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**ENFORCEMENT LIAISON GROUP AWAYDAY REPORT – WEBSITE SUMMARY**

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**Contents**

**Introduction**

- Expectations
- Pre event questionnaire feedback
- Overview of the day

**Enforcement Liaison Group review**

- What we have done well this year
- What we would like to improve
- What helps us work effectively together
- What this means we will do more of/do differently for the future

**Consistency in food law enforcement**

- The big picture
- Breadth of the issue
- What the consumer wants
- The ELG's definition of the issue of consistency of food law enforcement
- Objectives for discussion
- Priorities
  - organisational level
  - individual officer level

**Actions**

**Next year**

**Appendix**

- Participants

## **INTRODUCTION**

These notes summarise the key discussions and outputs of the Enforcement Liaison Group away day held at the Radisson Edwardian Grafton Hotel in London on 19 November 2002.

Prior to the event, participants were sent a pre away day questionnaire, the results of which were summarised on the day.

David Statham welcomed everyone to the away day. In particular he extended a warm welcome to Roger Broomfield who was attending for the first time representing the Institute of Food Science and Technology. Apologies were received from Jeanette Longfield of Sustain.

- Today gives us an opportunity to address some of the issues that we recognise as a group need to be dealt with that in normal meetings we don't have the time to address.
- Spend quality time together and start to look to meetings that we can work on together in coming years.
- important from the Agency's point of view to have an input from a wide group of stakeholders to help us to move towards policy decisions that we can take to the Board.
- This is the first away day with the new name – Enforcement Liaison Group – we have moved into working with a broader group than just the LAs and FSA.
- We have looked at licensing of food premises over the year and there is a report going to Board in December about HACCP.
- We will be looking at consistency of enforcement today. The lack of consistency is often used to discredit the enforcement process. Other issues are recruitment and training of enforcement officers and the issue of traceability, review monitoring and audit of enforcement processes.

## **Expectations**

- Opportunity to spend some quality time on some of the issues.
- Develop how the Secretariat can help the effectiveness of the group
- Making progress in securing future consumer protection service
- Promoting food standards
- Areas of consistency in enforcement that cut across food safety
- Bringing some of the benefits ASDA have with LAs and the perspective of retailers
- Moving from a group that talks to having an agenda to take things forward
- Getting to know people, contributing to the group.
- Trying to see if there is a way we can bring to life 'joined up enforcement'
- Partnership working is key to promoting and supporting the role of EHOs
- What the key issues are and discussing them in detail and finding common ground.
- Meaningful discussion about consistency
- Changes of attitude among all of us – so we can make real progress
- Report back to Northern Ireland about what the important issues are
- Exploring how LA and enforcement agencies work together and how to improve this.

## **Pre event questionnaire feedback**

Comments made in the pre event questionnaire participants were asked to complete before the day were summarised under the following headings.

## **Purpose of the day**

- Group working
  - partnership working
  - effective and productive working
  - discussing everything in detail and understanding others' perspectives
  - build relationships
- Role of the group (in policy and practice)
  - what are the sorts of things we need to do here together
- Identify and address the issues around consistency
  - the situation at the moment is inconsistent
- Explore non routine issues
  - the things that we don't get chance to discuss in meetings
- Look at the future direction and agenda – over next 12 months

## **Successes**

- More towards themed meetings – pick up on particular issues
- Updates and insights
- Change
- Recruitment and retention

## **Improvements**

- Better consumer representation
- Direct board involvement
- A more rounded view on key issues
  - desire to have a sense that there is common purpose

## **Consistency in food enforcement**

- Understanding and recognition
  - understanding what consistency is
  - it is not uniformity, it needs flexibility
  - what is the definition and context in which organisations are operating
- Consistency of purpose
  - not uniformity, a level playing field
- Consistency in process – at all stages in the process
- Audit – e.g. practice in Scotland where there is a 3 year audit

## **Future agenda**

- Extending membership and partnership?
- Waste food taskforce
- Food standards enforcement
- Sharing good practice
- HACCP
- Education and training

## **Overview of the day**

The outline of the route map for the day was agreed as

- review of how the group is doing
- consistency in food law enforcement – the big picture
- consistency in food law enforcement
- looking to the future
- summary and close

## **ENFORCEMENT LIAISON GROUP REVIEW**

### **What we have done well this year?**

- Themed meetings valuable for sharing understanding
- Last year five big issues were identified and these were followed up systematically leading to a belief that this group had set priorities and followed them through
- Focused expert discussion on Licensing
- Quality of the papers presented is good, and getting other organisations to present papers e.g. on licensing so there is a much more rounded debate following it

### **What we would like to improve?**

- Discuss ways of helping consumer organisations attend meetings on a regular basis
- Better feedback from FSA as to how the group is influencing policies more effectively
- Group to be clearer about objectives before having a discussion
- Achievable objectives
- Feedback on issues that were discussed and how things are being actioned.
- Measurement of success
  - how and by what mechanism?
  - agreeing these at the beginning as part of the objectives
- Formalised feedback mechanism for all stakeholders

### **What helps us work effectively together?**

- Papers issued in advance with time to prepare helps better, more informed discussion
- Papers from stakeholders as well as from FSA
- Opportunity to influence
- Need consistency of attendance

### **What this means we will do more of/do differently for the future**

- Notification and communication mechanism
  - difficult to filter out what people want – need to get a balance,
  - summary of information
  - weekly email of what's new on the website

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## **CONSISTENCY IN FOOD LAW ENFORCEMENT**

### **Objectives**

Objectives for the discussion were suggested as the following:

- broad ranging look at what is involved in the issue
- set the scene
- detailed discussion of key dimensions (small groups and big groups)
  - what should this group's definition of the issue be?
  - what should the objectives be in addressing this issue?
  - what activity needs to be undertaken by stakeholders?

### **The big picture**

David Statham outlined the 'big picture'. There are lots of enforcement officials carrying out enforcement activities – there will always be some degree of inconsistency – not all solutions, issues, policy, people will be the same. However, there is a need for a need to have consistent outcomes and a consistent feel that what is happening is right

- Need to determine the policy approach to consistency of enforcement
  - what do we want people to do
  - what do we expect in terms of enforcement
- It is often seen as a problem that affects LA enforcement – but it also affects national enforcement bodies e.g. MHS, HSE
- When set up FSA tried to establish framework in which enforcement should happen
  - will never produce all the solutions, only part of the way forward
- Review of enforcement codes of practice – was going to be completed in June
  - helpful in terms of consistency of enforcement
  - before we had these it was not written down what was expected
  - seen as a model for the rest of Europe
  - needs to be reviewed but better than nothing
- Working on other things that will lead to consistency
  - training in different areas that tackle different subjects e.g. on farm pasteurisers
- There will always be some inconsistency because things move on – we need to be better at equipping people to do the job, through training, etc
- Of interest to all organisations and to industry in terms of interfacing with enforcers

### **Breadth of the issue**

#### **What is it?**

- Includes - Government, Agency, LA, industry, consumers
- Way Agency deals with different parts of enforcement regimes
- From farm to fork
- Differences in approach
- Industry consistency
- Look at consistency of law itself
- Consistency of outcomes
- Consistency of inputs and approach
- Causes of inconsistency (training/skills of individuals and, priority/resource by LA)
- Facts is there a problem?

### **Why is it so important?**

- The industry representative's company's perception was that 95% contact with enforcers is OK, the rest causes a lot of work.

### **What are the key issues?**

- How real is the problem?
  - is it a thing of the past that people hang on to?
  - where is the evidence to support the argument of inconsistency?
  - is it reliable?
  - is it just a small section?
  - is it feasible to place a huge burden on the whole to deal with a small amount?
  - need for framework to deal with individual approaches by officers was questioned?
  - Is it just direction from above? Can LAs do something themselves?
- Scotland audits - what can we learn from Scotland and where audits not an option?
- Consistency versus uniformity (processes)
- What do we mean by enforcement? And from whose perspective?
- Not just about law – there are cultural differences that make it more complex
- Different issues around food standards and food hygiene
- LA allowed to set priorities themselves – perhaps should be more direction

### **What the consumer wants**

- Higher standard of food safety, quality (higher than the legal minimum)
- Higher standard of enforcement
- Better food labelling
- Compensation for misdemeanours
- If something is wrong – how to complain
- Doesn't think about consistency
- Consistently high standards of being dealt with properly
- Some groups e.g. allergy sufferers expect consistency

### **The ELG's definition of the issue of consistency of food law enforcement**

- Consistency in terms of approach, to training, skills, a response, safety, labelling
- Whose approach – LA, Government, food law
- Strategic view
- Input (LA, Hygiene Inspectors)
  - uniformity
  - conformity
  - brought about by guidance, interpretation, training
  - with mechanism to review
- Fair and equitable treatment of individuals or organisations
- Actions which are positive
- Application of common standards where appropriate
- Consumers can expect minimum level of protection
- Equitable access to resources
- Better and more agreed guidance with everyone

- Objectives are clear and shared - trying to achieve the same thing (top down)
- Mechanism for resolving disputes between authorities and between authorities and business – stronger than advice
- Mechanism for co-ordinating and controlling what LAs do
- Communication between enforcement authorities and authorities and business
- Issues around style of communication – adversarial or co-operative
- Separate issues of consistency from issues of proportionality
- Consistency of input of expert information – across the picture
- Individual interpretation
- Consistency at government level – enforcement across the board – potential conflict

### **Objectives for discussion**

- Tease out all the different issues about consistency, look in constituent groups about how we tackle them, things to consider across the board tackle another day
- Look at areas where we are inconsistent.
- Invite Industry associations to set out the evidence for their concerns regarding inconsistency so we can have a detailed discussion on the effectiveness of current mechanisms and consider the need for improvements.
- Inconsistency at organisational level and individual officer level

### **Priorities - organisational level**

- Clarity of message from the centre to LAs and other enforcers
- Structured approach to dissemination of information would help
- Review how the communication process works
- Agency need reliable data from LAs
- LA Inspection frequencies and prioritisation
- Allocation of resources
- Political commitment at LA level - should target members rather than officers

### **Priorities - individual officer level**

- If clarity of message was better would help decision making
- Effective management by LA of officers in the field – consistency and reviews
- Ensure dispute mechanisms are understood and used consistently
- Guidance and training, information
- Training – designed at national level but delivered locally
- Inspection protocols/codes of practices – followed by individual officers
- Management – to make sure it happens

## ACTIONS

What	Who	When
• Continue themed meetings		
• Setting and follow through of priorities		
• Range of papers (in advance)		
• Supporting attendance		
• Feedback from all stakeholders		
• Representation		
• Success measures		
• Clarity of message through communication– each group (including consumers) to produce paper to bring to next ELG meeting	FSA, LACORS, Consumer, Business	
• Reliable data from LAs – agenda point	Secretariat	
• LA management – ELG to be magnet for information coming in on good practice – Information from audit process about LA procedures that operate consistently and are effective	LACORS and FSA	
• Dispute mechanisms – understanding and application – picked up as part of clarity of message and LA management		
• Inspection frequencies and prioritisation – included in codes of practice		
• Allocation of resources (working group) – Role to help LAs – Share information – Monitor – Advise Board as appropriate	Working group	
• Training – codes of practice – monitor, report, feedback – themed session or watching brief – professional bodies	Secretariat	

### Next year

At the end of the day the group highlighted issues to be addressed over the next year

- HACCP
- Information on standards (food, quality, hygiene, business standards)
- Good practice
- Partnership working
- Waste Food Task Force

## Participants

John Barnes	LAED, FSA
Don Boon	London Borough of Croydon (LACORS Food Strategy Group)
Roger Broomfield	Institute of Food Science & Technology
Liz Corbett	Glasgow City Council (LACORS Food Hygiene Focus Group)
Phil Dalton	BRC
Geoff Deville	LAED, FSA
Michael Drysdale	Belfast CC/NGLA
Mark Du Val	LACORS
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Colin Houston	FSA, Scotland
Andrew Jamieson	Royal Environmental Health Institute of Scotland
Brendon Lancaster	LAED, FSA
Gerry McCurdy	FSA, Northern Ireland
Jenny Morris	CIEH
Nick O'Donnell	Health & Safety Executive
Debby Reynolds	VETD, FSA
Valerie Saint	FDF
Troy Sinclair	LAED, FSA
David Statham	Enforcement & Food Standards Group (Chair)
Bob Stevens	Association of Public Analysts
Catriona Stewart	LAED, FSA
Phil Thomas	TSI
Rob Wilkins	FSA, Wales

## Facilitator team

Carol Addison	CPCR
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