

NATIONAL FOOD CRIME UNIT – ANNUAL UPDATE

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1. Summary

1.1 The Board is invited to:

- **Consider** the progress of the NFCU in the 2020 calendar year to end of October.
- **Consider** delivery against key elements set out and agreed by the FSA Board in November 2016 and in April 2018.
- **Endorse** the future direction of travel of the work of the NFCU, leading to the full independent review of the NFCU in March 2022, including endorsing the findings and recommendations of the October 2020 internal review of the NFCU.

2. Introduction

2.1 In November 2016 the FSA Board agreed the following key elements of the Kenworthy review should be delivered with regards to the National Food Crime Unit:

- a) Expanded to include investigative capability.
- b) Have as part of its remit, prevention of food crime.
- c) A responsibility for setting standards for investigating food crime.
- d) A responsibility for training staff from partner agencies in food crime awareness and intelligence handling.

2.2 Subsequently, in April 2018 the FSA Board directed the following should be progressed through 'Phase 2' of the NFCU project, for which the funding was requested from (and subsequently approved by) HM Treasury:

- a) Confirm the legal mandate necessary for investigative capability.
- b) Utilise the CPS to pursue criminal justice disposals.
- c) Clarify the roles and responsibilities of the NFCU, local authorities and Police.
- d) Engagement within Northern Ireland and Wales.
- e) Identify and mitigate risks or conflict between the priorities of the NFCU and the wider FSA.
- f) Establish longer term funding arrangements for the NFCU.

2.3 During 2020, the NFCU has continued to develop its capacity and capability as a law enforcement organisation, achieving full operating capability in April, while simultaneously delivering operational activity with several notable disruptions of food crime.

2.4 An internal review of the NFCU in October, supported and scrutinised by a senior ‘critical friend’ from law enforcement, also assessed the progress of the NFCU. The purpose of the review was to evaluate the progress of the NFCU, including its processes and procedures and the methodology incorporated interviews with staff in the NFCU and wider FSA.

3. Notable progress in 2020

Operational delivery

3.1 The NFCU has adopted the national law enforcement standard for recording and evaluating operational outcomes. These outcomes are referred to as ‘disruptions’ and are evaluated by assigning a score of between 1 and 5 for both the level of intervention and the level of impact. The sum of the intervention score and the impact score is the disruption score. A lower intervention score coupled with a higher impact score indicates a more effective disruption. The table below uses a traffic-light based system to illustrate the disruption scoring system. The number of disruptions recorded in Q1 and Q2 at each assessment level is also noted in **bold** in the table.

		<i>Intervention assessment</i>		
		Minor (1 or 2)	Moderate (3)	Major (4 or 5)
<i>Impact assessment</i>	Minor (1 or 2)	33	1	0
	Moderate (3)	12	13	0
	Major (4 or 5)	3	7	6

3.2 In summary during Q1 and Q2 the NFCU has delivered 75 disruptions none of which have been assessed as major intervention and minor impact (the red zone in the table above). The average disruption score for Q1 and Q2 is 5.6 with a total of 74 disruptions falling within the yellow, light green and dark green zones. Additional performance data for operational outcomes for Q1 and Q2 are included at Appendix A.

3.3 Disruptions are targeted against the priority threat areas identified in the NFCU Control Strategy and can be pre-planned or reactive (intelligence-led) and are delivered across the unit’s 4P approach of Prepare¹, Prevent², Protect³ and Pursue⁴.

3.4 At present within the Pursue strand the NFCU is leading four active investigations. During 2020, there have been several notable successes and important milestones NFCU operations (some now concluded). A sample of case studies of NFCU Pursue activity in 2020 is included at Appendix A.

¹ Prepare: Ensure the necessary capabilities exist to tackle food crime, including through partnership working.

² Prevent: Stop individuals and businesses from committing food crime.

³ Protect: Reduce the vulnerability of businesses and consumers to food crime threats and risks and its impact.

⁴ Pursue: Prosecute offenders and confiscate the proceeds of food crime.

- 3.5 In addition, the NFCU is currently managing a further 33 strands of operational activity where it is leading, supporting or coordinating activity to disrupt food crime (including working with partner agencies).
- 3.6 Together these four active investigations and 33 strands of operational activity form the Pursue element of the NFCU 4P approach and therefore do not include the pre-planned activities the unit is delivering against its priority threat areas across the Prepare, Prevent and Protect elements of its 4P plan.
- 3.7 In addition to the case studies at Appendix A, examples of the type of disruptions to date in 2020 include:
- Pursue: intelligence-led inspections of food business operators by FSA Field Ops and local authority food teams.
 - Prevent: the successful closure of websites selling DNP for human consumption following the NFCU submitting abuse complaints to the website registrars.
 - Protect: industry stakeholders completing the NFCU-designed fraud resilience questionnaire, to assist in identifying actions to reduce their vulnerability to food crime.
 - Prepare: preparation of a briefing document in partnership with Police, shared with FSA Incidents for onward publication via SmarterComms, enabling local authority partners to respond if confectionary containing unlawful levels of THC are identified in their area.
- 3.8 In addition to the core operational activity of the NFCU, the unit has provided staff support and specialist advice to a number of different workstreams across the FSA and wider government, including:
- Analytical support to the government's Covid-19 incident response planning.
 - The cross-government forum on tackling DNP risk (see below).
 - Support to the FSA's Covid-19 response including staff secondments and support to the Briefing Cell.

2,4-dinitrophenol (DNP)

- 3.9 The NFCU has continued its efforts throughout 2020 to address the illegal sale of 2,4 dinitrophenol (DNP) for human consumption. It remains a priority area in the unit's Control Strategy and proactive efforts to identify websites selling DNP continue. Furthermore, work to develop a coordinated cross-departmental

approach to tackle DNP is progressing with the Home Office and Public Health England engaged in establishing specific actions for each department.

3.10 This continued focus on DNP has sadly proved to be necessary with two further deaths linked to DNP toxicity noted between 1 January and 30 September 2020. This is after four fatalities were noted in 2019.

3.11 In total, to date the efforts of the NFCU have led to the removal or suspension of at least:

- 95 websites
- 13 social media profiles
- 350 specific marketplace listings, alongside additional activity resulting in the complete delisting of DNP as a product from specific marketplace sites

3.12 There have been further positive engagements between the NFCU and online platforms to explore additional opportunities to prohibit the sale of DNP online, as well as to develop focussed online interventions to warn individuals of the dangers associated to consuming DNP.

3.13 In addition, in 2020 to date there have been substantial interventions arising from investigations and prosecutions of persons selling DNP for human consumption. This includes:

- The conviction at retrial of Bernard Rebelo in March 2020 for gross negligence manslaughter, following the death of Eloise Parry in 2015. Rebelo was subsequently sentenced to seven years imprisonment. The investigation was led by Harrow Borough Council following a referral by the National Food Crime Unit.
- As a result of a Police led investigation, supported by the NFCU, the conviction of Mantas Kaupas for offences under Food and Hygiene Regulations relating to the sale of DNP for human consumption, as well as offences relating to the supply of steroids. Kaupas was sentenced to 8 months imprisonment, suspended for 18 months, as well as ordered to do 300 hours unpaid work.
- The NFCU has also supported and coordinated two separate investigations with law enforcement partners which resulted in the arrest of two suspects believed to be selling DNP for human consumption. One of those investigations is summarised at Appendix B as a case study.

Organisational development

3.14 The development of the National Food Crime Unit under Phase 2 was managed under a project board until December 2019 when it was agreed the project should close and the NFCU operate under 'business as usual' FSA

governance and oversight arrangements. Subsequently, in April 2020, the NFCU had the staff and systems in place to be considered “fully established”, as per the milestone in the 2018 business case to HM Treasury. Organisational development achievements between the previous annual update in January 2020 and the NFCU achieving full operational capability in April 2020 include:

- Staff engagement events including independently facilitated workshops and an all-staff conference in March to identify and agree actions to enhance staff engagement.
- Delivery of role-specific training for NFCU investigators.
- Finalising the unit’s suite of core standard operating procedures and its intelligence and tasking process map.

3.15 Since April 2020, the NFCU has continued to develop its capability by:

- Undertaking a small-scale restructure in June to realign the reporting lines of some teams and to create two new teams from existing NFCU headcount – one team to lead on the strategic business development work of the NFCU and the other to provide its specialist sensitive intelligence capability.
- Drafting and publishing the 2020 Food Crime Strategic Assessment and associated NFCU Control Strategy, from which it developed its 2020-21 operational ‘4P’ plan for disrupting food crime across the NFCU control strategy priority threat areas.
- Developing the NFCU 1 to 3 year plan and detailed 2020-21 business plan.
- Engaging with stakeholders including DHSC to establish a clear pathway for establishing NFCU access to specific existing investigation powers.
- Engaging with the Crown Prosecution Service to agree a Memorandum of Understanding with regards to NFCU case files and associated matters.
- Reviewing and updating operating procedures for specific functions including digital evidence management and the management of public interest disclosures.
- Updating the NFCU suite of key performance indicators, including alignment of recording operational outcomes with the system used across law enforcement organisations in the UK.
- Implementing additional essential IT systems including a digital asset management system and a specialist data analysis tool, as well as

working with the FSA Investigations & Prosecutions Team to onboard their case management work to the NFCU case management system (Clue).

- Working with the Home Office to ensure the FSA remains included in the CHIS (Criminal Conduct) Bill as it progresses through Parliament.
- Working with colleagues in the Achieving Business Compliance programme to ensure the NFCU is aligned to and can support the work of the Controls Coordination Group.
- Supporting the FSA EU Transition Programme and technical negotiations with regards to access to EU systems, networks and databases.
- Further building relationships and ways of working with partners including through attendance at the Borders Steering Group with Defra and UK Border Force.

4. Wider context

Covid-19

4.1 The Covid-19 outbreak has had both a direct and indirect impact on the work of the NFCU since March 2020. The direct impact is primarily a result of staff supporting the FSA response to the outbreak and through staff secondments to other government departments in support of the wider national response. The indirect impact on the NFCU is a result of partners having to reallocate resources to their own Covid-19 responses, or through partners working in different ways to mitigate risks associated with the outbreak. In turn this has at times affected the capacity or timeliness of activity supporting or enabling NFCU operations.

Preparations for the end of the EU Transition Period

4.2 The NFCU has been working on contingency plans for the sharing of information and intelligence with EU member states on the understanding that limited or no access to EU systems will be available following the end of the Transition Period. As a result, the unit is well placed to continue working as required with EU member states following the end of the Transition Period, albeit through systems and processes which may not offer identical benefits as direct access to EU systems.

Internal review of progress of the NFCU

4.3 In Autumn 2020 an internal review of the NFCU was completed. The review assessed the effectiveness of its 'full operating capability' which was attained in April 2020. It sets out an interim position ahead of a full review, due in April

2022, commissioned by the FSA Board. The review was led by a professional peer experienced in assessing the capabilities of law enforcement organisations, including with additional contributions from a member of the FSA Board (Mark Rolfe). The terms of reference were broad: they examined the unit's investigative capability, the standard of investigations, its priorities, how it prevents food fraud, how well it works with Local Authorities and longer-term funding arrangements.

- 4.4 In general terms the review found the unit's understanding of food crime is developing well, that it fits with the overall business of the FSA and that the priorities of FSA Incidents and NFCU investigators are mutually supportive. The review makes a series of recommendations which include:
- A longer-term review of the operating model and bench-marking of the Unit's work, where appropriate, against "similar" specialist anti-crime units such as, Regional Organised Crime Units.
 - The need to 'stress test' its response to incidents.
 - The need to obtain the requisite powers in order to fully undertake its role in tackling food crime.
- 4.5 The review recognises and acknowledges how far the NFCU has developed in the short time it has existed. A summary of the report and recommendations are attached at Appendix B. Senior staff within the NFCU have accepted the validity of all the recommendations made within the internal review and will seek to progress these having regard to available resources. When taken together, implementing these recommendations should certainly assist the further development of the NFCU to effectively counter food crime.
- 4.6 Of particular note is the recommendation the NFCU, with support from stakeholders, should continue to seek direct access to powers under the Police and Criminal Evidence Act. The absence of access to these powers is recognised on the FSA risk register.

5. Remaining challenges

- 5.1 Having achieved full operating capability in April 2020 and the delivery of multiple operational outcomes since, the NFCU is well placed to continue disrupting food crime across its control strategy priorities. However, there are some aspects which the NFCU will continue to work on to further enhance its capability to tackle food crime. This includes:
- Establishing the timetable of events to achieve access for the NFCU to existing UK investigation powers.
 - Identifying and responding to changes in the threat and risk landscape of food crime as the UK develops new trading relationships outside the EU.
 - Identifying and responding to changes in the threat and risk landscape of food crime arising from the long-term impact of Covid-19.

- Establishing a clear and planned cross-government approach to managing DNP risk.

6. Next steps

- 6.1 The NFCU has both a business plan and an operational plan to ensure it continues to develop its capability as a law enforcement organisation while targeting priority food crime threat areas. Progress against these plans is evaluated through quarterly performance reporting to the NFCU senior management team as well as through the bi-monthly NFCU tasking and coordination meeting.
- 6.2 The NFCU will be the subject of an external review by April 2022 which will provide a further independent assessment of the progress of the unit against its aims and objectives.

7. Recommendations

- 7.1 The Board is invited to:
- **Consider** the progress of the NFCU in the 2020 calendar year to end of October.
 - **Consider** delivery against key elements set out and agreed by the FSA Board in November 2016 and in April 2018.
 - **Endorse** the future direction of travel of the work of the NFCU, leading to the full independent review of the NFCU in March 2022, including endorsing the findings and recommendations of the October 2020 internal review of the NFCU.

Appendix A: Summary of operational outcomes

Case studies:

Case study one (Op ORCHID): A large and complex fraud investigation is well advanced in the NFCU. The investigation is examining the activities of a business which operated from several sites throughout the UK, supplying meat products to major national retailers. It is alleged the business extended use by dates and relabelled overseas produce as being of UK origin, thereby achieving a higher price for those products and deceiving customers and consumers of its authenticity and safety. It is estimated to be a multi-million pound fraud. To date the investigation has interviewed 13 suspects under caution and reviewed 160,000 emails and 60,000 documents for evidential value. Positive engagement with CPS continues with regards to a prosecution.

Case study two (Op BIRCH): The NFCU investigated counterfeit alcohol products being placed on the market across multiple regions of the UK. Samples of the counterfeit product which have been seized confirm it is unfit for human consumption. The scale of the criminality has been illustrated by the NFCU identifying two consignments totalling 32,000 glass bottles which the offenders ordered from a legitimate glass manufacturer. Enquiries by the NFCU also identified several vehicles and communication methods associated with the supply of the counterfeit goods to legitimate retailers. Collaboration with HMRC has enabled individuals and locations of interest to be identified. HMRC are continuing the investigation with the potential for the arrest and prosecution of offenders, the seizure of counterfeit alcohol products, follow-up financial investigations to confiscate the proceeds of crime and the prevention of further losses in tax revenue.

Case study three (Op ASPEN): The NFCU received a report of a business having fallen victim to European Distribution Fraud, whereby a fraudster ordered goods from a European supplier, purporting to be ordering on behalf of a legitimate UK business. However, the fraudster diverted delivery of the goods away from the legitimate UK business into their own distribution network. The legitimate company was then invoiced for goods they did not receive, resulting in the European supplier not receiving payment for the goods stolen by the fraudster. During the opening stages of the investigation, a further 6 victims were identified with the total value of the combined frauds reaching £600,000. The NFCU led the investigation which, so far, has resulted in the arrest of a suspect, the seizure of digital devices as evidence and the recovery of £50,000 of stolen goods. In addition, through the NFCU effort to provide prevention messaging to industry at least one further fraud has been prevented.

Case study four (Op ATLAS): The NFCU provided the critical piece of intelligence to a multi-agency investigation which enabled the West Midlands Regional Organised Crime Unit, UK Border Force and the US Food and Drug Administration to establish the real world identity of a person selling on the dark web, for human consumption, a highly toxic substance which, when consumed, can result in death within hours. This substance (2,4-dinitrophenol, or DNP) is an industrial chemical, unlawfully sold as a weight loss aid, which has caused at least 30 deaths in the UK, including four fatalities in 2019. In this investigation, the NFCU led the execution of a

search warrant at the suspect's address, leading to an arrest, the seizure of £7,000 in cash and cryptocurrency as well as the recovery of a quantity of DNP, Class C drugs and prescription only medicines. An initial estimate of the items seized indicates they had the potential to realise the offender between £9,000 to £22,000 in proceeds of crime. Moreover, there is no safe dosage for DNP and any one of the 1,000 capsules containing DNP which were seized could have resulted in a fatality, if consumed.

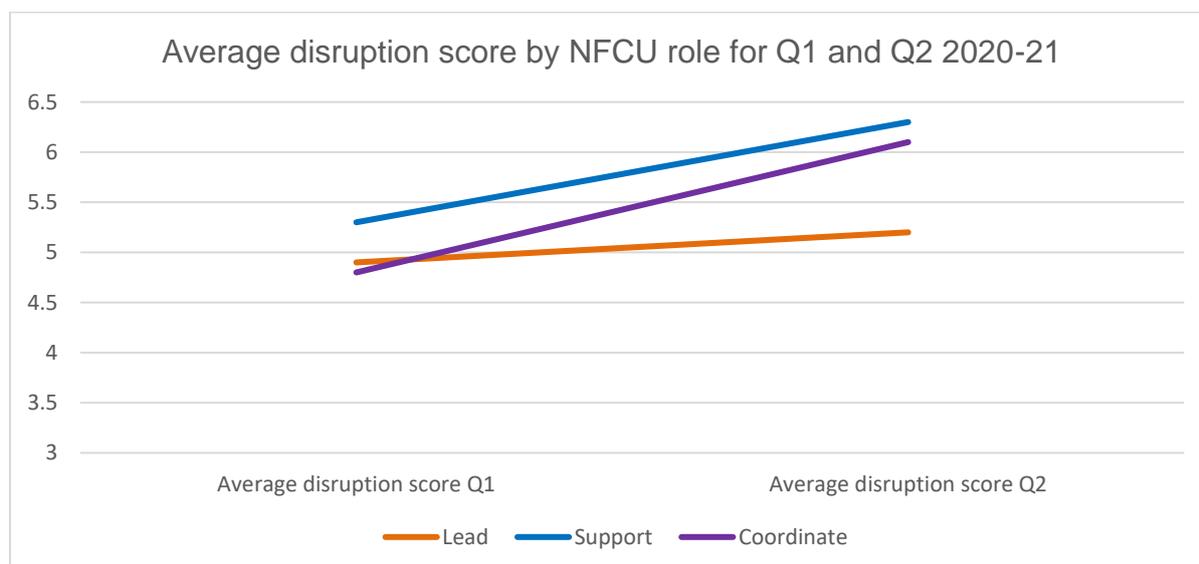
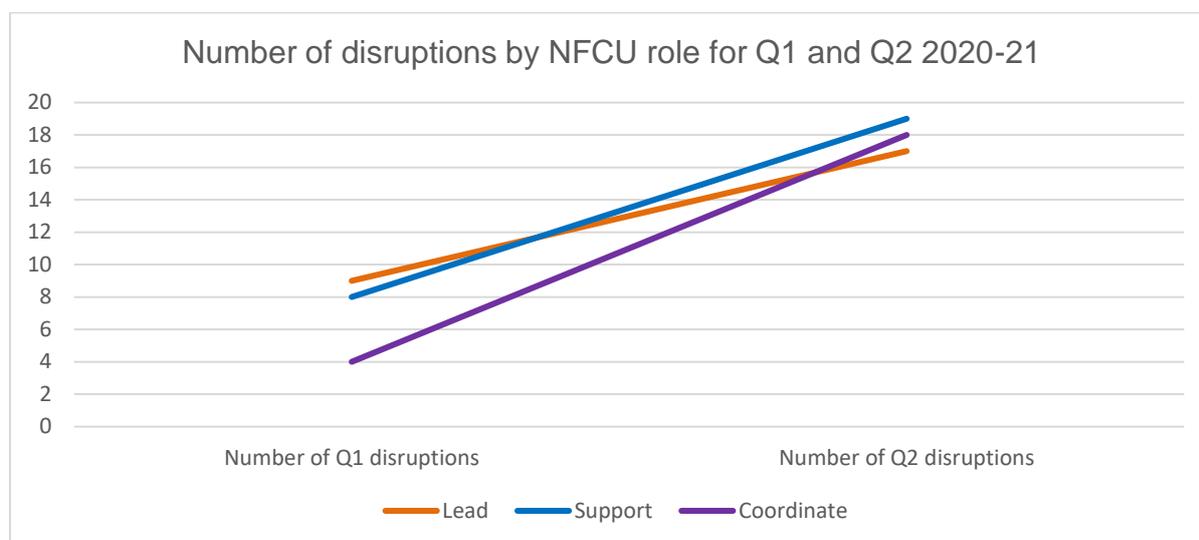
Case study five (Op BANTAM): Intelligence developed by the NFCU in partnership with a local authority identified premises suspected as operating as an illegal cutting plant. Further operational activity enabled by the NFCU resulted in the seizure of approximately 5 tonnes of animal by-product which was being illegally processed and dishonestly presented for sale as food fit for human consumption.

Case study six: Activity coordinated by the NFCU resulted in a multi-agency visit also involving a local authority and Police to a commercial (non-food) premises suspected as operating as an illegal meat cutting and distribution plant. Enforcement action by the local authority resulted in approximately 2.7 tonnes of beef and lamb carcasses being seized and a notice issued prohibiting further use of the premises for meat cutting and distribution.

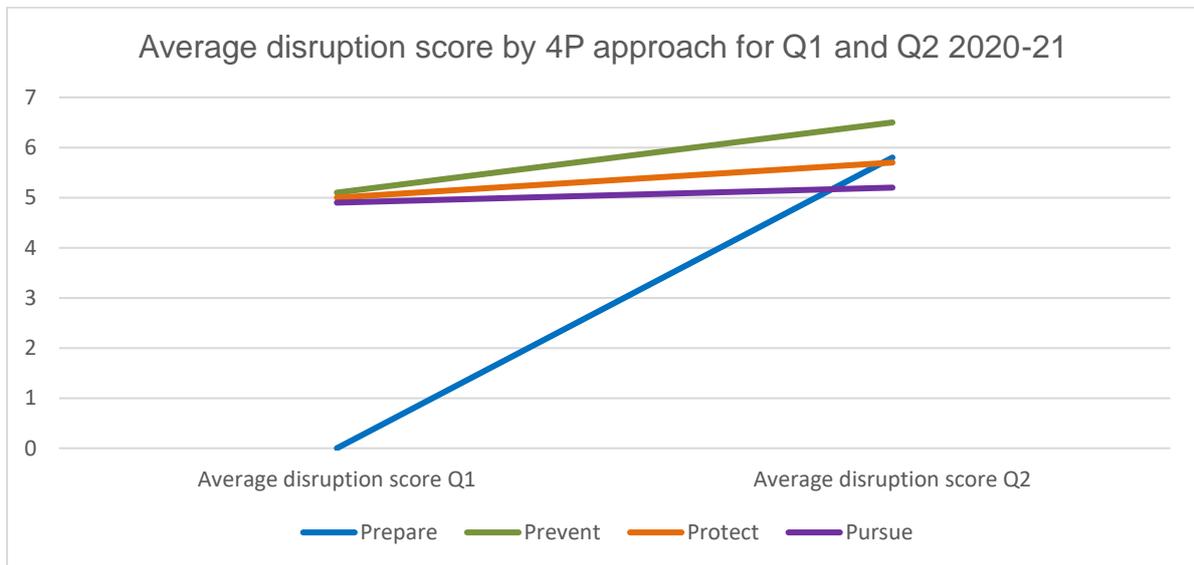
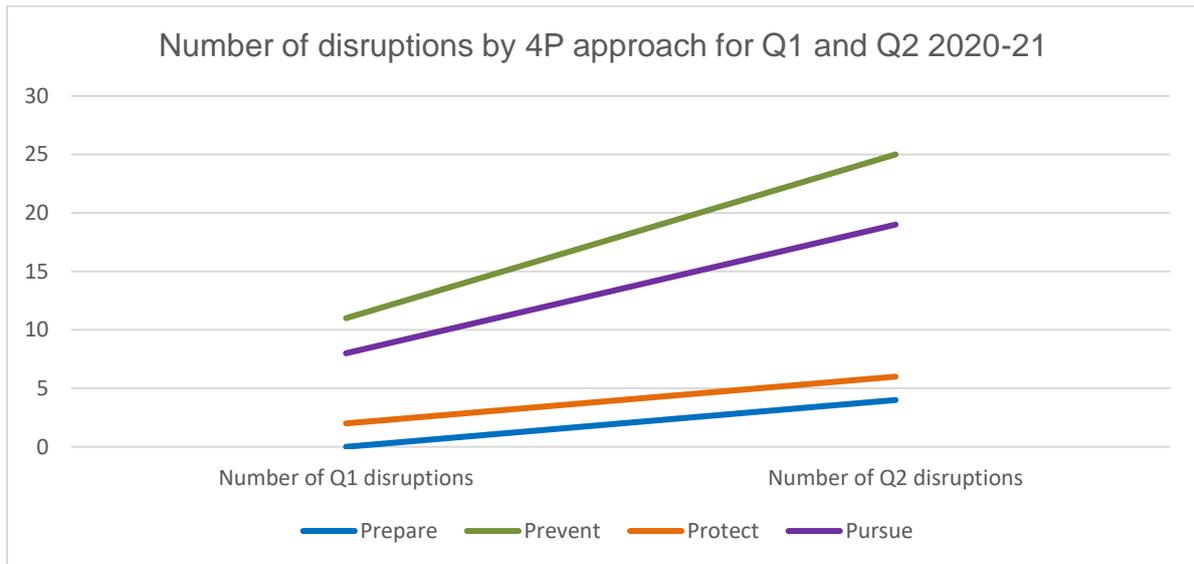
Operational outcomes (disruptions):

The NFCU operational ‘4P’ Action Plan defines the specific operational activities, resulting in outcomes, which the unit will deliver to disrupt food crime by leading, supporting or coordinating activity across the Prepare, Prevent, Protect and Pursue approaches. These outcomes (referred to as disruptions) are the key performance measure for the NFCU and the approach is consistent with how other law enforcement organisations in the UK record their operational outcomes. Disruptions are also delivered by the NFCU through reactive intelligence-led operational activity.

The graphs below show the disruptions recorded by the NFCU in Q1 and Q2 for the 2020-21 reporting year⁵.



⁵ The NFCU began recording disruptions in April 2020. An internal moderation exercise will be completed in Q3 to ensure scoring and categorisation of recorded disruptions is consistent within the NFCU. A selection of the internally moderated disruptions will then be shared with a law enforcement partner which will undertake an independent moderation exercise to ensure NFCU scoring is consistent with national practice. Therefore disruptions scores for Q1 and Q2 may be moderated up or down in Q3.



**Executive Summary
Internal/critical friend review of the capability and capacity of
the National Food Crime Unit – November 2020.**

Summary of findings

When established in 2015, the NFCU's original operation was based on an intelligence capability which has expanded to incorporate a wider remit, including investigative, prevention and outreach functions, amongst others.

During Autumn 2020 the capability and capacity of the National Food Crime Unit (NFCU) were reviewed. The work assessed the effectiveness of its 'full operating capability' which was achieved in April 2020, delivering the expanded functions of the NFCU, beyond its formative state which only comprised an intelligence function. This follows on from the previous Kenworthy report (2016) supporting the need for an investigative and prevention capability and sets out an interim position ahead of a full external evaluation of progress, due in April 2022.

In some quarters there had originally been a perception that the NFCU had been set up to replace or even control Environmental Health and Trading Standards services, which was clearly not the case. The current outreach work is constructively putting this right. The NFCU is systematically mapping its stakeholder network to promote the NFCU's ambition that 'every contact should leave a positive trace'

The terms of reference for the review were broad. They examined the unit's investigative capability, how it prevents food fraud, standards of investigations, its priorities, how well it works with Local Authorities and longer-term funding arrangements. Investigators are based in York, Birmingham, London and Cardiff and account for 25 employees of the unit's overall establishment of 83. They are supported by over 30 intelligence officers, 5 members of staff who manage 'disclosure' responsibilities and 4 financial investigators who seek to restrain and recover the proceeds of crime, as well as staff whose remit encompasses outreach, engagement and prevention activities.

The review was also asked to address the following matters on behalf of the FSA Board:

- the legal mandate necessary for investigative capability
- the utilisation of the CPS to pursue criminal justice disposals
- the roles and responsibilities of the NFCU, Local Authorities and Police Forces
- the relationship between NFCU and FSA priorities
- engagement within Northern Ireland and Wales
- longer term funding arrangements
- organisational culture

Many talented, inspiring and committed members of staff were spoken to during the course of the review by Jerry Savill (the external peer) and included interviews with

over 30 members of the NFCU team, including the Head of Unit and numerous front-line workers. It also involved discussions with the FSA Head of Service for Incidents and the Head of Investigations in Legal Services. Studies of the unit's business plans, policy documents, its Spending Review 2020 business case, standard operating procedures, performance data and live intelligence logs and investigations were also made.

The review found that the unit's understanding of food crime is developing well. This means that the main threats to the UK food industry are explicit throughout its operation (for example, risks to red meat, the illegal harvesting of shellfish and European distribution fraud). The right cases are prioritised for investigation and outreach work focusses on rogue businesses and criminal enterprises implicated with these threats.

The unit has done much to embed relevant services into its operation, including a sensitive intelligence unit, asset recovery, access to the Government Agency Intelligence Network, e-forensics, investigative teams, international intelligence sharing and disruption capability. The unit has also worked hard to gain access to mainstream UK law enforcement databases. For example, the Police National Computer, the Police National Database and the national Automatic Number Plate Recognition system.

The unit has also started to specifically target individuals who are known to persistently flout the law. This is an encouraging development and should remain prominent in how the unit operates. Nonetheless, it is recommended that pro-activity becomes a more explicit part of the NFCU's operating model. It is recognised the scale of the NFCU means it will never replicate the full capability of a ROCU (Regional Organised Crime Unit).

Experienced investigators gave examples of how direct access to financial investigators and specialist 'disclosure' capabilities are enhancing their work. This is relevant to the unit's highest profile investigation. A successful prosecution involves the examination of 160,000 e-mails that are relevant to the case. Had the unit not embedded disclosure officers and specialist word search technology into its operation, an investigation of this significance may not have been possible.

Discussions continue to broaden the legal powers that support the NFCU's law enforcement function. The need for the unit to access long established mechanisms available to similar units under the provisions of the Police and Criminal Evidence Act 1984 (PACE) was readily apparent. There is also evidence that this is adversely affecting staff morale and retention. One experienced investigator soon to leave the NFCU mentioned this as a severe constraint to job satisfaction.

As a short-term fix, a protocol outlining operational support from the police forces of England & Wales has been secured, however a working relationship of this kind makes too many assumptions that others will always be in a position to assist the unit. The NFCU has established a network of police officers to contact in each force. The reality is that forces do not always have the time and resource to support the NFCU. During the review, case studies also came to light when police officers had

been unable, unavailable or reluctant to apply for warrants on behalf of the unit. This was because they were not conversant with the specialised nature of the unit's work.

There have also been delays when NFCU had either to wait for officers to become available or when the police suddenly withdrew their support because of competing priorities.

There were also difficulties when evidence of crime was found during a search of a business premises after the police had left the venue. Uncertainty arose when stolen items, not mentioned in the search warrant, were found. In the absence of PACE Act powers, there is no immediate means of seizing property that is found in these circumstances and a risk evidence of criminal acts is lost or destroyed.

The NFCU's workforce are from a diverse background, some of them have worked in the food industry or as regulators. Considering the complexity of the food supply chains the unit operates within, this is an advantage. There are a number of members of staff who have brought skills into the organisation from other investigative backgrounds. For example, Government regulators or 'watch dog' organisations like the Independent Office for Police Conduct.

However, more can be done to develop the NFCU's staff. Career pathways should guide employees towards professional accreditation.

The priorities of the NFCU sit well with the overall business of the FSA. Should there be a major enquiry, the priorities of the FSA's Incidents Team and NFCU investigators are mutually supportive, and there was much evidence of regular joint working with colleagues across the operations directorate and beyond.

The review has identified 9 recommendations (listed below) mainly directed at the NFCU but also the wider FSA and other stakeholders covering its legal mandate, powers, staff, training and future operating model. There are many positive areas highlighted as well as suggestions to improve further.

The review advises that the original assumptions of demand for its services (that about ten full scale investigations could be managed by the NFCU in a year) should be periodically revisited, to ensure the capacity to investigate cases remains sufficient, and to allow capacity to proactively 'upstream' against criminals and confirm its staffing structure remains fit for purpose. Data from the first quarter of the year indicates over 30 new operations being opened. This was in addition to 40 pre-existing ones. While not all of these will become investigations, it shows how the caseload is NFCU increasing.

The NFCU has a strong ethos of collaboration. Its outreach programme is helping other regulators develop their skills, it facilitates a two-way flow of intelligence and it drives forward productive joint 'days of action'. The review found how decisive action taken by the NFCU and Local Authorities has prevented products unfit for human consumption from entering the food chain.

The unit's activity to disrupt criminals is in line with national best practice, joint work with Local Authorities is productive and its capability to attack illicit finance is an asset.

A more ambitious, longer term suggestion is to close down loopholes and shut off weaknesses in food supply chains. The review calls for all authorities, regulators and the industry itself to pool their knowledge and shine a light on these vulnerabilities. In so doing, it sets out how the security and integrity of the industry can be stepped up.

A good example of early progress is the unit's work with the tech sector. The NFCU has built relationships with representatives of Facebook, Instagram and Amazon. This has helped to raise their awareness of how these platforms can be exploited to commit food crime.

There were numerous examples of how web pages listing steroids, coffee and weight loss supplements were removed by host platforms. This was because the product was illegal, harmful or its quality and origin had been misrepresented to deceive consumers.

Whenever possible, action is taken to disrupt the activity of criminals. Over a sample six-week period, twenty-four cases were concluded with disruption tactics.

Additionally, there are numerous cases of how intelligence handled by the NFCU has been developed into joint enforcement action with Local Authorities. This has for example led to seizures of shellfish gathered by 'trafficked' workers on the Essex coast, the recovery of two tons of untraceable meat in Wiltshire and the interception of decaying chicken carcasses in South London.

The Code of Practice for Food and Feed Law, last published in 2014, and the FSA's Statement of General Objectives need to be updated to include the NFCU's role to prevent, detect and prosecute food crime.

Recognition is made of how far the NFCU has developed in the short time since it was established. Front line staff are enthusiastic and proud of the work they do to protect consumers.

Recommendations

Recommendation 1: - The NFCU should revisit the ‘assumptions’ made in 2018 about its operational capacity.

The original report assumed 10 investigations per annum and a greater certainty on caseload is evolving with the maturing of the unit.

Recommendation 2: - The NFCU should identify a blue-print for its future staffing structure.

The staffing ratio to functions, and the spans of supervision to staff were each designed without any operational activity having taken place and require finessing.

Recommendation 3: - The pro-active pursuit of criminals should become more prominent in the NFCU’s operating model.

Pro-active work has been a more recent aspect of the unit to be fully operational, and currently involves relatively few staff. Reactive investigative capacity is currently the dominant feature.

Recommendation 4: - Part of the NFCU’s longer term plans should include benchmarking its capabilities against Regional Organised Crime Units.

ROCUs are well established and deliver 19 ‘capabilities’ – these have clear definitions and standards and include a fraud function, as well as significant pro-active functions.

Recommendation 5: - The NFCU should establish career pathways as part of staff development.

Other areas of law enforcement have well established accreditation and CPD for staff – the NFCU is still seeking out the best vehicle to replicate these concepts given its niche undertaking.

Recommendation 6: - The NFCU, with support from other stakeholders, should continue to seek to cement its remit and mandate by securing;

- 1. amendments to the Code of Practice for Food and Feed Law,**
- 2. amendments to the FSA’s Statement of General Objectives and**
- 3. the powers under the Police and Criminal Evidence Act to strengthen the unit’s operational capability.**

The mandate and powers of the unit were not established fully at its genesis, and these 3 aspects are each required for the NFCU to become fully embedded to fulfil its remit.

Recommendation 7: - The NFCU, alongside the FSA, should test its crisis management response in a programme of exercises. This should initially focus on the NFCU and the wider FSA arrangements. The programme should then widen to include Local Authorities and other law enforcement organisations.

Exercising would ensure joint preparedness, awareness and common understanding of challenges.

Recommendation 8: - The NFCU, alongside the wider FSA, should consider developing a ‘whole system approach’ to eliminate weaknesses in food supply chains that have the potential to be exploited by criminals.

Taking the example of wider fraud initiatives within law enforcement, a cohesive approach to tightening opportunities for criminality would further enhance the hostile environment for food crime, coordinating activities and knowledge across the FSA, Local Authorities and beyond.

Recommendation 9: - The NFCU should redefine its operating model on a periodic basis. This will ensure that it evolves in line with demands on its services, its financial requirements are clear and workforce plans support its objectives.

This links to several earlier recommendations, and proffers a continued reflection of the demands, future challenges and capabilities and capacity required to meet the threats and emerging landscape (e.g. technology, dark kitchens, novel foods, EU exit etc)