OPENNESS AND TRANSPARENCY AND THE PUBLICATION OF INFORMATION, INCLUDING APPROVED MEAT PREMISES IDENTIFIED AS A ‘CAUSE FOR CONCERN’

Report by Terrence Collis, Director of Communications, Planning, Security and Estates

1 SUMMARY

1.1 The Food Standards Agency has always had since it was set up, a clear commitment to openness. This paper builds on previous discussions on this area and identifies four principles to be applied when publishing information. The publication of the names of certain cause for concern meat plants provides a good example of how these principles work.

2 INTRODUCTION

2.1 During its January meetings the Board requested a paper on the planned publication from May 2011 of premises that have been identified as a ‘cause for concern’ for more than 12 months. In addition, a Board member has asked about publishing the subsidy paid to individual meat premises under the current charging regime.

2.2 The Chief Executive said that he would provide to the meat industry a breakdown of the overhead component of meat charges, once the figures had been externally audited. The information was given to and discussed with the meat industry on 23 February.

2.3 The Chief Executive also plans to publish details of all the meat control charges for every business to show how much they paid for the service provided by the FSA and how much state subsidy they received. He said that he also intended progressing the publication of FSA audit results for all premises under official controls. This information has previously been published only as a result of requests made under the Freedom of Information Act.

2.4 In addition to this work, a new protocol on publishing information during and about incidents is being drafted as a result of issues arising from the publishing of information about FBOs both during and after incidents. This should be published on 1 May 11. There needs to be greater consistency over publishing and disclosure of such information.

2.5 This paper sets out the principles and background supporting the FSA’s policy and practices. These underpin the publication of information including the list of ‘cause for concern’ premises.
3 DISCUSSION

3.1 Set up, in part, to restore confidence in the food chain, from the start the FSA has placed great importance on operating openly and independently and always being seen to work in the best interests of consumers. As set out in our Strategic Plan, our core principles are:

- Putting the consumer first;
- Openness
- Independence and
- Science and evidence-based

3.2 The openness principle finds clear expression in our Statement of General Objectives and Practices\(^1\) (a statutory requirement under the Food Standards Act 1999) laid before Parliament and the devolved assemblies and approved by Health Ministers in England, Scotland, Wales and Northern Ireland. This confirms our commitment to operating in an open and transparent way and is reaffirmed in our Code of Practice on Openness\(^2\).

3.3 As a Government Department the FSA must comply with the requirements of the Freedom of Information Act (FOIA) 2000. Within the legislation there is a clear intention that organisations covered by the Act should be proactive in their approach to making information available to the public. This has been reinforced under the Government's Big Society initiative with the push to publish Government data that will help citizens to make informed choices and decisions\(^3\). Our own Food Hygiene Rating Scheme is an excellent example of how this approach can work.

3.4 Our approach to publishing information has developed over the past ten years. The following principles apply:

- **Consumers need accurate information to help them make decisions on food safety:** During food incidents FSA protocols presume that any information that could possibly be useful to consumers or food businesses will be released. There are statutory exemptions under the FOIA for withholding publication of information, including commercial confidentiality. These exemptions require a balance to be struck between the relevant interest and the interests of the public. For the FSA, in relation to food incidents consumer safety always takes precedence.

- **Information should be easily accessible and understood:** FHRS highlights the importance of presenting information in a way which consumers can readily

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2. [http://www.food.gov.uk/aboutus/how_we_work/copopenbranch](http://www.food.gov.uk/aboutus/how_we_work/copopenbranch)
access and understand. The scheme emerged from a growing recognition that there were no barriers to publishing the results of food hygiene inspections. The strength of FHRS is its ability to convert the outcome of an inspection into a score and make it readily available at the premises and on-line, so that consumers can then make informed choices.

As a policy we have always aimed to make any information which may be of general use or interest to consumers or stakeholders easily available on our website and in other ways - and we continually seek to publish new information. For example, while we have always published all our science and evidence reports there have been some issues over the publication of raw data. We are now negotiating with contractor organisations to resolve these issues to enable full access to data for any interested party. This is covered in the Chief Scientist’s paper also being discussed at the March meeting: Partnership working and research. The Chief Scientist’s paper explains the complexities of the ownership and use of data particularly when working with external partners.

✓ Our approach must be applied consistently: We must ensure that the process and approach we use in publishing information is applied consistently across the whole of the FSA’s remit, while recognising that the range and complexity of information, data and circumstances means every situation is different, so that the outcomes may differ. However, our release of information must be coherent. For example, last month we published for the first time a detailed breakdown of the costs of delivering meat hygiene official controls. Having done this for one financial year, we will continue to do this annually.

✓ The commitment to openness comes with a commitment to the highest standards of accuracy: The naming of organisations of course places them in the spotlight. This has to be balanced by the fact that our approach to openness is driven by a wish to give consumers access to the fullest possible information on those organisations involved in producing, making and selling food. In doing so we recognise that this may raise reputational issues or have commercial implications, although openness can also lead to improved compliance as we expect to see through FHRS. We must ensure that we observe the highest standards of accuracy and veracity in determining the basis of providing information.

4 APPLYING THE PRINCIPLES IN PRACTICE: THE MEAT INDUSTRY AND CAUSE FOR CONCERN

4.1 Information on the audits of approved meat premises, and in particular on ‘cause for concern’ premises, provides good examples of how we can deliver on our commitment to full disclosure and meet our four principles.

4.2 In general consumers want to know that those businesses involved in the production, preparation and sale of food operate safely and in compliance with legal
requirements set down by Government. They would question whether those who prefer to flout the law deliberately and potentially put themselves and others at risk should be allowed to continue to operate. Responsible industry stakeholders also believe that action should be taken against poorly performing premises, including closure if necessary.

4.3 The FSA wants to work co-operatively with food business operators of poorly performing premises to ensure compliance.

5 ‘CAUSE FOR CONCERN’ INITIATIVE

5.1 In October 2009 the former Meat Hygiene Service launched its ‘cause for concern’ initiative, following consultation with the meat industry. The aim of the initiative was to assist the small proportion of meat plants that needed to improve their levels of compliance to ensure that risks posed to public health and animal health and welfare were kept to a minimum.

5.2 Premises were identified as a cause for concern on the basis of an analysis of trends in compliance, and in particular the most recent audit scores for hygienic production, environmental hygiene requirements and compliance with their HACCP plan. ‘Cause for concern’, as a measure, did not introduce any new requirements but focused attention on specific aspects of the audits. The factors chosen were ones that the business has complete control over.

5.3 The cause for concern initiative has had a positive impact on business compliance. 69 per cent/95 of those business that have featured on the list since October 2009 have demonstrated sustained improvements in compliance, and are no longer identified as a ‘cause for concern’. No plant has had its approval revoked.

5.4 The audits are completed by Official Veterinarians using a detailed framework which provides an evidence-based assessment. The business can appeal if not satisfied with the outcome of the audit. Between October 2009 and January 2011 we completed 3,175 audits at approved meat premises in Britain. Ten businesses have appealed their audit (less than 0.5 per cent). None of these were triggered by a ‘cause for concern’ status.

5.5 The original, October 2009, list was published on the FSA website in March 2010 following an FOI request4. The list of cause for concern abattoirs as at 2 March has also been published on the website in reply to a request for the information following the January Board meeting.

5.6 Information on cause for concern premises provides a good example of how we can deliver on our commitment to full disclosure and meet our four principles:

4 http://www.food.gov.uk/aboutus/servicestandards/foia/foirelease/foiair2010/foirequest100322
Informing consumers – there are a small number of plants which may supply
consumers direct; in other cases the information on cause for concern, together
with traceability obligations, empowers consumers to challenge retailers;

Accessibility – the use of the cause for concern model makes the information
considerably more accessible than the raw audit reports;

Consistency – the audit reports are already available under FOI; it would be
inconsistent to not also publish the cause for concern list;

Accuracy – the rigour of the audit process, and the appeals process, provides
the necessary assurance on accuracy.

5.8 The other information listed by the Chief Executive at the January meetings also
passes these tests.

6  STRATEGIC AIMS

6.1 This publication policy supports the strategic outcome that regulation is effective,
risk-based and proportionate, is clear about the responsibilities of food business
operators and protects consumers and their interests from fraud and other risks.

6.2 The proposals are in line with the Agency’s commitment to openness and
transparency, and also in keeping with wishes to move to routinely publishing audits
completed for all approved premises.

7  CONSULTATION

7.1 The introduction of the ‘cause for concern’ methodology was discussed with industry
stakeholders prior to its introduction. They were also informed about the proposal to
publish names of plants that had been on the ‘cause for concern’ list for more than 12
months. There have been some concerns raised about the robustness of the audit
process; however there has also been widespread support for appropriate action
against persistently non-compliant plants.

8  RESOURCE IMPLICATIONS

8.1 Releasing details of those businesses that have been classified as a cause for
concern will be carried out as routine business and will not place any additional burden
on resources. However, releasing such large amounts of information as audits does
have resource consequences particularly in terms of initial investment in systems and
processes.

9  LEGAL IMPLICATIONS
9.1 The FSA’s commitment to openness is a reflection of its statutory function (under Section 7 (1) (a) of the 1999 Act) of “providing advice and information to the general public (or any section of the public) in respect of matters connected with food safety or other interests of consumers in relation to food”…

9.2 Information as to the outcome of audits at individual approved meat plants and the identify of plants deemed to give rise to ‘cause for concern’ clearly falls within the scope of this function and is thus capable of being lawfully disclosed.

9.3 As with the disclosure of any information, it is important – as this paper emphasises elsewhere (paragraph 3.6, fourth principle) – to ensure that the information is accurate and that the process through which it is gained and disclosed is reasonable and fair. As paragraphs 5.1 to 5.8 make clear, these requirements are satisfied in relation to ‘cause for concern’ businesses. The procedure followed to identify plants which show ‘cause for concern’ is thorough, and includes scope for the outcome of any audit to be appealed. Industry was consulted over the introduction of the ‘cause for concern’ concept.

10 RISK IMPLICATIONS

10.1 The biggest risk for the FSA in publishing information relates to the accuracy of information and the risk of challenge. The processes to underpin the accuracy of information must be robust and investment is needed to minimise this risk.

11 CONCLUSION

11.1 The Board is asked to confirm its support of the current policy on the publishing of information as outlined in the principles in section 4. The Board commitment to openness and transparency and protecting consumers is taken as read.

11.2 With the Board’s confirmation of these principles, we will explore how to progress the publication of information in addition to ‘cause for concern’ plant information, for example:

- subsidies to meat premises;
- all audits of approved premises as a matter of routine;
- information gathered and held during and after incidents; and
- BSE breach information.

11.3 The Board will be informed before such information is published.

11.4 The Board may wish to suggest other data or information held by the FSA that could be more proactively published in the interest of consumers.
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