Minutes of the FSA board meeting held on 5 December 2018

CHURCH HOUSE, DEANS YARD, WESTMINSTER, LONDON SW1P 3NZ

Present:
Heather Hancock, Chair; Laura Sandys, Deputy Chair; David Brooks; Rosie Glazebrook; Stewart Houston; Ruth Hussey; Colm McKenna; Mary Quicke; Stuart Reid; Paul Williams.

Officials attending:
Rod Ainsworth - Director of Strategy Legal & Governance Directorate
Jason Feeney - Chief Executive
Anne Gravett - EU Exit - Incidents and Systems Project Manager (for paper FSA 18-12-06)
Kevin Hargin - Head of Food Hygiene & Animal Feed Policy Unit (for paper FSA 18-12-13)
Chris Hitchen - Director of Finance and Performance
Linden Jack - Head of Regulatory Modernisation, (for paper FSA 18-12-11) Michael Jackson - Head of Regulatory Compliance (for paper FSA 18-12-08) Maria Jennings - Director of Regulatory Compliance, People and Northern Ireland(NI)
Narriman Looch - Food Hygiene Policy (for paper FSA 18-12-13)
Rick Mumford - Head of Science (for papers FSA 18-12-09 and FSA 18-12-10)
Michelle Patel - Head of Social Science Transformation (for paper FSA 18-12-12)
Julie Pierce - Director of Openness, Data and Digital
Guy Poppy - Chief Scientific Adviser
Philip Randles - Head of Incidents (for paper FSA 18-12-06)
Colin Sullivan - Chief Operating Officer
Steve Wearne - Director of Policy
Michael Wight - Director of Science

Guests:
Sandy Thomas - Chair of the Science Council (for papers FSA 18-12-09 and FSA 18-12-10)

Welcome and announcements

1. The Chair welcomed everyone in the room and those watching online to the meeting. She reminded Board Members that they should declare any interests before discussion of the relevant item. She also welcomed those who had come to attend the meeting explaining that there would be an opportunity for them to put questions to the Board on any of the issues being discussed at the end of the meeting.

Minutes of meeting held on 11 September 2018 (FSA 18-12-01)

2. The Board requested the following amendments to the draft minutes of the 11 September 2018 meeting:

   - In paragraph 27, the word 'proscribed' should be replaced with the word 'prescribed'.

   - An amendment should be made to the discussion of paper FSA 18-09-07 to show that since the meeting, clarification had been sought on the issue of the ability to approve a Primary Authority in Wales and it had been confirmed that this power was held by the Secretary of State for Business, Energy & Industrial Strategy, not Welsh Government Ministers as had been suggested at the meeting.

***ACTION 1* - Board Secretariat to make the requested amendments to the minutes of the meeting of 11 September 2018 and arrange for their publication.**

Actions arising (FSA 18-12-02)

3. The Board noted the Actions Arising from the September 2018 Board Meeting. No points were raised in relation to the actions.

Chair's report to the board (FSA 18-12-03)

4. The Chair drew attention to the minutes of the Board's joint meeting with the Board of Food Standards Scotland (FSS) to discuss the Review of Cutting Plants and Cold-Stores. The Board accepted the minutes as a true representation of discussions at that meeting.

***ACTION 2* - Board Secretariat to arrange for the publication of the minutes of the October 2018 Joint meeting with FSS.**

5. The Chair explained that a note of her engagements, and those of Board members, since the previous Board meeting had been published online. She mentioned that the Board had recently held its annual parliamentary reception and had met the previous evening with the Chair and Deputy Chair of the FSA's Advisory Committee on Social Sciences. She also mentioned a series of Ministerial meetings, which she had attended, since the previous meeting of the FSA Board including with David Rutley MP, the Minister of State for Defra, the Rt Hon Matt Hancock MP, the Secretary of State for Health and Social Care, Chris Heaton-Harris MP, Minister at the Department for Exiting the EU and also with senior figures in the food industry. She added that she was very pleased to have been invited to the Safer Communities Portfolio Board of the Local Government Association earlier in the month to discuss the FSA's reform plans, EU exit and the NFCU.

6. She also highlighted the recent FSA Annual Management Conference, saying that she had been impressed with the creative and positive atmosphere at the event.

Chief Executive's report to the board (FSA 18-12-04)

7. The Chief Executive (CE) highlighted some areas of his report, emphasising the intensity of engagement that had taken place over the previous three months. He observed that EU Exit provided a theme, running through the agenda for the day's meeting and noted that the report demonstrated the increasing amount of international work that had been taking place.

8. The CE highlighted the section of his report on Allergens. He mentioned that this had been a strong theme over past months with several high-profile incidents and a high level of media coverage. He mentioned research undertaken by the FSA on adult onset allergy and a recent Civil Service communications award that had been given to the FSA for the #easy to ASK campaign. He emphasised the strength of the relationship with allergy charities and campaign groups and explained that work was taking place, in collaboration with Defra, to seek extra protections for those with allergy conditions. He noted more than improved labelling would be required to provide the necessary protection particularly when an overuse of disclaimers by restaurants could curtail allergy sufferers' ability to dine out.

9. He also mentioned the update on the Regulating Our Future (ROF) Food Business Registration system pilots, now active across ten Local Authorities (LAs) and having been used for 78 Food Business registrations. He explained that the feedback received from Food Business Operators (FBOs) who had used the system was positive and that it was quick and easy to use.

10. Rosie Glazebrook asked whether stand-alone IT systems in use by other LAs could make the roll-out of the new system more complicated for these areas. Julie Pierce explained that the FSA was conscious of the need to ensure that all businesses would be able to access the new service and we were talking to LA IT departments to help facilitate that. She explained that good progress was being made and that there had been good engagement from LAs across England, Wales and Northern Ireland. This engagement would lessen the risk of there being a negative impact when the new system rolled out across all LAs.

11. Stewart Houston raised a question relating to the section of the CE's report on CCTV in Slaughterhouses in England. He mentioned that evidence suggested that industry was generally doing well in implementing CCTV but there was still a question over how best to deal with those businesses that were not. The CE explained that there were understandable concerns from some businesses around the cost of implementation and the FSA had been sharing knowledge with these businesses and helping them to find affordable solutions. For businesses that remained non-compliant and where there was an indication

that there was no intention to become compliant, there was an escalating hierarchy of sanctions that would be enforced.

12. Paul Williams asked whether there was any indication of the proportions within the 7% of businesses that were currently thought to be non-compliant, of those which were struggling to implement regulations and those which were actively resistant to doing so. Colin Sullivan explained that the bulk of the businesses which were non-compliant were working towards compliance with a smaller number actively resisting the new policy.

13. The Chair mentioned that, on allergens, the FSA was consulting on prepacked for direct sale foods with the governments in all UK nations. The FSA was clear about the principle that it should be possible to deliver food acceptable to those with allergies without resort to disclaimers on menus.

EU exit update(FSA 18-12-05)

14. The Chair welcomed Rod Ainsworth, Director of Strategy Legal & Governance Directorate, to the meeting to deliver an update to the Board on the FSA's preparations for exiting the EU. Rod explained due to the recent speed of developments on this issue, it would not have been possible to have had a written paper ready, in time for circulation to Board members, that would still be up-to-date by the time of the meeting and for that reason, he would be providing this update verbally.

15. He mentioned that there was evidence across the papers for this meeting of the breadth of preparations that the FSA had been making, as most issues had been operationalised and were being dealt with within the relevant workstreams. The goal was to ensure that whatever the outcome of EU Exit, the UK consumer would remain protected in the same way as before. The FSA had implemented all the workstreams it had previously committed to prepare.

16. Rod highlighted some high-risk areas. To ensure that food would remain safe if there was no agreement between the UK government and the EU, a system for notifications would be required. He explained that Defra were developing an Import Notification System (INS) with input from the FSA. He pointed out that any new IT system would be likely to have some difficulties in implementation and contingencies were being considered should the new system not provide the desired functionality. A second issue that may present a risk was to ensure that there was a full body of food law, imported into UK law. The Statutory Instruments (SIs) had been prepared but there was a parliamentary process for them to be made, involving the consent from the devolved parliaments and assemblies. He expressed confidence that the importance of this was recognised by all the necessary institutions and that the full body of food law would be in place on Day One following EU Exit, but a great deal of hard work would be needed to ensure this. The Chair noted for the record that a senior official from Defra's INS programme team had attended the Board's briefings on EU Exit the previous day.

17. The CE noted that there was a key difference between the two risks that Rod had highlighted. The making of the SIs needed to take place whatever the final outcome of the Government's EU Exit negotiations, whereas the new notifications system would be required only in the event that the UK left the EU without an agreement and no longer had access to the current Traces system.

18. Colm McKenna asked how far considerations of contingencies were progressed, should the UK no longer have access to the Traces system and the new, Defra built system did not provide the required functionality. Rod explained that he could not express full confidence in such contingencies but had a reasonable degree of confidence that by the time such a contingency might be required, it will be available. The contingency would not be a single system but a series of measures to ensure that imported foods remained safe for consumers. There would be no change in the data that would be required from businesses and no increase of the burden on those businesses as a result of implementing any contingency.

19. Stewart Houston considered that the FSA's EU Exit team had been doing an impressive job in engaging with FBOs. The Chair added that it was expected for things to become tenser in the coming months as EU Exit approached but the key thing to reassure businesses was that we would have a fully operable system of food law on Day One following EU Exit.

20. The Chair summed discussions noting that the Board:

- continued to emphasise that maintaining current levels of consumer protection and confidence should have priority, and that it considered consumers would be best served by as unified an approach as possible across the UK, whilst respecting devolution arrangements;

- emphasised the importance of a timely decision on whether a contingency solution was required for Day One for the implementation of a new Import Notification System;

- confirmed that FSA officials should continue to develop contingency plans on import notification arrangements, identifying a clear decision date to move to contingency arrangements, which would provide confidence that there was enough time for the contingency to deliver minimum Day One requirements; and

- expressed confidence that the necessary steps were being taken and that everyone with whom the FSA had engaged was trying to enable these preparations and ensure we had an effective food safety system in operation.

Incident management post EU exit (FSA 18-12-06)

21. The Chair welcomed Philip Randles, Head of Incidents, and Anne Gravett, EU Exit, Incidents and Systems Project Manager, to the table to introduce this paper. Philip explained that the paper detailed the work of the Incidents and Resilience Unit (IRU) and how it was envisaged it would continue following the UK's exit from the EU. He stressed the four-nation approach taken to the work of the IRU, working across the nations within the jurisdiction of the FSA as well as working collaboratively with FSS. He added that the approach was risk-based and that there was a need for capacity to respond to any food/feed-based incident or outbreak.

22. One of the main issues for the IRU would be continued full access to the RASFF system after leaving the EU. He explained that there was optimism around the possibility of securing access as this remained mutually beneficial to both the EU and the UK. He explained that it would be key that the FSA maintained all its current capabilities for incident response. After the UK's EU membership ended, the majority of incidents would be handled by the FSA and the risk-management decisions required for incident handling would be taken by the FSA as currently. As happens today, these would be based on science and evidence-based risk assessments and the regulations in place within the UK at the time. For issues where there may be significant wider political and public policy considerations, the FSA recognised that Ministers may wish to determine the response. Again, this is what happens today, in incidents such as major floods or spillages where other Government departments lead on investigations, but there are food safety components of the decision making.

23. In the event that access to RASFF could not be secured, improvements were being made to the IRU's incident handling processes and would involve enhanced engagement and collaboration with LAs and businesses to develop a mutually supportive approach to information sharing.

24. Philip updated the Board on the FSA's engagement with Infosan, explaining that this had been increased to provide a greater reach and a framework for communicating food safety issues. Infosan currently had a reach of over 180 countries.

25. Philip then gave an overview of a receipt and management surveillance process, which had been developed, explaining that this would improve the FSA's ability to detect potential incidents. He explained that the process should be ready for implementation in the new year and would become part of business as usual. He noted the importance of industry collaboration and explained that an industry forum had been established and had received an excellent response from trade associations and businesses. Since the September 2018 Board meeting, he explained that exercises had taken place to assess the new processes outlined. The development stages for these processes were now complete and were also now moving into business as

usual. Staff had been recruited to support the new functions and would be in post from January 2019.

26. He noted the reference in the paper to the publication of the competent authority guidance explaining that this would be in place on Day One following EU Exit and would provide help and support to businesses. Philip concluded his introduction by explaining that root-cause analyses was now being conducted on all incidents that involved alerts and that this information was now being collated and a first feedback, best-practice, case-study scenario would be ready by March 2019.

27. The Chair thanked Philip for the update and asked the Board for questions. Mary Quicke asked how the FSA would be able to maintain its independence in the event of having to deal with an incident with wider political or public policy considerations, noting that BSE, which helped provide the evidence that an independent regulator for food safety was necessary, could be considered an incident with wider political and public policy considerations. Philip replied that for multi-agency issues, consideration would have to be given to which department should be considered the lead department for that incident. The FSA would seek to retain control of the food safety issues involved and to ensure consumers are protected as was current practice.

28. Laura Sandys asked about the exercises that had been run with other Government Departments (OGDs) and whether it would be possible to hear about the outcomes of these simulations to see where the strengths and weaknesses were. She also mentioned the need to remain cognisant of complex issues where there were no individual high impact risks but where a cumulation of many interacting variables could have a high impact. Philip explained that the simulations run in collaboration with OGDs were conducted to assess how departments would work together in an incident. The exercises showed that the departments' plans fitted together well but there was also a recognition that there was some duplication of activity taking place. These exercises would be rerun in the new year and reassessed at that time. On the question of more dynamic, complex, incidents, Philip accepted that there would always be space for a greater understanding of how factors interacted in an incident but that the risk assessment process was a joined-up process that tried to take all scenarios into account as far as possible. Colin Sullivan added that the exercises were part of a rolling programme that sought to build resilience.

29. Paul Williams noted that the lack of flexibility in the timetable meant that the system was being refined at the same time as trying to build an understanding in industry of how the system worked and also noted that the paper suggested that there would be guidance available in early 2019. He asked how the FSA would convey how the system worked to industry and what the nature of their role in that was while the system was still being refined. Philip explained that it was proposed that a targeted set of surveillance activities would be included at the front end of the operation, complementing the wider surveillance work of the FSA. This would seek to identify the key potential indicators of future incidents. Once information had been collected that was considered to demonstrate that

there was a threat to food safety, that would be put to a group of industry representatives seeking their input into that scenario to try to gain a better understanding of potential impacts on UK industry and to seek their advice and input. Secondly, this industry group also discussed general information, so it was a ready-made forum for raising other food safety issues.

30. Ruth Hussey welcomed the commitment in the paper to seek to maintain access to the RASFF system. On incident testing, she asked whether any work had been done in scenario testing with ground level bodies such as LAs as well as with OGDs since in any large scale response, it would be LA staff who would need to be mobilised. She also asked whether full compliance was sought in running the root-cause analyses. Philip explained that, as Colin had previously mentioned, the exercises were part of a rolling programme and a part of that would be to test the role of LAs in the incident management plan. He added that there had been engagement with LAs about how things would operate in a future incident and to address any queries they had about their response. On root cause analyses, he explained that this was at an early stage but would be rolled out in the coming months and years. Ruth asked what level of compliance was being found now as a proportion of alerts currently subjected to root cause analysis. Philip explained that they had been requesting root cause analyses since April. Initially, there was some difficulty in extracting the appropriate information, but the last month's returns had been encouraging. To date, no business has refused to provide a root cause analysis assessment.

31. Colm McKenna welcomed the four-country model described in the paper and also that a fifth country, the Republic of Ireland, had also been engaged with, noting the good relationship that existed between the FSA and the Food Safety Authority of Ireland (FSAI). He asked if there had been any planning around how this relationship would be maintained and the necessary level of cooperation sought should the UK leave the EU without an agreement. Philip emphasised the importance of the FSA in NI to the relationship between the two organisations. He explained that several meetings had been set up with key trading partners to discuss these issues and the Republic of Ireland would remain one of the most important partners in implementing these plans. He also explained that there was an intention to run exercises jointly between the FSA and FSAI in the future and that these exercises would follow a similar approach to those outlined previously.

32. The Chair summed up the discussion saying the Board:

- welcomed the confirmation that the IRU had the appropriate resource in terms of money and staff numbers and that the right people were being found;
- welcomed the progress noted in the paper and agreed with proposals for how this should continue;
- were confident that the FSA's tried and tested incident management process would be maintained following EU exit;

- welcomed confirmation that there would be no change in the Departmental responsibilities for incident risk management; and

- welcomed the confirmation that this would now be a business as usual approach to how incidents were handled.

Annual surveillance report (FSA 18-12-07)

33. The Chair welcomed Julie Pierce, Director of Openness, Data and Digital, and Steve Wearne, Director of Policy, to introduce this item. Julie explained that this paper represented an annual report, apprising the Board about new elements of surveillance and a better integrated approach. She explained that a new data driven service was being built up over a series of sprints, progressively building capability. She added that EU Exit had been a priority for the team this year and that the FSA was on track to have a minimum viable product available by the end of March 2019 providing a service that meets the FSA's needs.

34. Julie explained the cost-effective nature of the approach, making use of the most modern available technology as well as all available data-sets. She explained that the data used so far was openly published emphasising the volume of data available this way globally. However, we were not limiting ourselves to open data. She added that she had also been reassured about access to the right data scientists who represented a critical resource for this work. This applied, not only to data scientists recruited within the FSA but also to other technical suppliers who were helping to develop the new services. She concluded by explaining that there was still room for more analysis and any data scientists who wanted to become involved in this work, whether from industry, retail or production or from academia, would be welcomed.

35. The Chair invited questions from the Board, noting that examples of surveillance had been demonstrated to the Board in their briefing session the previous day and they had been impressed by the breadth and impact of what had been achieved already. Mary Quicke asked a question about the review of laboratory capacity and capability, as noted in the paper at paragraphs 17 and 18, asking if there were other available laboratory services should public laboratory services available be deemed insufficient and how the FSA could get assurance that the extensive, private laboratory services available would deliver good evidence. Steve Wearne explained that this review was currently at the first stage and that the second stage of the review would be looking at the future requirements for laboratory capacity and the mixture of public and private sector data. The first stage review had focussed on assurance that the baseline requirements for EU Exit were in place, and that assurance had been forthcoming.

36. Paul Williams asked a question about the use of algorithms, noting that when developing a complex system, it could be difficult to know whether the whole system was working as it should. Julie explained that the feedback loop had

been part of the approach to surveillance and would be key to this. The overall design of the business processes to ensure that the whole system worked was currently being designed and would be part of what was delivered in March. The FSA's Chief Scientific Adviser (CSA), Guy Poppy, also noted the use of historical incidents as a sense check on data, allowing a look at the profile of an incident to assess those aspects most likely to give rise to negative outcomes in a similar way to a root-cause analysis. Once a process had been developed, historical events provided a good test to see what action that process would have elicited had it been in place at the time.

37. Stuart Reid asked how the quality of the data would be validated. Julie explained that first, the metadata, which should include an assessment of the data quality, was as critical as the data itself and it would always be key to know where the data had come from, who created it and who was the data owner. As data of a less-than-perfect quality was used, this metadata could be factored into any conclusions drawn from it. Secondly, the approach was one of triangulating data from different data sets, giving a sense check to get a full picture of what the data was telling you was happening. Also using data from a lot of organisations where there was a high degree of trust in the data they produced. There was a surprising amount of high quality data available that could be used before having to resort to less-than-perfect data sets. There was no absolute guarantee, but the combination of these approaches meant that the data could be validated as far as possible. The CSA added that one important role that the FSA should have was to set the standards expected from the data it used. He added there would be a need to understand the impact of biological variation against the variation in results from sampling and work towards what the standard for data quality should be.

38. Stewart Houston mentioned the farm census figures gathered by Defra as a good example of how figures could be graded in terms of confidence in the data. Julie explained that the FSA was working with the Office of National Statistics (ONS) who worked in a similar way.

39. The Chair emphasised that this approach represented a landmark shift for the FSA and noted that the Board:

- were satisfied that, on current plans and progress, an integrated strategic approach to surveillance would be beyond the minimum threshold for Day One after EU Exit;
- agreed the strategy set out for surveillance;
- were assured around the measures in place and that the CSA, the Science Council, the reviews through the Business Committee and the annual report to the Board all form part of that assurance;
- commended the innovation in the new approach, particularly the ability to predict food risks rather than react to them, as under current arrangements; and

- welcomed the memorandum of understanding with FIIN (Food Industry Intelligence Network) having been signed by both parties, and looked forward to FIIN's full cooperation with the new surveillance arrangements.

Regulating Our Future - review of delivery of food standards official controls and next steps (FSA 18-12-08)

40. The Chair welcomed Michael Jackson, Head of Regulatory Compliance, and Maria Jennings, Director of Regulatory Compliance, People and NI, to the meeting to introduce this item.

41. Michael gave an overview of the background to the Regulating Our Future (ROF) regime for food hygiene, highlighting how this differed from the controls in place for standards, noting that for food hygiene, the system being addressed by the ROF programme was outdated but not fundamentally broken. On standards, by contrast, it was considered that the controls in place did not reflect current challenges.

42. Michael explained that the FSA had a role as the Central Competent Authority for this work and it was within the FSA's remit to define the model. He noted that, while the model for food hygiene was delivered by Environmental Health Practitioners (EHPs) the model for standards, in England, was delivered in part by EHPs and primarily by Trading Standards Practitioners (TSPs). This gave a complex landscape leading to inconsistency of approach. This was not the case in Northern Ireland where the district councils were responsible for food hygiene and food standards controls and these were delivered by EHPs alone and in most cases at the same time.

43. The Chair thanked Michael for this overview and asked if Board members had any questions. Colm McKenna explained that the paper had been considered by the Northern Ireland Food Advisory Committee (NIFAC) the previous week and the meeting had been joined by a representative of the Chartered Institute of Environmental Health (CIEH) in Northern Ireland. The question had been raised at the meeting as to whether it might be possible for the Northern Ireland model to be extended across the UK and what the impediments to this might be. Michael acknowledged that there were merits to the Northern Ireland system where the District Councils were the authorities for all controls. This would present some difficulties in England over who delivered which controls. One factor that made the Northern Ireland model attractive was the gradual convergence of certain standards issues with food safety controls. Allergens were an example of an area where there was a degree of overlap. The survey data showed a trend towards greater use of EHPs to deliver all controls in England and Wales and the potential to extend this would be explored. It should be noted, however, that while the Northern Ireland system did not encounter the systemic problems that pertained in England around resources and people, the controls were still based on an essentially outdated approach that did not reflect current challenges as well as it could and consumers in Northern Ireland would also benefit from the review.

44. David Brooks commented that the case for review had been well made. He noted that delivery had evolved, and change would give the opportunity to halt a deterioration in service. He asked for assurance over the capacity and capability, both within the FSA as well as in the LAs and other partner organisations upon whom the FSA depended for delivery, for undertaking this review, taking account of the fact that phase one of the review of hygiene controls was still live and in the implementation stage as well as the changes to the official meat controls. He also raised a question around the pace of the review. He asked for assurance that any new system should deliver higher rates of compliance, rather than be a vehicle for the same levels, but at a lower cost.

45. Michael explained that, on the capacity question, the FSA had been taking stock of priorities as it had progressed through stage one of the hygiene controls review and this review would not stand-alone but would be taken account of when considering the skills and people needed to deliver the changes. He acknowledged that feedback from LAs had been that they were finding the changes challenging but the FSA was not encountering resistance in engagement and LAs were also persuaded of the need for change. He explained that implementing the recommendations from this review would present a different challenge to addressing those from the Cutting Plant and Coldstore review as those recommendations were primarily about strengthening an existing approach rather than a fundamental rebuild of a longstanding system that was required for food standards controls and this would take time to deliver. He explained that the FSA was committed to moving at pace and envisaged bringing an update back to the Board in June 2019. On the point of future-proofing the new system to ensure that it delivered all that was expected from it, he expressed confidence that the intelligence that would guide the design of the new system should help ensure that the system endured future developments.

46. The CE explained that the necessary resources would be made available to enable the review to move at pace but that a lot would depend on the final outcome of the EU Exit negotiations.

47. Ruth Hussey expressed concern over the current state of standards controls and noted that it was evident from Michael's update that there were three separate models emerging. She explained that, in their discussion of the paper, the Welsh Food Advisory Committee (WFAC) had expressed a wish to see this work progress at pace. Michael confirmed that the probable outcome would be that distinct models would be needed to account for the distinct challenges to be met in England, Wales and Northern Ireland respectively. The Chair explained that this might be achieved through the development of a system that set clear outcome and delivery expectations but allowed local circumstances to shape how those requirements could most effectively be delivered.

48. Laura Sandys echoed Ruth's concern over the current system and agreed that this was an area where the case for change was very strong. She asked how a

new system might account for online food purchases as she considered that this was an issue that was not prominent in the considerations of many LAs and was a growing area. She asked whether there was a case for the Chair and CE to lobby to ensure that the FSA had the right backing to make the system one that accounted for the challenges we needed it to. The Chair commented that this would be something to consider separately as work progressed if deemed necessary. As the Central Competent Authority, it was for the FSA to be confident about all aspects of the regulatory regime.

49. Mary Quicke acknowledged the constrained operating environment for LAs and the case for change made in the paper and asked whether there was confidence that the additional demands being required of LAs in implementing change would be achievable. The Chair observed that if the FSA had in the past been more rigorous about holding LAs to account, the case to so fundamentally change the standards regime might not be so urgent. This underscored the need for the FSA to support LAs in implementing the changes, but this must not override the importance of the changes being made in the interests of the consumer.

50. Michael added that the programme was also looking at the fundamentals of the FSA's Central Competent Authority Role in assessing LA performance and what the expected outcomes would be. This would be brought to the Board for consideration at the March 2019 meeting. On Laura's point about online sales, Michael agreed that this area provided a good example of where the current system failed to reflect current challenges and would need to be addressed. Julie Pierce added that online sales covered a complex array of models for businesses including businesses that additionally provided full dining services online as well as those platforms that acted as intermediaries between FBOs and consumers. She explained that the FSA was starting to look at the array of models in existence and take account of the consumer uptake.

51. The Chair commented that this had been a good discussion bringing out many of the elements that the Board would like to see considered in designing a system to deliver Food Standards Official Controls, also taking account of areas such as allergens where there was growing convergence between standards and food safety. The Board expected to see these characteristics clearly addressed in the redesigned approach.

Final report from the science council working group on science capability and assurance and FSA response (FSA 18-12-09) and final report from the science council working group on risk and uncertainty and FSA response (FSA 18-12-10)

52. The Chair welcomed Professor Sandy Thomas, Chair of the Science Council, and Rick Mumford, FSA Deputy Director, Science, Evidence and Research, to the table. The Chair invited Professor Thomas to give her perspective on the two papers before the Board discussed them in detail.

53. Professor Thomas said she was pleased the executive was recommending that the Board accept both sets of Science Council Working Group recommendations. The Working Group (WG) on Science Capability and Assurance had identified existing good practice and capability and its recommendations addressed areas it felt could be strengthened further, to ensure FSA's capability and assurance were resilient and fit for the future. The WG on Risk and Uncertainty had noted that the FSA was already following globally recognised risk analysis principles but agreed there was a need to draw these together in an overarching FSA framework to promote transparency and demonstrate consistency in approach across different types of risks.

54. Looking first at paper FSA 18-12-09, Rick Mumford said the WG report on Science Capability and Assurance identified 42 recommendations, which the Executive welcomed. A detailed response across 5 themes was provided in Annex 2 of the paper. This identified and proposed actions, some of which were already in hand, others were proposed for future implementation subject to resources being available, and others which required further elaboration. With Board agreement, the Executive would use this as the basis to develop an operational plan for implementation of the agreed actions.

55. Rick Mumford highlighted that the executive had also invested significant effort in the development of a framework for science assurance, which formed the second key element of the proposed response to the WG report. This framework was built around three key pillars: strong internal governance; independent review; and openness and transparency. It provided a clear and simple model, to inform the development of new initiatives for assuring our science governance and quality.

56. The paper asked the Board to consider the Working Group's report and to comment on and agree the proposed FSA response to the recommendations, including the proposed framework for science assurance.

57. The Chair remarked that once the UK left the EU, the FSA would be more exposed to challenge and so the confidence of the Board in science assurance would become even more important.

58. Regarding appointments to the Scientific Advisory Committees, Rosie Glazebrook welcomed the increase in remuneration and said it would also be good to see the FSA embrace diversity in its approach to making those appointments. Guy Poppy agreed and highlighted the wider push across government to increase diversity in science.

59. Rosie also highlighted the importance of publishing research to show how it benefited people and Paul Williams encouraged the FSA to engage with popular scientific journals, magazines and websites to enable its science to reach beyond the scientific community. The CSA agreed that using alternative methods to get scientific information out to the public, such as FSA Explains videos, did reach a wider audience than peer review material.

60. Guy Poppy assured the Board that reference to the Chief Scientific Adviser using personal contacts did not mean circumventing proper procedures; rather it meant the CSA giving the FSA access to external networks it may not otherwise be able to benefit from.

61. Ruth Hussey noted that the focus of activity and research was a UK wide one and asked if resources for the implementation plan were included in the FSA's current business plan or next year's. Steve Wearne explained that some resources for the plan were coming from the current business plan and some were in included in bids for the 2019-2020 budget. Steve noted that when the Business Plan for next year came to the Board, they would have to balance funding for the plan alongside other priorities for the FSA.

62. Mary Quicke drew attention to the diagram on page 15 of the WG report which showed the ideal flow of scientific information in the FSA and stressed the importance of arrows that went two ways to show the need for the FSA to have the capability to ask the right questions of others. Similarly, there was a need for arrows to go outside the boxes in the diagram to show the importance of relations for the FSA with others outside the UK.

63. Rick Mumford assured the Board that the FSA had invested heavily in staff capability including media training. The FSA was already proactive in getting its science messages out, but we would look for opportunities to engage with a broader audience. Steve Wearne made the point that not all scientists in the FSA were in the science team with many staff across the FSA having a science background or being science literate.

64. Stuart Reid asked about the opportunity for an independent review of the FSA's science, outside of the formal channels. The Chair agreed that whistleblowing would be important in addressing the challenge of knowing if our science was the right science. Guy Poppy said we would commission the best, world-class science we could. However, post EU, it would become even more important that science assurance meant the best science made was reflected in the advice that went to the top of the organisation. The Chair confirmed that the CSA had a critical role to play in assuring the Board that what the science indicated was being properly responded to throughout the organisation. The Deputy Chair said post EU the FSA may find its science being more contested than previously and it would be even more important to demonstrate our science assurance, independence and integrity to external bodies by having open and transparent processes.

65. The Chair concluded that the Board warmly welcomed the Working Group's report and agreed the proposed FSA response to the recommendations, including the proposed framework for science assurance including the role of the CSA.

66. Rick Mumford then introduced paper FSA 18-12-10 which covered the final report from the Science Council Working Group 2, on risk and uncertainty and the Executive's analysis of the WG's recommendations and its proposals to the Board for its response.

67. In summary, the Executive proposed we should welcome the WG's findings; both the identification of 15 good practice principles and the 17 recommendations to underpin their implementation. Its analysis reflected the report's conclusion that the FSA was already operating to internationally recognised standards in this area and that it needed to develop its own risk analysis framework and underpinning processes. In terms of implementation in the ongoing development of this risk analysis framework, this would be covered in the following paper FSA 18-12-11 which would show how the working group's principles had been adopted. Rick Mumford assured the Board that they wold receive information about risk communication in paper FSA 18-12-12 on social science.

68. The Board was asked to consider the WG's report, to agree that the best practice principles were consistent with and provided a basis for the FSA's risk analysis framework, and to agree the proposed FSA response to the recommendations.

69. Ruth Hussey noted that risk management aimed at proportionate protection of consumers and noted that proportionate may be interpreted differently across the UK given the different legislation in place, such as the Wellbeing Act in Wales, which required policy makers to take the long-term wellbeing of the public into account.

70. The Chair confirmed that the Board would want to agree the risk analysis framework, so that it was able to scrutinise the process of decision-making in both risk assessment and risk management. The discipline and control of the division of the functions would be important. Risk communication supported both risk assessment and risk management and had to work in the best interests of consumers and other stakeholders.

71. The Chair concluded that the Board, having considered the WG's report, agreed that the best practice principles were consistent with and provided a basis for the FSA's risk analysis framework and agreed the proposed FSA response to the recommendations.

Risk analysis process (FSA 18-12-11)

72. The Chair welcomed Linden Jack, Head of Regulatory Modernisation, to the table and invited Michael Wight and Steve Wearne to introduce the PowerPoint presentation accompanying the paper to the Board.

73. Michael Wight said the focus of the presentation was how, taking into account the Science Council Working Group's recommendations, the FSA planned to strengthen the its risk analysis process. The Board was asked to discuss the process, presented in the flowchart at Annex A, and agree the principles that governed each stage.

74. The paper asked the Board to: note the plans to strengthen capacity and structures of FSA Scientific Advisory Committees for EU Exit and agree these

met our best estimate on future needs; agree proposals for establishing the Advisory Forum on Food and Feed and; ask the Executive to prepare a paper for discussion at the March 2019 Board meeting on assurance of the risk analysis process including the Board's role.

75. Steve Wearne said the Executive wanted to provide assurance to the Board that we were on track to have clear processes in place by the time the UK left the EU. We would be using internationally recognised definitions of risk assessment, management and communication.

76. In doing so we needed to recognise that the packages of evidence we developed for risk managers would not just consist of human health risk assessment, but also evidence on other legitimate factors including consumers' other interests in relation to food so that risk managers could provide advice to Ministers that was informed by all relevant evidence.

77. There was no authoritative list of "other legitimate factors" in existing international standards that we could draw on, therefore, we planned to develop proposals on factors that should be considered when developing risk management recommendations for consideration by the Board at its March 2019 meeting.

78. Michael explained there was no specific timescale for progress through the risk analysis process and individual stages as this would depend on the issue under consideration. However, there were some timelines, for example for regulated products, laid down in the legislation that was being repatriated from the EU that would need to be observed.

79. Steve said step three was a key step because the questions to be asked had to be phrased and then jointly signed off by risk managers and risk assessors. Once there was a problem formulation statement that had been agreed by the Director of Science and Policy, and assured by the CSA, the process of risk assessment and assembly of evidence on other legitimate factors started.

80. We would draw extensively on our Scientific Advisory Committees (SACs), both to inform development of risk assessments in support of risk-based standards and controls such as acceptable levels of heavy metals in foods and our advice to Ministers on regulated products such as applications for marketing of novel foods. Steve said it was for the Board to take a view on the reasonableness or appropriateness of forthcoming challenges for our current SACs.

81. EU Exit would bring increases in the volume and range of independent expert advice the FSA would need on risk assessment to inform risk management at national level.

82. To meet these demands, we had been recruiting to increase internal capacity and we were also calling for new experts to strengthen the structure and capability of the SACs. For risk-based standards and controls, existing SACs would continue to provide risk assessment advice. For regulated products,

three new joint expert groups would be established to take on the bulk of this work:

1. Food contact materials
2. Additives, flavourings, enzymes and other regulated products
3. Animal feed and feed additives

83. Steve said this was our model for Day One of EU Exit, and we proposed a review later in 2019 in the light of experience to that point.

84. Unless there were exclusions covered by our Code of Practice on Openness, our intention would be to publish our risk assessments and analysis of other evidence. This went beyond our current Code of Practice but was considered best practice as it would support risk communication around decisions made.

85. At its September 2018 meeting, the Board had agreed in principle to establish an Advisory Forum on Food and Feed (AFFF) to provide, wherever appropriate, a cohesive UK risk management opinion on matters of food and feed safety, after considering risk management recommendations developed by the FSA and Food Standards Scotland (FSS), to assist those two organisations in delivering their core objectives to protect public health and consumer interests in relation to food and feed safety.

86. The AFFF would consider all food and feed safety issues where a risk management recommendation was required from FSA. It would not consider risk management advice provided to support operational management of routine food incidents. The FSA was in discussions with FSS regarding the AFFF, and it would be for the FSS Board and Scottish Ministers to agree the direction and approach for Scotland. The AFFF would not be a decision-making body, and would be made up of senior level Executives.

87. At step 11 for more prominent or contentious food and feed safety issues, the Board would be invited to discuss the relevant factors and evidence required, and then have a subsequent discussion to consider the risk analysis and recommendations from FSA officials. The Board's formal advice would form the FSA advice for presentation to Ministers and others.

88. This would be an opportunity for the Board to form a view on the FSA advice on issues of strategic policy or complexity, while non-controversial, technical risk management recommendations would be put to Ministers by the Executive with the Board receiving summary updates.

89. Steve concluded the presentation by saying that risk communication was integrated throughout the risk analysis process and noted the Science Council was doing further work on risk communication which would input into how we managed communications throughout the process.

90. The Chair said the risk analysis process was of fundamental importance to the future operation of the FSA and the Board would want to be sure that the right checks were in place. The role of the SACs and how they would be used in the

future was for the Board to discuss bearing in mind that steps were already being taken to increase capacity and broaden their skills base.

91. Professor Poppy said the SACs were crucial to the FSA's work. In the future the SACs would also have a role in assuring the quality of risk assessments and it would be important to utilise their time effectively by asking them to focus on key risk assessments.

92. In response to Rosie Glazebrook's question about how the new joint expert groups would meet their objectives, Steve Wearne explained that it made sense when expanding each SAC to integrate risk assessment into their workload and to integrate the experts to conduct it. Each joint group would report back to their parent SAC thereby allowing for assurance of their work.

93. In response to Rosie's question about deciding whether the CSA or the SACs gave assurance, Professor Poppy said if the issue were a technical one then it wold be for the SACs, if however, the implications went beyond one SAC then it would fall to the CSA. The volume of decisions and capacity would also be influential factors in determining who took responsibility.

94. Mary Quicke welcomed the flowchart as a useful picture of the direction of travel for the FSA. Mary was interested to know how the FSA would also include the views of small food businesses into the process of deciding how policy formulation statements were framed. The Chair said whether to extend stakeholder involvement in framing the risk assessment question was a significant further step, and proposed that since this would be a major change in policy from current practice, it should be something for further Board discussion at a later date, once the new post-EU Exit arrangements had bedded in.

95. Ruth Hussey commented that we had to be mindful, even at this stage, of how we framed the questions and become more sophisticated in formulating them with the aim of drawing on consumer perspectives as well as scientific perspectives; this would then allow for better interactive exchanges throughout the process.

96. The Chair said that once the UK left the EU, the FSA was likely to come under much greater pressure from Non-Governmental Organisations (NGOs) and lobbyists. It was essential that we knew how we would deal with that organisationally, and in terms of personal approaches. This was an important piece of preparation to deliver, and then to review, before deciding to open our processes up even further to civil society.

97. The Deputy Chair agreed that our principles of openness and transparency would be vitally important once the FSA came under a different level of scrutiny and found itself more often the subject of Judicial Reviews (JRs) in court. Bearing this in mind the Deputy Chair said it seemed sensible to make our considerations and approaches open as default, and therefore less contestable and more defensible.

98. Rod Ainsworth assured the Board that we already had barristers we liaised with regularly to protect from the risk of JR. He agreed that the likelihood of JRs for the FSA would intensify once the UK left the EU. A JR looked at whether the answer had been achieved by the wrong route and so a clear route for our decision making was our best defence.

99. The Deputy Chair commented that we would have to be able to show that in the process of making our decision, bodies such as NGOs who had engaged with us had not had any undue influence. Michael responded that in the policy work the FSA undertook now, we engaged heavily with stakeholders prior to consultation and we had to be open and transparent about whose view we had taken into consideration. As part of the formal consultation process we publish each stakeholder view and our response to it and that process would continue.

100. Steve Wearne agreed our default position would be to be open and transparent. The proposed operational framework for risk analysis had been drawn up with an understanding of those tensions and how we would resolve them. The Chair agreed that we were all alert to the need for transparency throughout the process.

101. The Chair confirmed that non-controversial, technical risk management recommendations would be put to Ministers by the Executive, until such a time in the future when the FSA would have the legal power to take such decisions itself.

102. The Chair reiterated that in the last couple of years, the Board had established an effective pattern in relation to higher profile issues which we would follow in future: namely, an initial Board discussion to give the Board the opportunity to input at an initial stage of risk management, and a subsequent Board debate to consider officials' advice and to reach a risk management conclusion. Even in our preferred operating environment of the future, where FSA had devolved decision making powers, these types of higher profile issues would still require a Ministerial decision.

103. The Chair said while the Board would not make technical risk management recommendations, the Board did want to be confident that those recommendations took the differing situations in each of the three countries for which the FSA had responsibility into account. The Board wanted to have confidence in the framework for gathering evidence and giving assurance on those types of recommendations as they could not be revisited again in the future.

104. In response to Dave Brooks' question about how the AFFF would secure agreement on its advice that would inform recommendations to Ministers across the four countries involved, Michael responded that we would try as far as possible to get a unified view. However, food and feed was a devolved policy area and so each country was entitled to take a different view which was no different to how things operated now.

105. The Chief Executive agreed that devolution meant that we could not insist on a UK wide solution but highlighted that whilst sometimes one government may take a differing view they may also decide not to implement it. Colm McKenna suggested the AFFF should seek consensus rather than unanimity.

106. Colm asked if the intention for the future was to include stakeholders from industry in the AFFF. Michael replied that was not the intention. During the development of proposals officials engaged with stakeholders from industry and other experts and that was the way in which their views fed into the process.

107. Paul Williams suggested that there was the potential at stage seven for industry to challenge the hitherto unseen published evidence and assert that key evidence had been omitted. Michael said that happened now. If we had missed something, then we would go back and revisit the package of evidence. We hoped however that the intended process of gathering evidence would be sufficiently robust.

108. Paul said it was less about industry not having seen the evidence prior to its publication but about industry not having had the opportunity to challenge it. Rod clarified that missing a piece of evidence did not invalidate a decision. The test in court would be if the organisation had done all that it could reasonably have been expected to do in gathering the evidence; there was always a chance that something would not have been included.

109. Mary Quicke said the concern was around not building the opportunity for industry to have that challenge into the process. The Chair assured the Board that we would have engaged with industry prior to the evidence being published. We would be transparent, but we did also have to have discipline in the process and inevitably we would seek to refine recommendations.

110. Professor Poppy made the point that for the sake of the reputation of the organisation and the efficiency of the process, the CSA should be present for the most complicated decisions being discussed by the AFFF. He said it would be important for the CSA to assess that the appropriate weight had been given to other legitimate factors.

111. Steve agreed that the CSA should join the AFFF on such occasions. The role of the CSA in flagging the risk of a disproportionate amount of weight having been given to a piece of evidence should be part of the CSA's assurance role rather than part of the AFFFs routine discussions.

112. The Chair confirmed that the Board wished the CSA to have the right of access to the AFFF as an observer. The Chair noted that OGDs would be invited to attend meetings of the AFFF as observers, and we hoped this would create the opportunity to ensure the FSA (and FSS if they chose to participate) had covered all relevant considerations before recommendations went to Ministers. The Chair reiterated that the AFFF would not be and had no authority to be a decision-making body.

113. In response to Ruth Hussey's point that it would be helpful to have optimal timeframes against which each project would work its way through the process, Steve said he would prefer neutral expectations on timescales apart from the timings of the two Board discussions on an issue which would be set in accordance with the Board meeting calendar.

114. The Chair concluded by saying the Board had had a thorough discussion of the issues raised by the process and agreed the asks of it made in the paper. The Board would progress to the next stage in its discussion of risk analysis at its March 2019 meeting.

Progress and future direction of social science in the FSA (FSA 18-12-12)

115. The Chair welcomed Michelle Patel, Head of Social Science Transformation, to introduce this item. Michelle explained that since last December's update, a large amount of work has been done to implement the 2017 Review of Social Science, including bringing together skill sets from the Communications Consumer Insight and Social Science teams into one team within the FSA's Analytics Unit within the Science and Research Division and increasing our focus on Behavioural Science and Risk Communication. She explained that the integration of social science and economic evidence had now been integrated into the risk analysis framework and this highlighted the impact that social science could have.

116. The Chair thanked Michelle for this introduction and also noted that the update that the Board had received the previous day was very welcome.

117. Rosie Glazebrook asked a question about the use of the Food and You survey results, questioning whether the survey's current two-year cycle would be frequent enough to pick up fast moving changes. Michelle replied that the Food and You survey would not pick up fast moving changes and was there to provide a snap shot of what was happening. She explained that there was a six-monthly attitudes tracker which could also pick up changes in consumer behaviours more rapidly. The 2017 Review of Social Science considered the frequency of the Food and You survey and concluded that it was content provided the purpose of the survey was clear and the information gleaned from it used appropriately.

118. Mary Quicke asked whether the team was also considering meta-analysis of other data sources to enrich the data obtained from Food and You. Michelle explained that this was the case and the Food and You was just one of many tools which could be used to get a picture of consumer behaviour.

119. Colm McKenna commended Michelle on the work evident through the paper and mentioned the recent Social Science Symposium that the team had hosted in Belfast. He also mentioned that NIFAC had discussed the paper the

previous week and had expressed enthusiasm around the use of social science.

120. Ruth Hussey also praised the Social Science Symposia, held in Wales and Northern Ireland. She noted that there was also a great deal of Welsh language social media and suggested that this also be given a greater level of consideration as an important area for engagement. She asked a question about what steps would be considered necessary to ensure that social science became embedded in the future strategy of the FSA.

121. Michelle explained that a strategy could not be formed without a good understanding of the environment and that social science was one of the best tools for gaining that understanding. She added that behavioural science could be used to help drive behavioural change and this would be a powerful tool in influencing the way consumers think about food. Julie Pierce added that across the FSA, there had been improvements in asking exactly those sorts of questions as part of policy development.

122. Stuart Reid mentioned that he had recently attended a triannual meeting on animal health and noted the increasing role of social science and the recognition of its importance by animal health professionals. The CSA mentioned the growing cultural influence of Generation Z and the differences in their behaviours compared to Millennials. He asked whether consideration had been given to how to engage with this cohort and to see whether they could be made food ambassadors for the FSA. Michelle replied that she recognised a shift in values between Millennials and Generation Z and that the FSA was involved in tracking behaviours to consider whether any emerging trends could pose a risk to health and to ensure that this different mindset was taken on as an essential viewpoint for considering how the policies of the FSA would be seen.

123. The Chair noted that the paper asked for the Board's endorsement of the priorities identified for 2019, including for the Advisory Committee on Social Science. Board members' comments in discussion had reinforced the importance of the priorities and endorsed the approach set out in the paper.

Raw drinking milk (RDM) triggers for review (FSA 18-12-13)

124. The Chair welcomed Kevin Hargin, Head of Food Hygiene & Animal Feed Policy Unit, and Narriman Looch, Food Hygiene Policy, to the meeting to introduce this paper. Kevin Hargin explained that this paper had been requested at the June 2018 meeting of the FSA Board. He noted that there was a lack of data to be able to establish firm thresholds for action so the thresholds that were noted in the paper had been set intuitively and would be refined as more data were obtained. He added that the range of responses to a threshold being passed would include internal review and informing the Board as appropriate. The paper sought the Board's agreement that the levels had been set appropriately.

125. Stewart Houston explained that the triggers, mentioned in the paper, appeared to be sensible. He noted that the paper stated that 50% of producers were members of the Raw Milk Producers Association (RMPA) and asked what percentage of raw milk production those 50% of producers accounted for. Kevin explained that he did not have the figure to hand. David Brooks also agreed with the triggers noted in the paper. He restated his position, mentioned at previous Board discussions on the issue, that the costs of ensuring compliance should be borne by the producers and it should be made clear to producers that these charges will be coming to them in future. He also expressed a view that the consumer guidance on RDM on the FSA's website was not being given due prominence and the guidance should make it clearer that there was currently no scientific evidence for any of the positive health claims attached to RDM. Kevin explained that the consumer advice was being refined to make people aware that there were no approved health claims associated with RDM. Michael Wight noted that the lack of evidence around the health claims had clearly been a long-standing concern of the Board. He mentioned that Narriman appeared in a new FSA Explains video, posted on YouTube, which addressed some of these points.

126. Paul Williams agreed that the thresholds that had been set seemed sensible but accepted that the intuitive nature meant that there was an element of trust involved and the refining of the thresholds as further information was gained would be an important part of the process. Ruth Hussey noted that with half of the producers now being members of the RMPA, it would be important to ensure that that organisation was reinforcing that its members should not be making health claims. She suggested that the Association could have a strong role in preventing producers from making inappropriate health claims for RDM. With regard to refining the thresholds, she mentioned that, in their discussions the previous week, WFAC had made the suggestion of publishing figures on a weekly basis to see how adjustments to the thresholds were occurring in line with the data. The CSA drew the Board's attention to paragraphs 22 and 23 of the paper which mentioned a project with independent data scientists. He asked for clarification over the timeline for this. He also noted the reference to the possible use of data from Public Heath England's enhanced surveillance for sporadic cases of STEC infection. He asked if there was any movement on this happening.

127. Colm McKenna mentioned that NIFAC had asked a question at their meeting the previous week about failed hygiene indicator samples and had been reassured that this would over-ride the triggers and thresholds mentioned in the paper and would elicit inspection. He asked about the extent to which the FSA was able to influence the labelling to make it clear that RDM was a risky food; this should be done to counteract a view that there may not be risks attached to consumption. The Chair noted that an approach on labelling had been decided in previous discussions on RDM and the decision to implement this was currently with Health Ministers.

128. Kevin explained that there were currently insufficient data to be able to establish trends but as more data were obtained, trend analysis would be

performed to allow the thresholds to be refined. This would be kept under constant review. In relation to the CSA's point, he explained that there was a project with data scientists taking account of many data sources, but this had yet to produce any actionable data. It was expected that they would report early next year on available data sources and whether any of those were appropriate to give an indication of trends. In response to Ruth's point about the RPMA assisting in counteracting health claims, he explained that the RPMA was aware that health claims should not be made for RDM. He added that the dairy hygiene inspectorate was also being trained up on this issue and as they carried out their inspections they would be asked to look out for any claims on vending machines, farm-gates or packaging. Anything inappropriate would be mentioned to the producer and, if no action was taken, to Trading Standards Practitioners. He assured Colm that the labelling issue was one that was constantly being considered and they were seeking to add a further claim that RDM was not appropriate for consumption by vulnerable groups. Julie Pierce added that the challenge for data scientists was that there was very little data for them to work with so while other data sources were being sought, encouraging industry to share their data with the FSA would be highly beneficial to progressing this work. The Chair acknowledged Ruth's point about the publication of data, explaining that this issue should come back to the Board, clarifying that the Board can assume it was possible to publish the data unless any impediments to this were raised.

129. The Chair noted the points about the additional data sets and health claims had been well made stating that the FSA should not miss an opportunity to rectify misleading information about health claims. She confirmed that the Board agreed the triggers for review for RDM controls.

Oral report from the audit and risk assurance committee (ARAC) chair (FSA 18-12-14)

130. Colm McKenna informed the Board about discussions at the meeting of ARAC that had taken place the previous day. He explained that it had been a full agenda and had covered issues including cyber security and corporate risk management and EU Exit risk, noting that the register broadly rated the risks as amber with some approaching red. The meeting was also the first that had included representatives from Mazars, to whom the National Audit Office (NAO) have subcontracted audit responsibilities for the FSA. He explained that it appeared that Mazars may provide an even more detailed service than the NAO had previously done, adding that the audits will still be signed off by NAO. He explained that John Furley – Head of Internal Audit – had given an update on the Internal Audit Planning process for 2019/20 and there had been a nil-return on whistleblowing for this meeting. He added that whistleblowing was now a standing item on the ARAC agenda. The Chair thanked Colm for this update.

Food Advisory Committee reports (INFO 18-12-01-02)

131. The Chair invited Ruth Hussey to update the Board on discussions at the recent meeting of the Welsh Food Advisory Committee (WFAC). Ruth explained that there was a substantial report included in today's Board papers from that meeting. She mentioned that WFAC had been pleased to welcome Julie Pierce to her first WFAC meeting as Director for Wales and had received a presentation on the new registration system for food businesses. She explained that it had been interesting to see how it worked and also to see the role of the LAs in the process.

132. Colm McKenna gave an update on discussions at the recent Northern Ireland Food Advisory Committee (NIIFAC) meeting. He explained that, as a part of a series of presentations NIFAC had been receiving from the Standards and Dietary Health team in Northern Ireland, NIFAC had heard a presentation from Louise Connolly of that team on the FSA's work around allergens. This update highlighted a publicity campaign to raise awareness of the issue that included a very successful competition in partnership with local radio station Cool FM. He also explained that he had recently held an introductory meeting with fellow members of a selection panel for the recruitment of a new member for NIFAC and that the process to recruit had now begun.

Any other business

133. The Chair explained that no further business had been

raised.

Question and answer session

134. The Chair noted that no questions had been received ahead of the meeting and invited questions from observers who were in attendance. No questions were raised, and the meeting was closed. The next Board meeting would be held on the 13 March 2019 in Clive House, London.

List of Actions:

ACTION 1 - Board Secretariat to make the requested amendments to the minutes of the meeting of 11 September 2018 and arrange for their publication.

ACTION 2 - Board Secretariat to arrange for the publication of the minutes of the October 2018 Joint meeting with FSS.