
MINUTES OF THE FSA BOARD MEETING HELD ON 21 SEPTEMBER 2016 AT AVIATION HOUSE, LONDON FROM 09:00-12:00

Present:

Heather Hancock, Chair; Tim Bennett, Deputy Chair; David Brooks; Ram Gidoomal; Rosie Glazebrook; Ruth Hussey; Stewart Houston; Colm McKenna; Heather Peck; Jim Smart; Paul Williams

Officials attending:

Catherine Brown, FSA Chief Executive
Rod Ainsworth, FSA Director of Regulatory and Legal Strategy
Simon Dawson, FSA Head of Operations Assurance
Nicky Elliston, Head of FSA Executive Office & Board Secretariat
Jason Feeney, FSA Chief Operating Officer
Chris Hitchen, FSA Director of Finance and Strategic Planning
Maria Jennings, FSA Director of Northern Ireland and Organisational Development
Michelle Patel, FSA Director of Communications
Julie Pierce, FSA Director of Openness, Data and Digital
Professor Guy Poppy, FSA Chief Scientific Adviser
Nina Purcell, FSA Director of Wales and Regulatory Delivery
Leigh Sharpington, FSA Regulating our Future Programme Manager
Steve Wearne, FSA Director of Policy

Guest:

Jason Aldiss, Eville and Jones

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed two new Board members, Ruth Hussey and Colm McKenna, to their first Board meeting.
2. The Chair reminded all Board members to declare any relevant conflicts of interest before discussions.
3. The Chair accepted one item for Any Other Business: the Collection and Communication of Inspection Results (CCIR).

MINUTES OF MEETING HELD ON 13 JULY 2016 (FSA 16/09/01)

4. The minutes were agreed as an accurate record of the 13 July 2016 meeting.

ACTIONS ARISING (FSA 16/09/02)

5. The actions were noted without comment.

CHAIR'S REPORT

6. The Chair said the list of engagements she had undertaken since the July 2016 Board meeting was available on the FSA website. The Chair highlighted her meetings with: Lord Krebs, former Chair of the FSA; HRH The Prince of Wales under the auspices of the Prince's Countryside Fund; the Regulatory Future Review cross-Government Group; Dr Pamela Byrne and the Food Safety Authority of Ireland (FSAI); Asda and Walmart; the Regulating our Future Expert Group; and Professor Jim Rollo, Deputy Director of the UK Trade Policy Observatory.
7. The Chair said she had met with Norman Bagley of the Association of Independent Meat Suppliers (AIMS) to address concerns he had raised that the FSA was biased against the meat industry. She would be meeting with meat industry representatives at the end of October for further discussions.
8. The Chair noted the inaccurate reporting in The Times recently which had erroneously suggested that the FSA was going to stop collecting data on non-stun slaughter. She had written to the editor of The Times to confirm the FSA would still be collecting data in the way it always had, and had had no intention of changing this position.
9. The Deputy Chair said, on behalf of the Chair, he had attended a meeting of government regulators to discuss implications of Brexit.
10. The Deputy Chair said the Stow 2 Steering Group, of which he was a member, had met twice and was making good progress in agreeing principles for a new meat inspection system. He thanked the meat industry representatives and the FSA officials for sitting down and working through the issues. Progress on Stow 2 would feed in to the FSA's Regulating our Future (RoF) programme and the Stow 2 Steering Group was supportive of the RoF timetable. Reform of meat regulation was as much a part of RoF as any other aspect of the FSA's agenda.
11. The Chair thanked Paul Williams for agreeing to join the Stow 2 Steering Group.

CHIEF EXECUTIVE'S REPORT (FSA 16/09/03)

12. The Chief Executive (CE) said she had also attended the launch of the RoF Expert Group and had been pleased at the interest in, and engagement with, the Group.
13. The CE also thanked the Stow 2 Steering Group for their contribution to the RoF Programme.
14. On the Campylobacter campaign, the CE confirmed that the FSA would set and agree data standards and criteria so that we could be assured of the robustness of the data to be published by retailers. There would also be a period of parallel testing when we would continue to test too. Getting retailers to publish data we could trust, thereby eliminating duplication of effort and unnecessary cost to the public purse, was an indication of the direction of travel under the RoF Programme.

15. The Deputy Chair drew attention to the implementation by Rutland County Council of the Food Hygiene Ratings Scheme (FHRS) in October, resulting in all 326 local authorities in England operating the voluntary scheme. He commended the FSA for the many years of hard work on behalf of consumers it had taken to reach this milestone.

16. On Our Food Future, the CE agreed to share with the Board, the names of the six organisations in the food sector with whom we were about to start a joint project to understand the potential role of the consumer as citizen.

ACTION: FSA Director of Communications

17. On the FHRS, the CE said it was evident that mandation of the scheme in Wales was already having a positive impact on public health by giving consumers the ability to make an informed choice about the food they ate. We were pleased with progress to introduce the statutory scheme in Northern Ireland, and we were continuing to develop proposals for the delivery of a statutory scheme in England.

18. The issue of consistency in FHRS standards across all three countries was an important one as the robustness of the FHRS was critical to our RoF Programme. The results of the recent national consistency exercise were encouraging with 97% of local authority officers in agreement on ratings. We were then able to offer targeted training and support to those local authorities who needed it.

19. On AMR, the Chair noted that since the Board's last discussion on AMR in July, the Government had accepted Lord O'Neill's recommendations in full. Among those recommendations, the FSA was listed as joint lead department with Defra on two areas: in our role as UK lead on food safety issues in Codex Alimentarius where, at the request of the Codex Alimentarius Commission, we were (jointly with Australia and the US) convening a physical working group to set the terms of reference for a subsequent intergovernmental task force on AMR; and working to encourage the adoption of clear transparent reporting standards that help consumers have access to and understand information about the responsible use of antibiotics in the food chain.

20. In addition to those two areas of responsibility for the FSA, the CE was proposing a third area which had not specifically been tasked to us in the Government response but which was nevertheless clearly within the remit of the FSA rather than another Government department. The FSA would seek to improve the scientific evidence base relating to antimicrobial resistance in the food chain through supporting relevant research and improving surveillance.

21. Professor Guy Poppy said there were three reasons why the FSA should be involved in combatting AMR:

- Food acted as a reservoir for bacteria containing AMR found on farms and the FSA was responsible for food at retail. We were undertaking a systematic review of AMR in commensal and pathogenic bacteria in food at retail. It would take further work to ascertain how much the levels of AMR in food at retail contributed to public health issues but it was proportionate to act now to ensure responsible use of antimicrobials in agriculture and reduce the size of reservoirs of AMR created.

- by carrying out surveillance on levels of AMR in food at retail, we would be able to assess and demonstrate the impacts of measures other took to improve the situation.
 - We could inform consumers and help them to make an informed choice on the food they chose to eat.
22. The Chair said it was important to reassure the public that:
- if they followed our advice on preparing and cooking food, there was no immediate threat to public health from food containing bacteria with AMR.
 - people were not eating food that contained antibiotics.
23. The CE agreed with a Board member that producers may seek to capitalise on this issue by introducing “antibiotic free” labels on products. Such labels would be misleading as withdrawal period for veterinary medicines were designed to ensure the effective absence of antibiotic residues in any food.
24. The Board emphasised the importance of working in partnership on this issue with the FSA not taking on more responsibility than was appropriate. The CE indicated that the O’Neill Report identified Defra as the lead department for establishing standards for responsible use in animals and suggested that the FSA could potentially assist with this by establishing a scientific consensus on what, given the evidence available, might be considered ‘responsible use’ within the food chain. This could be achieved by establishing a “task and finish” scientific expert group to advise on that specific issue, if the Board wanted to pursue that option.
25. The Chair suggested it may be constructive to build on the expertise of the existing AMR sub-committee of the ACMSF with independent economists and veterinary scientists and other expertise as appropriate to advise on what the evidence base would suggest might constitute “responsible use” and to produce a state of the nation report.
26. Board members agreed the extension of the FSA’s role to establish the short-term group. Work on the FSA’s other areas of responsibility in relation to AMR should progress meanwhile, not wait for the task and finish group to be convened.
27. In response to a suggestion from the Deputy Chair that it would be helpful to clarify roles at a senior level with other department the Chair agreed. She would commit to meet with leaders in DH and Defra to ensure there was no duplication of effort and to ensure there were no gaps in covering the work that had to be done.

ACTION: FSA Chair

28. In concluding the Chair said the Board:
- Re-endorsed its support for the FSA to have a role in combatting AMR
 - Agreed with the three areas of responsibility for the FSA as outlined at paragraph 30 of the CE Report

- Agreed to the creation of a short term task and finish specialist scientific group to advise on what the current evidence base would support as responsible use in the food chain

ACTION: FSA Director of Policy

- Placed great significance on the FSA partnership working with others across Government and in industry
- Cautioned against the FSA's mission creep into areas where others should lead
- Would like, when possible, to receive a one page summary of the FSA's specific objectives on AMR and a list of what we were doing and in partnership with whom

ACTION: FSA Director of Policy

- Supported the Chief Scientific Adviser's Report on AMR being published in time for the UN General Assembly's discussion on AMR.

ACTION: FSA Chief Scientific Adviser

ANIMAL WELFARE (FSA 16/09/04)

29. The Chair welcomed Simon Dawson, FSA Head of Operations Assurance, and Jason Aldiss, Managing Director of Eville and Jones to the table and invited Jason Feeney, the FSA's Chief Operating Officer, to introduce the paper.
30. The FSA's Chief Operating Officer said the role of the FSA in animal welfare was to fulfil its regulatory duty by ensuring industry lived up to its responsibility for the care and welfare of animals in slaughterhouses, and to take account of the wider public interest in the treatment of animals.
31. He explained there were 3 elements to the paper:
 - How our reactive response to serious breaches of animal welfare had improved over the last 18 months; three plants had been closed on animal welfare grounds in that period and none had successfully challenged our decision.
 - Updating the board on our systemic approach to improving standards of animal welfare in abattoirs through a "Deter, Prevent, Detect, Enforce" programme.
 - Seeking the Board's direction on current issues including: the use of CCTV; openness and transparency; and end to end welfare, ensuring others in the chain live up to their responsibilities too.
32. Jason Aldiss said he supported the approach taken in the paper and the comprehensive approach within the FSA's "Deter, Prevent, Detect, Enforce" programme. As a professional veterinarian and lead service provider for the FSA, his primary objective was to drive up standards, improve consistency in decision making and record keeping of actions taken. He supported the Agency's 'Zero Tolerance'

approach and whilst there would be welfare breaches due to accidents, bad practice or malicious intent, he was fully committed to improving standards.

33. A Board member said she was really pleased with the paper and endorsed the approach taken by the FSA as the latest public attitudes tracker showed that animal welfare was the joint third concern of consumers in relation to food.
34. The option to have risk based rotation of OV's in the proposed new contract for OV services was welcomed. While the difficulty and expense of rotating MHIs was recognised, it was suggested that at least in cases where there were ongoing and serious issues with particular plants it should be implemented on a case by case basis. The Chief Operating Officer agreed that this was potentially a sensible approach.
35. He also confirmed in answer to a question that, as part of their wider animal welfare policy responsibility, Defra were responsible for ensuring that plants which carried out non-stun slaughter methods under the derogation for religious compliance were not in breach of that derogation.
36. With regard to animal welfare related data for stun versus non-stun slaughter methods, the FSA's Chief Operating Officer said the majority of slaughterhouses used only stun; around 8% used non-stun; and around 8% used a mixture of both. The plants using both methods were not routinely required to report to the FSA which slaughter method had been used (i.e. stun or non-stun). However, a more systematic approach to allow for the regular, routine collection of this data was being introduced. The Board welcomed this as an opportunity for further transparency.
37. During discussion on the use of CCTV in slaughterhouses, a Board member felt that an increase in the levels of CCTV used in plants using non-stun slaughter methods could see a reduction in the number of major non-compliances in those plants. The Chair of the Welsh Food Advisory Committee (WFAC) said the Committee very strongly supported this position as CCTV was now more affordable for businesses. The FSA should help set standards of use and retention and encourage the sharing of best practice to ensure CCTV was used properly by businesses. The FSA's Chief Operating Officer said setting a protocol for the FSA's use of CCTV in plants could help overcome cultural resistance among some businesses to its introduction.
38. The Board recognised that the FSA were not responsible for mandating the installation of CCTV in plants. This was a Defra responsibility. However, the Board was concerned to see that the voluntary approach to adoption of CCTV and proper protocols had made little progress in the last 2 years: progress in the number of plants and throughput covered by CCTV had plateaued. The Board concluded that the voluntary approach was unlikely to see further progress. The Board agreed that they saw CCTV or equivalent technologies as a valuable management tool to help abattoirs comply with official controls, when installed and used properly. Given the potential to CCTV to play a significant role in improving performance, animal welfare and public assurance, the Board agreed it would now support the case for mandation within its wider programme of reform of the regulatory regime in slaughterhouses.

39. In the meantime, the Agency should continue to encourage plants to adopt CCTV by focusing on its benefits to them as part of their package of management tools. The Board supported the use of CCTV being recognised by assurance schemes as a way of incentivising businesses to use it. Given the availability of affordable technology, the Board supported an outcomes-focused approach which did not specify which technology had to be used.
40. The Board maintained its position that the FSA would not publish details of individual plants with breaches of welfare because of concerns over staff welfare and security, and did not intend to revisit this issue.
41. The FSA's Chief Operating Officer assured the Board that the FSA and Defra shared data on animal welfare.
42. The Board supported the wider and more regular publication of data held by the FSA on welfare issues as a way of making a contribution to the overall improvement in standards of animal welfare throughout the food chain.
43. In concluding the Chair said the Board:
 - Reiterated its commitment to promoting a zero tolerance approach to animal welfare breaches
 - Endorsed the work undertaken by the FSA in relation to animal welfare as set out in the paper
 - Noted the responsibility of Defra for ensuring that plants which carried out non-stun slaughter methods under the derogation for religious compliance were not in breach of that derogation
 - Supported the case for mandatory use of CCTV, or equivalent technology, to enable food business operators to demonstrate how they were meeting their legal obligations on official controls in line with the principles of Regulating Our Future, and the FSA would take this forward with Defra and others
 - Re-confirmed its position on non-publication of individual plants with welfare breaches
 - Supported the sharing of best practice among industry including data sharing
 - Did not wish to take a wider role in ensuring end to end welfare.

THE CONSUMER INTEREST IN THE FOOD SYSTEM (FSA 16/09/05)

44. The Chair welcomed Michelle Patel, FSA Director of Communications, to the table, and invited Julie Pierce, the FSA's Director of Openness, Data and Digital to introduce the paper.
45. The FSA's Director of Openness, Data and Digital said the FSA had been involved in consumer insight work since 2003 looking at: what was important to consumers; how they responded to our policies; and engaging with them in open policy making. Our methods were compliant with social science research standards. We used the most cost effective methods, such as conducting surveys or setting up focus groups, to engage with particular groups of consumers to look at specific, potentially complex, issues, or to get a broader picture of consumers' evolving interests in food.

46. The FSA's Director of Communications said the FSA's consumer insight work on rare burgers was an example of where understanding the consumers' interest had helped inform a Board decision on regulation. The growth of social media was very exciting and opened up a bigger set of data for the team to work with allowing for more insight into the context of consumer behaviour. This was important when we were asking people to change their habitual behaviour in relation to food as it was not always rational.
47. A Board member noted the inter-related nature of consumers' interests in food such as a healthy diet, food safety, and affordability, and asked if the FSA was working with other organisations to capture and share information on areas outside the FSA's remit. The FSA's Director of Communications assured her that partnership working was paramount in this area and she was part of a group of Directors reviewing surveys published across government to ascertain how they well they were used.
48. In response to a Board member's comment on the inaccessibility of the FSA's current website, the FSA's Director of Communications confirmed that we were reviewing the website entirely to make it much easier for consumers to get involved and see how what they had said had influenced our work.
49. During discussion about potentially setting up an FSA's People's Panel, the Chair confirmed that such a Panel would not and could not have a mandate to set policy or priorities; rather it would be an input that the Board would be interested in as part of its own wider considerations.
50. With regard to projects planned and underway, a Board member noted that there was no consumer engagement on animal welfare, despite it being the joint third concern for consumers in relation to food. The FSA's Director of Communications confirmed for the Board that our consumer insight work did relate to the three pillars of the strategy; food is safe; food is what it says it is; and consumers' wider interests in food, and would look at new areas of interest for consumers, such as animal welfare. It would be useful to explore with the Panel where they thought the FSA could usefully focus in order to support the Board's deliberations.
51. The Board suggested hearing more from consumers at Board meetings and the Chair confirmed that we were looking at introducing vox pop videos to allow that to happen. She had invited the new Chairs of the Food Advisory Committees in Northern Ireland and Wales to look at increasing consumer involvement with the Committees.
52. The Chair of WFAC said it would be helpful for the Committee in building a view of Welsh consumers to have the Welsh perspective on the demographics of consumer insight surveys. The FSA's Director of Communications agreed our sample sizes allowed for rich data to be extrapolated and differences were often seen between the three countries.
53. The Deputy Chair emphasised that, given that the Board represented the consumer interest and made decisions in the interests of consumers, it would be good to know, particularly in the context of Regulating our Future, how consumers saw the FSA's

role, or that of government more widely, in relation to food in the post referendum environment.

54. With regard to where the consumer insight team should focus its work in the coming year, the Chair said the data in the paper which stood out for her was that which showed that consumer trust in the food industry was patchy. This was key to our focus in the third pillar of the Agency's strategy: the consumer's wider interests in food. She considered that the FSA's remit included authenticating or explaining, on the basis of science and evidence, the wider claims that were made about food. It was core to the FSA's purpose to enable the public to have more trust and confidence in the food system; where that was deserved. The FSA could do this by raising its profile and awareness of the work it did, by encouraging industry to explain the food system and its actions better to consumers, and by using the same science and evidence starting point as applied in areas of safety and authenticity. She suggested working up a brief "narrative" which explained where the FSA is focusing that the Board could use to paint a compelling picture for consumers and others.
55. In concluding, the Chair said that the Board:
- Wished to raise the visibility of the FSA as part of building public trust in food, this being our key driver
 - Put openness and transparency about the food system at the heart of the third pillar of the strategy
 - Supported the aim to get more insight from the public as an input to policy and decisions
- ACTION: FSA Director of Communications**
- Saw the FSA not as a campaigner, but as a partner with others in addressing trust in wider issues in relation to food.

REGULATING OUR FUTURE PROGRAMME UPDATE (FSA 16/09/06)

56. The Chair welcomed Leigh Sharpington, FSA Regulating our Future Programme Manager, to the table and invited Nina Purcell, FSA Director of Wales and Regulatory Delivery, to introduce the paper.
57. The FSA's Director of Wales and Regulatory Delivery said the RoF Programme's ambition was to deliver a new, modern system for regulating which kept pace with innovation in food sector. We were building a system to respond to future, rather than simply current, challenges.
58. The paper provided an update on the RoF engagement programme to date. We were abiding by the principles of open policy making and talking to people to ensure the best approach and bring them with us. We had set up a consumer advisory group, and recently carried out insight work with consumers and small businesses. The full report on that work would be shared with the Board in due course.

ACTION: FSA Director of Wales and Regulatory Delivery

59. In the meantime, the Director said the insight work with consumers had shown that: industry had a big part to play in assuring consumers they were doing the right thing in relation to food; and consumers had a strong bias to maintaining the status quo. This might be because of consumers' lack of knowledge of the current regulatory system which they imagined to be more draconian than it is. The insight work with small businesses had shown they were: vulnerable to costs; interested in Primary Authority relationships; and interested in new technology.
60. The FSA's Director of Wales and Regulatory Delivery agreed to provide the Board with details of which representatives of small businesses the RoF Programme had engaged with so far.

ACTION: FSA Director of Wales and Regulatory Delivery

61. The Chair of WFAC said professional stakeholders in Wales were still working through the case for change. This underlined the need for adequacy of resourcing in the Programme, to communicate and engage with people.
62. The Board agreed on the importance of communications to the Programme, particularly given the consumer insight findings. It was important to articulate clearly from the beginning the benefits of a new regulatory system, particularly the potential positive impacts on public health, and that there would be no deterioration in protection to consumers.
63. The FSA's Director of Wales and Regulatory Delivery agreed on the importance of engaging with consumers on this Programme and that the initial consumer insight work and the consumer advisory group would be key to the Programme's consumer engagement programme going forward.
64. The Chair reassured the Board that the new system would be delivery agnostic and take into account the different opportunities and risks across the three countries, and across the different food sectors. She highlighted that both communications and recognition of the differing circumstances in the devolved countries, cut across the two strategic risks to the RoF Programme: lack of support; and lack of resources.
65. The Chair of the Audit and Risk Assurance Committee (ARAC) suggested an additional strategic risk to the Programme, namely risks to the continued delivery of the current system, while the new system was being constructed.
66. At its meeting the previous day, ARAC had considered an internal audit report on how the FSA interacted with Local Authorities (LAs). ARAC had supported the merger of the three FSA teams who engaged with LAs with regards collecting data, Environmental Health Officers and Trading Standards, into one team. ARAC felt that the merger would mitigate risks to the current regulatory system by: improving consistency of engagement with LAs; focusing on best outcomes for consumers from the existing system; and allowing for the better use of data and intelligence to take actions to influence LAs on their delivery of existing controls.

REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 16/09/01–02)

67. The Chair of WFAC said she had raised most of the Committee's points during discussions on each of the papers. With regards to engagement with citizens, WFAC would look to build on the FSA in Wales' recent engagement programme.
68. The Chair noted that a discussion on the Wellbeing of Future Generations (Wales) Act 2015 was on the Board's forward agenda. She also noted that the next Board meeting would be in Cardiff.
69. The Chair of NIFAC said in terms of animal welfare, it was important to maintain and strengthen the two way flow of information between the FSA and DAERA (Department of Agriculture, Environment and Rural Affairs) who had responsibility for policy, delivery and enforcement of animal welfare issues in NI.
70. The Chair of NIFAC noted that NI had a relatively large agri-foods industry which the FSA could usefully use as a test base for new approaches and policies.
71. He brought the new Northern Ireland Executive's Program for Government (PfG) and its outcomes-based approach to the attention of the Board as the FSA's policies would have an impact in delivering the indicators for those outcomes.
72. The Chair noted that a discussion on nutrition and health was on the Board's forward agenda and that we would ensure that it fit with the new NI Health Minister's strategy on health which was due to be published soon.

ANY OTHER BUSINESS

73. A Board member noted that the pig sector would shortly return to relying on the FSA's CCIR (Collection and Communication of Inspection Results) system and offered his assistance to the FSA to help improve it.
74. The FSA's Chief Operating Officer said the overly complex nature of the CCIR system had instilled a lack of confidence in it across all sectors. The FSA had piloted an improved system with the cattle and sheep sectors, and we would now, with the Board member's welcome assistance, look to conclude the improvements to the system by resolving the outstanding issues with the pig sector.
75. The Chair advised that there was no other business and closed the Board meeting.

DATE OF NEXT MEETING

76. The next meeting of the FSA Board would take place on Wednesday 23 November 2016 in Cardiff.