Strategy. She observed that there was a lack of clarity around the question of what is meant by *standards*. She said the report could outline a new way in which standards could be codified and defined.
- 11.11 Ruth Hussey said that there was an opportunity to frame the FSA's data requirements in ways that answered multiple questions. She gave the example of traceability which had implications not only for trust but also for questions around sustainability. The CE explained that the FSA was a good example of a model for how to hold government to account as an organisation that is removed from the political and electoral cycle and had a commitment to openness and transparency.
- 11.12 Colm McKenna noted that it was a National Food Strategy for England and asked whether there had been consideration of the other nations of the UK. Henry said that there had been consideration of areas of mutual interest in the devolved nations and issues concerning devolved matters where some degree of alignment might be necessary. There would also be issues where divergence was easier.
- 11.13 Margaret Gilmore urged Henry to use the FSA wherever possible and its ability to bring a wider perspective from its stakeholder relationships and offices in Wales and NI. She said it would be helpful for the report to find a title that reflected the wider scope of the report, beyond the remit of the FSA. She asked how potential trade deals, following EU Exit, were likely to impact on this work. She also raised a concern about the use of language around food making people sick and whether this could be framed more positively.
- 11.14 On trade, the Chair agreed that all costs including environmental costs were considered. She explained that there were similar issues attached to the FSA's work on AMR where, though there was justified pride in the work being done on it in the UK, in other parts of the world those efforts were not being replicated, yet the severe public health challenges arising from AMR were not limited by national boundaries. This raised the question of how the FSA can protect the consumer from the consequences of activities elsewhere. Henry said that trade was a central issue to consider. He explained that the World Trade Organisation was set up to counter protectionism but that most of what was known about the likely content of future trade deals so far could be interpreted as protectionist. He said that there would be a need to have some process restrictions on food coming to the UK and there would be multi-lateral and multi-national collaboration taking place to address these issues, acknowledging that he was realistic about the ability to influence these decisions. On the structural issues, he offered to revert to the Chair and CE

with a set of questions on some of the issues around governance mentioned in the FSA paper.

**12. EU and International Strategy: Update (FSA 20/01/09)**

12.1 The Chair asked Catherine Bowles to introduce the paper on EU and international Strategy. Catherine gave an overview of the paper covering the need to recalibrate and areas where the strategy would need to be focussed. The Chair noted that there had been a Board discussion around this in 2018 and invited questions from the Board.

12.2 Mary Quicke said that there had been successful cooperation in all the areas mentioned in the paper and asked whether there would be a different skill set required to influence decision making following EU Exit. Catherine said there would be a need to evaluate the scope of the FSA's influence once the UK is no longer a Member State with votes on issues. She said that this would likely be a challenge to existing skill sets.

12.3 The Chair noted the reference to measuring success of international work and a process to measure its impact at paragraph 3.14 of the paper. She said it would be very important to get clear measures of what has been achieved showing the outcomes that were wanted and how those that were not could be avoided. She asked that there be more on this in future papers on this issue.

12.4 Catherine said that it would also need to be clear that some of the measures of success would need to be expressed negatively, in terms of outcomes that were avoided. She said that some imagination would be required in how to present that information but that it would be brought back to the Board at a future meeting.

**Action 7 - Catherine Bowles to include greater detail on how success is measured in future papers on International strategy.**

**13. Nutrition Health Claims, Composition and Labelling Common Framework Proposals (FSA 20/01/11)**

13.1 The Chair invited Maria Jennings to introduce the item on Nutrition Health Claims, Composition and Labelling Common Framework Proposals. Maria gave an overview of the paper covering the four-country approach and alignment with principles set by the Board in September 2019 and those of the Joint Ministerial Committee; the consistent approach to all frameworks; and the oversight of the nutrition framework.

13.2 The Chair said that she was seeking recognition from the Board that the approach was consistent with that of other frameworks. She emphasised that the Board was not being asked to approve the framework itself.

- 13.3 The CE made a point about domestic frameworks, saying that although trade was a reserved matter, many of the impacts arising from it were devolved. She said that the frameworks should ensure that a four-country approach is maintained consistently, and UK frameworks should not impinge on devolved issues.
- 13.4 The CSA pointed out that the process was necessary but did not address issues around false nutrition claims being made online rather than on the products label. He said that consideration should be given to how to address that.
- 14. Advisory Committee for Social Science (ACSS) Annual Report (FSA 20/01/12)**
- 14.1 The Chair welcomed Professor Susan Michie, Chair of the Advisory Committee on Social Science (ACSS), to the meeting and invited her to give a summary of issues covered in the paper. Susan gave an overview of the paper covering the desire to work within the FSA's priorities; the ACSS role in reviewing Social Science work for quality; ensuring that work is impactful; and the draft quality assurance list included in the Annex.
- 14.2 The Chair asked to what extent there was confidence that the quality of engagement exists within the FSA and that there was the access to be able to influence policy. Susan replied that this would be assessed over time but so far, the quality of the access to the right personnel was good.
- 14.3 The CSA said that the input had been excellent and highlighted the Food and You Survey. He said that there had been a lot of discussions about how to move the survey forward. He noted the critical-friend advice from the working group headed by Professor George Gaskell and the possibility of moving to a situation where, for a lower cost, the survey could be future-proofed, and this highlighted why the FSA should welcome the advice from the ACSS.
- 14.4 The CE referred to the point that had been made about access to the FSA. She said that FSA personnel should not wait to be approached with social science advice but should be approaching ACSS to make sure that advice is sought. Susan agreed and pointed out that there was a template for those coming to the ACSS for advice. She noted that it had not yet been used but did now exist and she encouraged teams to use it. She considered that there was a social science aspect to every policy issue and highlighted the ACSS's involvement in the development of policy around the issue of AMR.
- 14.5 Ruth Hussey noted that the approach was to start with the questions that needed to be answered in relation to the business of the organisation and that this was welcomed. She referred to the CSA's point about the Food and You Survey, saying that it demonstrated the impact and changes that could be brought about. She said that the quality assurance framework was also very promising and could be a good tool for the FSA.

14.6 The Chair thanked Susan for bringing the paper to the Board and said it was especially good to see that the four case-studies on the assurance review were so clearly aligned to the priorities of the FSA.

**15. Annual Update on Social Science in the FSA: Building Capacity and Supporting Delivery (FSA 20/01/13)**

15.1 The Chair invited Michelle Patel, Head of Social Science, to introduce the Annual Update on Social Science. Michelle delivered a summary of the paper covering consumer and business attitudes and behaviours; how data was maintained and monitored and the questions for the Board.

15.2 The Chair invited comments on the paper. David Brooks said that he had attended the FSA's Social Science Symposium and that it had been well demonstrated that the FSA was good at working with those whose views it sought out. He asked whether there was confidence that there wasn't a silent majority of consumers whose views the FSA had not picked up. He also asked whether there was confidence that there was the right level of engagement with food-hypersensitive consumers and that risky behaviours in relation to food by this group were understood from a Social Science perspective.

15.3 Michelle noted the challenge of getting people to engage with the complexity of the food system. On the food-hypersensitivity issue, she said that although there was thought to be upwards of two million food-hypersensitive consumers in the UK, this did not show up very well in representative sampling of the population in general. She said that a sample of these consumers was being assembled to help inform recommendations from a Social Science standpoint.

15.4 Rebecca Sudworth noted the support that Social Science colleagues had provided in the development of the food-hypersensitivity strategy. The CSA noted the breadth of work being developed by relatively few people within the FSA and asked how this was achieved. Michelle acknowledged that the Social Science team was still a small team but had grown. She acknowledged that the numbers would not be enough on a permanent basis but there was a network of advisors who also fed into the work. She said there was also a focus on achieving the right balance between in-house analysis and commissioned work.

15.5 The Chair noted that the Annex to the paper showed that people say that FHRS scores are important to them when deciding where to eat. She observed however that the FHRS tracker data showed something different. This highlighted the need to understand the difference between what people said, what people did, and why.

15.6 Timothy Riley asked whether there was a link between the application of a scientific discipline such as Social Science to policy making and the ways in which policy teams might have worked intuitively, particularly in communications. Michelle said that the Social Science team were informing the Communications Strategy and that it was important for this supporting

information to be readily available to the FSA due to the need to keep pace with events in a fast-changing environment. Julie Pierce added that the Social Science information afforded an opportunity for new, perhaps counter-intuitive, thinking and to make connections with other data sets to enable the construction of a full eco-system around what was happening in relation to consumer behaviour and food. She highlighted the importance of the speed of access to the information to be able to make these insights.

- 15.7 Mary Quicke asked a question about the FSA's ability to influence policy in other Member States once the UK had left the EU and also the capacity to influence the work of other government departments. Michelle said that the EU Exit team had approached the Social Science team seeking usable evidence that could help to inform trade negotiations. She said that, in terms of message testing, messages were tested against a variety of audiences and, for international cooperation, evidence would be sense checked against relevant cultural values and the Social Science team stood ready to assist where it could in providing usable data.

## **16. Risk Analysis Process: Update (FSA 20/01/14)**

- 16.1 The Chair invited Rebecca Sudworth to introduce the paper on the Risk Analysis process. Rebecca gave an overview of the paper, mentioning the need for flexibility in analysing risk and the how the analysis would arrive at the Board for decision.
- 16.2 The Chair asked the CE to provide more detail on how the risk analysis process could be triggered in relation to imported foods or new food products. The CE explained that in terms of triggering a change in law, the current arrangements would see changes could come through Parliamentary processes. However, as new trade agreements were signed, there could be new routes through which changes to the regulatory status of a food product could be triggered. Firstly, though an element of a trade agreement itself, secondly though an application for a regulated product and the third route would be through a trade dispute. The Chair said it was important that this was understood that the first route was not the only means through which this risk analysis process could be triggered.
- 16.3 The Chair said that following the discussion in closed session on the FSA's position in relation to future trade agreements the previous day, there were two components that she wanted to put on record. These related to the Board's commitment to openness and transparency. The Chair recognised that there could be rare circumstances where public discussion of Board business relating to international trade could not happen because the sensitivity of Government's negotiations. However, where this was the case, the Board intended to put on the record the high-level advice it had provided to FSA officials. Furthermore, the CE and Chair would regularly review the opportunity to discuss the FSA's contribution to discussions around trade in a standard Board meeting, held in public, acknowledging that this might not be very often. She said that Board

Members would receive updates on officials' contributions. Officials would revert to the Board for further advice where necessary and the Board would also be asked for direction should the Government negotiating position undermine the FSA's objectives.

16.4 Secondly, the Chair said that Board had debated and agreed a clear and robust set of objectives to be followed by FSA officials when inputting to the trade negotiations process. These were to:

- ensure no reduction in public health protection for UK consumers. This includes:
  - a) maintaining and upholding the current, tried and tested, regulatory regime.
  - b) ensuring food and feed safety were properly taken into account in Free Trade Agreements (FTAs), including that products and processes were only authorised to be placed on the domestic market following a robust FSA risk analysis process; and
  - c) seeking to preserve our right to regulate under the WTO Sanitary and Phytosanitary Agreement and set our own appropriate level of protection to protect consumers from risks arising from food and feed.
  
- Where appropriate, enable public health protection for UK consumers to be improved. This includes seeking opportunities to maximise:
  - a) the FSA's access to information and data from trading partners that facilitates protection of consumers in the UK; and
  - b) the scope for future collaboration with trading partners on food and feed safety.
  
- safeguard consumer confidence and interests by putting the consumer first, including:
  - a) agreeing the application of robust science and evidence under FTAs that includes consideration of other interests and legitimate factors in decision making.
  - b) Securing and supporting as unified a system as possible across the UK reflecting our devolved responsibilities.

16.5 The Chair then invited comments from the Board. David Brooks asked for some clarification on how the list of activities mentioned in the paper fitted in with the role of the Advisory Forum on Food and Feed (AFFF). The CE explained that the AFFF was not a government body, that the FSA would decide the advice and that this would correctly go to Ministers. Rebecca added that one of its functions would also be to ensure that there was no delay in the system. The Chair reminded the Board that the FSA had created this specific advisory forum on the basis of delegated powers that were expected to come to the FSA. These powers had not yet been given to the FSA, which called into question the purpose and value of the Advisory Forum. The Chair noted that David's input around the role of AFFF also questioned the need for this additional bureaucracy. The Chair asked whether it was intended that the

AFFF would agree not to meet if there was nothing for them to add on an issue. She pointed out that the Annex to the paper listing the large number of reauthorisations to be undertaken was a good case in point: in the past, the FSA would not have expected any interest from other Government Departments in these kind of issues, and it would be a retrograde step if the creation of the AFFF meant each of these kinds of matters was going to be discussed by it.

- 16.6 The CSA said that the idea of triaging issues had come up previously. There was a risk that involvement of the AFFF could slow decision making. Colm McKenna said that his understanding of the AFFF was that it was in the FSA's power to use it or not use it as deemed appropriate. The Chair asked that Rebecca follow up on the CSA suggestion of looking at how triaging could be done and revert to the Board with proposals.

**Action 8 - Rebecca to consider triaging of issues to ensure that the AFFF achieved the Board's original intentions, and to revert to the Board with proposals on how this could be done.**

#### **17. Report from the Chair of the Audit and Risk Assurance Committee (ARAC) (INFO 20/01/01)**

- 17.1 The Chair asked Colm McKenna to deliver his report as Chair of the Audit and Risk Assurance Committee (ARAC). Colm referred to the ARAC meeting of 13 November 2019. He mentioned that the meeting had featured a good discussion with the NAO and Mazars and an initial discussion around the start of the planning process. He said that ARAC had since met again, on 20 January and had welcomed Timothy Riley to his first meeting as a member of ARAC. He explained that at the meeting it had been agreed that ARAC would meet with members of the audit teams across the FSA as the Board meetings in Cardiff and Belfast took place. Colm also said that there had also been a brief discussion of the recognition of the potential of the audit process to drive continuous improvement.

#### **18. Reports from the Chairs of the Food Advisory Committees (FACs)**

- 18.1 The Chair invited Ruth Hussey to update the Board on the Welsh Food Advisory Committee's (WFAC's) activities since the last Board meeting. Ruth said that the WFAC had met the previous week to discuss the food system in Wales. She mentioned that there had been external contributions from Bangor University about the range of research in that area and another from Wrap, looking at food waste and packaging issues in Wales. She expected the WFAC to conclude their work looking at the food system in Wales following their next meeting. She added that the WFAC had also had an opportunity to consider the Board's papers for this meeting and that her comments had been informed by that discussion.

18.2 The Chair then invited Colm McKenna to update the Board on the Northern Ireland Food Advisory Committee's (NIFAC's) activities since the previous Board meeting. Colm explained that NIFAC had continued their look at the Northern Ireland food landscape and had heard presentations from Invest NI and the Ulster Farmers' Union. He said the discussion included possible impacts of EU Exit and also highlighted the complexity of some of the concerns for agri-food businesses in Northern Ireland. Colm also said that through Invest NI's presentation there was also discussion around reformulation, particularly for bakery products. He said that, like WFAC, NIFAC had also considered the Board papers and that his comments had been similarly informed by that discussion.

## **19. Any Other Business**

19.1 No other business was raised. The Chair recorded that the next Board meeting was scheduled for 11 March and would take place in Clive House, London.

## **20. Question and Answer Session**

20.1 A question was raised about the 16 to 24-year-old demographic in relation to food allergy and intolerance. This part of the population was raised as a key demographic in discussion of the Food Hypersensitivity paper but was not mentioned in discussion of Social Science. The Chair invited Michelle Patel to address this question. Michelle mentioned that there had been work taken forward in regard to 16 to 24 year-olds and what drove behaviour in that section of the population generally, though without specific regard to allergy and hypersensitivity. She explained that because people with allergies account for around 5% of the adult population, this impacts on the available sample size and that ability to obtain the detail to enable a focus on a specific age range. She said that work was underway to seek a representative sample of people with allergies to enable this detail to be found.

20.2 The Chair said that there had also been research commissioned by the FSA with this demographic that fed into the Easy to Ask campaign. She invited the CSA to say more. The CSA said that the FSA had developed a lot of tools that work in conjunction with social media platforms. This had been effective in capturing information from that generation but left a question about how those not on social media could be similarly reached. There were no further questions and the Chair closed the meeting



## Minutes of the FSA Business Committee meeting on 21 January 2020

Convocation Hall, Church House, Dean's Yard, Westminster, London

### Present:

Heather Hancock, Chair; David Brooks; Margaret Gilmore; Ruth Hussey; Colm McKenna; Mary Quicke; Timothy Riley; Mark Rolfe.

### Officials attending:

Emily Miles	-	Chief Executive
Darren Davies	-	Head of the National Food Crime Unit (for paper FSA 20-01-18)
Martin Evans	-	Head of Field Operations (for paper FSA 20-01-19)
Chris Hitchen	-	Director of Finance and Performance
Maria Jennings	-	Director of Regulatory Compliance, People & Northern Ireland (NI)
Carmel Lynskey	-	Interim Head of Regulatory Delivery and Operational Transformation (for paper FSA 20-01-19)
Rick Mumford	-	Director of Science, Evidence & Research
Julie Pierce	-	Director of Openness, Data & Digital and Wales
Guy Poppy	-	Chief Scientific Adviser
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer

### Apologies

Stuart Reid	-	Board Member
Paul Morrison	-	Director of Strategy, Legal and Governance

## 21. Welcome and announcements

21.1 The Chair welcomed everyone to the Business Committee meeting and noted apologies from Stuart Reid and Paul Morrison.

## 22. Minutes of 18 September 2019 (FSA 20/01/15)

22.1 The Business Committee approved the minutes without comment.

## 23. Actions arising (FSA 20/01/16)

23.1 The Business Committee noted the Annex relating to the timeline for transition to the Balanced Scorecard approach and that all actions were complete.

**24. Chief Executive's Report to the Business Committee (FSA 20/01/20)**

- 24.1 The Chair invited the Chief Executive (CE) to introduce her report to the Business Committee.
- 24.2 The CE noted that in addition to the minor structural changes mentioned at paragraph 3 of the report, a Strategy Unit was also being established.
- 24.3 In relation to the People Survey as mentioned in the report, team by team results had been available since the previous week and these were now being analysed and actioned by managers across the Agency.
- 24.4 The Chair offered congratulations for the 67% engagement score in the People Survey which classified the FSA as "high performing" in the top 25% of Civil Service Departments. This had been a long-held ambition of the Agency and it was great to see it realised.
- 24.5 Mary Quicke asked what had gone well to enable the Agency to achieve the high engagement score. The CE said the Our Ways of Working (OWOW) programme had had a major impact on results. OWOW gave staff the digital tools they needed to enable them to work remotely and improve their work life balance. The FSA's clarity of mission was also shared widely by staff across the Agency.
- 24.6 Colin Sullivan said there had been a 3% increase in engagement among field operations staff who accounted for more than half of all FSA staff. Field operations staff were mainly based in plants and so did not have flexibility about how they worked so the increase in engagement showed that the FSA's engagement activity with them had been successful.
- 24.7 Maria Jennings reminded the Committee that the FSA was in the third year of a three-year People Strategy and this was a good context in which to look at the increased engagement score. We had embedded the new change management framework; we had a good focus on, and support for, wellbeing; we had more engagement networks which enabled people to connect with each other easily; we had centralised our learning and development offering which made it easier to access; and there was a recognition among staff that we were trying to deal with the inadequate pay issue.

**25. Performance and resources report Q2 2019/20 (FSA 20/01/17)**

- 25.1 The Chair invited Chris Hitchen to present this report.
- 25.2 Chris reminded the Committee that the figures in the report were for Q2 as of September 2019 and this was because the meeting and so the paper were coming later than originally planned on account of the recent General Election.
- 25.3 Nevertheless, the report reflected the discussions the Board had had throughout the day including the key priorities of EU Exit and ROF (Regulating

our Future) or the OCM (Official Control Modernisation) programme as we were now calling it.

- 25.4 Chris confirmed that the intention was to update the report to continue to reflect the FSA's priorities while not wishing to inflate the size of the report and bearing in mind that metrics like those for the National Food Crime Unit (NFCU) were available elsewhere and as such new pages on allergens and food standards, would likely be included in this report going forward.
- 25.5 Chris drew attention to slide 6 which had been mentioned during the Audit and Risk Assurance Committee (ARAC) Report and during the Board meeting and focused on the FSA's role as the Central Competent Authority (CCA) and focused on our interventions and discussions with local authorities (LAs) on their performance as Competent Authorities.
- 25.6 In terms of resources Chris said we were prioritising our work load to keep within Treasury limits for the rest of this year. We had already touched on the 20/21 pressures next year and the prioritisation decisions required to balance the budget which the CE was already leading. The Business Committee were also aware that the FSA had already started work on the next Comprehensive Spending Review, SR20.
- 25.7 Mark Rolfe raised two points in relation to the slide on LA performance. First that it was very hygiene focused and did we have the same information for standards and second that it identified the weak performers, but could we do something to encourage strong performers?
- 25.8 Chris said we were developing metrics for standards in line with the National Audit Office (NAO) report and the Public Accounts Committee (PAC) recommendations. Forthcoming Board discussions on sampling would be one of the routes to establishing food standards metrics. Maria noted that the Board agreed that expectations the FSA set around current standards were not the right ones. We were working on moving away from a premises-based inspection regime for food standards and official controls which was why there was currently no information on standards provided as there was for hygiene.
- 25.9 The Chair said the purpose of the set of indicators in this report was to focus on the most critical matters. There would be other opportunities for the Business Committee to have deep dives into the granular detail of certain topics such as the Balanced Scorecard. Maria Jennings said a lot of thought was being given to the Balanced Scorecard around how it would be presented to LAs and how they would use it. The Balanced Scorecard would provide the space to highlight good practice among LAs which would enable LAs to have conversations with, and learn from, those LAs which were performing well.
- 25.10 The CE drew attention to the Food Hygiene Rating Scheme (FHRS) statistics and how they showed that consumers in the three countries were being very differently served by the scheme. In England 4.6% of businesses had a rating of 2 or lower, while this was 3.7% in Wales and 1.1% in Northern Ireland. This reinforced the point made previously by the Committee that mandatory display

of ratings had had an impact on ratings in Wales and Northern Ireland. Moreover, ratings impacted on consumer safety and reinforced the Board's position on the need for mandatory display of ratings in England too.

25.11 The Chair concluded by saying that at the next meeting the Committee would be considering the following financial year's business plan and budget, and the tightness of resources would mean we would need to prioritise our efforts.

**26. National Food Crime Unit – update on progress (FSA 20/01/18)**

26.1 The Chair welcomed Darren Davies to the table and invited Colin Sullivan to introduce the paper.

26.2 Colin said this annual report provided an update on the progress of the NFCU towards Full Operating Capability (FOC) for April 2020. In June 2018 the Board had agreed the expansion of the Unit, known as Phase 2. This required the Unit to quadruple in size to a full staffing complement of more than 80 FTEs to accommodate the additional investigative and prevention functions to the NFCU. Refining the outcomes of Phase 1 of the Unit's development and bringing more individuals into the team for Phase 2 had taken time.

26.3 The Unit had successfully procured and implemented an end-to-end intelligence and case management system; secured access to the Police National Computer (PNC) and Police National Database (PND); and secured an Information Sharing Agreement with the Food Industry Intelligence Network. With the infrastructure in place, the Unit continued to work on gaining access to the suitable legislative powers and a Memorandum of Understanding (MOU) with the Crown Prosecution Service (CPS) and the Public Prosecution Service in Northern Ireland (PPS).

26.4 Darren said although it had been challenging, the Unit had made great progress expanding in size and delivering operational activity at the same time.

26.5 Regarding the MOU with the Public Prosecution Service in Northern Ireland, Darren said there had been very productive engagement and, given the recent political changes in NI, he hoped the MOU would get sign off at the appropriate level soon.

26.6 In terms of the MOU with the CPS, Darren said the Unit had had several meetings with the CPS who were diligently checking the NFCU's level of staff training and competence and procedures for handling large volumes of data to ensure there would be no issues later on when it came to progressing prosecutions. Darren was hopeful of getting the MOU signed off soon. Meanwhile the CPS was continuing to provide the NFCU with support on live casework.

26.7 In response to Colm McKenna's question about securing support from the Police Service of Northern Ireland (PSNI), Darren said there was a very strong relationship but formal support had taken longer to finalise than from the

National Police Chief Council due to the additional measures required for staff safety given the operating landscape in NI compared to England and Wales.

- 26.8 The Chair welcomed the NFCU's work on DNP as detailed in the Annex to the paper which had also been mentioned in the CE's Report to the Board. The Chair drew attention to the need for greater cross-departmental coordination in combating the threat from DNP. DNP was a dangerous non-food product. The Committee supported the argument that awaiting its sale as a foodstuff rather than intervening earlier in the supply chain was unnecessarily exposing the public to risk.
- 26.9 The Committee continued to be concerned about DNP and supported the NFCU in giving priority to addressing this threat as there had been four fatalities in 2019, following the six fatalities in 2018. The Chair reinforced that the FSA alone could not address the threat from DNP.
- 26.10 Darren agreed that there was no safety net and the sale of DNP as a food did allow for potential tragedies to occur. He also agreed that there needed to be greater cross-government co-operation as supply was increasingly coming from overseas, due to a decrease in UK sellers, which meant sales of DNP were outside our food regulations and our jurisdiction.
- 26.11 Darren concurred with the CE that lack of direct access to powers under the Police and Criminal Evidence Act (PACE) was not impeding the Unit's ability to operate, rather it made it more complicated. The support from police chiefs and local authorities was very positive. The absence of direct access to powers added a delay of days to the Unit's ability to act, rather than prevented it from acting at all. The advice from Counsel had been reassuring but until cases progressed through the courts the extent of the Unit's vulnerability by not having direct access to the PACE powers remained to be seen.
- 26.12 The Chair concluded by thanking Darren for his leadership of the Unit under which impactful relationships had been built such as gaining access to the Police National Database.

**27. Operational transformation delivery programme (FSA 20/01/19)**

- 27.1 The Chair welcomed Carmel Lynskey and Martin Evans to the table and invited Colin Sullivan to introduce the paper.
- 27.2 Colin said this paper followed on from a workshop the Board had had in October 2019 about how to take the Operational Transformation Delivery Programme (OTDP) forward. The programme sought to modernise the delivery of official controls by the FSA in meat, wine and dairy by moving to a proportionate and risk-based delivery of controls.
- 27.3 Colin said that while the FSA was keen to modernise the delivery model, it was important to remember that the current model continued to protect consumers. New technology, legislative changes and the availability of staff were among

the drivers for moving towards a more effective and sustainable model for the future.

- 27.4 Colin said the paper included a write up of the outcomes from the October workshop for comment prior to the full business case being submitted. Colin reminded the Committee of the significant proportion of human resources currently tied up in the delivery of official controls.
- 27.5 Colin said the paper sought the Business Committee's endorsement of the programme and asked how the Committee wished to chart progress and input into the programme of work. Finally, Colin stated that the FSA was committed to working with industry as the programme moved forward.
- 27.6 Colin assured Timothy Riley that field operations staff worked closely with FSA incidents staff and the NFCU to process intelligence and complaints to identify those engaging in food crime as opposed to regulatory non-compliance.
- 27.7 Martin Evans confirmed for Mary Quicke that the FSA would be working closely with Henry Dimbleby on the National Food Strategy, in response to her point about helping small abattoirs operate as sustainable businesses.
- 27.8 The Chair said the programme sought to strike the right balance of accountability between industry and the FSA, by recognising that it was industry's job to do the right thing to keep food safe. In dealing with less complaint Food Business Operators (FBOs) it was important for them to understand that the presence of the FSA in their premises did not abdicate them of their responsibility.
- 27.9 Accountability was integral to the FSA's consideration of roles and responsibilities across the wider food system, who should do what, with what accountability. It had long been the Board's view that the FSA existed to regulate not to subsidise the industry. That did not mean that subsidies should not be allowed, but it was for other parts of government to provide that subsidy, not the regulator. It created a conflict of interest when the burden of setting and funding subsidies fell to the FSA. The FSA was willing to help Defra and the Devolved Administrations in looking at how costs fell on industry.
- 27.10 Margaret Gilmore said the same conversations about value for money had been taking place a decade before and it would be challenging to make progress in this area. Colm McKenna emphasised the importance of the FSA, as the regulator, no longer being involved in subsidies to the industry as soon as possible. Colin assured the Committee that any progress on changing the funding model would be discussed with them.
- 27.11 The CE said previously the work of the OTDP had been part of the Regulating our Future (ROF) programme. While the OTDP had now been separated out from ROF in recognition of the distinct nature of the meat industry in relation to the rest of the food industry, there remained a close connection between the two programmes. They shared the same language, for example risk-based,

proportionate and segmentation, and they were part of a joined-up conversation.

27.12 Guy Poppy said as well as a driver for change, technology could also address other areas such as improving public health and increasing productivity. Projects like the 21st century abattoir and digital twins which combined cutting edge technology with knowledge of how real-world systems worked could also be helpful to the FSA in areas such as strategic surveillance and the NFCU.

27.13 Carmel and Martin both confirmed that the OTDP would need to embrace opportunities around data and technology through feasibility studies to address changes in production speeds and methods. Colin welcomed the enthusiasm there was amongst Operations colleagues for embracing new opportunities. He said that with limited resources available, the programme had to spend its resources on the most impactful projects, and it was the right time to conduct a programme stocktake.

27.14 Ruth Hussey welcomed the programme team's energetic response to embracing change and asked why therefore there was both an interim and a final operating model. An interim model suggested a model based on easy wins without full line of sight to the final model. Ruth suggested setting up only one model which could be tested along the way to the final outcome.

27.15 Carmel clarified that the interim model did not represent a line in the sand, rather it was part of an iterative process. She explained that the rationale for the piece by piece approach was based on benchmarking the experiences of other countries, such as New Zealand, in making similarly significant changes to their systems. Ruth welcomed Carmel's acknowledgement that the language the programme team used needed to make it clear that the interim model was not a fixed point and that the final model was the end goal throughout the change programme.

27.16 The Chair concluded by saying the Business Committee supported the direction of the programme as set out in the paper. There would be opportunities at the Business Committee to measure the operational progress of the programme. As the programme developed, the team would be able to bring any decisions of material significance to the Board for consideration. There was a standing item for regulatory reform on the Board forward agenda so there would always be space for it.

## **28. Any other business**

No further business was raised, and the Chair closed the meeting. The next meeting of the FSA Business Committee would take place on 11 March 2020.