

## FSA IN NORTHERN IRELAND, PEOPLE AND ORGANISATIONAL CHANGE: DIRECTOR'S UPDATE

### Report by Maria Jennings

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### 1. SUMMARY

**1.1** This paper outlines the key activities of the Food Standards Agency (FSA) in Northern Ireland (NI) since the previous report to the Board in May 2016, mapped against the reprioritised strategic outcomes for the FSA Strategy to 2020.

**1.2** The Board is asked to:

- **Comment** on the work to date on the delivery of key objectives of the FSA in NI since May 2016.
- **Endorse** the efforts of the FSA in NI to deliver the reprioritised Strategic outcomes.
- **Agree** the following principles for future work:
  - Continue to engage with stakeholders, work closely with colleagues in the Republic of Ireland (RoI) and participate in appropriate FSA and NI Government work streams in relation to EU Exit.
  - Ensure that NI stakeholders are fully involved in the development of Regulating our Future (ROF) with the input from industry and the enforcement community taken into consideration as appropriate.
  - Under the Food Product Improvement programme continue working with local partners including district councils, knowledge providers and Invest NI to achieve a reduction in sugar in nine prioritised food categories.
  - Continue to review allocation of expenditure to ensure approved limits are observed and detrimental effects on the delivery of FSA NI's strategic objectives in NI are avoided.

### 2. INTRODUCTION

**2.1** The FSA in NI is responsible for ensuring that the full range of FSA key priorities is delivered in NI. With a complement of 45 staff and a limited budget much of this is achieved through partnership with other organisations, sharing costs and resources as much as possible. For example food safety official controls, as required by EU legislation, in approved fresh meat establishments (e.g. abattoirs and cutting plants) and in relation to dairy, egg and primary production hygiene are provided by the Department of Agriculture, Environment and Rural Development (DAERA) on our behalf.

District councils are our key delivery partners in operating the Food Hygiene Rating Scheme (FHRS) and continue to provide invaluable support to FSA programmes such as Food Safety Week, Caloriewise and other dietary health initiatives.

With the rollout of Our Ways of Working (OWOW) FSA in NI staff have become more involved in FSA wide programmes and are now leading and supporting ROF work streams and delivering for teams across the FSA through communications activities. This has not only provided excellent development opportunities for the staff involved but also enabled the FSA to make use of the skills and experience of its entire staff, regardless of location.

This paper updates the Board with progress in NI since the last report in May 2016. Since this time we have realigned our resources and refocused our key objectives in order to deliver the FSA's and wider government priorities in relation to EU Exit and the particular challenges that this poses for our remit in NI. We have made good progress in our role in the NI Executive's Programme for Government and continue to deliver against our additional responsibilities for dietary health and standards and composition and labelling. The political impasse and the collapse of the NI Executive in December 2016, impacted on our financial position in 16/17 when the Department of Finance (DoF) advised that it would not be proceeding with the 2016-17 Spring Supplementary Estimates (SSEs) and the associated Budget Bill. We are continuing to manage the financial challenges imposed by the on-going impasse to ensure that resources and projects are appropriately funded according to priority.

### **3. EXITING THE EU**

**3.1** In planning for EU Exit, NI is in the unique position within the UK of having a land border with Ireland. Solutions arrived at for the continued smooth movement of food will require close working relationships with colleagues across government and in the RoI.

The Executive Office (TEO), previously the Office of the First Minister and Deputy First Minister, has overall responsibility for co-ordinating the NI response to EU exit. Following discussions with the FSA Director, the lead official in TEO EU Future Relations Division now recognises that the FSA is key to decision making relating to the NI position on EU exit. This has opened the door for meetings with senior officials in other departments and ensured that the FSA is represented in the relevant project work streams. We are continuing to work closely with the Department of Health to ensure FSA legislation is included in the ongoing legislation exercise to identify NI legislative requirements post exit.

The FSA in NI has been engaging with and listening to the concerns of stakeholders and is fully integrated in the relevant FSA work streams to ensure that the interests of NI consumers, food and feed businesses and enforcement authorities are taken into account in FSA discussions. An informative fact-finding

visit to a number of SMEs with significant cross-border trade was recently attended by the FSA's Head of EU Exit.

The FSA Chair has also convened several meetings with NI stakeholders to gather their perspectives and expectations. She hosted a meeting in Belfast in January as part of her series of roundtable discussions with interested parties and more recently she has met with the Permanent Secretaries of DAERA and Health and the Chairs and Chief Executives of the NI Meat Exporters Association and the NI Food and Drink Association.

## 4. REGULATING OUR FUTURE (ROF)

### 4.1 Target Operating Model (TOM)



We have undertaken a comprehensive programme of engagement on ROF with key delivery partners and other stakeholders in NI to provide updates on our proposals for the new Target Operating Model (TOM) and obtain insights to inform its development.

Presentations on the TOM have been given to staff in DAERA Agri-food Inspection Branch, who deliver animal feed, primary production, dairy and egg hygiene controls, and to DAERA Veterinary Public Health Programme, who deliver these controls in slaughter and meat cutting establishments in NI. Across DAERA the proposals have been positively received and welcomed.

An event for district councils was held in June 2017 at which the latest iteration of the TOM was considered in depth. There was support for our proposals on enhanced registration and segmentation, however, very important points were raised regarding the proposals for assurance, in particular the concept of the Certified Regulatory Auditor (CRA) for which district councils did not feel there was a need in Northern Ireland. The CRA concept was also considered inappropriate as it does not fit with the primary legislation that underpins the statutory FHRs scheme in NI, which would require amendment to accommodate the use of CRAs. We will continue to engage with district councils as the CRA concept is developed to explore this in a NI context.

We have ensured that colleagues in Department of Health are briefed regularly on the development of the TOM and they were invited to and participated in the LA

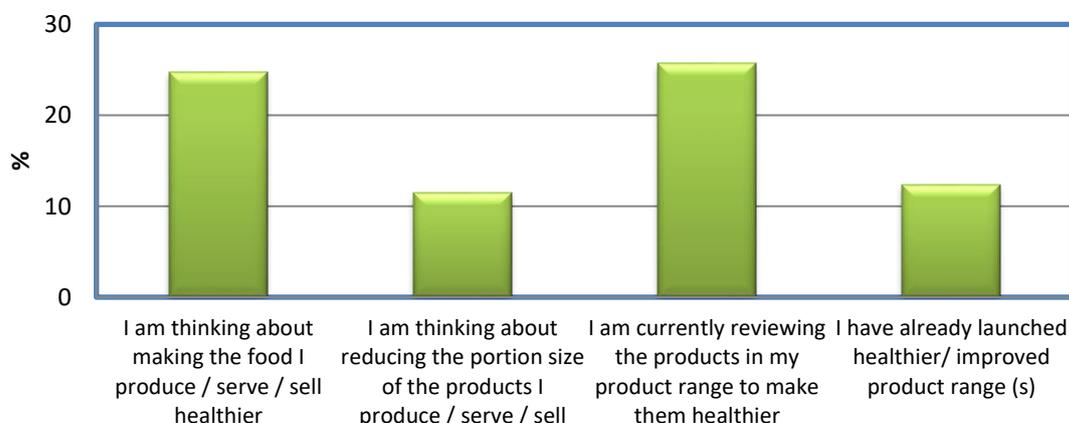
event in June 2017. The TOM was presented at a meeting of the FSA's NI Food Industry Liaison Group in June 2017. Industry members raised concerns regarding sustainable funding of the new model in the context of international competitiveness, the importance of official controls in providing confidence for export markets and the need to ensure alignment of regulatory standards across all countries of the UK.

## 5. FOOD PRODUCT IMPROVEMENT

5.1 The dietary health work that is led by the FSA in NI was described in a Board paper in March 2017 <https://www.food.gov.uk/sites/default/files/fsa170307.pdf>

The lead programme on Food Product Improvement aligns with Public Health England (PHE) in the joint ambition to remove 20% of sugars from foods typically consumed by children by 2020. The programme, which is now branded **Eating Well, Choosing Better** (EWCB), focuses on SMEs and the FSA in NI has strengthened its governance through the establishment of a Steering Group. The EWCB programme was launched in June at a successful industry stakeholder event supported by the Department of Health, Invest NI, knowledge providers and the district councils. This event introduced the industry Sugar Reduction guidance<sup>1</sup> published by PHE to over 120 representatives from across the manufacturing, retail and out of home sectors. The aim of the event was to provide the NI food industry with both the information on the policy and details of the enhanced support and innovative solutions available to them including financial support, technical expertise and worked examples of successful interventions.

An evaluation found that 94% of representatives noted improvement in awareness and understanding of food product improvement, with 25% of businesses considering reformulation, 11% considering reduced portion size and 26% reviewing their product range to develop healthier products.



<sup>1</sup> <https://www.gov.uk/government/publications/sugar-reduction-achieving-the-20>

## 5.2 Calorie Wise

The **Calorie Wise** scheme to provide calorie information in restaurants and cafes is currently being developed for launch in October 2017. The scheme will require caterers to display accurate energy information at point of choice for consumers on all standardised food and drink choices. The FSA is currently running a pilot of the scheme with a number of participating businesses in partnership with the district councils. District councils will help to implement the scheme through enhanced business support, detailed assessment visits and ongoing monitoring. Phase 1 of the scheme is focussing on businesses with a number of outlets including contract caterers, larger chains and hospital trusts.



To complement the development and implementation of **Calorie Wise**, targeted consumer messaging is planned for early 2018. The aim is to increase knowledge and gain support for industry innovation of reformulated products through the promotion of calorie and front of pack nutrition labelling. Monitoring of the trends for NI consumers' purchasing and consumption of sugar, salt, fat and saturated fat will continue through the analysis of robust surveillance data provided by the National Diet and Nutrition Survey and Kantar Worldpanel.

A joint project between the FSA, the Public Health Agency and safefood has ensured that the **Calorie Wise** scheme will soon be used across all Health and Social Care locations in NI where food and drink is available for staff and visitors. The vision is that this will be rolled out across local government services and the wider public sector in NI.

## 6. DELIVERY OF OFFICIAL CONTROLS – DAERA

6.1. The FSA in NI works closely with DAERA's Veterinary Service Animal Health Group (VSAHG) and continues to drive improvements in efficiency and effectiveness through the Service Level Agreement and regular technical meetings. Recent improvements include:

- The recommendations from the FSA in NI's review of Official Auxiliary staffing levels and DAERA's management review have been implemented;
- In partnership with FSA Operations, a new red meat slaughter hygiene verification system has been implemented. This ensures that the food

business operator controls are in place and that any issues arising are dealt with at source.

- DAERA IT systems have undergone a substantial review to facilitate the rollout of the recommendations from the Steering Group chaired by Bill Stow on Meat Chargin.
- In response to an increased interest in direct sales of raw milk to the consumer, FSA in NI and DAERA have developed guidance for food businesses and enforcement authorities entitled “Supply of Raw Cows Drinking Milk - A Guide to the law in Northern Ireland”.
- A process to inform milk purchasers where their suppliers fall in relation to “improvement” or “urgent improvement” necessary categories following inspection has been introduced. It is anticipated that this will allow the purchasers’ agricultural advisors to provide assistance and advice to improve compliance and therefore food safety.

## **7. DELIVERY OF OFFICIAL CONTROLS – DISTRICT COUNCILS**

**7.1** The FSA in NI works closely with the 11 district councils responsible for enforcing food law.

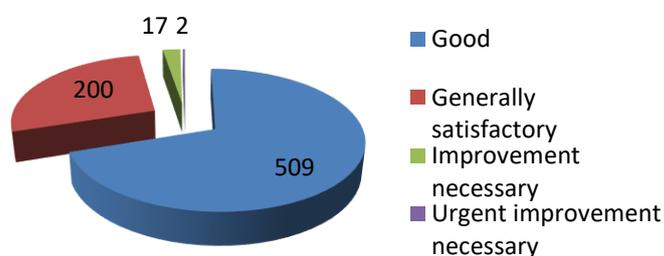


New structures, following the reform of local government in 2015, are continuing to embed and FSA in NI officials are fully integrated in the Food Managers Group and its associated sub-groups on Food Hygiene, Imports/Exports, Food Standards & Food Fraud and Health & Wellbeing. A number of joint programmes of work have been identified for action over the coming year relating to approved establishments, businesses with an FHSR score of less than three, allergens, calories on menus, importers/exporters and expert

certification. These work streams are particularly important for the FSA’s preparedness for exiting the EU.

## **8. REDUCING THE REGULATORY BURDEN**

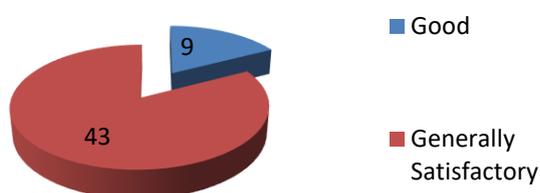
### **Results of 2016/17 inspections of quality assured dairy farms**



**8.1.** We continue to recognise the participation of dairy farmers, and other primary producers, who are members of FSA-approved quality assurance schemes

through reduced requirements for official control inspections. However, where dairy farmers fall into the “improvement necessary” or “urgent improvement necessary” categories following inspection, or major deficiencies are found at other primary producer inspections, appropriate enforcement action is taken and information fed back to the relevant assurance scheme through formal governance arrangements. Approximately 50% of NI’s 3250 dairy farmers are members of an approved quality assurance scheme.

### Audit outcome results for NI approved slaughter and cutting establishments June 2017



We now also acknowledge sustained compliance with food hygiene requirements and have introduced a reduced audit requirement for those approved slaughter and cutting establishments where a “good” rating is achieved for two consecutive audits.

DAERA has implemented the revisions to the FSA in NI’s Feed Enforcement Guidance which introduced a modified risk assessment to take into account membership of a number of FSA approved quality assurance schemes.

[https://www.food.gov.uk/sites/default/files/feed\\_law\\_enforcement\\_guidance\\_ni.pdf](https://www.food.gov.uk/sites/default/files/feed_law_enforcement_guidance_ni.pdf)

## 9. FOOD HYGIENE RATING SCHEME (FHRS)

9.1 Since the introduction of the statutory FHRS in NI on 7 October 2016 the vast majority of food businesses within scope have received their statutory rating.



The remaining businesses will receive their statutory rating by 6 October 2017, as allowed for by a 12 month transition period. All district councils have taken part in two separate weeks of action, visiting food establishments not displaying valid food hygiene ratings. In the first week (November 2016) an educational approach was taken with information and assistance provided and warning notices issued for non-display of a valid food hygiene rating.

The second week (February 2017) focused on enforcement. This resulted in several fixed penalty notices (£200 or £150 if paid with 14 days) being served on food businesses for non-display of a valid food hygiene rating. Since the

implementation of the scheme a total of 23 fixed penalty notices have been served.

**9.2** The final stage of the FHRS process in NI is the Food Hygiene Rating (Online Display) Regulations which will require those businesses that provide food by means of an online ordering facility to display a valid rating on such a platform. A consultation on this new legislation covering the key principles of the requirement as well as the prototypes for the online display icon ended on 14th July 2017. We are now considering the responses and engaging with industry and district council representatives before proceeding to the final stages.

For the first time since the introduction of the FHRS, in 2010, 99% of rated businesses in NI achieved a rating of 3 or better (Wales, 95% and England, 94%). This increase in standards can largely be attributed to the increased work the FSA and district councils have conducted in preparing businesses for the introduction of the statutory Food Hygiene Rating Scheme. Recent research commissioned by the FSA regarding public attitudes toward food hygiene, have reported that:

- 62% of people in NI now check the FHRS rating before going out, this is an increase from 44% the previous year.
- 92% of people have seen the FHRS sticker in the last 12 months.
- 98% agree that display of food hygiene rating should be mandatory.

## **10. CONSUMER PROTECTION:**

**10.1** We continue to develop our capability to tackle food fraud and crime in NI in particular through the role carried out by our Food Crime Liaison Officer (FCLO). Our primary focus this year has been to develop and foster collaborative working relationships to assist in the detection of and response to food crime. We work closely with the National Food Crime Unit (NFCU) and other enforcement Agencies in NI and the Republic of Ireland, to share food crime intelligence and to assist with operational activity. The FCLO is responsible for intelligence gathering and sharing and investigatory support and coordination. This role acts as a single point of contact for intelligence coming into and out of the FSA in NI and, irrespective of the source, all intelligence is entered onto the FSA intelligence database. The R.E.D (Research Evaluate Disseminate) team in the NFCU carry out research on the intelligence to try and corroborate the information and develop any potential lines of enquiry. The FCLO will then share this with the correct enforcement body in NI and agree the action to be taken.

The FCLO is also responsible for ensuring NI input to the Food Crime Annual Strategic Assessment of vulnerabilities within the food supply network and for sharing this with all relevant enforcement bodies in NI and with the FSAI. The FCLO also ensures that information about suspected food criminality and successful prosecutions is shared with relevant organisations in NI. Similar to the Crime Operations team in the NFCU, the FCLO currently has no powers of investigation. The FSA in NI receives intelligence packages from the NFCU for investigation by other enforcement bodies and provides investigatory support to

those organisations. The FCLO also plays a co-ordinating role where an investigation involves multi-agencies or crosses borders with a number of district councils and with the RoI. The success of this collaborative approach can be illustrated through a number of operational examples:

### 10.2 Operation Rosetta –

DNP - 2, 4 Dinitrophenol is a substance that should not be sold for human consumption as it is injurious to health if consumed, but is known to be sold illegally for the purposes of body building and weight loss. During the summer of 2016, the NFCU carried out a test purchase on an on line seller suspected of



selling DNP for human consumption. A male living in Bangor, County Down, was identified as suspected of selling DNP via the internet. The NFCU prepared an investigation package which was passed to the FCLO in FSA in NI to progress with relevant enforcement agencies, in this case the Police Service of NI and Ards and North Down Borough Council. In early

September 2016 a search was conducted at the suspect's home and a quantity of DNP and evidential records were seized. The case was brought before the Crown Court earlier this year with the defendant pleading guilty at the Crown Court to selling food injurious to health and receiving a 14 month suspended jail sentence and ordered to pay costs of £8,500.

**10.3 Operation OPSON** – Operation OPSON is an annual Europol and Interpol led initiative against fake and illicit food worldwide. This was the second year the FSA in NI co-ordinated a NI response to OPSON with food supplements being the focus of activity, especially those making weight loss claims. The operation was taken forward collaboratively between FSA in NI, the Department of Health, Medicines Enforcement Branch and the 11 district councils.

The operational period was conducted between November and December with 33 establishments being visited across all 11 district council areas. A total of 106 products were assessed with 94 found to be non-compliant due to mislabelling issues (for example products intended for the US market) or with unauthorised health claims being detailed on the packaging. It does need to be stated that possible non-compliant products were targeted and so these results are not representative of the general market. A positive outcome was that DNP was not found in any of the analysed products. Enforcement officers in NI took the opportunity to educate food business operators selling food supplements, through provision of a food supplements guidance leaflet. District councils also issued 19 warning letters as a result of non-compliances.

During the Operation Opson operational period a further NFCU initiated investigation was coordinated by the FCLO in FSA in NI. In this investigation Belfast City Council seized 665kg of supplements from a local business that were found to be non-compliant with legislation.

## 11. CONCLUSION AND RECOMMENDATIONS

11.1 The Board is asked to:

- **Comment** on the work to date on the delivery of key objectives of the FSA in NI since May 2016.
- **Endorse** the direction of travel in NI in relation to the reprioritised Strategic outcomes.
- **Agree** the following principles for future work:
  - Continue to engage with stakeholders, work closely with colleagues in the Republic of Ireland (RoI) and participate in appropriate FSA and NI Government work streams in relation to EU Exit.
  - Ensure that NI stakeholders are fully involved in the development of Regulating our Future (ROF) with the input from industry and the enforcement community taken into consideration as appropriate.
  - Under the Food Product Improvement programme continue working with local partners including district councils, knowledge providers and Invest NI to achieve a reduction in sugar in nine prioritised food categories.
  - Continue to review allocation of expenditure to ensure approved limits are observed and detrimental effects on the delivery of FSA NI's strategic objectives in NI are avoided.