

MINUTES OF THE FSA BUSINESS COMMITTEE MEETING ON 23 SEPTEMBER 2020

Via Zoom from the Chair's Residence, Cambridge

Present:

Heather Hancock, Chair; Ruth Hussey, Deputy Chair; David Brooks; Margaret Gilmore; Colm McKenna; Peter Price; Timothy Riley; Mark Rolfe.

Attending

Emily Miles	-	Chief Executive
Justin Everard	-	Head of External Communications (for FSA 20/09/15)
Sarah Gibbons	-	Senior Head of Communications (for FSA 20/09/15)
Chris Hitchen	-	Director of Finance and Performance
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland
Robin May	-	Chief Scientific Adviser
Paul Morrison	-	Director of Strategy, Legal, Communications and Governance
Rick Mumford	-	Deputy Director of Science
Julie Pierce	-	Director Openness, Data, Digital, Science and Wales
Steven Pollock	-	Director of Communications (for FSA 20/09/15)
Philip Randles	-	Head of Incidents & Resilience (for FSA 20/09/12)
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer
Noel Sykes	-	Head of Governance (for FSA 20/09/11)
Darren Whitby	-	Head of Animal Welfare (for FSA 20/09/14)

1. Welcome and Introductions

- 1.1 The Chair welcomed everyone to the meeting and asked Committee Members whether they had any conflicts of interest to declare for the items on the agenda and also whether there was any other business that Members would like to add. No interests were indicated, and no additional business was raised.

2. Minutes of the Business Committee Meeting of 17 June

- 2.1 The Chair asked if Committee Members had any comments on the minutes of the Business Committee meeting of the 17 June which had been previously circulated in draft and comments incorporated. No further comments were raised, and the minutes were agreed as an accurate record of that meeting.

3. Actions Arising

- 3.1 No comments were raised on the actions arising schedule.

4. Chief Executive's Report to the Business Committee (FSA 20/09/16)

- 4.1 The Chief Executive (CE) gave a brief summary of the report included in the papers. She highlighted the points about working from home including the Prime Minister's statement that people in England should again work from home where possible. The advice from the devolved administrations in Wales and Northern Ireland had not changed from working from home. The FSA had accordingly scaled back plans for the gradual re-occupancy of its offices in London, York and Birmingham.
- 4.2 Colm McKenna noted senior level recruitment was underway and asked about the current recruitment market and what was driving the need to recruit. The CE said that the various posts being recruited for had come about for different reasons. A post in the Achieving Business Compliance (ABC) programme was a new post, created to add to senior capacity in the organisation dedicated to this very important reform programme. Other posts were vacancies such as the Chief Information Officer where there was currently one temporary promotion in post; and the Deputy Director on EU Strategy would be retiring in January, and so a replacement was needed. There had been about 50 applications received for the ABC post.
- 4.3 Margaret Gilmore asked about risks to FSA led litigation and prosecution arising from COVID-19 related delays. Colin Sullivan said that he would give more detail during the discussions of the animal welfare paper, but that enforcement activity had not needed to increase in this regard as there had been no increase of animal welfare breaches. In terms of litigation more generally, veterinary audits had been suspended during the pandemic but Official Veterinarians (OVs) in plants continued to work, highlighting any breaches occurring on the line.

5. Performance and Resources Q1 2020-21 (FSA 20/09/10)

- 5.1 Chris Hitchen introduced the report saying that it reflected a very different performance report to those the Business Committee usually saw as it captured the impact that COVID-19 had had on the FSA over the period. Colin Sullivan gave some detail on how the FSA's response to the pandemic had been captured in the report and the impact of the establishment of the Immediate Response Group (IRG) and Strategic Response Group (SRG) on the ability to ensure food safety, consumer protection, and support industry in maintaining the national food supply.
- 5.2 David Brooks asked whether the reduction in campylobacter cases noted in the report had been mirrored across other food-borne diseases. He asked whether this reduction could be linked to an increase in home-cooking and whether it could be an early indication of an increase in hand washing in response to COVID-19.

- 5.3 Rebecca Sudworth explained that the reduced numbers could be partly related to a reduction in testing due to lab capacity being diverted to COVID-19 related tasks. She added that the trend was towards a drop in cases prior to the pandemic but that the scale of the drop shown in the figures was not likely to be reflective of real rates of infection.
- 5.4 Rick Mumford said that, in line with the figures for campylobacter, the figures for other food-borne diseases would likely have been impacted by lab capacity being diverted to COVID-19. Public Health England (PHE) had also been busy with testing for COVID-19 and a range of other factors linked to the health system, such as underreporting and people not visiting their GP, could also impact on the numbers. He acknowledged that the message about hand washing and basic hygiene had been received by consumers and there could also have been a benefit from that. A number of studies were being conducted to understand the social science around consumers' attitudes to hand washing and whether their behaviours had changed. In addition, visits were being made to food businesses to take swabs to look at hygiene and whether there had been a positive impact from COVID-19 related behaviours.
- 5.5 David also asked whether there were any risks emerging from the pause on FSA led public consultations. Rebecca said that there were practical difficulties meaning that in many cases, it was not feasible to run a consultation; however, the pause was being kept under review and some activities had restarted.
- 5.6 Ruth Hussey asked, whether the Executive had confidence that there was sufficient testing for campylobacter and sufficient clarity with the public about advice for gastro intestinal illness for the next six to twelve months. Rick said that there had been ongoing discussions with PHE and Public Health Wales (PHW) about testing capacity in labs and the FSA had been given assurance that the food and environment laboratories, which handled food-borne testing, did have the necessary capacity.
- 5.7 Margaret Gilmore asked for further detail on the 44 situation reports produced to identify issues of significant concern mentioned on page 7 of the report. Colin Sullivan explained that the situation reports were reports that fed into the IRG and gave an indication of the length of the incident.
- 5.8 Margaret also asked whether the 25% download rate from the FSA's website for information for businesses reopening was a cause for concern. Colin said that the information provided to businesses was well received and there had been a high number of hits on the FSA website; the feedback from various forums attested that the information had been welcomed.
- 5.9 Colm McKenna noted that the FSA was forecasting an underspend for the year, with the underspend being quite significant in Northern Ireland. He asked for some clarification on why that was the case. Maria Jennings explained that the FSA had bid for resources for Local Authorities (LAs) in the run up to the end of the EU transition period and had been working with LAs to release that money on a case by case basis. She explained that it was expected that the underspend would reduce before the end of the financial year.

6. Annual Report: Freedom of Information Requests, External Complaints and Internal Whistleblowing Cases (FSA 20/09/11)

- 6.1 Noel Sykes introduced the paper noting the key priorities which the Committee was being asked to agree.
- 6.2 Colm McKenna asked how the FSA compared with other government departments for the releasing or withholding of information under the Freedom Of Information (FOI) Act. Noel explained that direct comparisons were not easily made as each public authority, as a duty holder under the Act, would have their own distinct considerations to make depending on what type of information was held. In 2019, across those public bodies which were monitored by the Cabinet Office, there were nearly 49,500 FOI requests received. 43% of these were responded to in full, the same percentage for the FSA for that year. In terms of the number of requests where all the information requested was withheld the FSA compared favourably and withheld all the information in just 5% of cases in 2019. The Chair added that the FSA's longstanding commitment to openness and transparency meant that increasing amounts of information were often easily available, heading off some FOI requests.
- 6.3 On FOI requests, David Brooks asked whether the categorisation of the subjects could be reconsidered to provide greater clarity noting that 25% were listed as 'other'. Noel explained that the FSA received a broad spectrum of requests and whilst the statistics in the paper showed the extent to which subjects are repeated, he said that the statistics could be revisited for the 2021 report to provide a more detailed breakdown of subject areas.

Action 1 - From the 2021 Annual Freedom of Information, External Complaints and Internal Whistleblowing Report onwards, Noel Sykes to provide greater detail of the subject areas of FOI requests.

- 6.4 The Chair said that the Business Committee acknowledged the progress and positive direction this report was showing in all three areas. The high level of performance for responses to FOI requests, including the routine publishing of open data was welcomed by the Committee. Committee Members also wanted to be sure that complaints were learned from and that results from complaints were tracked. The Committee also welcomed the assurance that staff were increasingly confident that they could raise a concern and they would be supported, and complaints dealt with properly. Members were committed to ensuring that there was an open, accessible and trustworthy whistleblowing service available to staff.

7. Incidents & Resilience Annual Report 2019/20 (FSA 20/09/12)

- 7.1 Colin Sullivan introduced the discussion on the Incidents and Resilience Annual Report, explaining that the figures included in the report dealt with the financial

year that ended at the end of March 2020, with just the last few days of March being significantly impacted by the COVID-19 pandemic.

- 7.2 Margaret Gilmore asked for more information about the emergency response process and the FSA's capacity to deal with multiple incidents given the prospect of a uniquely challenging winter ahead with COVID-19, potential flu outbreaks, and the end of the EU transition period. Colin said that conscious of an increase in COVID-19 cases and the ending of the EU Transition period at the end of December, it was intended that the FSA's emergency response would be stepped up again. This was most likely in the middle of November, but it could be necessary to bring it forward should circumstances require it. It would take account of these issues and any other incidents that might occur in parallel. It was a comprehensive approach, including contingency responses for policy; legislation; field operations; staffing; issues in respect LAs and communications. Redeployment of staff could be necessary, and a number of exercises and drills had been run involving around 300 staff. The winter plan had been discussed by the Executive Management Team (EMT) and their endorsement had been received.
- 7.3 Philip Randles added that the winter plan included references to standing up the FSA's emergency response this year. The winter plan was intended to plan for as many eventualities as possible, but it would not be possible to plan for every event. Therefore, the emergency response was primarily being activated as a precaution.
- 7.4 Margaret mentioned concerns around intelligence sharing with the EU following the end of the transition period. She asked whether Colin was content with the situation. Peter Price also asked about access to EU databases and whether there had been discussions between FSA and EU officials or whether they took place through intermediaries in other departments. He asked about the extent to which access to EU databases was being denied in respect of the FSA's responsibility for Northern Ireland, which would remain within the Single Market. Colin said that the FSA was feeding into negotiations with EU officials. He explained that the outcome was not yet clear, but that Northern Ireland would be in a different position from the rest of the UK as a result of the Northern Ireland protocol. It was anticipated that there would be access to the Rapid Alert System for Food and Feed (RASFF) system in Northern Ireland and it would be possible to maintain the quality of incident response that there had been to date. In terms of the level of access for Great Britain it was anticipated that there would be third country access. The Chair added that when the FSA had started planning for EU Exit it was on the basis of having no access to RASFF.
- 7.5 Julie Pierce said that third country access to RASFF was expected to be available and that, combined with other data sources available, should allow the FSA to maintain effective surveillance. The new Receipt and Management System and the Signals and Incident Management system that the FSA had put in place would also give better quality, more structured data to help the incident process allowing for a more forward-looking approach to incidents and a better understanding of what drove incidents in close to real time.

- 7.6 Timothy Riley asked about the change in the complexion and complexity of incidents due to the downturn in trading and the change in profile of businesses throughout the pandemic and the FSA's ability to adapt to these changes. Colin said that this was something that was being monitored. Philip Randles added that it had been concerning to see the reduction in terms of alerts and incidents, but on further investigation, it became apparent that changes to the profile of the sector had caused major shifts to areas where incidents were likely to emerge where they were not being picked up. He said he had increased confidence that the correct levels of incidents were now being captured.
- 7.7 Ruth Hussey asked whether all incidents would receive a root cause analysis and whether COVID-19 had impacted on the FSA's ability to do that. David Brooks added that it would be good to see some of the themes and trends emerging from the root cause analyses that had taken place. Colin said that this was an area where it was recognised that more needed to be done. It had been impacted by the response to the pandemic over the preceding six months. It was now becoming the norm for companies to respond with root cause analysis profiles.
- 7.8 The Chair said that the Committee was satisfied with the emergency response, both to COVID-19 and regular incidents throughout the year since the last report. They endorsed the way that the Incidents and Resilience Unit continued to develop, and the preparations made ahead of EU Exit and the end of the transition period.

8. Science Update 2020 (FSA 20/09/13)

- 8.1 Rick Mumford gave a summary of the key points of the paper, highlighting the ongoing effort and investment in building science capability and capacity; the development of research and evidence programmes; the publication of areas of research interest; and the role that FSA science had played in tackling COVID-19.
- 8.2 Colm McKenna asked whether the FSA had been successful in ensuring that all necessary partner organisations were engaged and doing their parts with regard to food hypersensitivity. Rick said that discussions were taking place with UK Research and Innovation (UKRI) about possible roles around allergies. He mentioned the strength of the FSA's relationships with the UK's various Research Councils. The one where there was a less strong relationship was the Medical Research Council which had responsibility for hypersensitivity and allergy. He said that work was taking place to develop that relationship. The CSA said that, in terms of interactions with other government departments, the paper mentioned surveillance work carried out in partnership with Defra, there was also a weekly meeting of CSAs from across government to discuss issues pertinent to their departments, which was beneficial in identifying areas of risk.

8.3 Mark Rolfe declared an interest as he was involved in the running of a testing laboratory. He noted that it had been mentioned that some laboratory capacity had been diverted from food related matters to COVID-19 testing. He asked for reassurance that this was being monitored for risk management. The Chair said that it was on the FSA's corporate risk register and the CE and officials had held discussions with the Chair and CSA about ensuring progress on this was provided to the Board this year. The CE said that this was a critical infrastructure question for the UK and would form a part of the bid for the Comprehensive Spending Review (CSR). She noted that the Board had not been given an update on what would be considered the minimum capacity. She said that should she would take that question away and revert to the Board in November. The Chair noted that there were papers on both sampling and surveillance due to be coming to the November meeting, which would provide an opportunity to have a more comprehensive end-to-end view to understand where attention should be focussed.

Action 2 - Director of Science to give update on what should constitute minimum laboratory capacity in paper on Sampling for November 2020 Board meeting.

8.4 Ruth Hussey asked whether, the FSA had been engaged in the review process as decisions were made about changes to Public Health England (PHE). Rick said that the FSA had not been approached regarding the restructuring of PHE. It was not expected that core functions around food and laboratories would stop but implications would need to be considered. Julie Pierce added that she and Maria Jennings had spoken with officials at PHE and had received assurance that the contracts and relationships in the provision of services to the FSA would continue.

8.5 David Brooks asked what approval was currently being sought in relation to the food surveillance and national capability fund and whether it was possible to share the detail behind that. Rick explained that it was an ambitious bid, in excess of £9 million to address issues around national capability, including lab capacity; investment in new technologies and new approaches; and provision for sampling for food safety and food standards assurance. Much of the ambition would rely on outcomes from the CSR though some programmes would be scalable and could be operated over longer timescales or be scaled back to meet funding restrictions if necessary. Key functions around labs, methods, sampling, and research capability would carry on in some form, beyond the CSR, if that bid was unsuccessful.

8.6 The Chair said that this had been a useful discussion to frame the consideration of papers for the November Board meeting. On the CSR, she said that it had been made clear in the bid that there were elements concerning ongoing safety and monitoring. Much of the new funding was related to technological development and building large databases to improve the surveillance capacity. She said that the Committee welcomed the progress on the centrality of science to the FSA's work.

9. Annual Animal Welfare Update (FSA 20/09/14)

- 9.1 Colin Sullivan introduced the Annual Animal Welfare Update paper, reminding Committee Members that the FSA were implementers of animal welfare policy on behalf of other departments; specifically, Defra and Welsh Government.
- 9.2 Mark Rolfe asked whether information on where animal welfare issues were identified was being shared with other regulators and particularly LA Animal Health Inspectors. He also noted that welfare issues were often indicative of wider issues back in the field that LA inspectors would be looking at and may have implications for disease control. Darren Whitby explained that information from both transport and farm-related non-compliances was routinely shared with the Animal and Plant Health Agency (APHA) and LAs. The detail and evidence required to investigate some issues on an urgent basis could be improved and this was something that was under consideration.
- 9.3 David Brooks asked a question on CCTV, noting a clear increase in the detection of animal welfare issues in slaughterhouses and the value of CCTV in prosecutions and enforcement as well as acting as a deterrent. He asked how and when we could demonstrate that CCTV brings a material improvement in animal welfare. Darren said that it was intended that this would be progressed within the next year. It was difficult to demonstrate improved outcomes and material improvements in animal welfare, but it was something under consideration and had been discussed with Defra who were the policyholders for CCTV in slaughterhouses in England.
- 9.4 Colin added that there was a risk with CCTV of picking up more than was important, which would have an impact on statistics, so it was necessary to scrutinise the numbers to know what the real impact was. He acknowledged that it had played a part in 40% of the suspensions issued in England, showing that it was an important tool. The Chair noted that the Board had made the case for mandatory CCTV because it was felt it was a valuable management tool. It was helpful from a welfare point of view but should not be used principally as a route for enforcement.
- 9.5 Timothy Riley asked about the uptake for education and instruction, and the correlation with where incident reporting was seen. Darren said that work was ongoing with the welfare assurance team around gathering data that could help to understand areas of improvement and where trends were emerging. He said there was a collaborative approach with the farming industry and National Farmers' Union (NFU) to identify areas for focus, determine underlying issues and begin the process of driving down non-compliance through improved data sharing, education and training. The Chair suggested that this question could be better addressed outside of the meeting.

Action 3 - Darren Whitby to provide Committee Members with information about education uptake around Animal Welfare.

- 9.6 The Chair stressed that this policy area was owned by Defra, and while the FSA endorsed, and were concerned with, the introduction of CCTV, it did not

receive additional resources for its implementation. The FSA maintained its commitment to act within the resources available but if more was required, Defra would need to play its part too. There was a concern amongst OV's, that this would become an additional demand on them. The paper demonstrated good working practices were being developed and used in a way that was enabling OV's to feel confident to do their job.

- 9.7 The CE noted that in Wales, CCTV in slaughterhouses was not yet mandatory. The Chair said that she had written to Ministers in Wales to reinforce the Board's view that CCTV was a useful management tool, a source of confidence for consumers and could be helpful to the FSA in the delivery of official controls. She said that the FSA had a zero-tolerance approach to breaches of animal welfare. The progress demonstrated in the paper and the collaborative approaches undertaken were welcomed but where there were breaches, these would continue to be pursued through the courts.

10. Annual Communications Update (FSA 20/09/15)

- 10.1 Steven Pollock introduced the Annual Communications Update. Joined by Sarah Gibbons and Justin Everard, Steven gave a presentation that covered the preceding year's challenges, activities and achievements; an overview of the aims for communications in 2020-21; the Communications contribution to the FSA pandemic response; and the FSA's social media profile.
- 10.2 The Chair noted the difficult territory over the past year for communications, and how the FSA's Communications team had demonstrated the ability to cope with significant challenges. In the past, the Committee had asked for assurance that the Communications team had the appropriate level of reach across the department. She asked whether this had changed. Steven said that he had seen significant improvements in that regard over the previous two years and that this had improved further throughout the pandemic.
- 10.3 The CE said that there had been two innovations over the course of the year that had made a difference in this regard. The first was the future publications panel, which was a cross-agency group of senior leaders including representation from Wales and Northern Ireland, that considered issues that were approaching and engaged early on them. The second innovation was a weekly Executive Management Team forward look communications activity discuss handling and management of issues. She added that there had been difficulties at the beginning of the pandemic around the relationship with other departments, such as the need to have guidance cleared through PHE, but that this had since improved.
- 10.4 Julie Pierce said that science in the FSA had made communication of science a high priority and that this was having an impact. She added that the communication of risk was discussed at the previous meeting of the FSA Board and its profile was increasing on the FSA's agenda.

- 10.5 Colm McKenna asked whether there was a risk from the reshaping of the Government Communications Service (GCS), of the Comms function becoming too centralised within government. Steven said that, the GCS proposals were not new discussions and mentioned that the proposals included a single employer model for the profession, as was already the case for the legal profession within government. There were advantages for the way that government communications operated in having a single employer model. Membership of the GCS also brought benefits for communicators in terms of professional development and access to some training and development.
- 10.6 Steven added that the importance of the Communications function in relation to independence, openness and transparency should be considered in engaging with this programme. This was not unique to the FSA as a regulator and was part of the conversations with Communications directors across government. Whatever the outcome of GCS reform, it would be important to ensure that the FSA was seen as a good place to work for Communications professionals and that it did not prevent people having access into other opportunities in government.
- 10.7 The Chair said that the Board would not accept an arrangement for Communications functions which fettered the ability of the Board to act independently. This was critical for consumer confidence and industry trust and the way the FSA delivered advice to Ministers in the three countries. She expected Steven and the CE to alert the Board whenever they considered there to be steps being taken in government communications that could be deleterious to that.
- 10.8 Julie reminded Committee Members that the FSA ran an integrated Communications function that supported the three countries but that the funding for the function in Wales and Northern Ireland came from the devolved administrations.
- 10.9 Margaret Gilmore asked how the FSA maintained clarity in the minds of stakeholders and consumers about the extent of its remit. Justin said that there had been good progress in getting the message about the FSA's remit out through influential journalists and the improvements in relationships with other government departments meant there were frequent discussions with colleagues in the Department of Health and Social Care (DHSC) and Defra to consider what issues fell within whose remit. This was beneficial as many incidents had aspects pertinent to several departments, allowing for joint statements to be issued and a coordinated approach to communications.
- 10.10 Margaret asked whether it was known where some stakeholders or cohorts of consumers were not being reached by FSA messages noting that these could often be the most vulnerable groups that got left behind. Sarah said that for campaigns, it was clear who it was the FSA was trying to reach as they tended to be highly targeted. In social media, it was more difficult to know the reach of the messages. In terms of overall coverage around 75% of the population had been reached over the year but it was possible that this was skewed to a higher socio economic demographic.

- 10.11 Margaret asked about campaigns for Christmas around allergens and whether they were on hold as a result of the pandemic. Steven said that it had been necessary to defer a business-facing campaign early in the year given what was likely to be coming for the hospitality sector from COVID-19. He said that preparatory work was under way for a campaign facing younger people in the new year. Some resource had been allocated to the Pre-Packed for Direct Sale (PPDS) regulations, which were due to come in in about twelve months' time to help businesses understand what they needed to do to ensure that they were compliant. For Christmas campaigns, those tended to use existing assets and were very low-cost, for example the social media around the Four Cs campaign. Rebecca Sudworth added that though the allergens campaign was paused, it would be continuing again, slightly differently, from the autumn.
- 10.12 Steven said the challenges brought by lockdown had been significant for people working in the Communications division and he wanted to put on record his appreciation for the work of his team. The Chair endorsed this and said the Committee welcomed confidence provided by the report.

11. Any Other Business

- 11.1 No other business was raised, and the Chair closed the meeting. The next Business Committee meeting would be held, via Zoom on the 8 December at 9.30am. Prior to that, the FSA Board would meet, also via Zoom, on the 18 November, also at 9.30am.