

## MINUTES OF THE FSA BUSINESS COMMITTEE MEETING ON 8 DECEMBER 2020

Via Zoom from the Chair's Residence, Cambridge

### Present:

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

### Attending

Emily Miles	-	Chief Executive
Darren Davies	-	Head of National Food Crime Unit (for FSA 20/12/10)
Chris Hitchen	-	Director of Finance and Performance
Michael Jackson	-	Head of Regulatory Compliance Division (for FSA 20/12/09)
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland
Robin May	-	Chief Scientific Adviser
Paul Morrison	-	Director of Strategy, Legal, Communications and Governance
Rick Mumford	-	Deputy Director of Science
Julie Pierce	-	Director Openness, Data, Digital, Science and Wales
Steven Pollock	-	Director of Communications
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer

## 1. Welcome and Introductions

- 1.1 The Chair welcomed everyone to the meeting and asked Committee Members whether they had any conflicts of interest to declare and whether there was any other business. No interests were indicated, and no additional business was raised.

## 2. Minutes of the Business Committee Meeting of 23 September 2020

- 2.1 The Chair asked if Committee Members had any comments on the minutes of the Business Committee meeting of the 23 September which had been previously circulated in draft and comments incorporated. No further comments were raised, and the minutes were agreed as an accurate record of that meeting.

## 3. Actions Arising

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

**4. Chief Executive's Report to the Business Committee (FSA 20/12/07)**

- 4.1 The Chief Executive (CE) highlighted the information in the Report about: the response to COVID-19; the health and wellbeing of FSA staff; the updating of the Memorandum of Understanding with Food Standards Scotland (FSS); and details of recent litigation.
- 4.2 In relation to the Comprehensive Spending Review the CE noted the FSA had secured £106 million from HM Treasury for the next financial year. The FSA had not received a flat cash settlement which had been HM Treasury's starting point in negotiations; the EU Exit funding of £14.6 million, which the FSA had been receiving for the last few years, had been brought into the FSA's baseline increasing the latter from £86 million to £106 million; and there was no longer a split between Programme and Admin spend.
- 4.3 The CE said she was disappointed not to have persuaded HM Treasury of the case for more money with a compelling bid for the next 3 financial years which had covered spend on our Food Hypersensitivity and Operational Transformation Programmes as well the task of embedding the FSA's new responsibilities post-EU and our work on regulatory reform. The FSA's concerns about local authority (LA) funding had been clearly conveyed to the Ministry of Housing, Communities and Local Government (MHCLG) and to HM Treasury in the course of the Spending Review.
- 4.4 The CE thanked the team of Sam Faulkner, Martin Brewer, Alice Biggins, economists and programme team who had worked on submitting the FSA's Spending Review bid to HM Treasury. The FSA's financial settlement for the next year put the department in a reasonable place for 2021/22. The team would regroup and refocus effort on next year's bid to fulfil the FSA's ambition to deliver food we can trust.
- 4.5 The Chair said the Board welcomed the indicators in the Report that showed that the FSA was a good place to work: a top family-friendly employer; a high number of applications for senior recruitment; and an increase in valuable diversity and inclusion network activity. The Chair said, in advance of the FSA's Civil Service People Survey Results, the Board recognised the prolonged period of pressure FSA staff had been under in dealing with EU Exit and COVID-19 and were grateful for all their hard work.
- 4.6 Timothy Riley congratulated the FSA on its financial settlement given the wider context of government funding. He welcomed the focus in the Report on staff wellbeing and asked how successful the FSA-funded flu immunisation programme had been and whether such an arrangement would help give essential FSA frontline staff access to the COVID-19 vaccine.
- 4.7 The CE said that initially FSA staff had been struggling to get access to the flu vaccine, even privately, but now 50 staff had taken up the offer. Colin Sullivan said the phased government roll-out of the COVID-19 vaccine was age-related and the first phase covered those over the age of 50. 75% of Meat Hygiene Inspectors (MHIs) were over the age of 50 and so would benefit from this along

with clinically vulnerable staff. The second phase of the roll-out in several months' time would look at industries and discussions with Department for the Environment, Food and Rural Affairs (Defra) and Public Health England (PHE) to get all FSA frontline staff included were ongoing.

- 4.8 David Brooks asked when an assessment of the impact of the Spending Review settlement on investment plans for the next year would take place and if there was capacity to use underspend from this year to boost spending on building scientific evidence in areas such as the Achieving Business Compliance (ABC) and Food Hypersensitivity Programmes in the first quarter of 2021.
- 4.9 The CE said work on business planning and prioritisation was currently underway and would be brought to the Board informally at its January Retreat and then in the formal budget proposal for the Board's sign-off in March. The CE said that the ABC Programme and the Regulatory Compliance Division had been under-resourced and required additional resource. The CE was also keen to continue building and resourcing the Food Hypersensitivity Programme. In terms of spending in-year underspend, there were strict rules around this in how public finances were managed. An application to HM Treasury for a budget exchange up to a minimum percentage to take a little underspend into next year to help with some of the investment being thought about had been made, and the FSA expected to hear back from HM Treasury on this before Christmas.
- 4.10 Robin May, the Chief Scientific Adviser (CSA), said the impact of not receiving funding for scientific investment, for example in surveillance, was being discussed by CSAs across departments who were hoping still to be able to progress activity by working together.
- 4.11 Colm McKenna noted that financial settlements for Northern Ireland (NI) and Wales had not yet been received from those Administrations and asked if flat cash settlements were expected or more than that. Chris Hitchen indicated close working with those stakeholders was taking place though it was unlikely the department would receive all the resource needed. The CE said those settlements were expected before January.
- 4.12 In concluding, on behalf of the Board, the Chair thanked Paul Morrison, Director of Strategy, Legal, Communications and Governance, who was moving on from the FSA, for his help in shaping and progressing strategic thinking.

## **5. Performance and Resources Q2 2020-21 (FSA 20/12/08)**

- 5.1 Chris Hitchen introduced the report saying that, as with the report in September, it reflected performance on addressing COVID-19 as well as performance on business as usual activities which had been affected by the pandemic over the period.
- 5.2 Slides 5 and 6 showed the milestones and the key priorities affected by COVID-19 though ultimately these were expected to be delivered on schedule. Slides

7 and 8 related to local authorities (LAs) about which there was a paper later. Slide 9 related to the FSA's Food Business Operator (FBO) audits. There had been a large increase in the number of audits completed in Quarter 2 (Q2); an increase to 109 in Q2 from 11 in Quarter 1. Slide 12 showed the improving trend on diversity in the FSA; the CE's Report had picked up on some of the activity undertaken on ethnicity. Slides 13 to 15 were on resources. Chris clarified that the budget exchange numbers were not included and would reduce the underspend by about £2 million.

- 5.3 Colm McKenna asked if the improved performance in carrying out audits had been maintained for Quarter 3 (Q3). Colin Sullivan said by the end of the previous week 236 full audits had been completed. As 100 had been completed in Q2, this meant roughly the same pace had continued in Q3. Now that the department was following its Winter Plan, it was unclear how pressure on staff might affect performance in Quarter 4.
- 5.4 In response to Colm's question about bringing forward the underspend in the last fiscal quarter of this year, the CE said some things had been brought forward, for example, consultants were helping with mapping the food sector for the ABC Programme. However, overseeing the consultants to ensure they got strategic input had been difficult as people were stretched with preparations for the EU transition period ending and COVID-19 work.
- 5.5 Margaret Gilmore asked if any risks, financial or other, had been identified in relation to timescales for developing infrastructure at the borders ahead of the EU transition period ending.
- 5.6 Chris assured the Board that financially there was still some capacity in the NI budget if required. In addition, as work on the NI border related to GB-wide work, resource could be deployed from the Westminster budget if need be. In terms of spend for next year, it helped that the rollover of £14.6 million EU Exit money into the Westminster budget was now part of the FSA's baseline. The biggest risks around the borders were in relation to getting the infrastructure operational in time.
- 5.7 The CE said current presumptions on spend relied on planning assumptions about what would happen at the borders, which were well-understood for the FSA's EU Exit work. If those planning assumptions were wrong, there may be additional cost, particularly if the role of district councils in NI, was much greater than expected. If that were the case, the department would go back to HM Treasury and the NI Government to explain the situation.
- 5.8 Timothy Riley noted the reduction in the number of inspections at a time when there had been a growth in new food businesses, local authorities' capacity had been stretched, and laboratories had also been under pressure. Timothy said in terms of public trust, the question would be whether there had been an increase in foodborne diseases, and he asked if there were plans to keep the number of incidents under review.

- 5.9 The CE said the foodborne disease tracking data was due out in June. The data was analysed 6 months in arrears. The smaller number of incidents than normal, as shown on slide 10, could be explained by underreporting with fewer people going to their GP; it could also be that there had been less foodborne disease. Work was ongoing to look at the different ways of measuring incidents to capture a more accurate picture and this would come back to the Board in June.
- 5.10 Rebecca Sudworth said some of the most well-used sections of the FSA's website during the past 6-9 months had been the support provided for food businesses, particularly the hospitality sector, which had had to close and then restart. Work had also been ongoing to help people keep food safe at home by adjusting communications to minimise any additional risks.
- 5.11 Ruth Hussey asked if there would be an evaluation of how the material accessed by industry had been used to inform the development of guidance for the future.
- 5.12 Steven Pollock replied it was still early for post evaluation. The checklist had been the most downloaded piece of content, so the demand as to what industry needed had been met. It had been possible to use tracking from the FSA's horizon scanning work, which had been set up rapidly in the spring in response to COVID-19, to predict where the need would be around businesses restarting and reshaping their operating models and use of that approach would continue.
- 5.13 The CE assured the Board that rigorous evaluation was applied to all communications work and we had been very proud to have won the prize for best campaign from the Government Communications Service for our 'Here to Help' campaign.
- 5.14 In response to a question from Mark Rolfe, Maria Jennings confirmed that the escalation procedure for LAs' performance monitored food standards as well as food hygiene.
- 5.15 In relation to the FSA's age profile, Mark asked if there was anything in the work the department did and the roles that were on offer that discouraged people at the start of their career from working for the FSA.
- 5.16 The CE agreed that the FSA's age profile was interesting. In field operations, among the three-quarters of staff above the age of 50, several people over 70 were still working as MHIs. Over the last few months, of the 40 or so FSA new starters that the CE had met there had been a range of backgrounds including people just out of university, so career starters were not being put off. The FSA also ran internship programmes into the science directorate for post-graduate students who often went on to join the department on a permanent basis.
- 5.17 Colm reported that the Audit and Risk Assurance Committee (ARAC) had that day been informed that the FSA's Annual Report and Accounts were now ready for laying in Parliament and thanked Martin Brewer, Liz Fishley and the team for all their work in making this happen.

5.18 The Chair concluded that the paper had been full of useful content. It showed how the department had managed to switch focus and deliver results while dealing with the COVID-19 pandemic.

## **6. Local Authority Delivery and Performance (FSA 20/12/09)**

- 6.1 By way of introduction, Maria Jennings explained that under normal circumstances, this would be an annual report on the performance of LAs in the three countries. However, because this year had been so exceptional, we had wanted to give reassurance about the actions taken by the FSA and LAs to make sure that good safety priorities had continued to be delivered throughout the pandemic. The paper also gave a flavour of how the steps taken would pave the way for modernising the delivery of official controls in the longer term.
- 6.2 During the COVID-19 pandemic, the FSA had been very clear on what it expected LAs to do: continue to deliver the controls proscribed in legislation, such as import controls; approve businesses producing high risk products; undertake urgent reactive work, namely, incidents on outbreaks; and follow up on local intelligence, where businesses had changed how they were operating, particularly if their food hygiene ratings were below 3. The FSA had advised LAs that planned inspections due for lower risk businesses could be deferred and the reasoning behind this was explained in the paper.
- 6.3 The FSA had also put in place a reporting mechanism for LAs to alert the department immediately if they could not deliver on these core activities. Taking this approach was within our risk appetite if LAs continued to deliver the controls. However, it was critical to remain alert to the pressures LAs were under and the pressures within the system. The short-term situation, during the response to COVID-19, did not give cause for alarm. To date, five LAs had informed us that they were not following the reduced expectations due to prioritisation of COVID-19 activities.
- 6.4 Looking at the wider context, in order to help LAs, the competency framework had been fast-tracked to alleviate staffing pressures. Engagement across Whitehall and directly with LA Chief Executives to highlight concerns had also taken place. The paper sought endorsement of the continuation of the current approach until June as it was aligned with the longer-term direction of travel within the ABC Programme. The Board should also be assured that work was progressing to improve the mechanism for reporting LA activities with the aim of getting relevant and timely information to assist decision-making.
- 6.5 Paul Morrison said in addition to the cross-Whitehall conversations taking place regarding LAs in England, the department was also taking a wider three-country approach. One of the things that was emerging from these discussions was that the pressure on LAs was across all regulatory services and not just in relation to the FSA's areas of responsibility. The welcome impact of this pressure was that MHCLG was bringing the various regulators together to better understand the pressures on LAs.

- 6.6 Mark Rolfe said as someone who worked in a LA, he could feel the pressure on colleagues in trying to deliver some of this work. The fact that this paper had recognised that pressure would go a long way to continuing to cement the relationships the department had with LAs. He noted that the limited pool of people from which all LAs were pursuing staff was a product of reducing the number of staff overall thereby making it less attractive for people to obtain the qualifications. Mark asked if there was anything that could be done to reverse that trend.
- 6.7 Maria said the new competency framework would help by allowing more people with different qualifications to come into the system and do certain tasks. The consultation had been fast-tracked and there was a lot of nervousness in LAs about what the practicalities of adopting the new framework would be. These issues would be resolved and from February the intention was for others to be allowed to undertake certain tasks.
- 6.8 Mark also commented on the Food Hygiene Ratings Scheme (FHRS) and the fact that if an FBO could not get their premises assessed and obtain their food hygiene rating, it could put them at a significant business disadvantage and prevent them joining some of the delivery platforms. Given this issue, he asked whether the proposed direction of travel was still appropriate.
- 6.9 Maria said the main difficulty with the FHRS was with the large number of premises, generally catering businesses, that sat in category 3 requiring to be inspected every 18 months and for which physical inspections were the preferred option. LAs would be encouraged to get back into those businesses and deliver food hygiene ratings. There were other businesses that may not belong in the FHRS. This had not been explored in any depth yet, but for some of those low-risk categories, Cs and Ds, food hygiene ratings may not be relevant. LAs agreed with this and that would be part of the longer-term conversation with them.
- 6.10 Margaret Gilmore asked about concerns for the long-term situation, post-COVID-19, and the resumption by under-resourced LAs of the work they had undertaken pre-COVID-19 at the same time as work was hopefully being taken forward on the mandatory display of the FHRS in England.
- 6.11 Maria said post-COVID-19, the inspection cycle would have to start on a refreshed and renewed basis because it would not make sense to pressurise LAs to catch up with their backlog. At worst, this would mean that some businesses would miss one inspection cycle. For high-risk businesses, however, LAs had been asked to continue with their inspection cycle.
- 6.12 Margaret also asked about the medium-term options and whether these would be going ahead when the end of the EU transition period may give rise to unanticipated circumstances.
- 6.13 Maria agreed it would be important to reassess the situation at the end of March. In the meantime, the FSA would continue to listen to LAs about the

pressures they were experiencing and then thinking around the medium-term options would be brought back to the Board for consideration.

- 6.14 Peter Price spoke in favour of looking at outcomes noting that the difficulty was usually gathering the data on a good comparative basis. He asked about the kind of data being considering, the way of collecting it and the time scales.
- 6.15 Maria agreed that it was important to shift towards outcome-based reporting for LAs. The aim was to see food hygiene rating compliance driven up in the longer term as this would be a good indicator that LAs were going back to businesses to help rectify problems.
- 6.16 The Chair reminded officials that the Board were committed to LA performance data being publicly available. The Board did not want to lose sight of that commitment to transparency which had been side-tracked by the pandemic. The Board did not want to put undue expectations on LAs and so welcomed the cross-Whitehall considerations of how to get the entire inspection and regulatory regime at LA level properly resourced and supported. Notwithstanding that, local, public pressure on LAs to encourage them to focus their resources on matters connected to public health was still important.
- 6.17 David said it had been known for a long time that the LA infrastructure was struggling to cope and was being held together by the fantastic work of dedicated individuals in environmental health and trading standards departments. That situation had now been exposed as unsustainable and David welcomed continued investment in the FSA's ABC Programme to tackle some of the more challenging issues of greatest benefit such as the use of second- and third-party audits. It had not just been COVID-19 which had slowed down regulatory reform but also the challenges to be overcome. David said the current context may well give impetus to take reforms forward with pace.
- 6.18 In response to David's point about looking at the long-term picture on the reduction in numbers of LA inspection capability and resource, the Chair reminded the Committee that the National Audit Office (NAO) report gave a snapshot of the last 4-5-years.
- 6.19 Colm said in the new year, ARAC, along with the NAO, would be looking at the NAO report and progress against the recommendations that fell within the FSA's remit.
- 6.20 In response to Colm's question about the responses from the two LAs at stage 3 of the escalation process, the CE said she had written to Birmingham City Council and Northamptonshire County Council because of assessments based on a pre-COVID-19 world. The reason they had fallen behind was that they had not been doing low priority inspections and had been putting all their resources into the highest priority work. This was what the FSA had been asking LAs to do since April therefore it was now inappropriate to carry on with the performance management escalation process involving those two LAs.



- 6.21 The CE went on to say that this discussion was touching on the question of risk appetite for the organisation and for the food safety and standards system. The steps taken in July to set out what the absolute minimum of interventions were for LAs in FBOs were as far as the FSA could go. Expectations on LAs had been reduced in several areas but to go beyond losing more than one inspection cycle would have a material effect on food safety around the country.
- 6.22 Central Government had appreciated the steps taken to alleviate the pressure on LAs which had been necessary and respectful of the other priorities that LAs had and the resources available to them. However, the FSA was now at the edge of its risk appetite. It would be critical to look closely at how LAs managed against the revised expectations and the department was being as supportive as possible of the five LAs which had indicated they were struggling.
- 6.23 On the point about progressing reforms with pace, the CE said this was a “slow burn” situation as losing one inspection in a cycle meant once every three years to some businesses and once every six months to others. The issue, in terms of reforming the Food Law Code of Practice, was that if this happened too fast, it would not be possible to embed the changes sufficiently with all the stakeholders involved; there were three sets of Ministers to agree to the changes and 400 LAs to implement them. Nevertheless, reforms were moving at pace. The competency framework, on which a time-limited consultation was taking place, was a first step to revising the Food Law Code of Practice. There were concerns from Environmental Health Officers about the new competency framework, so while reforms were moving swiftly, they were not going too fast as it was critical to make sure changes had been carefully considered and would embed in the long-term.
- 6.24 Julie Pierce drew attention to the fact that the situation was slightly different in Wales as some of the activities that LAs were undertaking in relation to COVID-19 were different compared to those in England. Having said that, LAs in Wales remained under severe pressure of resources so the general points being made still applied, even if the local responses were different.
- 6.25 Ruth Hussey said it was reassuring to hear that the CE was clear that the FSA had been helpful and proportionate in supporting LAs in the current situation, but the department had to have confidence in a robust and comprehensive system of controls. The Board would want to be kept informed about the five LAs that were unable to maintain the lower level of expectations and about any other LAs which fell into that category as we moved through the next phase of the COVID-19 response.
- 6.26 In conclusion, the Chair said the Board recognised the challenges LAs had faced in delivering their statutory food functions as well as protecting communities from COVID-19. This situation had had an unprecedented impact on the ability of LAs to cover their full range of normal duties and responsibilities and the Board appreciated the extraordinary efforts of LAs in England, Wales, and Northern Ireland to ensure that food was safe and public health was protected.

- 6.27 The survey snapshots from August and October gave the Board reason to be concerned about the strain the system was under. Although some comfort could be taken from the fact that 90% of LAs surveyed said they were coping, the pressures on LAs were not going to reduce.
- 6.28 The proactive action of the CE in writing to LAs where there were concerns about resource had been the right supportive step to take to ensure assurance for the Board and for the public.
- 6.29 The Board confirmed their support to continue with advice to LAs around targeting scarce resources at the most high-risk premises until June 2021. The Board would monitor the snapshot survey results over coming months to see whether there was any unwelcome change in the number of LAs struggling to meet the minimum requirements. The Board were unequivocal that the FSA had to be confident that those minimum levels of assurance were being delivered.
- 6.30 Looking to the future, the Board endorsed the importance of the cross-Whitehall approach to the resource challenge facing LAs. The Board welcomed that other parts of government were willing to work on this, to recognise the scale of the challenge and the consequences if the situation was not addressed. The importance of cross-government working on LA resourcing had been a critical finding of the NAO report and long advocated by the Board.
- 6.31 It was the Board's view that the impact of the pandemic gave renewed impetus to the strategic drive for regulatory reform. The Board recognised the points made about the pace with which reform of the Food Law Code of Practice could be delivered. This was one of the main levers in being able to position reform in the right direction over a sensible time frame. The aim of regulatory reform was to build a system to target scarce resources, where premises-based inspections were the most effective way to mitigate risk and where intelligence gathering could speedily and effectively provoke a reactive LA response. This was along with the aspiration to work with businesses to get assurance from their methods of mitigating and managing risks, rather than assuming assurance could only be delivered by onsite inspection at the local business level; the latter was important, but it was not the only component of an effective future regulatory regime.
- 6.32 On that basis, the Board accepted the direction clearly set out in the paper and its use as further momentum to drive regulatory reform ambitions in the future and commended all those involved for their hard work in keeping the system running effectively in difficult circumstances.

## **7. National Food Crime Unit – Annual Update (FSA 20/12/10)**

- 7.1 Colin Sullivan introduced the paper by saying it presented a synopsis of the work undertaken by the National Food Crime Unit (NFCU) over the last year and the internal review of the Unit. Colin thanked Mark Rolfe who had provided oversight of the internal review and offered constructive challenge.

- 7.2 Now that the NFCU had adopted the national law enforcement standard for recording and evaluating operational outcomes, known as disruptions, the Unit would be providing data for the Business Committee's Performance and Resources Report from Quarter 3 onwards.
- 7.3 Colin said that during this unique year, NFCU staff had also played their part in the FSA's response to COVID-19 by contributing to the briefing cell and incident response and this had helped the Unit integrate with the department.
- 7.4 NFCU staff had also been preparing for the end of the EU Transition period by increasing their understanding of any change in the risk of food crime as the UK developed new trading relationships outside the EU.
- 7.5 In terms of the internal review, Colin said it had been undertaken by a subject-matter expert who had interviewed half of the Unit's staff to get their views. There were nine recommendations from the review which would constructively add to the Unit's development. An external review of the Unit was due in the spring of 2022.
- 7.6 On behalf of the Board, the Chair thanked Jerry Savill, an Associate with Her Majesty's Inspectorate of Constabulary (HMIC), for being the critical friend on the internal review.
- 7.7 Mark Rolfe said it had been a privilege to have been involved in the review and to have gained a better insight into the work of the Unit. Since it had been formed, the Unit had made significant progress in terms of capability and developing partnerships with others.
- 7.8 Mark referred to the Unit's 4P approach of Prepare, Prevent, Protect and Pursue and said there was a tendency to think that this Crime Unit should be focussing on pursuing and prosecuting criminals. While this was an important aspect of what the Unit needed to do, the prevention and protection elements were much more difficult to measure and potentially more important. If fraud could be prevented, victims of fraud could be prevented thereby avoiding the need to prosecute. Mark said part of prevention was having an effective deterrent and prosecution was part of that effective deterrent therefore prosecution could not be ignored. However, Mark had wanted to share his enthusiasm for prevention and protection and suggest that pursuit was not everything in the Unit's remit.
- 7.9 The Chair noted the continuing frustration of the Board at not being able to deliver the full capability of the NFCU without the Police and Criminal Evidence Act 1984 (PACE) powers needed for the Unit to be able to operate properly. It was unsatisfactory to be dependent on the kindness of police forces to lend their powers and work with the NFCU on important cases.
- 7.10 It was frustrating that Government agreement had not been secured to give the NFCU those powers. It was hard to know why not since HM Treasury and the Government had backed the expansion of the NFCU as a critical part of the FSA's EU Exit readiness planning and in recognition of the need to continue the

follow through on the lessons learned from the horsemeat saga. As the work of the Unit had shown, it dealt with complex and challenging fraud cases with long reach and major implications. Such cases took a lot of resource and time to conclude, and not having the powers needed under PACE was a frustration to being able to accelerate progress in those areas as well.

- 7.11 Colm McKenna noted the concern in the paper about NFCU staff turnover, which related in part to the comments the Chair had just made, and the recommendation to benchmark against Regional Organised Crime Units, which had more powers than the NFCU. Colm asked what more the FSA Board could do to help improve NFCU staff satisfaction in the short term.
- 7.12 Colin said the support from the Board and the Business Committee was welcomed. The reasons why people were leaving the Unit were partly because of the frustration that they were not able to fully do their job because they did not have the powers, but also partly because they had gone on to other roles or been promoted either within the department or elsewhere.
- 7.13 Darren Davies agreed there had been varied reasons for people leaving the Unit. It was important to recognise that those that had left on promotion had been developed because of what they did in the Unit. Staff also had concerns, because of the delay in getting the powers, that the Unit did not have a future. There had been a big response rate to the Civil Service People Survey, and we were keen to see the outcomes of that. The discussion today and those that the CE and Colin had recently had with the team had given reassurance that progress was being made.
- 7.14 The CE added that now the EU Exit money had been included in the FSA's baseline as part of the Spending Review, funding for the Unit had been secured on a permanent basis which was a substantial turning point for the NFCU. Darren agreed that this had reassured staff about the Unit's future as part of the FSA.
- 7.15 The Chair said it was always reassuring to read a review report which referred to "talented, inspiring and committed members of staff". The Board appreciated how complex and challenging the work of the NFCU was and, having fought hard to secure an expanded NFCU, would not give up now.
- 7.16 In response to Ruth's question about the level of confidence in input from PHE and its successor to cross-government work on tackling the sale of DNP, the Chair said from the Ministerial engagement she had had on this, it was commitment in the Home Office which was the critical element to securing a better outcome on DNP.
- 7.17 Darren said it had taken a while, but the relevant parties were now round the table, trying to discuss a more joined-up approach to tackling DNP. There had been three cross-Whitehall meetings so far which the Home Office had chaired. It was still early days, but a good example of progress was that amendments were now being sought to get DNP designated as a poison under the Poisons Act. This would not be a panacea and would not eradicate DNP's availability,

but more joined-up working across government should improve the current situation.

**8. Any Other Business**

- 8.1 No other business was raised, and the Chair closed the meeting. The next Business Committee meeting would be held, via Zoom on the 10 March at 9.30am. Prior to that, the FSA Board would meet, also via Zoom, on the 9 March, also at 9.30am.