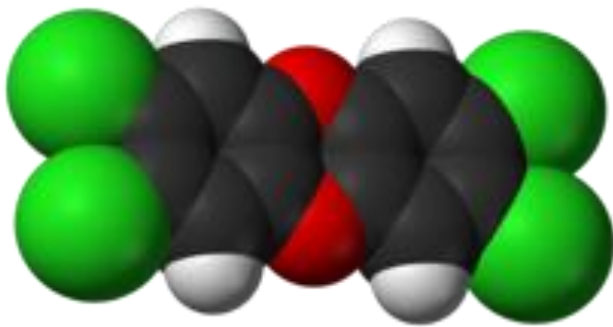


# Review of Key FSA External Stakeholder Relationships in Responding to the Dioxins in Meat Incident



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## CONDUCT OF THE REVIEW

### 1.0 Background

In January 2009, Steelhenge was invited to provide an external assessment of the strategic, tactical and operational implementation of the FSA's incident response protocol during its response to the Dioxins in Meat incident which began in December 2008. The objective of the initial review was to inform the process by which the FSA's incident management process may be developed and improved in the future. The review was conducted through the use of questionnaires and subsequent interviews with FSA staff in the Agency's Head Office and the Devolved Administrations (DAs), and via questionnaires to external stakeholders. The outcome of the first review is reported in the document 'Review of the FSA incident response internal processes and procedures in relation to the dioxins in meat incident'. In the light of this report's findings, the FSA identified a need to further examine and review communications with key external stakeholders.

### 2.0 Review of Key External Stakeholder Relationships

In April 2009, the FSA commissioned an additional review to examine the Agency's relationships and lines of communication with officials and Ministers focussing on:

- The Agency's interaction with the European Commission and UK Government Permanent Representation to the EU throughout the incident
- The Agency's communications with Officials and Ministers in the Department of Health (DH) and the Department for the Environment, Food and Rural Affairs (Defra), in the first 72 hours
- The communication with Northern Ireland (NI) ministers and officials, particularly in the early phase of the incident

### 3.0 Review Methodology

The review was conducted between 13<sup>th</sup> and 29<sup>th</sup> May 2009 through a series of interviews and written responses with ministers and officials from the following organisation:

- Department of Health (DH)
- Department for the Environment, Food and Rural Affairs (Defra)
- Department for Agriculture and Rural Development Northern Ireland (DARD NI)
- Department for Health, Social Services and Public Safety Northern Ireland (DHSSPSNI)
- Directorate General for Health and Consumer Affairs of the European Commission (DG SANCO)
- The UK Government Permanent Representation to the EU (UKRep)

### 4.0 Review Process

This review examined:

- The timeline upon which inter-organisational communications were established. The incident timeline table showing inter-organisational stakeholder engagement between Friday 5<sup>th</sup> and Tuesday 9<sup>th</sup> December 2008 is at **Annex A**
- The key issues and lessons identified by external stakeholders

## KEY ISSUES AND RECOMMENDATIONS

### 5.0 Issues Affecting Communications

The complexity of the response environment and its effect on internal incident response is covered in the Initial Review. In considering the FSA's communications with other key stakeholders it is important to consider some further key issues and themes which existed in the first 72 hours of the incident in more detail:

#### 5.1 Timing of Notification

The profile of the incident and extent to which products were affected could not have been predicted by the FSA in advance of the incident being notified to the European Commission by the Republic of Ireland (ROI).

#### 5.2 Information Flow

There was a paucity of information on Friday 5<sup>th</sup> and Saturday 6<sup>th</sup> December. This affected the ability of responding agencies to make clear and long-term decisions as quickly as was being demanded by other external stakeholders in industry during the very early stages of the incident's onset. FSA press office spoke to DH and Defra press offices on the evening of Saturday 6<sup>th</sup> December and then spoke to Defra on Sunday 7<sup>th</sup> December. FSA press office fielded calls all day from the media and both DH and Defra passed calls over to the FSA for response.

#### 5.3 Responsibility and Accountability

At the outset of the incident response, there was a degree of confusion between Government departments resulting from a number of factors, some of which fall outside the scope of this report. Nevertheless, when taken in combination, at different times these impacted upon the efficiency of the entire response by all organisations in the UK. These issues included:

- Identifying the lead Government department to respond to the incident (See Paragraph 6.0)
- Perceptions of the role of the FSA as a Government department and its role during operations in a Devolved Administration
- Different definitions of the point in the farm-to-fork process that an animal is technically defined as food, resulting in a lack of unity in decision-making to comply with legislation

### 6.0 Communication with Ministers and UK Government Departments

The incident involved a number of departments in different parts of the UK and the ROI. The lead Government department was not confirmed until the morning of 8<sup>th</sup> December. Ministers in the Department of Health became aware of the incident over the weekend through the media. Defra Ministers became aware of the incident as a result of a notification from Defra officials over the weekend. Neither were notified of the incident directly by the FSA but both then conferred directly with the Chief Executive of FSA in due course to determine lead ministerial responsibility. The first formal submission to Department of Health Ministers by the FSA occurred on the evening of 8<sup>th</sup> December.

Once aware of the incident Defra monitored the activities of DARD in Northern Ireland. Initially, Defra had no established point of contact within FSA as the situation escalated. By Monday afternoon (8<sup>th</sup> December), the decision was taken by Defra to start an operational rhythm of 'Bird Table' meetings with other stakeholder departments (DARD, DH, FSA, BERR as well as internal divisions) to coordinate the Department's activities in responding. Once FSA had established its Briefing Cell, this became the focal point for the relationship with Defra throughout the early phase of the incident. Once this link was in place, effective

communications between FSA and other responding departments was established and maintained.

## 7.0 Recommendations

It is therefore recommended that:

- The FSA Protocol should include a checklist of stakeholders whom they must notify as soon as a major incident is declared. This should include Department of Health Ministers given that the FSA reports to Parliament through Health Ministers. Depending on the nature and scale of the incident, this may also include Ministers in the Devolved Administrations. Other agencies who need to be engaged at this stage are also listed in this review.
- Defra, through its experience of the management of animal disease outbreaks, has recognised the importance of rapidly establishing a multi-agency forum where information can be shared and decisions made. DARD mirrored this process through its Inter-Departmental Group (IDG), engaging DHSSPS, Department of Enterprise, Trade and Investment (DETI) and FSANI. Public health incidents such as this are likely to have international, national and local impacts upon the public, industry, trade, the economy and health services. FSA should consider adopting a similar 'Bird Table' system for external stakeholder engagement, chaired by the Agency, as a co-ordination and communication mechanism that compliments its own Scoping Group and Gold-Silver operating rhythm

## 8.0 Communication in Northern Ireland

The Chief Veterinary Officer NI, as the response lead for DARD, became aware of the incident on the evening of Friday 5<sup>th</sup> December when notification was received from Department of Agriculture, Fisheries and Food (DAFF) in RoI that precautionary measures had been put in place on some sites in the Republic and that, through investigation, eight farms in Northern Ireland may have been affected. The Chief Veterinary Officer placed precautionary restrictions upon the affected sites. On enquiry, FSANI was informed of these measures at approximately 1600 that afternoon.

Following media coverage arising from the RoI Government announcement of the incident on the evening of Saturday 6<sup>th</sup> December, the Chief Veterinary Officer NI was contacted by the Minister for Agriculture and Rural Development NI for a situation briefing. Initial contact with FSANI was hampered by a lack of a contact number for FSANI. Communications were established through personal linkages.

As soon as FSANI became aware of the severity of the incident (through the media reporting), the FSANI Director telephoned the FSAI Deputy Chief Executive in the ROI to discuss the incident at approximately 10.30pm on 6 December. This was the first official contact with FSAI. The Communications teams of the FSANI and the Executive Information Service made telephone contact at 9.30am on 7 December. A telephone briefing was given to the DHSSPS Minister at 1.30pm, and a submission sent at 3.05pm. FSANI acted quickly by convening the multi-agency planning and coordination meeting at midday on Sunday 7<sup>th</sup> December, which the Chief Veterinary Officer attended. At the conclusion of this meeting, DARD commenced the deployment of specialists to affected sites to determine if there was any feed remaining and so, detain it. Co-ordination of the multi-Agency incident management was led by DARD as chair of the Inter-Departmental Group (IDG). It assumed this role as it had the largest stakeholder group of responders at the time. The IDG convened by face-to-face meetings, supplemented by teleconference, for the next 96 hours. During this period, DARD relied mainly on FSANI for information emerging from RoI, although some clarifications and further information was obtained by the CVO in telephone conversations with his RoI counterpart.

FSANI quickly became an information and communication hub, communicating with FSA Head Office through the FSA's central Gold Group which met on the morning of Monday 8<sup>th</sup> December. Immediately following the first FSA Gold meeting, Minister of Health NI summoned the Director FSANI to Stormont to provide a full situation briefing. Concurrently, FSANI convened a meeting of industry stakeholders which became a daily mechanism for engagement with the affected industrial community. This briefing regime (London, NI Government departments, Industry) placed a huge burden on the resources and time in which FSANI could assimilate and analyse the available information and make decisions at this critical, early stage of the operations.

Once the IDG convened, telephone briefings to the Health Minister by FSANI were no longer required. The DHSSPS Director of Population Health Directorate acted as the departmental liaison officer and the focal point for providing ministerial updates using the situation reports which were the output of each meeting.

The Chief Veterinary Officer NI stated that a routine was quickly established and, despite different national and regional responsibilities and issues regarding different enforcement regulations, the communication relationship was very effective.

While FSANI's response was fast and effective, this was the first time that it had been tested within a newly devolved administration and thus much communication was done on an *ad hoc* basis.

## 9.0 Recommendations

It is therefore recommended that the following be considered to reduce the burden on FSANI and improve the effectiveness of communications:

- A protocol and contacts list should be established to enable FSANI, where appropriate, to convene and chair the first meeting of the Northern Ireland IDG. Depending on the nature of the incident responsibility for the chairing of the group may fall to DARD. This would replicate the Lead Government Department principle used by central Government to manage crises. In addition, both DARD and FSANI recommend that a member of senior management from FSA Head Office should chair, or attend (by video/teleconference) this first meeting in order for national policy to be reflected in the decisions made at the devolved level
- In the early stages of an incident FSANI, using very limited resources, will be preoccupied with the rhythm of local briefings and meetings in order to effectively communicate and coordinate with stakeholders within the DA. They must also have a voice at Gold Meetings at FSA Head Office. At times, this will need Director level input but often this could be done by a competent and empowered representative from within the FSA. It should be noted that during this incident the FSANI Director was a member of the Gold team. FSA should consider deploying a suitably equipped liaison officer to NI (or any devolved administration if a similar incident arose) in the early stages of an incident to provide this Gold Representation. This reflects the process by which central Government deploys the Government Liaison Team to the local/regional Gold level during major incidents. Additional support was provided during the course of the incident from the communications team in FSA Head Office to handle the high level of media enquiries. Requesting additional support by the devolved offices should be considered in handling incidents of this nature. The decision to request this would be taken at the discretion of the relevant Director in the devolved offices.
- It may be helpful for the FSA to provide an induction briefing to newly appointed ministers in DAs on the role and responsibilities of the FSA, nationally and in DAs, in managing such incidents

## 10.0 The European Commission

Initial notification of the incident was via the RoI to the Commission in the late afternoon of Friday 5<sup>th</sup> December. The out-of-hours alert was communicated by the Commission by email rather than the formal RASFF system. This resulted in the alert for the UK being sent to the personal mailbox of the Head of Incident Branch only. This would not have been accessible by the UK FSA individual until the following Monday, and the wider staff had no visibility.

However, as the incident escalated over the weekend, DG SANCO communicated mainly with RoI authorities but established communications with officials in the Contaminants Division of the FSA on Sunday 7<sup>th</sup> December. The first video-teleconference between the Commission, RoI, the UK FSA and the permanent representatives of other Member States (not including UKRep – see below) took place on the afternoon of Monday 8<sup>th</sup> December. Throughout this period, and indeed for a number of days following, DG SANCO considered the information received from FSA to be sporadic and unstructured. It was not communicated regularly through inputs to RASFF as would normally be expected. This led to gaps in information and limited visibility of the UK's domestic management of the incident. Consequently, the European Commission had to make repeated requests for the information that it required from the UK and eventually indicated that it would consider further measures in case the information was not received. As the incident progressed, DG SANCO considered that passage of information improved significantly with routine and technical matters being addressed by FSA to the Commission officials, and key policy matters being addressed directly between the Chief Scientist and a DG SANCO Director.

## 11.0 Recommendations

It is recommended that:

- FSA review the options for receipt of out-of-hours RASFF alerts by FSA Incidents Branch
- FSA should include DG SANCO on the list of stakeholders that should receive immediate and subsequently a rhythm of situation reports from the onset of the incident. SANCO, in their case, prefer information to be communicated using the RASFF system during sustained operations. Wherever possible, FSA's situation reports should be in a format that can easily be copied into RASFF reports
- Communications between Devolved Administrations, London and the Commission, may be a potential cause of delay in the gathering and communicating of information upwards and downwards in this chain. FSA should capture this as an issue to be considered when reviewing its Incident Response Protocol
- The routine link between FSA Contaminants Division and DG SANCO is very effective for resolving technical issues. The link between the Chief Scientist and a DG SANCO Director is effective for making strategic decisions. In addition, there was a strand of communication through EU Coordination and Strategy Branch. Multiple strands leave the FSA vulnerable to miscommunication and inconsistency of message both in relation to communication with the Commission and more broadly across the incident. For operational reporting and input to RASFF, FSA should consider establishing a single link or forum for communication with DG SANCO Contaminants Division. This should ideally be through Incidents Branch/Briefing Cell which has the best overview of the whole incident and produces all briefing materials. Specialists should contribute to all communications through this mechanism. This will ensure a consistency and coherence in communicating messages to all UK stakeholders, as well as those in Europe. The FSA's decision to permanently station a representative in Brussels may remedy this, but clear lines of communication and terms of reference for incident management must be established once the post is occupied

## 12.0 The UKRep

UKRep was unaware that an incident had occurred until called to a video-teleconference at the Commission on Tuesday 9<sup>th</sup> December and was provided with an informal briefing from FSA by EU Co-ordination and Strategy Branch prior to attending. As the frontline representatives for UK Government to Council, Parliament and the Commission in Europe, UKRep was concerned that they had not been informed earlier about an incident with such clear political and legislative implications for the UK.

UKRep observed that, communication from the UK was not effective/coherent and gave an impression that the UK was on the back foot and caused the Commission to focus and dig deeper into the detail of the UK response, placing the UK Government in a very vulnerable position in terms of the possible imposition of safeguard measures. UKRep notes that in similar cases when the UK and Commission are managing animal disease outbreaks information is much more coherent and thus recommends that similar information management and briefing formats used by other departments are adopted by the FSA.

As the incident progressed there was no requirement for UKRep to attend secondary legislation meetings (SCOFCAH) but that there will always be a requirement to be kept informed in on a regular basis on progress or setbacks in managing the incident.

## 13.0 Recommendations

It is therefore recommended that:

- FSA ensure that UKRep is included in the distribution list of external stakeholders who should receive immediate and a subsequent rhythm of situation reports from the onset of the incident
- The FSA will shortly have a representative based in Brussels. This person should have a clear protocol for liaison with UKRep and maintain a close relationship with them throughout an incident
- FSA should consider adopting a similar method for collating, analysing and presenting information to DG SANCO and SCOFCAH to that used by Defra

## 14.0 Stakeholder Communications

Both ministers and officials raised concerns about some aspects of communicating with the media. Given that the media was largely the means by which the wider UK public became aware of the incident's onset, and that it was a source of information and means of stakeholder communications in the early phase of the response, these comments are included here:

- There was a sense from some of the stakeholders participating in this review that the messages from FSA to the public were highly technical in nature, thus difficult to understand by the general public. Others stated that messages were sometimes ambiguous and gave conflicting advice
- A number of respondents stated that the some messages were not sensitive to Northern Irish issues, most specifically a message which mentioned the withdrawal of all Irish pork

It is recognised that FSA can only provide advice that is based on hard evidence available at any specific time. As new evidence is available, that advice will change and be updated. It is recommended that FSA COMS conduct an internal review to learn lessons identified in communicating with internal FSA staff from the devolved offices and public stakeholders in future.

## 15.0 Conclusion

In the early phase of the response where the tempo was high and information scarce, the consensus of opinion was that FSA communication with Governmental departments was erratic, lacked coherence and was inconsistent. This was compounded by a perception that FSA were unwilling to communicate information or take key decisions until absolute certainties were known. The FSA needs to recognise that in the early stages of an incident it is as important to communicate the 'unknown', as well as the 'known'. As long as the 'knowns' are communicated to stakeholders, then external stakeholders can then make decisions that are justified.

Organisations commonly experience this and effect a culture change through having a set of robust plans and experienced response teams that have confidence to act, decide and communicate as a result of thorough training and practice in advance of crises occurring.

As the tempo of the incident reduced and the information available increased, the FSA's communications were universally considered to be effective.

The conclusions and recommendations of the internal review have been validated in that to communicate effectively and fulfil the Agency's mandate as a Lead Government Department, it needs:

- A process in place to collate, analyse and manage information effectively
- A central body that, supported by information management tools and systems, can respond quickly to turn information into submissions, situation reports, briefings and communiqués and act as the single point of contact for cooperating Governmental bodies and Europe
- A mechanism for leading a multi-agency response involving other Government Departments based upon the Cabinet Office guidance on the Lead Government Department Principle
- A properly trained and rehearsed internal structure and operating rhythm for decision making

Hard lessons for other Government Departments have produced best practice and it is recommended that FSA engage with these departments to develop its own capabilities.

## ANNEX A – Incident Communications Timeline – Friday 5<sup>th</sup> December to 1200 Tuesday 9<sup>th</sup> December 2009

	Europe	Defra	DH	DARD NI	DHSS PS	FSA
<b>Friday 05 Dec</b>	1614 GMT - DG SANCO receives notification from RoI of DAFF restrictions on farms due to discovery of possible contaminants  1623 GMT – DG SANCO issues RASFF to contact points (not formal RASFF)			PM – Email received by Desk Officer from DAFF indicates that as a result of investigation of contaminated feed/animals could be traced to 8 x farms in NI. CVO placed precautionary restrictions on 8 x farms		RASFF from EC sent to Hd Incidents Branch email address – not RASFF FSA UK and NI aware at Desk Level Lines-to-take prepared
<b>Saturday 06 Dec</b>		PM - Director Animal Health receives notification of potential incident from National Pig Association.				
	<b>1930 GMT - RoI News Release - Immediate Escalation of Incident</b>					
		Director Animal Health informs SoS Defra Office of incident and advises this is an FSA lead.	MS(PH) is aware of incident.	Min Health NI requests information from CVO. CVO call to FSA NI for info delayed by lack of contact number	Min Health NI aware of incident	FSA Head Office and FSA NI aware of incident through media FSANI Director telephones Chief Exec of FSAI (RoI) late PM
<b>Sunday 07 Dec</b>	PM-DG SANCO telephone discussion with Contaminants Branch at FSA  PM - Commission Issues Press Release	Director Animal Health informs Defra Press Office to redirect all enquiries to FSA.		AM - CVO called to incident management meeting by FSA NI.  Attends FSA Meeting at 1200  PM - DARD Staff deployed to affected sites	Min Health NI requests submission by FSA. Delays in contacting FSANI due to lack of contact number  Min Health receives FSANI Director Brief by telephone	FSANI Joint Coordination Meeting with DARD  NI Pork Processors invited to meeting to be held 09 Dec  FSA Head Office Strategic Planning and call Scoping Group. Web story published
<b>Monday 08 Dec</b>	PM Commission Teleconference with MS including FSAI and FSA UK	AM - SoS Defra telephones CE FSA to confirm ministerial/ departmental accountability AM – SoS dialogue with MS(PH) that DH is lead.  PM – Decision taken to activate Defra multi-agency 'Bird Table' incident co-ordination mechanism Line of Communication with FSA Briefing Cell established.	DH Lead Ministerial role for MS (PH) established between MS (PH), CE FSA and SoS Defra.  PM - MS(PH) receives submission from FSA.	IDG convened including DARD, Environment, DETI, DHSSPS	Min Health summons Director FSA NI for full briefing  CMO represents DHSSPS at IDG	AM- FSA Head Office Gold Meeting 1 AM - FSA Head Office Industry Scoping Group PM - FSA Head Office Gold Meeting 2 FSANI Director gives media interviews FSANI Director oral brief to Min Health NI then hosts Industry Stakeholder Meeting  List of affected processors and companies England and NI published on FSA website
<b>Tuesday 09 Dec</b>	First contact between FSA and UKREP by telephone followed by attendance at multi-member state VTC hosted by DG SANCO	Defra Bird Table operating rhythm established.		DARD represented at Defra Bird Table.		FSA Head Office Gold Rhythm in place FSA links to Defra Bird Table through Briefing Cell
<b>Effective Inter-Agency Communications in Place for Ongoing Management of the Incident</b>						