

Suggestion	Response and/or Action
<b>Theme 1: Third Party Assurance Schemes</b>	
<p>1. The Food Law Code of Practice allows membership of an accredited assurance scheme in relation to primary production to inform inspection frequency, however elsewhere along the food chain such factors do not appear to be given enough weight in the risk matrix to really make a difference. Also need a better understanding of assurance schemes and their potential role in reducing the burden of inspection.</p>	<p>In principle it is sensible to use a third party audit report as part of the risk weighting for regulatory inspection frequency and this could be extended beyond primary production. There is currently very little flexibility allowed in the meat sector and the potential for regulatory reform throughout the EU is being considered but this is longer term.</p> <p><b><u>ACTION 1:</u></b> We will consider the role of third party assurance schemes, including our understanding of their potential to reduce the burden of inspection, as part of the review of the Code of Practice, which is currently under way.</p>
<p>2. Businesses are also audited by third parties (e.g. a retailer auditing its producer’s standards) and most of these have higher standards than those required by legislation. Discussion on whether these should influence statutory inspection frequency and/or coverage.</p>	<p>Noted. However, there may be gaps in coverage because a third party audit may address only some aspects of a business and not the whole range required by hygiene legislation.</p> <p><b><u>ACTION 2:</u></b> In reviewing the Code of Practice, we will also look carefully at the role of third party audits.</p>
<p>3. It would be useful if courts could recognise third party audits in relation to the defence.</p>	<p>This is ultimately a decision for the courts and the FSA may not be able to do much about this.</p>

Theme 2: EU Influence	
<p>1. The FSA needs a strategy for better negotiation in the EU (because greater compliance would be easier to achieve if regulation was of better quality).</p>	<p>Noted and agreed.  <b>ACTION 3:</b> The timeliness and quality of EU negotiation will have a higher profile in the new Strategic Plan, currently being developed in partnership with stakeholders.</p> <p>FSA officials regularly attend meetings in Brussels, following which we provide updates to stakeholders by way of Interested Party letters. We also hold stakeholder meetings to understand impacts and concerns. Businesses have a responsibility to provide us with relevant data and information to enable use to develop impact assessments and negotiate effectively on their behalf while ensuring that consumer protection is maintained. One of our priorities is for a stronger EU presence for negotiation and collaboration and we now have a permanent presence in Brussels, based in UKrep, from Sept 2009.</p>
<p>2. We should apply the flexibilities allowed by EU regulations when implementing them in the UK and seek derogations for the UK as necessary.</p>	<p>Noted. The safer food better business initiative, introduced alongside the EU Hygiene Regulation, which requires HACCP record keeping for business, is a good example of flexible application of the regulations for the benefit of small businesses. The EU Commission’s recently published review of food hygiene legislation recognised that some member states do better than others. The Commission report and our letter to interested parties, on which we invite comment, is on the website at <a href="http://www.food.gov.uk/news/newsarchive/2009/aug/commissionreport">http://www.food.gov.uk/news/newsarchive/2009/aug/commissionreport</a></p> <p>The EU is paying more attention to the consequences of its policy proposals for business and also responds to direct lobbying from industry.</p> <p><b>ACTION 4</b> (stakeholders): We would welcome specific examples of where flexibilities are not being applied or derogations are required in the UK.</p>

<p>3. Industry and the regulator should be working together better when responding to Food and Veterinary Officers (FVO) visits and reports – to ensure no ‘gold plating’ by the FVO.</p>	<p>Agreed. FVO missions are centrally co-ordinated within the FSA and we work with industry and the enforcement authorities to prepare for them when they are due to ensure that they are fully aware of what the Mission is about and how it will be conducted. The draft outcomes of the recent FVO mission on official feed controls and feed hygiene in July 2009 were shared with stakeholders at the annual stakeholder meeting on animal feed issues. Minutes of the meeting will be posted on the website when finalised at <a href="http://www.food.gov.uk/foodindustry/farmingfood/animalfeed/stakeholder/">http://www.food.gov.uk/foodindustry/farmingfood/animalfeed/stakeholder/</a> and the FSA, industry and enforcers will work together to respond to the findings and recommendations of the mission.</p> <p>We acknowledge that more can be done to build a better relationship with the FVO and FSA staff have and will continue to take up invitations to join FVO missions as recognised experts in their field. Recent examples include a food hygiene and standards mission to Cyprus and a general food hygiene mission to Finland.</p> <p>As part of the work we need to undertake to consider the effectiveness of enforcement and to improve business compliance, we will continue to ensure that we learn lessons from FVO audits of our enforcement activity.</p>
<p>4. When consultations come out on potential EU regulations, they should be explained in plain English (or Welsh).</p>	<p>Noted. We consult on all draft text coming out of the Commission on proposed changes to EU legislation and follow the Government Code of Practice on Consultation - <a href="http://www.berr.gov.uk/files/file47158.pdf">http://www.berr.gov.uk/files/file47158.pdf</a>.</p> <p>We publish a list, updated at least quarterly, of forthcoming FSA consultations on our website at <a href="http://www.food.gov.uk/multimedia/webpage/propconsult">http://www.food.gov.uk/multimedia/webpage/propconsult</a> and welcome comments on the consultation process by including a feedback questionnaire with every consultation issued. <a href="http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc">http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc</a></p> <p>We recognise that some EU legislation can be very complicated and undertake to signal areas that would lead to most significant changes for stakeholders and what they might be.</p>

<p>5. Rather than questionnaires to get information from industry to develop Impact Assessments (IAs) for EU negotiations, it would be better to talk to them directly.</p>	<p>Noted. We agree that direct contact is the best way to get stakeholder input and to make best use of limited resources we arrange stakeholder meetings to get industry input. Recent examples include the stakeholder event on the forthcoming Food Information Regulations (FIR) on 6 February 2009, which was also followed up by a questionnaire to interested parties.</p> <p><b><u>ACTION 5:</u></b> We will, where resources allow, use stakeholder events and direct contact with industry as well as questionnaires to get information to develop Impact Assessments.</p>
<p>6. Consistency of guidance [on EU regulation] is a problem sometimes because nuances are lost in translation across the different EU languages.</p>	<p>Agreed that there is a need for consistency. However, this is inevitable and outside the FSA's gift, except by our input to EU negotiation.</p> <p><b><u>ACTION 6</u></b> (for stakeholders): Specific examples of problem areas (on consistency of guidance on EU regulation) are required for FSA to consider and pursue.</p>
<p><b>Theme 3: Stakeholder Engagement</b></p>	
<p>1. There needs to be greater engagement with business at local level, e.g. through regional food groups, seminars, trade associations, chambers of commerce etc. Should make better use of the Regional Offices to consult with people around the country rather than expecting people to come to Aviation House, London.</p>	<p>Noted. We recognise that businesses cannot always spare the time to come to our offices in London for meetings and there are some good examples of stakeholder meetings taking place in the regions, particularly for the benefit of small and medium sized enterprises.</p> <p><b><u>ACTION 7:</u></b> We are looking at the format of the annual simplification event, taking account of feedback received. We will consult with industry and our regional offices to consider the feasibility of holding smaller regional simplification events at various times of the day.</p>

<p>2. The FSA should have the equivalent of Account Managers for each food sector (e.g. caterers, retailers, manufacturing), which would help to build better relationships with industry</p>	<p>There is the wider issue of how the Agency interacts with food businesses to deliver our strategic aims and how to ensure that we have a consistent approach across the organisation.</p> <p><b>ACTION 8:</b> We will review our stakeholder engagement strategy and the account manager idea is one that will be considered as part of that review.</p>
<p>3. The FSA needs to get the right information from business to enable them to assess the impact of measures (both voluntary and regulatory) but confidentiality of information can make this difficult. Success of policy initiatives also needs to be measured.</p>	<p>Agreed and we need industry’s help to do this. Our consultation packages include guidance on personal data and confidentiality of responses. If we receive commercially sensitive information, we shall take the utmost care to publish it, or data derived from it, only in the format agreed with you, e.g. by anonimising the source of the information. There are examples of how this has been achieved on our website, e.g. in the development of the final impact assessment for the current salt targets (see Annex 1)  <a href="http://www.food.gov.uk/multimedia/pdfs/consultation/iarevsaltredtargets19jun09.pdf">http://www.food.gov.uk/multimedia/pdfs/consultation/iarevsaltredtargets19jun09.pdf</a></p> <p>The success of many of our policies, particularly under Healthy Eating cannot be measured in the short term. Post implementation review is something that the Agency wants to improve and will feature in our new Strategic Plan.</p> <p><b>ACTION 9:</b> We will strengthen our evaluation process and monitor progress in delivering the Strategic Plan 2010–15.</p>
<p>4. The Agency needs a better understanding of how much businesses differ, not only in what they do but also in their culture.</p>	<p>Agreed and ongoing. This is why we started a secondment programme for officers to industry in 2008. For both the FSA and host organisations a valuable outcome has been an improvement in working relationships and understanding.</p>

<b>Theme 4: Voluntary measures</b>	
<p>1. There is a need for a package of measures (e.g. education) to create a greater demand for healthier options by consumers, which will support voluntary measures by encouraging suppliers to give the consumer what they want (i.e. a feedback loop of demand and supply).</p>	<p>Action ongoing. There are a number of ongoing activities in the Healthy Eating area, including educational and awareness campaigns conveying healthy eating messages, linked to voluntary work on reformulation and front of pack (FOP) labelling.</p> <p>The Agency’s salt campaign <a href="http://www.food.gov.uk/news/newsarchive/2007/mar/saltcampaignmar07">http://www.food.gov.uk/news/newsarchive/2007/mar/saltcampaignmar07</a> and saturated fat campaign <a href="http://www.food.gov.uk/news/newsarchive/2009/feb/satfatcamp">http://www.food.gov.uk/news/newsarchive/2009/feb/satfatcamp</a> advise consumers to eat products lower in salt and saturated fat, to check the labels, and how to use the Agency’s traffic light front of pack (FOP) labels.</p> <p>We are also working in partnership with the Department for Health to deliver their “Change 4 Life” campaign as part of the Government’s priority for tackling obesity.</p> <p>We are currently developing a new Food Issues Survey to provide robust quantitative evidence on the nature and prevalence of public attitudes, beliefs, values and behaviour towards food-related issues. This will allow us to monitor changes over time, develop measures of the Agency’s impact and help us assess the impact of our interventions.</p>
<p>2. Legislation creates certainty and a level playing field. If take up is not consistent voluntary measures can result in unfair outcomes and should have a framework for consistency within which they operate.</p>	<p>Noted. The Agency provides guidance to industry to help voluntary measures be applied consistently. Voluntary measures, rather than legislation, would be the method of choice wherever possible as long as public health protection is maintained.</p> <p>We have a published Framework for Regulatory Decision Making, which we work to for determining when regulation is the appropriate route to address a particular concern. The Regulatory Framework is currently under review and out for consultation until 9 October. We welcome responses to the consultation which can be accessed on our website at <a href="http://www.food.gov.uk/consultations/consulteng/2009/reviewofregulatoryframework">http://www.food.gov.uk/consultations/consulteng/2009/reviewofregulatoryframework</a></p>

<p>3. Voluntary measures should be supported by funding to help SMEs (e.g. analysis costs) and on education.</p>	<p>Noted. While resource constraints may mean that financial support is not always possible, we are aware that we need to consider the impact of our policies on SMEs and how to support them.</p> <p>One example of progress in this area is the Reformulation Project, led by the FSA East Midlands regional unit working in partnership with East Midlands Food and Drink Forum (a membership organisation for SME food businesses in the region), the East Midlands iNet (innovation network supported by the RDA), Trading Standards East Midlands (giving advice on labelling and health claims arising from reformulation), and the University of Nottingham (giving dietetic and flavour advice). The aim of the project is to support small and medium sized food manufacturers in the region to:</p> <ul style="list-style-type: none"> <li>• Reformulate products reducing levels of sat fats</li> <li>• Develop healthier alternatives to existing products</li> <li>• Use front of pack labelling to give consumers clear information on levels of sat fats (and other key nutrients)</li> <li>• To consider portion sizes and energy balance for new and existing products</li> </ul>
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<p>4. There needs to be proper consultation with consumers as well as business to ensure that voluntary measures are consumer friendly and can be understood and therefore used by consumers – otherwise they will have little impact.</p>	<p>Noted. The Agency reviews and evaluates effectiveness of all its voluntary initiatives and uses findings to take forward work to increase impact (see Actions 9 and 10 above). For example, we recently published an independent evaluation of front of pack nutrition labelling, which included research into consumer preference, use and understanding of FOP labels.</p> <p>We also developed a range of citizens’ forums in February 2008 as a way for the Agency to have a continuous and meaningful dialogue with consumers. The citizens forums cover the whole of the UK, convene up to three times a year each, and broadly reflect the mix of people in their respective areas. They were set up so that the Agency can understand what are the most important concerns of UK consumers on food issues; develop a deeper understanding about these particular concerns; test Agency policy and make sure that the views of consumers are taken into account at every stage of the policy making process.</p> <p>Consumers are also represented at regular meetings of the Chief Executive’s Consumer Stakeholder Forum. Minutes of these meetings are published on the website at <a href="http://www.food.gov.uk/aboutus/how_we_work/stakeholderforums/consumerstakeforum">http://www.food.gov.uk/aboutus/how_we_work/stakeholderforums/consumerstakeforum</a></p>
<p><b>Theme 5: Guidance</b></p>	
<p>1. There was strong support for urgent revision of the industry guides. These are essential in establishing a recognised industry standard.</p>	<p>Not FSA led. The FSA will and does facilitate the production of Industry Guides by commenting upon them, attending meetings to discuss them and by recognising them. They are owned primarily by the industry they are written for however and their use is voluntary. We have issued guidance for industry on how to take forward production of the guides, which is available on our website at <a href="http://www.food.gov.uk/foodindustry/regulation/hygleg/hyglegresources/goodpractice">http://www.food.gov.uk/foodindustry/regulation/hygleg/hyglegresources/goodpractice</a></p> <p>A major new guide for retailers was published in August <a href="http://www.food.gov.uk/news/newsarchive/2009/aug/goodhygpracpub">http://www.food.gov.uk/news/newsarchive/2009/aug/goodhygpracpub</a> and there are currently a number in the pipeline.</p>

<p>2. Need to find ways of sharing best practice, in general and between local authorities. There should be a pool of guidance so that any links sent out could include further links to all other relevant guidance - a 'one stop shop' approach.</p>	<p>Noted. The FSA Audit team and LACORS have in hand a system of sharing best practice between Local Authorities and there is a section for enforcers on the LACORS website for this, but it needs more publicising. The FSA website includes an Enforcement portal.</p> <p><b><u>ACTION 10:</u></b> We will discuss with LACORS how to develop, maintain and publicise best practice guidance for local authorities</p> <p>Business Link is the intended 'one stop shop' for all information for businesses and there is an ongoing programme of work to ensure that everything on the Business Link website is up to date in respect of FSA regulatory responsibilities <a href="http://www.businesslink.gov.uk/">www.businesslink.gov.uk/</a></p>
<p>3. Guidance should clearly outline the role of business in terms of food safety and hygiene, what the rules are and how they will be applied.</p>	<p>Agreed and ongoing. We reviewed our guidance and have introduced a new standard template and guidance for use by FSA staff when developing guidance, including a quick start guide as recommended in the Anderson review of guidance published in March 2009.</p>
<p>4. FSA guides to regulations are also useful but need to be further developed for all sectors/businesses.</p>	<p>Further information required. Guidance is developed as and when there is a need for it. If there are any gaps, we need to know what they are.</p>
<p>5. Evaluation of effectiveness of guidance is important. A questionnaire at the end of guidance could be used to get feedback from readers.</p>	<p>Noted. We consult widely on guidance before it is issued to try and ensure it is written for the intended audience but agreed that it would be useful to find out how useful it has been in practice. A list of current guidance and date of next review is now published on our website and updated every six months.</p> <p><b><u>ACTION 11:</u></b> We will consider how best to obtain feedback on guidance and include this in the next formal review of guidance, early 2010.</p>

<p>6. Guidance would be improved by the FSA's working in partnership with trade associations. It would be useful to have a central list of trade associations and their guidance.</p>	<p>Ongoing. We consult industry, including the appropriate trade associations, when developing and reviewing guidance.</p> <p>A directory of member trade associations can be found and printed from Trade Association Forum website at <a href="http://www.taforum.org/">http://www.taforum.org/</a> ; it is not for the FSA to maintain.</p>
<p><b>Theme 6: Consistency and Enforcement</b></p>	
<p>1. The Agency needs to explore priority enforcement issues with businesses and consumers.</p>	<p>Ongoing. The Enforcement Liaison Group meets two or three times a year and this issue features regularly on the agenda, which the industry is invited to help set.</p> <p>Minutes of meetings are published on the website at <a href="http://www.food.gov.uk/enforcement/enfcomm/elg/elgmeet/">http://www.food.gov.uk/enforcement/enfcomm/elg/elgmeet/</a> The most recent meeting was held on 23 June 2009.</p>
<p>2. Provide training and guidance for enforcement officers to minimise inconsistencies.</p>	<p>Ongoing. We provide a programme of training for local authority food law enforcement officers. Classroom based courses are popular and most of them are over-subscribed. During 2008/09, we provided 81 courses in England which were attended by 1,712 officers. Some online training courses are also available.</p> <p>Also, our enforcement research programme acknowledges most of the points made about the consistency of enforcement and is working towards plugging the gaps in our knowledge to improve the effectiveness of food safety enforcement across all the main headings, viz. risk based, targeted, proportionate and consistent.</p>

<p>3. The competency of enforcement officers was found to be inconsistent [by the public enquiry into the <i>E.coli</i> outbreak in Wales] (both Environmental Health Officers and Meat Hygiene Service). This needs to be addressed, perhaps by the establishment of a high level external audit team.</p>	<p>Noted. This is high on the Agency’s list of priorities and featured in the July 2009 Board paper on the FSA’s response to the <i>E.coli</i> public enquiry report and related issues. This is available on the website at <a href="http://www.food.gov.uk/multimedia/pdfs/board/fsa090707.pdf">http://www.food.gov.uk/multimedia/pdfs/board/fsa090707.pdf</a></p> <p>A Food Hygiene Delivery Programme Board has been established to direct and oversee various projects, including competence levels amongst enforcement officers (see Priority Work Plan (d) on pages 10 and 11 of the Board paper).</p> <p><b><u>ACTION 12:</u></b> Quarterly reports on progress of the various projects under the Food Hygiene Delivery Programme will be made to the Board and published on the website at <a href="http://www.food.gov.uk/aboutus/ourboard/boardmeetings/">http://www.food.gov.uk/aboutus/ourboard/boardmeetings/</a></p>
<p>4. Objectives and targets should be outcome focussed (e.g. to improve health; reduce level of foodborne disease) rather than input focussed (e.g. frequency and number of inspections). The feeling was that this would encourage food business operators (FBOs) to increase compliance with food hygiene standards.</p>	<p>Ongoing. The Agency’s new Strategic Plan is already being developed with this in mind.</p> <p>We are looking into the effect of our interventions and how to link them directly to public health outcomes. The FSA’s Local Authority Enforcement Monitoring System (LAEMS) will, from 2007/8 data onwards, include comprehensive information on FBOs’ compliance levels with food hygiene law.</p> <p>Also, Local Authority funding agreements with the Department for Communities and Local Government now take account of economic, safety, health and well-being priorities, which are directly linked to public health outcomes.</p>

**Themes**

1. **Third Party Assurance**
2. **EU Influence**
3. **Voluntary Measures**
4. **Stakeholder Engagement**
5. **Guidance**
6. **Compliance and Enforcement**