

**Minutes of the FSA board meeting held on 13 March 2019**

Clive House, 70 Petty France, London SW1H 9EX

**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:**

Rod Ainsworth	- Director of Strategy Legal & Governance
Jason Feeney	- Chief Executive
Chris Hitchen	- Director of Finance and Performance
Michael Jackson	- Head of Regulatory Compliance (for paper FSA 19-03-05)
Maria Jennings	- Director of Regulatory Compliance, People and Northern Ireland (NI)
Patrick Miller	- Head of Science Strategy and Governance (for paper FSA 19-03-10)
Julie Pierce	- Director of Openness, Data & Digital and Wales
Steven Pollock	- Director of Communications (for question and answer session)
Guy Poppy	- Chief Scientific Adviser
Colin Sullivan	- Chief Operating Officer
Michael Todd	- Finance and Performance Planning Manager (for paper FSA 19-03-09)
Steve Wearne	- Director of Science
Michael Wight	- Director of Policy

**Guests:**

Sandy Thomas - Chair of the Science Council (for paper FSA 19-03-07)

**Welcome and announcements**

1. The Chair welcomed everyone to the meeting. She reminded Board Members that they should declare any interests before discussion of the relevant item. She also welcomed members of the public attending in person, explaining that there would be an opportunity for them to put questions to the Board at the end of the meeting.
2. The Chair outlined the process for submitting questions to the Board. She invited Steven Pollock, Director of Communications, to read out questions submitted online for the Board ahead of the meeting. One question had been received. This would be published, along with the accompanying answer, as an annex to these minutes on the FSA website within fourteen working days
3. The Chair also explained that due to urgent business, Rod Ainsworth, Director of Strategy Legal & Governance, would be joining the meeting a little late and

would deliver the EU Exit Update (FSA 19/03/04) following the LA Performance discussion (FSA 19/03/05).

**Minutes of meeting held on 5 December 2018 (FSA 19-03-01)**

4. The Chair noted that these minutes had been circulated to the Board in draft and requested any further comments from Board Members. No changes were requested and the minutes of the meeting were agreed.

**Actions arising (FSA 19-03-02)**

5. The Board noted the Actions Arising from previous Board meetings. The Chair noted that all items appeared either to be complete or would be completed by their inclusion on the agenda for this meeting. No further comments were raised on the actions.

**Chair's report to the board**

6. The Chair explained that a note of her engagements, and those of Board Members, since the previous Board meeting had been published online. She reported that the Board and FSA Executive had held their usual January away-day to consider corporate risk and the shape of the business plan for the coming year. She also mentioned the discussion, from the away-day, around preparations for EU Exit planning, noting that both EU Exit planning and business planning were on the day's agendas for the Board and Business Committee respectively.
7. The Chair noted meetings that she had held with the Secretary of State for Health, Matt Hancock MP, the Public Health Minister, Steve Brine MP, and with Defra Minister, David Rutley MP. These meetings focussed primarily on preparations for the UK's exit from the EU.
8. The Chair also highlighted her appearance, alongside Steve Brine MP and Chief Veterinary Officer, Christine Middlemiss, at the House of Lords Energy and Environment Sub-Committee to discuss EU Exit planning. She noted that at that hearing, it was useful to hear Steve Brine MP endorse government plans to provide the FSA with delegated powers to take risk management decisions in relation to food safety.
9. The Chair noted the discussion with David Rutley MP over the FSA's provision of animal welfare services on behalf of Defra covering recently published statistics for non-stun slaughter, CCTV and enforcement action in abattoirs and slaughter houses.
10. The Chair also detailed a meeting she had held with Lord Gardiner, the Lords Minister for Defra, to discuss his portfolio around bio-security and its role in relation to food incidents.

11. The Chair then highlighted the resignation of the Chief Executive (CE), which had been announced and would be effective from June 2019. The process of finding a new CE had been initiated, the closing date for applications had passed and the process was underway, chaired by Jan Cameron, a Civil Service Commissioner.
12. The Chair also noted, for observers to the meeting in attendance and online, that the recruitment process for new Members of the FSA Board was live and she encouraged interested individuals to look at the Cabinet Office public appointments webpages and consider submitting an application.

**Chief Executive's report to the board (FSA 19-03-03)**

13. The CE highlighted some areas of his report, drawing attention firstly to the consultation on food allergy issues, which would be closing on 29 March, encouraging any observers to the meeting to submit their views. He also outlined progress with the development of the Advisory Forum for Feed and Food (AFFF), explaining that it was now approaching completeness, operating on the proposed four-country model, and that a walk-through exercise had been held. He explained that the FSA was awaiting the final nominations for membership of the Forum from some Departments but that AFFF was now operational.
14. The CE then drew attention to the attendance of the FSA's Director of Science Steve Wearne; Director of Regulatory Compliance, People and NI, Maria Jennings; and Director of Openness, Data & Digital and Wales, Julie Pierce at the Global Food Safety Initiative (GFSI) conference in Nice. This was part of the FSA's strategy to increase its international profile and influence. He explained that GFSI was the world's largest annual food safety related conference and items the FSA presented on allergens, and on surveillance and horizon scanning were particularly well received by the conference. He emphasised the importance of international collaboration in tackling growing issues for food regulation such as sales over the internet. He expressed his thanks to those who represented the FSA at the conference for having done so effectively and positively.
15. The CE then noted the point around Cannabidiol (CBD) in food, which had been raised in a public question for the Board ahead of the meeting. He emphasised the importance of collaborative working on the issue with other Government Departments with an interest in CBD. He also noted that there was an EU wide approach to the designation of novel foods and discussions with other member states continued. He invited Michael Wight, Director of Policy, to detail further elements of the FSA's approach to CBD. On the question of the authorisation process for novel foods, Michael explained that this was set by EU legislation; the UK's Advisory Committee for Novel Foods and Processes would advise on novel food applications before passing these to the European Food Safety Authority (EFSA). He outlined the principles of the EU Novel Foods legislation drawing attention to guidance on the FSA's website

for those products that did require authorisation. He also noted that the FSA had put in place a system that would perform a similar role to that which EFSA carried out, in preparation for the UK's exit from the European Union.

16. On the question of the FSA's proposed approach to CBD, he reiterated that it was the responsibility of food businesses to ensure that any product they put on the market was safe as well as ensuring that current food law was met. This would entail checking whether the novel foods regulations applied to any product that they wished to put onto the market. He explained that the status of CBD products had been under discussion for some time and that a history of consumption of products containing CBD had been sought. Given the lack of evidence of any historic consumption, CBD had been designated as a novel food. He explained that this had been accepted by parts of the industry, who had submitted applications for evaluation. He re-emphasised the FSA's commitment to finding a proportionate response to CBD containing products already on the market. Officials were discussing options with Local Authorities (LAs), food businesses and other Government Departments and would be updating advice following the conclusion of those discussions.
17. The Chair invited comments on the CE's report from Board Members. Laura Sandys paid tribute to the CE's leadership over his tenure. She asked a question about the FSA's communication with food businesses about the FSA's role following the UK's exit from the EU. The CE explained that teach-in sessions were being considered to ensure that there was a clear understanding and that the FSA had been using all available tools, including digital and social media to disseminate these messages. He suggested that the CBD issue was a good example of the need to communicate the change in the role of the FSA in a post EU Exit environment.
18. Colm McKenna asked the CE about AFFF, noting that the Chair had written to Ministers/officials in Northern Ireland, Wales and Scotland to ensure an effective four-country model for the Forum. He asked about the relationship with relevant bodies in Ireland. The CE explained the encouraging response that had been received from Ministers and officials in Wales, NI and Scotland, demonstrating their appreciation of the need for the proposed approach. He explained the relationship with the Food Safety Authority of Ireland (FSAI) was now closer than it had been for some time, and Maria Jennings was leading discussions with FSAI. Maria added that the FSA was currently refreshing its memorandum of understanding (MOU) with FSAI. She explained that discussions had currently been at an official-to-official level but that the CEs of the respective organisations would be involved in the process. The CE added that regardless of developments with the UK's final relationship with EU member states, the focus of both the FSA and FSAI would remain on consumers' interests in relation to food.

**LA Performance (FSA 19-03-05)**

19. The Chair invited Michael Jackson, Head of Regulatory Compliance, to introduce this item. She noted that the Board had also received an update on the re-organisation of FSA staff, which underpinned this new approach, at their briefing session the previous day. The Board had also had a presentation on some of the data gathering activity undertaken.
20. Michael explained that the paper focussed on steps to modernise the FSA's approach to assess and manage LA's delivery of official controls, which was a key element of the FSA's role as the Central Competent Authority (CCA) in relation to food safety noting that LAs carried out the delivery of official controls in the vast majority of food businesses across the UK. He explained that Local Authority Enforcement Monitoring System (LAEMS) returns provided data, which could then be used to inform LA audit according to local processes in Northern Ireland, Wales and England and that the FSA was now looking at the way in which their performance was assessed. He explained that over time the LA audit process had developed into a means of monitoring and managing LA performance issues rather than providing assurance on the effectiveness of official controls delivery to achieve the outcomes of legislative requirements.
21. Michael explained that the historical dependence on the LAEMS data to make assessments had meant that information could only be assessed retrospectively. The approach being proposed in the paper would allow for the use of a wider and more timely data sets, which were already available, meaning this would not increase the burden on LAs. This would look at a range of data sources to provide a broader and more holistic assessment of LA performance. .
22. He explained that the development of the Balanced Score Card (BSC) would allow greater scrutiny of how LAs were performing and enable the establishment of Key Performance Indicators (KPIs), adding that the FSA was working with LAs to ensure that these were appropriate. He explained that this could enable the better targeting of actions as well as earlier identification of issues and would be useful to LAs as well as to the FSA.
23. Michael explained that the process for the escalation of action for underperforming LAs had also been considered in this paper, with an increased focus on the involvement of other interested authorities in considering appropriate actions to ensure better, more holistic, outcomes and increased visibility to the Board where serious performance issues were identified.
24. The Chair invited questions for Michael from Board Members. Rosie Glazebrook asked a question about whether the new data sets being used would be published. Michael explained that the intention was to make the information openly available, but care would be required over its presentation to ensure that it could not be open to misinterpretation. The Chair noted that the Board were eager to ensure that data should be published in the interests of

the FSA's commitment to openness and transparency and suggested that it would also drive better behaviours.

25. Rosie also asked about whether demographic variation between inner-city and rural LAs would be considered as a factor in assessing performance. Julie Pierce, clarified that on the publication of data, new data sources that the FSA would seek to use were largely in the public domain already. The additional information, which Michael had been referring to, related to the FSA's insights derived from that data. However, the competent authority duties on LAs were the same whatever their geography or demography.
26. Paul Williams expressed his support for the concept of separating the audit function from performance management, noting however that the BSC would only be as good as its data, which would rely on the audit process. He noted that this evidenced the need to ensure that these two aspects worked effectively together. Michael explained that the finer detail was still being developed and recognised the importance of making sure that the data was robust, adding that documented procedures would be put in place. He said that this had been explored with LAs and the FSA would provide further detailed guidance around actions to correct common, known errors in the data. He suggested that this presented an opportunity to strengthen the data.
27. Colm McKenna also endorsed the separation of the audit and management functions, adding that the Audit and Risk Assurance Committee (ARAC) had considered this approach and endorsed it. He asked Michael whether consideration had been given to the best ways for sharing good practice and whether there had been engagement with the Local Government Association (LGA) and equivalent bodies in Wales and Northern Ireland. Michael explained that the majority of the engagement with the LGA and equivalents had taken place in England but that he had encountered there, as well as in Wales and NI, a strong willingness to meet and discuss constructively. On sharing good practice, Michael explained that there would be a two-way flow of information with LAs and that there would be an opportunity to share details about good practice and provide guidance on this to LAs. He suggested that this would mark a change from the current approach where good practice was not readily identified and shared due to the audit process focusing on poorly performing LAs.
28. Mary Quicke also endorsed the separation of the audit function from performance management. She asked a question about how, and when, the data would be refreshed if the intention was to move away from the retrospective nature of the information received from LAEMS and how openness and transparency and accuracy could be balanced with real-time data collection. Michael explained that the LAEMS data set would still be used but it would be augmented by other data sets that were refreshed more frequently. For example, the Food Hygiene Rating Scheme (FHRS) data was refreshed by LAs at least every 28 days. He explained that it was not possible yet to have a situation where data was uploaded as soon as an Environmental

Health Officer (EHO) carried out an inspection but that the data that would be used to assess performance would be much more up-to-date than previously.

29. Julie explained that, while not attempting real-time analysis immediately, as the data sets improved, analysis of the data would become increasingly finer, tending towards a real-time analysis.
30. Ruth Hussey also welcomed the separation of the performance management function from the audit function but noted the difference in the way audit was done in England, Wales and NI. She also noted that much of the data would be around workforce and resources and asked whether this could be considered in the next spending review.
31. Michael agreed that there was significant variation in the way that oversight was carried out in England, Wales and NI. He explained that the focus would be on the outcome of the audit process rather than the process itself, adding that there was agreement with LAs that this would be the appropriate way for data to be used. Michael also explained that he was aware of a wider government initiative looking at future funding for LAs, explaining that the FSA had not been involved in the initiative to date but had been invited to contribute. Chris Hitchen, Director of Finance and Performance, added that the implications for Spending Review 19 would be considered as part of wider deliberations.
32. Stuart Reid asked a question over how much confidence there could be over the timeline presented in the paper. Michael responded that the new model was developing well but there were still gaps around food standards. Developing the KPIs was challenging but necessary to ensure they were appropriate. Where further data was found, its veracity would be assessed prior to its use.
33. David Brooks noted that much of the data was already being collected and that if there were any opportunities to accelerate the process indicated by the timeline, this would be welcomed, even if this took the form of an early iteration of the BSC, scheduled for later refinement. He agreed with Rosie that there may be differences in capacity between LAs arising from their demographic profile, but he cautioned against overcomplicating the data as all LAs had the same responsibilities for the same outcomes around the delivery of official controls. Michael assured David that all data would be included into the BSC as soon as it was available.
34. The Chair thanked Michael for the update noting the progress that was apparent each time it was discussed by the Board. She summed up the Board's decisions:
  - a. It was committed to strengthening the FSA's ability to act as a Central Competent Authority, and to hold others to account for their performance across the regulatory regime.

- b. The audit approach to be given equal attention to ensure it kept step with the changes approved in this paper.
- c. Agreed the approach to securing performance improvements.
- d. Wished to see the information derived from the BSC brought into the public domain, with an acceptable degree of reliability around the data, as soon as possible and would monitor the speed of this.
- e. **Action: an update on BSC data publication to be provided by the end of 2019.**

#### EU Exit (FSA 19-03-04)

- 35. The Chair welcomed Rod Ainsworth to the meeting and invited him to deliver an update on the FSA's EU Exit preparations. She confirmed that the Board had received an overview at the previous day's briefing session of the detailed workstream progress that had been made across the FSA, explaining that it would not have been possible for a paper to have been included in Members' packs for this meeting due to the pace of developments around EU Exit and this item would take the form of an oral update.
- 36. Rod explained that the Board had received a similar update at their meeting in December 2018 at which two major issues were highlighted in the FSA's preparatory work. These were, firstly ensuring that the EU legislation relevant to the FSA's work was brought into the body of UK law and fixed so that it functioned effectively. He explained that the first batch of Statutory Instruments (SIs) required to provide those fixes had now successfully completed its passage through Parliament, a second batch was due to pass during the week and debate dates were awaited for the third and final batch of fixing SIs. This had resolved the legislative problem that Members were alerted to at the December meeting.
- 37. The second issue mentioned at the December Board meeting was that importers of high-risk foods would be able to give appropriate notifications. Previously, progress with this had been slow but more recently, good progress had been made and there was increasing confidence that Defra's IPAFF system would operate effectively in the event of 'No Deal' and also that contingency arrangements would be effective if required.
- 38. Rod explained that in all other regards preparations had proceeded well and the FSA was now at the end of the process of preparing for EU Exit. He explained that this had been achieved without knowledge of what the final relationship would be between the UK and the EU and that it was important to note that there were some elements of the work done to prepare for EU Exit that would have been desirable in any situation. As an example, Rod highlighted that the need to address food crime had been identified prior to



2016 but that the work to address it had accelerated significantly as a result of the outcome of the referendum.

39. The Chair thanked Rod and noted the considerable achievements made across the FSA, for which the Board was very grateful. Paul Williams congratulated Rod on the amount of work that had been done to get the FSA into a position where it could be comfortable with its preparations, whatever the outcome of negotiations between the EU and the UK Government. On the IPAFF system, he noted that often a new IT system operated effectively for a short period of time but accumulated problems with the passage of time. He asked how much confidence there was in the contingency arrangements should this occur. Rod explained that the first response to any problems that occurred with IPAFF would be to attempt a fix and the contingencies only called upon should that prove ineffective. The availability of the continuity arrangements would be maintained for a period of months after a No Deal exit to allow time for any problems with the new IT system to be uncovered.
40. The Chair noted that another desirable outcome from the FSA's EU Exit preparations had been the much improved relationship with Defra. Laura Sandys endorsed Paul's comments on the amount of work evident in Rod's update and noted the FSA's reliance on delivery partners in Local Government, particularly in those areas with port health responsibilities. She asked if extra resource was being considered to ensure their capacity. Rod explained that the extent to which delivery partners were impacted would depend upon the nature of the UK's relationship with the EU following exit. He explained that the FSA must ensure that they had clarity over where there would and would not be changes noting that a communications exercise was in hand and would need to be done quickly, but that there was confidence that these messages could be communicated. He added that there had been constant engagement with LAs with port health responsibilities over imports. He explained that communication had possibly been slower than would be ideal but that this had stemmed from an understandable need for caution about the messages being communicated. Chris Hitchen added that in previous reports, the Board had been apprised that there was an indication that there had been a slow uptake in preparedness in ports. This could no longer be said to be the case and there had been a rapid acceleration, with over £1m of the budget having been used.
41. David Brooks pointed out that one of the FSA's main delivery partners was the food and feed industry where preparedness would likely vary greatly from business to business. He asked whether the FSA had communicated appropriate messages to this sector and had made arrangements to support the food system in the event that insufficient preparation had been made within industry. Rod explained that engagement with industry had been patchy and taken place largely through industry trade associations. Within these associations, larger Food Business Operators (FBOs) were well represented but there had been a challenge in communicating messages directly with small and medium sized businesses.

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42. Mary Quicke expressed her appreciation for the work of the team within the FSA to ensure that there would be a working body of food law in place for Day One of EU Exit. She then asked a question about health marks and packaging guidelines and whether food producers had an awareness of how their products should be labelled following EU Exit. Rod explained that there was now guidance around this but that there was not one single, satisfactory answer that would cover all possible outcomes. Should FBOs wish to export into the EU following EU Exit, they would need to include the ISO designation “GB” on the product as this was an EU requirement.
43. The Chair mentioned the work of the FSA’s Incidents Team in developing a resilient approach to incident management as one of the most impressive areas of the preparations for EU Exit, explaining that, should the FSA, following exit from the EU, not have access to the RASFF system, the systems that had been put in place by way of contingency would be at least as strong. She noted that the FSA had been investing in and strengthening the Infosan system and that this reflected another area where the FSA had been putting in place arrangements that were an improvement on the status quo. Colin Sullivan, Chief Operating Officer, added that the new systems had detected some incidents ahead of the RASFF system.
44. The CE explained that the FSA was as prepared as it could be for whatever scenario should occur following the UK’s exit from the EU and that we could be confident over capability and capacity, adding that we had been well supported in this by our delivery partners. He explained that 94% of the new staff that the FSA had sought to recruit were now in place and that the confidence that this had given to the FSA should not be underestimated.
45. The Chair noted that this was likely to be the last time that the Board would discuss EU Exit preparations before the UK left the EU. She noted the principles that the Board had set 18 months previously for the Executive team to work to prepare the FSA for EU Exit: that the arrangements that were put in place should be as effective in protecting public health as the current arrangements; that the arrangements must maintain public confidence in the regulatory regime including protecting the FSA’s reputation for openness and transparency; and that disruption to consumers and industry should be minimised.
46. The Board could say now with confidence that all these principles had been observed and met. It had also been noted at that time that the UK would be best served by as unified a system across the UK as possible and that this principle had also been honoured in the new regime that had been built. There was now a complete regulatory regime ready for the essential and immediate demands of EU Exit. This had been a significant undertaking and the Board congratulated the Executive team, and the whole FSA staff for playing their part – it had required the efforts of staff throughout the organisation to arrive at this point. The Chair also extended the FSA’s gratitude for the support and collaboration the department had had from colleagues across government in Defra and the Department for Health and Social Care as well as in Wales,

Northern Ireland and Scotland at central and local government level and from industry.

47. The Chair concluded by summarising the Board's message to consumers: that the FSA had maintained protections for public health; that all current food standards had been maintained in terms of both food safety and the ability to trust that "food is what it says it is"; and that the regulatory regime the FSA had designed in preparing for EU Exit had set a global standard for openness and transparency in food regulation, continuing to operate on the basis of science and evidence. The Chair noted that evidence and transparency were both essential to maintaining public trust. She expressed a hope that this would demonstrate to consumers that the FSA continued to put the consumer first.

### **Annual science update from FSA's Chief Scientific Adviser (CSA)**

48. The Chair invited Guy Poppy, the Chief Scientific Adviser (CSA) to deliver his annual update to the Board. The CSA explained that this was his second, annual report, giving a personal reflection on the FSA's position on science and evidence. He explained that the FSA was in a more confident position than when he first joined as CSA and that, in view of the potential forthcoming challenges, this was very welcome. He also emphasised the need to continuously improve to keep pace with these challenges. He had noted previously, a disconnect between the FSA's science and evidence work and policy. He believed science and evidence had improved its standing at the core of the FSA, helping FSA policy teams to be intelligent customers of science and evidence but also scientists to be intelligent providers of evidence that could effectively inform policy. This could be increasingly observed in the papers being discussed at Board meetings.
49. He noted the enhanced scientific capability of the FSA, particularly around risk assessment, highlighting the contribution of key staff within the FSA and the importance of ensuring the maximum utilisation of the Scientific Advisory Committees (SACs).
50. The CSA highlighted figures that showed, in public attitudes, scientists scored highly in terms of trust, behind only nurses and teachers, acknowledging that there was sub-variance between different groups of scientists in these figures, with academic scientists scoring highly and government scientists performing less well in terms of public trust. He suggested that making better use of independent SACs would be a good way to increase public trust in the FSA. The CSA also paid tribute to the efforts of those involved in the recent, successful recruitment campaign to expand the number of scientists on FSA SACs. He emphasised the importance of ensuring that the quality of support and engagement for the SACs was in place to ensure that the numbers could be maintained as replacing large numbers of scientific advisers would likely be a greater challenge than recruiting the initial numbers.

51. He mentioned a recommendation from the Science Council that FSA science become more outward facing. He noted the recent publication of a paper, with an American co-author, which demonstrated how the Food Hygiene Ratings Scheme had reduced the number of food related illnesses. He explained that the publication of this paper in an international journal with an American co-author was good for the international standing of the FSA and its scientists.
52. The CSA outlined disruptive technology opportunities that were emerging, mentioning a recent abattoir visit with the Science and Technology Facilities Council to explore interest in working with data, material and technology experts to apply cutting-edge innovation to this setting, potentially adapting sensor technology originally designed for the Mars Lander for instance. He also commented that FSA staff had been open and positive about areas that they considered could be improved through the use of these technologies.
53. The CSA updated the Board on the Government CSA network, explaining that the group met weekly and was led by Patrick Vallance, the Government Chief Scientific Adviser (GCSA). This was a useful group for intelligence gathering and provided an equal discussion forum with the large government departments. He noted that the FSA was much better now at intelligence gathering than it had been in previous years but that there were still further opportunities to be exploited to improve this capacity.
54. The CSA mentioned the AFFF and the opportunities and challenges in publishing the evidence used to form our risk analysis positions. He noted that the FSA would be open to a higher level of scrutiny as a result, but that this was consistent with the FSA's commitment to openness and transparency. He also mentioned the Strategic Evidence Fund, which helped with funding of various foresight activities and that some early benefits had already been achieved, such as the utilisation of Fellows in external organisations and the funding of PhD students and pilot projects with sensor technology. Predicting the next disruption in the food system would be difficult and the horizon scanning report of the Science Council was eagerly anticipated, to explore that group's independent recommendations on how the FSA could improve its horizon scanning function. He noted the recent *Eat-Lancet: Food in the Anthropocene: the EAT-Lancet Commission on healthy diets from sustainable food systems* report, which emphasised the need for transformative change in the food system for human health as well as environmental reasons, and the extent of the changes necessary to shift towards such a sustainable system. He also noted the difference in the way food was regarded cross-generationally, with younger consumers having very different principles in connection with food that those of older generations, which could present another form of disruption.
55. In his view, the FSA was an excellent accountable modern regulator and science would need to remain at the heart of that in order to maintain public trust, noting that the FSA was better placed now to enable that to happen but would need to maintain attention on improving.

56. The Chair thanked the CSA for this update and invited questions from the Board. Stewart Houston mentioned the improved relationships with other departments that had been mentioned in discussion of previous items, noting that the work outlined by the CSA had been key to building effective working relationships and enhancing the reputation of the FSA.
57. Rosie Glazebrook asked whether there were any figures on the diversity of the newly recruited members of the SACs and whether this data was being collected. She also asked whether there might be any planned activities to increase the visibility of the science work being done by the FSA, such as a science conference, which the FSA had held previously. The CSA explained that he had not yet seen the diversity statistics for the new recruits to the SACs but emphasised the importance of diversity as a key part of fulfilling the SACs brief.
58. Laura Sandys praised the progress evident in the CSA's introduction and asked whether, given the competitive nature of recruitment of appropriately skilled individuals, there was a skills and talent strategy to ensure that the right people continued to be found for the SACs. She also asked if there was a strategy for the revised risk analysis framework or horizon scanning to look at issues that were currently outside the FSA's remit but had the potential to generate future issues highlighting nutrition, which was not part of the FSA's responsibility in England or Wales. The CSA explained that the AFFF would consider other legitimate factors and would weight these issues as they saw appropriate, adding that the core remit of the FSA would be considered foremost and other issues, beyond the FSA's immediate responsibility, would be monitored for consideration.
59. Paul Williams expressed surprise at the mention of the need for a cultural shift within the CSA's report and asked what the CSA considered to be the main block to that taking place. The CSA replied that the period where this had been considered was not typical of the government and policy making environment and a period of disruption and restructuring had had its challenges. He mentioned that progress had been made in specific areas and that there had been a move towards finding business champions and experts whose core role connected with another part of the organisation to help understand how strategic development could help the business.
60. Mary Quicke raised a question over the aim for FSA scientists to be "politically aware but scientifically independent", and whether we could highlight the need to be practically aware and technically knowledgeable as well. The CSA explained that the FSA's own scientists were familiar with the business and noted the shadowing culture that existed throughout the FSA that helped familiarise those coming from outside the organisation with the FSA's ways of working.
61. Ruth Hussey asked four questions about: risks to the FSA's science capability arising from EU Exit; the timeframe for the communications strategy; the Science Capability Review and strategic lessons arising from it; and

engagement with the Welsh Government's Chief Scientific Adviser. The CSA responded that a lot of time had been dedicated to considering science and capability risks arising from EU Exit and he had been liaising with officials and scientists from the Department for Business, Energy and Industrial Strategy (BEIS), considering for example how, once the UK was no longer a part of EU funding programmes, resource could be allocated within the UK budget to maintain the capability. He explained that there had also been discussions around whether the Research Councils might fund a proportion of food safety research. He explained that there was also regular contact with Communications officials, including conversations around who we communicated messages to and how it could be known whether this had been successful. Julie Pierce added that there had been a lot of work in this area, ensuring a rigorous approach to achieving the desired outcome from any communications, while maintaining an awareness of the constraints of the environment for being able to communicate messages outside of the main current affairs agenda.

62. On the Science Capability Review, he pointed out that the FSA was singled out in several places for good practice, noting that there was a desire in Treasury to increase the percentage spend on research and development. He stressed the importance of ensuring a tight definition of research and development to prevent any spend increase being taken up by the definition being drawn more widely to capture new issues.
63. On engagement with the Welsh Government Chief Scientific Adviser, he explained that they met regularly and held a recent discussion around the approach to systems thinking in addressing complex problems.
64. Stuart Reid asked a question about the relationship with the scientific community. He noted that the FSA was viewed as taking science seriously, emphasising that the need for ensuring the balance between curiosity and societal needs as the driver for research was gauged appropriately, as science purely driven by societal need would tend to be reactive and some proactive research might also be necessary to ensure that nothing was missed. He also mentioned that there would always be a number of scientists who trained as such but did not remain within scientific professions. He urged the FSA to continue to invest in scientists to prevent wastage of training funds. The CSA explained that discussions had taken place among the CSA group around the importance of the Haldane Principle. On training for scientists, he explained that the FSA was currently in discussion with the London Interdisciplinary Doctoral Programme with respect to funding studentship projects over a number of priority areas to the FSA. This training scheme allowed PhD students, during their training to spend time in placements, including within government departments, with the intention of giving PhD students an opportunity for exposure to the work of the FSA and helping to create the skill sets required by the FSA.
65. Steve Wearne paid tribute to the work of Rick Mumford who continued to ensure the development of the science function within the FSA and assured the

Board that the progress would be maintained. He also explained that the FSA was improving at measuring progress and urging our staff to publish where possible to give the FSA an external, public, international face. The Chair thanked the CSA and noted that his role was greatly appreciated and valued by the Board.

**Annual report from the Science Council Chair (FSA 19-03-07)**

66. The Chair welcomed Sandy Thomas, Chair of the Science Council, to deliver her annual report to the Board. Sandy explained that this was her second annual report, with the Science Council having been established in June 2017. She explained that the purpose of this report was to cover progress over the preceding year. She outlined the approach and the schedule of meetings covering the Council's twice yearly plenary meetings and the additional meetings around the working groups.
67. She explained that in December 2018, the Science Council had passed on two reports for the Board's consideration. The first of these was the Capability and Assurance Working Group Report and this was considered to have had an impact, which had been apparent in the CSA's update. The second report had been taken up in the development of the new risk analysis framework discussed at the December 2018 Board meeting and had also made an impact in defining best practice in identifying and communicating risks.
68. She explained that the Science Council had reviewed its ways of working with all Council members now on all working groups. She explained that the Council had been working well and productively, with good engagement from the Council members and FSA officials. She noted the FSA's implementation plans to the Council's first two reports had also been discussed at the December 2018 Science Council plenary meeting and the Council supported the proposed response at that time, welcoming the Board's consideration of and response to the Council's reports. The Council would receive an update on progress with the implementation plans in June 2019.
69. She explained that the Science Council had reviewed its ways of working and, in addition to its two open, plenary sessions each year the Science Council now held two further meetings, for all members, in working group configuration.
70. Science Council Working Group 3 was focussed on horizon scanning and global food system risks. Sandy explained that the Board would receive the formal outputs from that group at the June 2019 Board meeting, highlighting the commitment from Science Council Member and Working Group 3 Chair, John O'Brien to progress the work on horizon scanning, which hoped to assist the FSA in strategic planning. She suggested that to be effective, horizon scanning would need to become embedded within the culture of the FSA.

71. She explained that Science Council Working Group 4 on data usage had recently formed. She explained that the group was chaired by Science Council Member Professor Patrick Wolfe, who was a data expert. This was a more technical area for the Science Council and Members had been impressed by the way the FSA was using data already. The group had received presentations from teams across the FSA on how data was being used in different business areas. The formal report from this working group would be available to the Board in December 2019.
72. Sandy discussed future risks for the FSA, noting the scale and complexity of the challenges ahead and the additional difficulties of the current political environment. She considered that, in the medium to long term, food systems were going to change substantially, noting the rapid change that was being brought about by factors such as climate change, consumer demographic changes and supply-chain growth. She highlighted this as an area where the horizon scanning work of the Science Council would benefit the FSA.
73. Sandy noted the importance of how topics for consideration at the Science Council were selected, noting the role for the Board and the CSA in iterative discussions with the Council to ensure that the Science Council carried out work that was relevant to the FSA's priorities and that the Council should receive ongoing feedback about the effectiveness of its advice, including on the balance between high-level principles and the more operational advice offered.
74. The Chair invited questions from Board members, noting that allergens, which would be the focus of an extraordinary Board meeting scheduled for May 2019, could be an area where the Council could provide some independent support but there was not yet sufficient clarity over the specific questions that needed to be asked. The CSA added that the question of how to manage disruption to the food system from the introduction of novel foods would also be an area where input from the Science Council would be welcomed.
75. The Chair noted the effort of Council Members and suggested that it could be useful for the Board to look at some of the preparatory work and data gathering that the Council did to help ensure that the efforts of Council Members were being used optimally and that they were not being burdened with administrative work. Sandy replied that this had not been the case so far, and that the Council had received good Secretariat support and she had been impressed by the availability and input from the teams across the FSA.
76. The CE pointed out that the work of the Science Council along with that of the SACs, put the FSA in a good position for when the UK exited the EU and that the investment in these bodies had been important. The Chair agreed and added that it would also be key to ensure that the Science Council received updates on implementation of the actions agreed in response to the Working Group reports in a suitable timeframe. Sandy also noted that it would be good



if a closer relationship between the Science Council and the SACs could be effected.

77. The Chair thanked Sandy for this update, adding that continued close engagement with the Science Council would be key to the FSA for horizon scanning. The Chair, the CSA and the CE would discuss further how to refine the areas covered in the discussion as specific requests from the Board to the Science Council.

***ACTION 1 - Chair, CE and CSA to discuss further how to refine the areas covered in the discussion as specific requests from the Board to the Science Council.***

**Risk analysis assurance (FSA 19-03-08)**

78. The Chair invited Steve Wearne to introduce this paper, noting that it represented the third of three papers which set out the FSA's future approach to risk analysis. Steve explained that this paper covered the assurance process for risk analysis. He explained that the aim was to be clear on the factors to be used in risk analysis and how they would be evidenced - the paper covered both the 'what' (what factors, issues and impacts should the FSA routinely consider when providing advice on risk management measures to decision-makers); and the 'how' (how assurance is provided throughout the risk analysis process).
79. On the "what" aspect of assurance provision, he explained that it would be important for the Board to set this framework as the Board needed to be confident that an appropriately broad set of impacts were being considered when framing risk management advice. This would also act as a safeguard as, without a properly considered framework, there would be a risk of the FSA not fulfilling its statutory duty of protecting public health while taking account, in a consistent and appropriate way, of broader consumer interests and wider risks, costs, and benefits.
80. Steve noted the need to strike a balance in providing a framework that was sufficiently concrete and extensive to be a useful tool, without being an exhaustive and exclusive list that restricted proper discretion in future, unforeseen circumstances. He explained that the paper proposed a set of 'core' factors that would always be considered in arriving at risk management decisions. There was also a non-exhaustive list of other factors which would be considered on a case-by-case basis, and could be added to over time, set out at Annex A of the paper.
81. On the "how" of risk assurance, Steve explained that there were three key elements outlined in the paper. These were: that the Chief Scientific Adviser should provide assurance to the Board on the completeness of the evidence provided to risk managers, and that this evidence was being used appropriately in the development of risk management recommendations; that the Board should hold initial scoping discussions at an early stage in the risk management

process for the most substantive or contentious issues, to ensure an appropriate range of impacts was being evidenced and considered; and that ARAC should provide assurance to the Board that the FSA was consistent in its application of the framework.

82. The Chair invited questions from the Board. Mary Quicke mentioned ARAC's role in risk assurance, stressing that she now appreciated the ability for that Committee to be able to hold its discussions well in advance of the Board meeting rather than the on the preceding day, as had previously been the case.
83. Ruth Hussey made a comment on the Annex to the paper, noting the Wellbeing for Future Generations legislation and welcoming the commitment to incorporate it into the FSA's working methods. She noted that the legislation was very cross-cutting, taking account of prosperity, economic development and environmental issues. She asked whether discussions with the Office of the Future Generations Commissioner could be helpful, to ensure that legislation had been framed effectively within the FSA's working practices. She added that WFAC had been applying the seven goals from the legislation to shape their work. She also added that there were five ways of working outlined in the legislation, including the preventative and long-term. She suggested that these ways of working could be useful if they were also included in this work. She added that the Public Health (Wales) Act 2017 could also be relevant to the work around risk assurance. This related to mandatory health impact assessments in specific circumstances. She asked if there was an intention to scope whether any of the work that the FSA was doing around risk assurance came within the scope of that piece of legislation. Finally, she welcomed the wider community interests and the emphasis on the affordability of food, noting that this was a significant concern in Wales.
84. Michael Wight agreed with Ruth about the necessity to scope how the risk assurance framework would work within the context of the Welsh legislation mentioned, explaining that this would be one of a number of elements that would be taken account of in making risk management recommendations to a Minister.
85. Laura Sandys asked a question about whether an evaluation point in three years' time would help ensure that the mechanism was working as hoped. She also asked about how to articulate where the FSA did not have a complete answer to a specific issue and how the commitment to openness and transparency would be met.
86. The Chair noted that an annual review of risk assurance was included on the Board's forward look. Steve addressed the question about how evidence gaps would be communicated. He referred to the FSA's management of the issues relating to dioxin from foot and mouth disease pyres in 2001, noting that the FSA had, from that time, communicated what was known, what it did not know, what action it would take and what information it would seek and this approach had been followed consistently in all communications. In terms of transparency, he referred to the risk analysis process diagram, which made

clear the points at which the FSA would publish advice. He also confirmed that a record of all advice to Ministers would be maintained. The Chair added that this record would also be published along with the Board papers.

87. Colm McKenna welcomed the clarification of the role of ARAC, contained in the paper. He asked about the role of other departments in the development of this strategy and how well they understood the process and also whether a tabletop exercise had been undertaken to assess the effectiveness of the proposed strategy. Michael explained that there had been a consultation period with other departments, noting that there were still a small number of questions outstanding about when they would get involved. He added that there had long been an intention to carry out a tabletop exercise but that this had been delayed due to competing priorities. It was still intended for this to take place.
88. The Chair confirmed that
  - a. The Board agreed the proposals in the paper.
  - b. The Board asked that the proposals be adjusted as required for specific country legislation such as the Wales Wellbeing of Future Generations Act.
  - c. The Board confirmed that the risk analysis systems in place on EU Exit, including the position set out in the paper, provided a robust, consistent, and appropriate basis for fulfilling the FSA's statutory duties in relation to protecting public health in relation to food, and the consumer's wider interests in food.

### **Strategic risk management (FSA 19-03-09)**

89. The Chair invited Chris Hitchen, and Michael Todd, Finance and Performance Planning Manager, to introduce the next item. Chris explained that risk was embedded into everything the Board discussed, noting that the foundation of the FSA was as a result of a risk to the food system that had materialised. The complexity of the food system and the diversity of its profile as well as the number of the various actors within it meant that the FSA had a role in risk at multiple levels. The FSA's role in risk was also evident in the FSA's two strategic priorities of EU Exit and Regulatory Reform as well as the recent re-organisation to separate Risk Assessment from Risk Management. He explained the paper represented a preview for the new strategy period, beginning in March 2020, introducing an outline of potential risks in that environment.
90. The Chair thanked Chris, clarifying for the Board that this was not a decision paper but that it did represent an important shift in strategic risk management, highlighting that the FSA had reorganised to allow it to be more agile in identifying strategic issues coming up. She explained that the fluid, fast-changing nature of the political and policy environment meant that five-year strategies were not the most effective model and a more frequent review of

priorities would be required, adding that there would be an opportunity for that at the FSA's retreat in May 2019.

91. Stewart Houston suggested that the Chair's comment about the length of time a strategy would remain valid for was apposite but suggested that there may be issues that required a longer time-frame. He suggested that a five-year rolling strategy with clearly defined aims for years four and five but greater flexibility around years one and two, as a model he had seen work well elsewhere.
92. David Brooks commented that the affordability of a healthy diet was one priority where the FSA could do more and a greater focus around this would be welcomed.
93. The Chair acknowledged that this was a starting point and the next steps would be incorporated into the FSA's 2020 Strategy work. The Board agreed that the approach set out in the paper, to have a more agile approach to prioritisation rather than a fixed five-year strategy, was the right direction for the FSA.

**Our approach to managing interests of our external scientific advisers (FSA 19-03-10)**

94. The Chair welcomed Patrick Miller, Head of Science Strategy and Governance, to introduce this item. Patrick explained that this paper represented a small but important part of the FSA's preparations for EU Exit. He explained that ARAC had considered the paper and he was very grateful to ARAC for their comments.
95. Colm McKenna explained that the paper had been to ARAC twice for consideration, and that Committee now recommended it to the Board. He explained that the paper ensured that there was a framework for addressing the risks, real and potential, from SAC Members' interests, protecting the FSA and SAC Members too. Rosie Glazebrook noted that the paper made reference to "external experts" in some places and "external scientific advisers" elsewhere, suggesting that there should be consistency in the terms used. The CSA agreed that it might be seen as strange if non-scientific advisers (such as lay members of SACs) were to be treated differently. Colm explained that this particular paper had been commissioned to address the issue with regard to SAC members and others providing scientific advice only but accepted that there was scope for the approach to be developed to apply to other advisers also.
96. Steve Wearne explained that the focus on scientific advisers reflected the way in which the FSA sourced expert advice and relied on science and evidence and the specific nature of these expert advisory roles. He accepted however that the recognition of biases highlighted in the paper could be applicable to all advisers.
97. The Chair explained that she would be content to agree the paper if the drafting was addressed to clarify that the paper related to scientific advisers only. She

added that the approach should then be further developed to ensure that all other advisers were covered and that they were not being treated differently.

***ACTION 2 - Patrick Miller to amend drafting to ensure consistency and clarity that the Annex to FSA 19-03-10 relates to those providing scientific advice only.***

98. Laura Sandys explained that ARAC had also discussed assessing the systems used by other regulators, such as the National Institute for Health and Care Excellence (NICE). Patrick explained that how other organisations managed these issues had been looked at, with an awareness that the FSA also had experience in this area.
99. The Chair agreed that once the drafting issue had been corrected, ARAC should pick up the issue with regard to other advisers.

***ACTION 3 - ARAC to consider the development of this approach for managing the interests of scientific advisers, into a wider model applicable to all advisers.***

100. Ruth Hussey mentioned that a suggestion from WFAC had been that there should be a time frame within which Members were obliged to notify the FSA of any new interests. She asked whether this was one possible, additional criterion that could be explored. The Chair responded that this was something that the CE could consider.
101. Colm proposed that, although there were some minor amendments to the drafting required, that should not stop the Board from endorsing the paper and for the approach outlined in it to be effective immediately.
102. The Chair confirmed that the Board agreed the policy for external scientific advisers, subject to the adjustment in paragraph 96.

### **ARAC Report (INFO 19-03-01)**

103. The Chair invited Colm to introduce his report from ARAC. Colm summarised the key points discussed at the ARAC meeting on 21 February 2019. These included concerns around LA performance. Colm explained that this had been covered by the paper that was discussed at this Board meeting. He also mentioned the interim accounts, highlighting that this was the first year of working with Mazars who had been appointed by the National Audit Office to consider the FSA's accounts. He explained that the FSA was on course to meet all of its spending limits. On the draft governance statement, he noted that this would come back to ARAC in more detail. He explained that some changes had been requested by ARAC, largely around the IPAFF system and a strengthening of a paragraph relating to the independence of the FSA Board. There had been a reassuring update from the Head of Internal Audit on the 2019/20 Audit Assurance strategy and plan noting good progress on audit activity over the course of the year. He explained that there had been a good

discussion around situations where management decided to take no action on risks highlighted in audit reports where auditors believed controls or mitigating actions could be strengthened, noting that this did happen, and it was useful to have the discussion to clarify the circumstances where this might occur. He mentioned that ARAC had also received a useful cyber security update which would also be delivered to Board Members. He explained that ARAC had found that update to be reassuring.

104. Colm also mentioned that ARAC had discussed a letter of complaint, received by the Chair last year, which had been passed to ARAC for investigation and had now been closed off satisfactorily. He also mentioned ARAC's discussion of the paper discussed at this Board meeting, on managing the interests of the FSA's external scientific advisers. He noted a meeting of ARAC Chairs that he had attended with the Head of Internal Audit, who had led an interactive session, which had been very well received. Finally, he pointed out that ARAC would be losing members over the coming months as tenures of existing Board members came to an end. Having checked ARAC's Standing Orders, he could confirm that ARAC would remain quorate throughout the period, provided full attendance was achieved.

### **Food advisory committee reports**

105. The Chair explained that following the review of the Food Advisory Committee's (FACs) led by Laura Sandys, the FACs would now be spending more time looking at forward items to give more and better input into workstreams at their development stage.
106. Ruth Hussey gave an update on WFAC's allergens themed meeting held in January 2019. She explained that a large number of stakeholders had attended the meeting from Local Government, voluntary organisations and academia and the outputs would feed into the FSA's consideration on that topic. She added that WFAC had also held a virtual meeting to discuss the Board papers for this meeting following their publication. The output from this was a list of points that she had been able to feed into the discussions of those items. She noted that the ability of the Committee to bring their perspective to the Board papers continued to be welcome and was helpful to her in being able to bring that perspective to the discussion.
107. Colm McKenna explained that the Northern Ireland Food Advisory Committee (NIFAC) had held a meeting since the publication of the Board papers and had had an opportunity to discuss them in the fringes of that meeting. The focus of the meeting itself had been on animal feed and the outputs from that meeting would help inform the discussion that the Board would have on that topic at their June 2019 meeting. He explained that there was representation at the meeting from other government departments as well as from industry and there was talk, in particular, around the Food Fortress scheme.

108. The Chair thanked Ruth and Colm and explained that she had held a discussion with both of them the previous day and discussed what topics would be suitable for future FAC consideration as well as the strategic prioritisation exercise. She invited comments from other Board Members.
109. Mary Quicke suggested that the written reports from the FACs had been a useful document to allow Board Members to consider these perspectives when reading the Board papers and formulate their own views. Laura Sandys acknowledged that the FACs had provided a window into what was happening in Northern Ireland and Wales and she felt there may be a case for an English Committee to reflect issues of relevance in England.

### **Any other business**

110. The Chair reminded the Board that this would be the final meeting within the tenures of Laura Sandys and Rosie Glazebrook as Deputy Chair and Board Member respectively. She paid tribute to the contributions that Laura and Rosie had made to the Board throughout their tenures, emphasising Laura's understanding of people and attitudes and the texture she had brought to the role and Rosie's close creative work with the FSA's Communication Team, adding that both Members would be greatly missed.
111. There were no additional questions from observers and the Chair closed the meeting, noting the next meeting would take place in London on 8 May 2019.

### **Actions**

- ACTION 1 - Chair, CE and CSA to discuss further how to refine the areas covered in the discussion as specific requests from the Board to the Science Council.
- ACTION 2 - Patrick Miller to amend drafting to ensure consistency and clarity that the Annex to FSA 19-03-10 relates to those providing scientific advice only.
- ACTION 3 - ARAC to consider the development of this approach for managing the interests of scientific advisers, into a wider model applicable to all advisers.