
CHIEF EXECUTIVE'S REPORT TO THE SEPTEMBER BOARD

GENERAL ACTIVITY UPDATE

1. Since the last Board meeting, I have continued to build on the FSA's strong working relationships with other government departments and regulators, including meetings with the Department of Health, Food Standards Scotland, the Gangmasters and Labour Abuse Authority, the Advertising Standards Authority, and the Animal Health and Welfare Board for England.
2. I have also met a range of key industry stakeholders, including Moy Park, Marks & Spencer, the British Egg Industry Council, and Aldi.
3. I accompanied the FSA Chairman to a range of industry stakeholder meetings, including the British Retail Consortium, the Food and Drink Federation, and the Responsible Use of Medicines in Agriculture Alliance.
4. I have also visited the European Food Safety Authority (EFSA), Bernd Winkler (an auditor at the European Commission), and Newby Foods.

REGULATING OUR FUTURE

5. Since the update to the Board in June, the Regulating Our Future programme (ROF) has continued to make progress across its breadth. The pace and depth of development has increased in two areas in particular: stakeholder engagement, and supporting preparations for EU Exit.
6. During the summer we ran a series of workshops with local authorities across England, Wales and Northern Ireland. These events, attended by more than 700 local authority officers involved in delivering food regulation, were to discuss and explain what ROF means for food regulation in the three countries and particularly the vital role that local authorities will continue to play in the future. In addition, we've recently published our plans for the comprehensive reform of food: "Regulating Our Future: Why food regulation needs to change and how we are going to do it".¹
7. We have seconded a number of colleagues from local authorities into the Programme, so that we can draw on their expertise and to help challenge our thinking. Activity is focused on exploring a new approach to regulation utilising business behaviour change to deliver benefits for consumers, supported through better use of data and technology. We are exploring how new digital technology can optimise FSA operational activity, whilst providing enhanced services for the wider food sector, including local authorities, food businesses, and consumers.

¹ <https://www.food.gov.uk/news-updates/news/2017/16363/fsa-publishes-plans-future-regulation>

FIPRONIL CONTAMINATION IN EGGS

8. The FSA and FSS have been dealing with an incident relating to fipronil contamination in eggs from farms in Netherlands and Belgium.
9. The FSA received its first notification of UK distribution from affected farms on 5 August, with further notifications being received in subsequent days and weeks. From the outset, our risk assessment has indicated that it is very unlikely that consumption of implicated eggs poses any risk to public health. However, given that the use of fipronil in food-producing animals is unauthorised, we quickly alerted consumers to the issue. We also required food business operators (FBOs) to urgently trace and withdraw all products from the market where the amount of implicated egg was more than 15% of the product, unless the FBO could demonstrate that the egg ingredient used was compliant with the EU maximum residue level. Details of all withdrawn products have been published on the FSA website as part of our regular updates on the incident.
10. As at 12 September, 65 products have been withdrawn from the market. However, food chain investigations continue and it is possible that further products will be withdrawn. To date all sampling of UK eggs for fipronil has proved negative.
11. Given the potential complexity and sensitivity of the issue, the FSA was quick to invoke its non-routine incident management plan and regular meetings of both the Strategic Incident Oversight Group (SIOG) and Incident Management Coordination Group (IMCG) were held throughout the early stages of the incident. In recent weeks we have de-escalated our approach as our response to the incident has become more routine in nature. Remaining activities are now being handled as part of business as usual activities.
12. Throughout the incident we have worked very closely with colleagues from other government departments and agencies, as well as with local authorities, industry trade associations, the European Commission and affected Member States.
13. There will be a lessons learnt exercise, the outcome of which will be reported to the Board and will be fed into any review undertaken at a European level.

LAUNCH OF 'EATING WELL CHOOSING BETTER'

14. On 27 June the FSA in Northern Ireland (NI) launched the 'Eating Well Choosing Better' (EWCB) food product improvement programme. The programme was promoted to NI industry through a successful event which was held in collaboration with the Department of Health, Invest NI, knowledge providers and the District Councils. The event introduced the industry sugar reduction guidance, published by Public Health England (PHE) in March 2017, to over 120 industry representatives from across the manufacturing, retail and out of home sectors. The aim of this event was to provide the NI food industry with information on the policy and explain the enhanced support and innovative solutions available in terms of finance, technical expertise and practical examples of success.

15. Delegates heard from the British Retail Consortium with their response to the sugar reduction guidance, and practical examples and case studies from leading experts in the field of sugar reduction, including Macphie (the food ingredients manufacturer) and Kerry (the taste and nutrition company). Invest NI discussed the options for financial support which are available for SMEs undertaking food product improvement. The event concluded with an opportunity for delegates to 'ask the expert' in a panel discussion chaired by FSA Board Member and Chair of the FSA's Food Advisory Committee in Northern Ireland, Colm McKenna.
16. An evaluation of the event found that 94% of representatives noted improvement in awareness and understanding of food improvement, with 25% of businesses considering reformulation, 11% considering reduced portion size and 26% reviewing their product range to develop healthier products. The EWCB programme will continue to align with the PHE sugar reduction programme and recently announced calorie reduction plan.

ESTIMATING THE POTENTIAL IMPACT OF FORTIFICATION OF FLOUR WITH FOLIC ACID IN THE UK

17. On 16 August Food Standards Scotland published a report on 'Stochastic modelling to estimate the potential impact of fortification of flour with folic acid in the UK.' The work was jointly funded by Food Standards Scotland, the FSA in NI, the Welsh Government and the Scottish Government.
18. Dietary modelling was carried out to establish the most effective way of adding folic acid to flour for the purpose of reducing Neural Tube Defects (NTDs) such as Spina Bifida in the unborn child. The modelling used current dietary information to explore the effect of different options for adding folic acid to flour while taking into account folic acid from fortified foods such as breakfast cereals and fat spreads, and from dietary supplements.
19. The modelling identified a number of beneficial fortification scenarios which would reduce NTDs, ensure no decrease in current average folate intakes and ensure no increase in numbers of people consuming too much folic acid. Depending on the scenarios modelled, the risk of NTDs could be reduced by between 8 and 25 % with no increase in the numbers of people consuming too much folic acid.
20. The research was discussed at the Food Standards Scotland Board meeting on 16 August 2017. The FSA in NI team will be meeting Department of Health colleagues in September to discuss the implications of the research on the current Northern Ireland folic acid policy.

CAMPYLOBACTER

21. Following the recent reductions seen in the highest levels of contamination in retail chickens, the FSA has been engaging with each of the retailers to agree on an approved protocol for making their data publicly available, with the understanding that if they did so they would be removed from the FSA retail survey. The FSA has also

engaged with the British Retail Consortium (BRC) so that a trade group agreement could be agreed.

22. In early August 2017, we reached agreement with the BRC that the top nine retailers would publish the highest level of contamination results on their own individual websites and for all their anonymised raw data to be published publicly via the BRC website. All reporting of results will be carried out in accordance with an FSA-approved, standardised protocol. From October these top nine retailers will no longer be included as part of the FSA survey, although we will retain the right to issue comment on their published data sets. The first set of retailer results to be self-reported is expected to be in October 2017.
23. From November 2017, the survey will target the prevalence and levels of *Campylobacter* detected in chickens sampled from smaller, independent shops including butchers and convenience stores.
24. The European Union has also recently introduced process hygiene criteria for poultry and the focus for the FSA will now move to encouraging and working with smaller processors who generally have not had the same levels of improvements made to their processing lines. Although these plants account for a significantly smaller share of the market, many supply product into catering and local retailers. Therefore, interventions aimed at these food chains will be important in ensuring public health improvement is sustained in to the future. It is proposed that this will be taken forward through our field staff working with these businesses to develop action plans for controlling contamination levels.

OUTBREAK OF CAMPYLOBACTER ASSOCIATED WITH RAW COW'S DRINKING MILK

25. The FSA in Wales has been involved in recent investigations following the declaration of an outbreak of *Campylobacter* associated with the consumption of raw cow's drinking milk supplied from Penlan Y Môr Farm Llanarth, Ceredigion. The milk was sold from the farm gate including to visitors of a caravan park at the farm, through local deliveries and at a local farmers market. The raw milk was also sold and provided as samples for tasting, and in the form of milkshakes at the Royal Welsh Show on 26 July. As of 31 August there were 18 cases of *Campylobacter* associated with raw cow's drinking milk from this supplier. The FSA and Ceredigion County Council have shared enforcement responsibility for the production and sale of raw milk at the establishment. Action has been taken to prohibit the sale of raw milk from the farm. The FSA and Ceredigion County Council are continuing to work with the Food Business Operator to identify and remedy any possible sources of contamination of the milk. The outbreak has been declared as 'over' by the Outbreak Control Team who will now produce a report of the outbreak, which will be published by Public Health Wales.

FOOD CRIME

26. In July, the Head of Food Crime and his Global Alliance (GA) co-chair from the Netherlands Food and Consumer Product Safety Authority (the NVWA in the Netherlands) visited Professor Elliott in Belfast. During the visit, Professor Elliott was supportive of efforts to establish the GA and its aims and objectives.
27. In relation to the Global Alliance, participation has now been secured from equivalent agencies in Australia, New Zealand and Canada with both the FDA and FBI representing the USA.
28. In early September, acting on intelligence provided by the NFCU, a series of searches carried out in the north of England uncovered a significant quantity of what is believed to be 2,4 dinitrophenol, the industrial chemical known as DNP. Co-ordinated by the NFCU, the operation involved three local authorities, the Medicines and Healthcare Products Regulatory Agency (MHRA) and two police forces.

PROSECUTIONS

29. A number of successful prosecutions have been undertaken recently.
30. Chelmsford City Council successfully prosecuted the Red Lion (Chelmsford) Ltd and one of its directors following a routine food hygiene inspection which revealed appalling conditions and a rat-infested kitchen. The company and director were fined £32,000 for 12 offences and £10,000 for 10 offences under the Food Safety and Hygiene (England) Regulations 2013 after entering guilty pleas at Chelmsford Magistrates Court on 20 July 2017. The Council successfully applied for a prohibition order in respect of the Director and the Court also issued a prohibition order on the pub/bed and breakfast premises which had voluntarily closed its kitchen since the inspection in October 2016. Costs totalling £1,108 were also awarded.
31. Mr Vasim Iqbal, owner of Armaans Restaurant & Takeaway of Dewsbury appeared before Huddersfield Magistrates Court on 12 July 2017, where he pleaded guilty to offences under the Food Safety Act 1990. On 21 March 2016, following previous concerns regarding illegal meat substitution at the premises, an Officer from West Yorkshire Trading Standards visited Armaans. The Officer placed an order for a lamb balti, which was advertised on the trader's standard menu. The meal was collected by the Officer and subsequently submitted to and analysed by the Public Analyst. The analysis determined that the meat used in the lamb balti was actually beef. In addition, Mr Iqbal was requested to produce details of his meat suppliers which he failed to do. He was fined £500 with a £50 surcharge, and he was ordered to pay £500 costs.
32. On 31 July two men were sentenced to imprisonment for defrauding consumers by labelling meat products containing horsemeat as beef, sending out a clear signal that food crime will not be tolerated. Andronicos Sideras, owner of Dinos and Sons Ltd, and Ulrich Nielsen of Flexi Foods were sentenced to four years and six months and three years and six months imprisonment respectively at Inner London Crown Court. A third man, Alex Ostler-Beech, also of Flexi Foods was given an eighteen month suspended sentence. On a number of occasions Sideras, Nielsen and Ostler-Beech had conspired to mix consignments of beef with horsemeat, and falsely label it as beef. Their crime

was discovered after an environmental health officer visited a meat manufacturer in Newry, Northern Ireland. The FSA led the investigation before passing the responsibility to the City of London police in 2013, after it became apparent the evidence was suggesting potential fraudulent criminal activity beyond that which the FSA or local authorities would be in a position to pursue. The FSA provided assistance to the City of London Police, supplying information and advice as part of their investigations.

FOOD HYGIENE RATING SCHEME: NATIONAL CONSISTENCY EXERCISE

33. The third national Food Hygiene Rating Scheme (FHRS) consistency exercise was successfully conducted between June and July this year with all but one authority across England, Wales and Northern Ireland participating. The scenario for the exercise involved a mobile catering business with the local authority responsible rating it receiving reports from other inspecting authorities highlighting some issues with food hygiene performance. It was intended to be a more complex scenario than previously with the results for the operation of the scheme continuing to provide assurance to businesses and consumers.
34. The three Code of Practice scores that combine to provide the food hygiene rating were each within a very close range, resulting in ratings of either 3 or 4 being given by 87% of authorities. Considering the limitations of an exercise, the findings indicate that consistency of scoring across local authorities remains high. Local authorities have been provided with the results and feedback to enable further discussion to ensure that consistency of operation of FHRS remains a key consideration for authorities and their officers.

LOCAL AUTHORITY ENFORCEMENT MONITORING SYSTEM (LAEMS)

35. Following a 100% local authority (LA) return rate, the 2016/17 UK LA food law enforcement report and individual LA data were published as official statistics on 18 September 2017 together with an infographic summary of the key findings. The report can be seen at: www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear
36. There is also an infographic at **Annex A** on LA law enforcement.
37. Taking into account all registered food businesses, including those registered but still awaiting an inspection (not yet rated), the level of 'broad compliance' reported across the UK at 31 March 2017 has seen a small rise. This year's data shows that 89.0% of food establishments are broadly compliant, compared with 88.7% in 2015/16.
38. The downward trend for staffing levels at LAs continues, particularly for food hygiene, with a further overall reduction of 2.7% of professional staff from 2,164 in 2015/16 to 2,105 in 2016/17. On the other hand, the number of UK food establishments increased by 0.2% to 634,584 compared with 633,638 in 2015/16.
39. Despite these additional pressures on LA resources, the percentage of due food hygiene interventions achieved has continued to rise, 85% compared to 84% last year.

We do note however, that this leaves a gap of 15% of interventions not being delivered as required.

40. The percentage of due food standards interventions achieved was 44% this year compared to 48% last year. We are aware from LA feedback that there is a continuing trend, particularly in food standards in lower risk establishments, for LAs to use more intelligence led approaches.
41. Although there has been a continued reduction in professional staff, the majority of LAs are prioritising resources and continuing to target activity on a risk basis, with over 99% of higher risk category A and B establishments receiving food hygiene interventions at the required frequency. However, this figure falls to 82% and 61% respectively for category D and E establishments.
42. The report shows the continued overall rise in planned interventions achieved for food hygiene and the overall increase in broadly compliant food businesses across the UK as a whole. However, the report highlights a number of areas that require further investigation. FSA will therefore provide the Audit and Risk Assurance Committee (ARAC) with a detailed paper on the issues arising from the report and our action plans, using the data in the report to help target appropriate areas for further improvement.
43. FSA are currently reviewing the way in which LA performance is monitored and reported on, and we are looking at developing wider indicators of performance to inform our future intervention approach in line with Regulating Our Future. We will update the ARAC and the Board on progress of this project as it matures.

SCIENCE UPDATE

Risk Assessment Unit review

44. The review of FSA's current risk assessment functions has been completed. Over 60 people from the Risk Assessment Unit (RAU), the wider FSA, devolved nations, advisory committees and external organizations (including PHE, DH and APHA) were interviewed.
45. The draft report recommends that the FSA should retain its own in-house risk assessment capability. The report also makes a number of recommendations to strengthen and improve the overall approach to risk assessment.
46. FSA's Chief Scientific Adviser and RAU staff are considering the draft report and how FSA can respond to recommendations. A feedback session will be held on 18 September for those outside the unit that participated in the interviews.
47. The report will be published together with FSA's response to its recommendations. The FSA plans to respond and start implementing the recommendations as appropriate during the autumn.

Data Science

48. An interactive workshop is being held in Scotland on 28 Sep 2017 on ‘*Data flow from livestock sensors to improve meat safety, animal health, welfare and productivity*’. We will share intelligence on the development and use of sensors and related technologies in livestock aimed at improving the content and quality of data flows between farms and abattoirs, completing the feedback loop. The workshop will involve representatives from industry, meat processors, government bodies, veterinary schools and the FSA. One possible outcome from the workshop could be the commissioning of a pilot project by the FSA.

Social Science Review

49. The Chief Scientific Adviser commissioned a capability review of FSA’s social science in November 2016. The review is now complete and the review, together with the CSA’s response to the review’s recommendations, was published on the 31 August².

Research on the Indirect Costs of Foodborne Disease for Consumers

50. The FSA commissioned a two-phase research project with the aim of developing Quality Adjusted Life Year (QALY) measures of the pain and suffering (indirect cost) imposed by foodborne diseases (FBD) for use in the regulation of food safety.
51. Phase 1 of the research: *FSA study on the use of Quality Adjusted Life Years for food safety risks* – was a feasibility study providing preliminary estimates with recommendations for further development of these estimates to be undertaken in Phase 2 of the research.
52. Phase 2 - *Estimating Quality Adjusted Life Years and Willingness to Pay Values for Microbiological Foodborne Disease* – built on Phase 1 by producing new QALY and Willingness to Pay (WTP) estimates; deemed to be the most material for the FSA in terms of the severity and cost of the FBD to the UK. The research has been completed and will be published in September 2017.

Advisory Committee on Microbiological Safety of Food

53. On 4 September, Heather Hancock announced the appointment of two new members of the Advisory Committee on the Microbiological Safety of Food (ACMSF)³. The ACMSF provides the FSA with independent advice on the microbiological safety of food. In addition to the main Committee, there are a number of ACMSF expert sub-groups on antimicrobial resistance (AMR), AMR task and finish, Campylobacter, Surveillance and emerging pathogens.

² <https://www.food.gov.uk/science/research-reports/ssresearch/review-of-social-science>

³ <https://www.food.gov.uk/committee/acmsf/news-updates/news/2017/16468/appointments-to-the-advisory-committee-on-the-microbiological-safety-of-food>

OUR PEOPLE AND MONEY

Our values

54. The FSA Board has set our mission: food we can trust. Supplementing that, the Board also set our vision of becoming an excellent, accountable modern regulator and, from the strategic plan, we have a set of operating principles.
55. Over the past few months, we have been consulting with staff on the next level of detail for what our FSA values should be - how we behave, to turn the Board's vision into reality.
56. Our new values sit within the overarching civil service values of honesty, integrity, objectivity and impartiality and were chosen specifically to fully support delivery of the FSA's mission and vision. The values are: Accountable, Supported, Professional, Innovative, Resilient, Empowered - ASPIRE.
57. We plan to launch the values at the management conference in October, followed by a communications campaign and a comprehensive plan to embed them in all aspects of our People Strategy actions over the next year, including our recruitment, induction, development, performance management, and diversity and inclusion work.

Pay Award 2017-18

58. This year's annual pay award to staff was based on a 1% 'across the board' pay increase and was negotiated in line with the FSA's pay remit from HM Treasury, which reflected the current 1% overall limit on public sector pay increases. As a result of an increase in the maximum salaries of all grades, some staff received a consolidated pay increase for the first time in several years.
59. None of the trade unions accepted the revised pay offer as it did not meet key aspects of their pay claim, which was for a 5% pay award; higher than permitted under government pay policy.
60. The FSA emphasised its commitment to paying staff on time from 1 August, and for the fourth year running, the pay award was processed through the August payroll.

Annual Report and Accounts for 2016-17

61. The FSA's Annual Report and Accounts process for 2016/17 was once again successfully completed and approved by the Audit and Risk Assurance Committee on behalf of the FSA Board. This process is an excellent example of effective collaboration, as it requires a great deal of cross-functional working throughout the FSA and with other government departments, such as HM Treasury. The thorough audit by NAO resulted in only one minor recommendation and the reports were laid before recess in Parliament and the Devolved Administrations. The FSA remained within all of ten of our separate spending control limits. Against the key control limit ('Westminster RDEL'), the FSA was underspent by less than 1% (£731k).

Annex A: Infographic on Local Authority Law Enforcement

