

FSA 08/03/10

12 MARCH 2008

REPORT OF THE DIRECTOR OF CONSUMER PROTECTION AND ENFORCEMENT

Executive Summary

1. This is the first annual report of the Director of Consumer Protection and Enforcement, highlighting the work of the CPEG and the key Influences and Challenges impacting on that work.
2. The Board is invited to:
 - **note** the report and **comment** on the direction of travel of the Group's work.

DIRECTOR OF CONSUMER PROTECTION AND ENFORCEMENT

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REPORT OF THE DIRECTOR OF CONSUMER PROTECTION AND ENFORCEMENT**Issue**

1. This is the first annual report of the Director of the Consumer Protection and Enforcement Group (CPEG).

Strategic Aims

2. The responsibilities of Consumer Protection and Enforcement Group span all elements of the Agency's vision of "Safe Food and Healthy Eating for All". The Group has specific responsibility for delivery of six strategic targets under the Food Safety and Choice themes (listed in Annex 1).

Background

3. The Group has recently undergone a process of restructuring that was necessary to ensure that our work will be delivered within the budgetary constraints that have been set for 2008/09 and beyond. The opportunity (afforded by the completion of many of the work streams of the former Food Hygiene Implementation Division) was taken to reduce the number of Divisions in the Group from five to four, reduce management posts to provide a flatter structure, and reconfigure the administrative and secretarial support for the Group. The CPE Group now comprises 127 posts down from 146 based in the following four divisions:
 - Local Authority Liaison;
 - Imported Food and Food Standards Enforcement;
 - Meat Hygiene & Veterinary;
 - Enforcement Science and Policy.
4. The work areas of the Group have been redistributed to ensure an appropriate division of responsibilities between the Divisions. In particular, the main areas of strategic cross cutting enforcement policy development and research have been brought together in one Division (Enforcement Science and Policy) to ensure effective prioritisation, co-ordination, and progress without resources being diverted by more reactive work. A summary of the work areas of all 4 Divisions is set out at Annex 3.
5. The group has a total budget of £30m, of which some £12m (in 2008/09) is for work carried out by the MHS under a Service Level Agreement.
6. The Agency as the UK Central Competent Authority for food safety has the responsibility for ensuring consistent, co-ordinated, and effective risk based

enforcement throughout the food chain. Much of that enforcement is carried out by 468 local authorities in approximately 500,000 food businesses and at 150,000 primary producers, by 3,000 food inspectors - principally Environmental Health Practitioners (EHPs) and Trading Standards Officers (TSOs). Local Authority staff at 80 seaports and airports, carry out controls on the 14 million tonnes of imported food and feed entering the UK.

7. CPEG has been successful in developing and managing the operation of the Framework Agreement within which LA enforcement operates to deliver official controls. The challenge to the Agency is to ensure that enforcement develops in line with Better Regulation and Hampton Principles, to minimise burdens on business, whilst at the same time ensuring adequate protection for consumers.
8. The Meat Hygiene Service (MHS) employs approximately 2,000 staff including Veterinarians and Meat Inspectors in around 1,000 abattoirs, cutting plants and game establishments, to carry out veterinary inspection prescribed in European legislation. CPEG continues to be responsible for working with the MHS to deliver effective, proportionate and risk based controls within the current EU legislative base. The current work of the Group has been heavily influenced by the 'Review of the Delivery of Official Meat Controls in Approved Meat Premises' that was discussed by the FSA Board in July 2007. The Group is working with the MHS on many of its transformation work streams, developing an alternative delivery model (i.e. a private sector control body) that, subject to FSA Board views, might be piloted if MHS transformation targets are not met. We are also working with the MHS to develop proposals for a new charging system capable of progressively moving towards full recovery of the costs of official meat controls from April 2009.
9. Enforcement Science and Policy Division continues to have responsibility for TSE controls and, as part of its lead role on strategic policy issues, will take forward negotiations in Brussels to secure more proportionate and risk based requirements for official controls in the future.

Outcomes / Progress Against Strategic Plan Targets

10. The Group has responsibility for 4 Strategic Plan targets under the Food Safety theme and 2 targets under the Choice theme. Three of the targets were reported in the Food Safety Report in February, namely the CPEG's targets on Salmonella in Pigs, Slaughterhouse hygiene and TSE. The reports on those three targets are attached as Annex 5. The remaining targets for CPEG are as follows;

Food Safety Management

11. Safer Food Better Business (SFBB) is the initiative in England to promote and support small scale food businesses to introduce food safety management systems based on HACCP principles. This is designed to equip businesses to anticipate hazards and take responsibility for the controls which remove the

hazards. We have provided grant aid funding of just under £10 million for local authorities over the period September 2005 to March 2008, which, at its completion, will have enabled those local authorities, through a range of innovative schemes, to have provided direct assistance to 50,000 small businesses. Over two-thirds of local authorities in England have received assistance from the Agency via the grant funded projects. Free training was also provided to over 1,100 local authority food officers to equip them to coach businesses in the implementation of SFFB. Two new SFBB packs were launched in March 2007, one for Chinese cuisine and the other for Indian, Pakistani, Bangladeshi and Sri Lankan cuisines. An interactive DVD version of SFFB is being launched shortly. The Strategic Plan target is for 75% of businesses to be fully compliant by 2010. Progress towards the target is being monitored as was reported to the Board in December 2007.

Food hygiene information for consumers

12. The concept of a "Scores on the Doors" scheme is that consumers have access to information on the hygiene standards of food businesses, by the local authority providing details of the business's hygiene score both visibly at the food premises and also on the local authority's website.
13. Three groups of local authorities have participated in the Agency pilots, the majority of London local authorities; 6 cities in the Midlands; and 5 authorities in Scotland. In addition, 14 local authorities in other parts of UK are piloting the same scheme as the London boroughs. They include 2 authorities in Wales (Swansea and Vale of Glamorgan), and 2 in Northern Ireland (Belfast City and Banbridge). All of these schemes are being evaluated to attempt to find the key elements for a national scheme. A stakeholder workshop was held in early February to discuss the key elements of a national scheme.
14. A separate paper to the Board in March 2008 identifies proposals for a National scheme and proposes Agency activity to promote its uptake by LAs. This is 9 months ahead of the original schedule.

Action on Food Fraud

15. An action plan to take forward the recommendations of the Food Fraud Task Force will be presented to the Board in March 2008. This will lay out a series of key actions and targets to tackle food fraud. In addition a European Conference on food fraud was held in January 2008. One of the key outcomes of the Conference was the establishment of a cross Europe working group to devise a European strategy on combating food fraud for further discussion with the Commission and OLAF, the European Fraud Office, and an agreement to establish European Networks to better exchange information on food fraud.

Future Challenges And Influences

16. A number of challenges and influences impact to drive the future direction and development of the Group. The main ones are:

- (a) responding to a changing landscape of regulatory/enforcement priorities;
- (b) working to achieve joined up enforcement across the food chain;
- (c) maintaining the balance between protecting consumers and minimising regulatory burdens through a risk based, proportionate approach;
- (d) strengthening focus on regulatory outcomes and benefits to consumers rather regulatory/enforcement inputs;
- (e) getting Food Business Operators (FBOs) to accept their responsibility for regulatory compliance and safe food for consumers;
- (f) transformation of the Meat Hygiene Service, which enforces official meat and TSE controls in England, Scotland and Wales;
- (g) the need to improve preparation and handling of mission inspections from the EU Food and Veterinary Office; and
- (h) the impact of the Comprehensive Spending Review and the need to focus the constrained resources more tightly where they have greatest effect.

17. Fundamental to progress on many of the above is the need to develop more effective partnership working with enforcement bodies. The Group has had some success in working with bodies that represent local authorities and local authority professionals, but the need to develop better working relationships with all local authorities remains. Effective day to day contact with 380 LAs in England, is a significant challenge. The presence of our staff in four of the Government Regional Offices is helping but there is still more to do. An updated action programme to help us deliver more effective partnership working with LAs is currently being finalised by the executive.

18. The restructure of the CPEG Group was carried out with the objective of ensuring the Group could better meet these challenges. For example:

- making risk based controls a priority focus for MHVD;
- re-focussing both Local Authority Liaison and Imported Food and Food Standards Enforcement Divisions, to help us deliver a more effective partnership working with LAs; and
- focussing the development of strategic and cross cutting policy within the Enforcement Science and Policy Division which will be responsible for developing the evidence base and by co-ordinating research and surveys.

19. CPEG is developing a programme of work for 2008-11, which takes account of these influences and other drivers and aligns resources to priorities of:

- shaping international controls to achieve a risk based, proportionate legislative framework, particularly meat controls;
- developing the evidence base - with greater emphasis to the development and evaluation of approaches to enforcement while maintaining research to underpin the assessment and control of public health risk;
- additional effort on improving partnership working with our main delivery partners and promoting high quality consistent enforcement across the food chain, working through local authorities and other enforcers; and
- continuing effort on informing and educating enforcement and industry to achieve compliance with food hygiene and food standards in line with Hampton and Better Regulation Principles.

20. More detail on the future Goals of the Group and priority activities is given in Annex 2.

Risks

21. A risk would arise were we not to respond to the demands of the changing environment in which we operate. To mitigate against this risk, the Group has recently undergone changes in structure (see Annex 3) and in direction to ensure we focus our resources on the current key priorities. The work programme places an emphasis on working with our key delivery partners to ensure they fully embrace the need to move to more risk based, proportionate and targeted enforcement

22. A further risk is that stakeholders do not receive consistent advice when they contact the Agency because the requests are not co-ordinated or channelled to the correct point in the Agency. We are therefore developing a single entry point for such enquiries, particularly enquiries from local authorities to ensure consistency of advice. In addition the GRAIL project (an IT information source for local authorities on imported food) will be extended from 2008 to cover further areas local authority food responsibilities. (See Annex 4)

Impact

23. CPEG has an ambitious programme of activity, much of which contributes directly or indirectly to the Agency's Strategic Plan. The Agency's financial position until 2011 will require smarter working and greater prioritisation of the Group's work if we are to deliver the programme with declining resource.

Sustainability

24. All new policy initiatives, whether at a strategic or operational level, will need to be assessed against sustainability criteria and careful consideration will need to be given to resolving any conflicts raised by those assessments.

Devolved Administration Implications

25. The paper only makes passing reference enforcement initiatives in the devolved Administrations as for the most part those are covered by the Scotland, Wales and Northern Ireland Directors' reports.

Board Action

26. The Board is invited to:

- **note** the report and **comment** on the direction of travel of the Group's work.

STRATEGIC PLAN TARGETS WHERE CPEG HAS LEAD RESPONSIBILITY

The group is currently responsible for 6 Strategic Plan targets:

1. We will develop a measure of slaughterhouse hygiene and secure improvements by the end of December 2010 (note that this target is being revised)

[Strategic Plan Target, Food Safety; links to CPEG Goals 1 and 5]

2. We will work with industry to achieve a 50% reduction in the incidence of pigs which test positive for Salmonella at slaughter by the end of December 2010

[Strategic Plan Target, Food Safety; links to CPEG Goal 4]

3. We will promote and aid development of a sensitive, rapid and cost effective live test for TSEs by the end of December 2010.

[Strategic Plan Target, Food Safety; links to CPEG Goal 5]

4. Working with stakeholders, we will provide guidance & support to help small catering businesses. By the end of December 2010, all food business are working actively to achieve compliance with food safety management requirements with at least 75% fully compliant.

[Strategic Plan Target, Food Safety; links to CPEG Goal 4]

5. By the end of December 2008, we will recommend a national scheme for publishing information to consumers on food hygiene in food businesses based on evidence from a series of pilots working in partnership with local authorities.

[Strategic Plan Target, Choice; links to CPEG Goal 2]

6. We will implement an action plan to deliver recommendations of the Food Fraud Task Force which fall within the Strategic Plan.

[Strategic Plan Target, Choice; links to CPEG Goal 4]

VISION AND FUTURE GOALS

VISION FOR CONSUMER PROTECTION AND ENFORCEMENT GROUP

“Protecting consumers with risk based controls throughout the food chain”

GOALS

Goal 1: A framework that delivers proportionate effective risk based controls

This work involves two priority areas of activity:

- successful negotiation with EU and international bodies to deliver a proportionate legislative framework, particularly for meat hygiene, import controls and wine standards;
- the implementation of official controls and enforcement interventions in a practical way that promotes business compliance.

Goal 2: Effective mechanisms for FBOs/enforcement bodies to deliver business compliance

One of our key priorities is achieve high levels of business compliance. To achieve this we have four priority areas of activity:

- using monitoring and audit of enforcement bodies to ensure effective controls are delivered;
- improving business compliance by informing consumer choice and incentivising businesses (the ‘scores on the doors’ scheme);
- Working with the MHS to ensure proportionate, efficient and cost effective meat hygiene controls, looking particularly at the flexibilities within existing regulations while maintaining levels of FBO compliance; and
- Ensuring appropriate distribution of the costs of official controls through implementing a cost charging system.

Goal 3: Joined up enforcement throughout the food chain

We will be focusing on two practical areas of activity:

- providing support and guidance to enforcement bodies, enabling the delivery of high quality and consistent enforcement across the UK. This includes the provision of a single point of contact for all LA enquiries and creating a unified IT platform for all support and guidance systems, improving both effectiveness and stakeholder experience in accessing key support information; and

- providing support and guidance to FBOs on all relevant areas of new legislation

Our goal is to drive high standards and consistent delivery across UK enforcement bodies, for example through provision of innovative and effective information systems which would help quantitative analysis of enforcement activities and help target action where needed and to where it will achieve best effect.

Goal 4: Skills are in place within enforcement partners, industry and the Agency to deliver our goals

We have four areas of focus under this goal:

- our focus with enforcement bodies relates particularly to the provision of training to develop both skills and capacity to deliver high quality enforcement;
- the Safer Food Better Business Programme will continue over the Plan period. It will target 75% of businesses being compliant with the requirements of food safety management systems by 2010;
- we also have a key strategic goal to reduce the incidence of salmonella in pigs. We aim to achieve this through a 'Back to Basics' education programme which will promote the adoption of best practice in hygiene procedures at the farm and the slaughterhouse; and
- we will ensure that we have the necessary skills within the Agency to achieve our goals, whether within CPEG and more widely across the Agency. We will be initiating a skills audit in 2008 and any necessary work to fill skills gaps will follow.

Goal 5: Research and information gathering that develops the evidence to drive future policy & delivery

Having a clear evidence base is essential not only to underpin the assessment and control of public health risk but also to develop and evaluate approaches to enforcement. We have given high priority to work in this area, and reallocated resource to build our capacity and effort to developing a sound foundation for our future policy and delivery.

Goal 6: We live our culture and values

The quality of delivery by our Group is dependent on the motivation and enthusiasm of our staff. We have already begun a process of building an environment and culture that will support our delivery, identifying with colleagues our ambitions for the culture and values we would like to build. We will continue to embed our culture and values during the period of this Plan, helping to develop the performance of the Group.

RESPONSIBILITIES OF DIVISIONS WITHIN RESTRUCTURED CPEG

Enforcement Science and Policy (ESP) Division will act as the focus for the development of the Group's major strategic and cross-cutting policy - in the areas of enforcement, official meat controls, general food hygiene and TSEs. This will include working in Europe to secure legislative change to deliver risk based official meat controls, confirmed as a Board priority in July 2007. Group policy will be founded on evidence and the Division will also take the lead within the Group for developing the evidence base.

Head of Division Alison Gleadle

Meat Hygiene and Veterinary Division (MHVD) is responsible for working with the Meat Hygiene Service and local authorities to implement current meat hygiene legislation. Following the Board discussion in July 2007 the division is charged, along with the MHS, with making that implementation as risk and evidence based as possible, whilst continuing to protect public health, and working towards achieving full cost recovery of meat inspection charges.

Acting Veterinary Director Peter Hewson

Local Authority Liaison Division (LALD) will develop and manage relationships with Local Authorities based on:

- monitoring and audit of enforcement activity to generate an evidence base to feed in to policy development and provide assurances on the delivery of official controls;
- managing the Agency's presence in (4) Government Offices for the Regions to develop and utilise partnerships to deliver the Agency's strategic agenda at a Regional/local level;
- developing and taking forward implementation of support packages to assist local authorities in delivering good business compliance; and
- coordinating arrangements to fulfil EU obligations on reporting and delivery of Official Controls including in relation to the UK National Control Plan (NCP).

Head of Division Tom Murray

Imported Food and Food Standards Enforcement Division (IFFSE) leads in providing information, training and guidance to local authorities on all aspects of enforcement of food hygiene, food safety, food standards and labelling, food fraud, and imported food. Imports policy developments are communicated to LAs through a database (GRAIL). Where LAs are involved in high profile investigations and prosecutions the team may provide support in the form of specialist expertise and (on application) financial support. Grants are also provided to LAs for co-ordinated sampling and surveillance of food. This Division is directly responsible for the enforcement of wine standards across the UK.

Head of Division Sarah Appleby

THE GUIDANCE AND REGULATORY ADVICE ON IMPORTS LEGISLATION (GRAIL) DATABASE

The GRAIL database forms part of the action plan drawn up in 2003 to address recommendations made as a result of the Cabinet Office's review of UK imported food controls. It specifically addresses the difficulties faced in keeping abreast of legislative developments and associated guidance in the complex and fast-moving policy area of imported foods.

GRAIL provides a comprehensive and easily searchable database of all legislation, guidance and any specific controls relating to imported foods not of animal origin and imported fishery products. For example, it enables users to enter the name of a product or country of origin and all information relevant to the import controls, and supporting legislation and guidance, relating to that product or country will be retrieved from the database. This includes providing easy to understand advice on specific conditions that might be imposed on a product, such as accompanying documentation or where sampling needs to be carried out. Responsibility for entering and reviewing information held on GRAIL lies with officials within the Imported Food and Food Standards Enforcement Division.

A laptop based version of GRAIL has been the subject of an extensive pilot exercise by the port health authorities responsible for enforcement of imported food controls at the major points of entry into the UK. Feedback from this pilot has confirmed the benefits provided by GRAIL in supporting effective and consistent enforcement and identified some areas where it was felt additional functionality would prove useful.

Agency officials are now at an advanced stage in the development of an upgraded version of GRAIL. The new version will be internet based, which provides for increased functionality of the system in response to comments made during the pilot exercise, such as password protected access, an A-Z contacts list and a 'news' section. Hosting of the database on the internet also means that it can be updated on a daily basis and will be easily accessed by all UK enforcement authorities. The new version of GRAIL is due to be launched by end March 2008.

There is also potential for GRAIL to be made available to other users, such as other UK Government Departments, Governments in third countries, and the trade, potentially as part of the cross-Government International Trade Single Window Project and Business Link.

Currently, the GRAIL database holds information on imported foods however the intention eventually will be for the database to cover all areas of food law and guidance

Salmonella in Pigs

The target to work with the industry to reduce the incidence of Salmonella in UK pigs has not, so far, produced the hoped for reduction. We expect this to be reflected in the results of the EU baseline survey due to be released by EFSA in April 2008. This lack of progress appears to be due, at least in part, to the industry scheme, which we have been supporting, not targeting a big enough percentage of problem herds. In partnership with Defra and the industry, we are therefore refocusing our efforts.

In future herds will be targeted and required to have a Salmonella action plan. The slaughterhouses will become more involved as herd Salmonella serology levels will be part of food chain information and carcass contamination will be used as a performance indicator. This new scheme will become the national control plan as required by the EU.

The Agency has also redirected some of its support away from the serological monitoring programme towards education of the farmer, through a 'back to basics' campaign and identification of slaughterhouse practices that affect the safety of pig carcasses.

Slaughterhouse Hygiene

The mismatch between the controls required for food safety and the EU Meat Hygiene Regulations was well described in the Tierney report, which the Board discussed in July 2007. The Regulations, although more risk based than previous Directives, still contain prescriptive requirements with no basis in science and still require officials to visually inspect every carcass, when there is very little of public health significance that can be seen. In addition, by requiring the constant presence of officials tasked with enforcing compliance with the Regulations, rather than securing food safety, they inhibit slaughterhouse operators from taking responsibility for food safety.

Work being undertaken by the Agency on developing a new way of measuring slaughterhouse hygiene was originally aimed at providing a tool for slaughterhouse operators to identify what they could do better to reduce contamination of meat by human pathogens. Development of the tool has taken longer than expected due to the lack of records that can be demonstrated to have any link with pathogen control and the complexity of the regulatory framework. However a prototype system will shortly be ready on which the advice of the Advisory Body for the Delivery of Official Controls will be sought, prior to piloting.

As the development of the measure has taken longer than originally expected, the target to deliver improvements in slaughterhouses by 2010 is no longer attainable. However, if as a result of the pilot, the measure is shown to identify which best practices are the most important in the production of safe meat, it will not only aid

operators to put effective controls in place but will inform the re-negotiation of the EU meat hygiene controls.

The Board agreed to change the current slaughterhouse hygiene Strategic Plan target, following discussion at the February Board. The Executive are working on a new outcome based target which will be reported to the Board in due course. New research is also planned to start in April 2008 to develop a scientific approach to assess the effectiveness of inspection activities.

TSEs

BSE has continued to decline and is now at a very low level in those cattle that are eligible for human consumption. In light of this trend and new developments in science and technology, the European Commission published in 2005 a "TSE Roadmap" which considers possible amendments to the TSE controls over the short, medium and longer term, while maintaining food safety and consumer protection as the highest priority. The Agency will continue to contribute to the review of TSE controls taking place in Europe, with the aim of maintaining effective public health protection at a level that is proportionate to the risks.

At the same time, in view of the significant uncertainties that remain about TSEs, the Agency will continue to be watchful for any new information that might affect our current assessment of the risks to human health from these diseases. The areas which currently need to be monitored include TSEs in sheep, notably atypical scrapie and any evidence that BSE might be present in the UK sheep flock and unusual BSE in cattle.

Ante-mortem tests are considered a key element in strategies to eradicate TSEs. The FSA continues to promote and aid the development of a sensitive, rapid and cost effective TSE test that can be used on live animals. The research into diagnostic tests was independently reviewed in July 2007 with the projects highlighted as novel and innovative. Although a number of projects are starting to produce promising results, it is unlikely that the development and validation of a test for field use will occur before the FSA strategic plan target of December 2010.