

MINUTES OF THE OPEN BOARD MEETING, 9 FEBRUARY 2006, CONGRESS CENTRE, LONDON

Executive Summary

1. Draft minutes of the open Board meeting held on 9 February 2006 at the Congress Centre, London are attached.
2. The Board is asked to **confirm** that the minutes are a true and accurate record of the meeting.

Board Secretariat

Contact: Keith Gregory

Tel: 020 7276 8612 (GTN 276 8612)

Email: keith.a.gregory@foodstandards.gsi.gov.uk

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MINUTES OF THE OPEN BOARD MEETING, 9 FEBRUARY 2006, CONGRESS CENTRE, LONDON

OPEN SESSION, 09:15 – 12:50

Present:

Dame Deirdre Hutton, Chair
Julia Unwin, Deputy Chair
Sati Ariyanayagam
Richard Ayre
Chrissie Dunn
Maureen Edmondson
Alan Gardner
Valerie Howarth
Iain MacDonald
Graeme Millar
Christopher Pomfret
Bill Reilly
Sandra Walbran
Nelisha Wickremasinghe

Officials attending:

Jon Bell, Chief Executive
David Statham, Director of Enforcement (items 5, 6 and 7)
Andrew Wadge, Director of Food Safety Policy (items 8 and 9)
Julie Monk, Head of Enforcement Division (items 6 and 7)
Derrick Jones, Head of Analytical Surveys and Research Policy Division (item 8)
Julie Norman, Joint Head of Strategic Development Unit (item 9)
Keith Gregory, Board Secretary
Nick Carson, Board Secretariat

Chair's Introduction

1. The Chair welcomed all observers attending the open Board meeting.
2. The Chair noted that this would be the last open Board meeting for Sati Ariyanayagam. Sati had been a Board member since February 2003 and had been a founding member of the Succession Committee. On behalf of the Board,

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the Chair thanked him for his contribution to the work of the FSA and in particular for his expertise in the medical area. He had also made a significant input into making sure that the specific circumstances of ethnic minorities were properly reflected in Board discussions.

3. The Chair welcome two new Board members, Bill Reilly and Alan Gardner, to their first open Board meeting.
4. Bill Reilly had been Chair of the FSA's Advisory Committee on the Microbiological Safety of Food and a former member of the Scottish Food Advisory Committee. He was a Consultant in Veterinary Public Health and Head of the Gastro-Intestinal and Zoonoses Section at Health Protection Scotland.
5. Alan Gardner was a sheep farmer and Vice President of the Farmers' Union of Wales (FUW). He represented the FUW on the Meat Hygiene Service Industry Forum, had been Chair of the FUW Livestock Committee and was currently a director of Meat Promotion Wales. To avoid any conflict of interest, Alan had confirmed that he would be standing down from the office of Vice President of the FUW and as a director of Meat Promotion Wales. He intended to do so as soon as reasonably possible, bearing in mind the FUW's need to find a replacement. In the meantime, he had agreed to take no part in any Board discussions on agricultural issues.
6. The Chair invited the Deputy Chair to introduce the meeting. The Deputy Chair reminded those attending the meeting and watching the webcast that the FSA Board discussed policy issues at its open meetings to meet its commitment to transparency and accessibility. There would be an opportunity for questions immediately after the formal session and those watching the webcast could also send questions to the Board.
7. The Chair reminded Board members of their obligation to declare interests before discussion of relevant items.
8. There were no items raised for discussion under Any Other Business.

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Item 1 - Minutes of the Meeting on 8 December 2005, Royal York Hotel, York (FSA 06/02/01)

9. The Board agreed the Minutes of the meeting held on 8 December 2005 at the Royal York Hotel, York as an accurate record.

Item 2 - Actions Arising (FSA 06/02/02)

10. The Board noted the table of follow up actions.

Item 3 - Chair's Report

Meeting with Commissioner Markos Kyprianou

11. The Chair informed Board members that she and FSA staff had met the EC Commissioner for Public Health and Consumer Affairs (DG Sanco), Commissioner Kyprianou, on 2 February. The agenda had included the Euro Freeze (Ireland) Ltd investigation and the new arrangements for OTM¹ cattle. The Commissioner was now content with the FSA's actions and their communication. He noted that problems had occurred in other Member States. He showed particular interest in the FSA's plans to establish a Task Force and how that might influence improvements in Europe-wide systems and was open to ideas on how to improve the RASFF² system.
12. The Commissioner had been pleased to hear that the arrangements for OTM cattle were working well, but had urged continuing vigilance.
13. The Chair had also taken the opportunity to update the Commissioner on the FSA's nutrition initiatives including work on, and reactions to, its salt reduction approaches. The approach being developed in Europe by DG Sanco on this - around clear labelling, creating consumer demand and encouraging the market to deliver - was similar in many ways to the FSA's approach and the Chair was pleased to see that there was real synergy, as well as being able to inform the Commissioner that the Agency was developing some good evidence in the UK that this approach was effective.

¹ Over Thirty Months

² Rapid Alert System for Food and Feed

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Meetings with the Food Industry

14. The Chair informed Board members that she and the Deputy Chair, with Caroline Flint MP (Parliamentary Under Secretary of State for Public Health), had recently met the Chief Executive of Sainsbury's. The Chair had congratulated them on their 'Wheel of Health' scheme, which used red, amber and green signposting on the front of some of its food packs. She had highlighted to Sainsbury's that consumers wanted an authoritative scheme backed by the FSA which had clear information and was consistent, and had encouraged them to adopt the FSA's precise levels for each high, medium and low category.
15. The Chair reported that she - with the Chief Executive and the Director of Consumer Choice and Dietary Health - had also met a group of food manufacturers to discuss front of pack nutrition labelling. They had informed the FSA that a number of manufacturers and retailers had decided to adopt a scheme of GDAs³, which they wanted to put on all food. The FSA's consultations had found that consumers had particularly wanted clear labelling on complex and processed foods as that was where they experienced particular difficulties. The Chair had welcomed the recognition that consumers needed better labelling. However, until the FSA had analysed the results of its consultation, it would not want to choose between schemes and the Board's decision would be based on what consumers could most easily use. The results of the consultation and the final recommendations would be considered by the Board at its March meeting.

Speech to CASH⁴ Salt Awareness Day

16. The Chair informed Board members that she had attended the CASH Salt Awareness Day at the House of Lords with Caroline Flint MP on 1 February 2006. The theme of the event had been "The Greater Impact of too much Salt on Ethnic Minority Communities". She and Caroline Flint had given complementary presentations which had demonstrated that the FSA and the Department for Health were working together to achieve salt reduction. Both had stressed that consumer demand coupled with industry reformulation was the best way to secure change. The British Heart Foundation had publicly thanked the FSA for its support with their Ramadan campaign which had helped them considerably in

³ Guideline Daily Amounts

⁴ Consensus Action on Salt and Health

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their objective of reaching more people. In particular, they had noted how useful it had been to have the resource to brief Imams in mosques.

Item 4 - Chief Executive's Report

Euro Freeze (Ireland) Ltd and UK Cold Store Survey

17. The Chief Executive reminded Board members that he had reported in December on the situation at that time concerning an investigation in Northern Ireland that had centred around a cold store trading as Euro Freeze (Ireland) Ltd. As a result of the initial findings, he had announced at that meeting that an audit of all Northern Ireland cold stores would be carried out by the Meat Hygiene Service (MHS).
18. This audit had been carried out between 15 and 21 December 2005 and had revealed one further cold store containing product with illicit health marks. In addition, examples of health marks with a slightly different format to the normal legitimate health marks had been noted in four cold stores. In the latter case the FSA had contacted the relevant Member States and all responses received from them so far had indicated that the products were genuine. However, one response was still outstanding.
19. Before Christmas, Member States had received a written request from the European Commission that inspections of all cold stores throughout the Community be carried out by the end of January. This had recognised that these issues were EU-wide and that problems had occurred in other Member States. The FSA had asked local authorities, as the enforcement bodies for stand alone cold stores in Great Britain, to carry out those inspections, while the MHS had been asked to inspect cold stores co-located with licensed premises.
20. The Chief Executive had advised the Commission that 200 of the 237 cold stores had been inspected. The rest would be inspected within the next two weeks. The checks had so far revealed only one company, situated in the North West of England, where there appeared to be problems with product identification. All the suspect product found in the store had originated from a meat producer in Northern Ireland, but this incident was not connected with the Euro Freeze (Ireland) Ltd investigation. In this case the problem involved 22 pallets of meat, with 50 boxes per pallet, where the majority of the boxes had damaged health

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mark labels. There was no indication however that any of the health marks were not genuine. The Northern Ireland Company that had supplied the product had been asked for an explanation for the findings. In the meantime the product had been seized and would be presented to a Magistrate for condemnation.

21. The Chief Executive thanked the local authorities concerned and the MHS for carrying out a large amount of work in such a short period of time.
22. As far as the Euro Freeze investigation was concerned, the Chief Executive advised Board members that all of the product seized from the Euro Freeze cold store was currently awaiting a Magistrates Court hearing to determine whether it should be condemned. This was expected to occur before the end of February.
23. Finally, the Chief Executive informed Board members that some 400 tonnes of meat originating from Euro Freeze that had been delivered to France had been detained by the French authorities. FSA officials had travelled to Paris in January to meet with French public health officials and reported following that meeting that French officials had made a risk-based decision to release the product. This had been because FSA officials had provided further information, which showed that the products were not directly connected with any of the meat with illicit health marks.

E.coli: Chief Medical Officer Wales Review

24. The Chief Executive reminded Board members that the team that had reviewed the E.coli outbreak on behalf of the Chief Medical Officer for Wales had made a number of recommendations directed to the FSA in its report published in January. The FSA was in the process of responding to these, but there were some important issues concerning butchers' licensing which may have been misunderstood.
25. Firstly, the review team had sought reassurance that the ending of butchers' licensing did not mean a decrease in public health protection.
26. Secondly, the review team had looked at the March 2005 Board paper⁵ on food safety management, and expressed concerns that the FSA had expected compliance with the new food hygiene regulations to be low. They had based

⁵ Paper FSA 05/03/02

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this concern on the estimate given in that paper that only 30% of food businesses in Wales had documented HACCP⁶ systems in operation at that time. The Chief Executive reminded Board members that the Board had given careful consideration to the issue of the continuation of butchers' licensing during its discussions in March, and had decided that the new EU food hygiene regulations, which came into force in January, gave equivalent protection. These regulations required, amongst other things, that food safety management systems based on HACCP be established in all food businesses (other than those involved in primary production). Therefore, the Board had concluded that butchers' licensing legislation did not need to be renewed. The requirement under butchers' licensing that all butchers who supply cooked and uncooked meats from the same premises have a properly documented HACCP-based system in place would therefore continue.

27. The 30% figure quoted in the March 2005 Board paper had been based on local authority estimates of the proportion of all food businesses with documented HACCP at that time. Within that figure, 100% of licensed butchers would have been operating HACCP systems and that would continue.
28. In relation to food businesses other than butchers, it had been accepted that it would be unrealistic to expect all businesses to be fully compliant on 1 January 2006 and that was the case in the UK as in other Member States. Although the responsibility for compliance lay with the food business operator, local authorities were taking steps to help businesses to meet the new requirements, through their advisory and education work. They would, however, continue to take action if they considered that public health was being compromised. The FSA continued to support this work through its activity on Safer Food Better Business (SFBB). Demand for the SFBB packs was currently running at some 4,000 a week.
29. One Board member asked for confirmation as to whether new butcher businesses would only have to comply with the new EU regulations and then be monitored. The Chief Executive explained that the requirements for new businesses would be the same. They should have HACCP plans in place and would be given priority in the inspection system.

⁶ Hazard Analysis and Critical Control Point

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BSE Testing Regime (Pre 1996 Animals Presented for Slaughter)

30. The Chief Executive reminded Board members that the BSE testing regime had been running for just over three months and that the systems that were put in place to manage this were functioning well.
31. The number of abattoirs approved for testing continued to increase steadily: 33 in GB and six in NI had been approved by 3 February 2006. The numbers of OTM cattle slaughtered were also continuing to build and had reached nearly 4,000 a week in Great Britain.
32. A disposal scheme for cattle born before August 1996 had been put in place on 23 January and the OTM scheme had been formally withdrawn on that date. This had so far not resulted in a significant increase in the demand for OTM slaughtering.
33. All BSE tests so far had shown negative, except for a relatively small number of “no tests” resulting from un-testable samples. These were now occurring at the low rate of about one or two per week.
34. The main area of concern was the number of cattle born before August 1996 that continued to be consigned to fresh meat abattoirs. Such animals were ineligible for entry into the food supply, and the new law (put in place last year) made such consignment an offence. The number presented had reached 47 by 8 February 2006, of which 42 were in Great Britain and 5 in Northern Ireland. It was considered that this was an issue of awareness rather than cattle keepers deliberately trying to put ineligible cattle into the food chain. However, despite a number of initiatives by rural affairs departments to remind cattle keepers of their obligation not to send such cattle for slaughter, they were still unfortunately being presented.
35. The Chief Executive had updated the President of the English National Farmers Union and FSA officials were contacting the farmers unions in Wales, Scotland and Northern Ireland. Defra⁷ had also written to the unions who were taking this matter very seriously. As a result, all were taking additional steps to publicise the legal requirement not to send pre August 1996 animals to fresh meat abattoirs. The FSA had also been considering the possibility of providing details of those

⁷ Department for Environment, Food and Rural Affairs

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farmers who had presented such animals, and who were also members of one or more of the farmers' unions, to those unions so that they could contact them directly. However, there were issues concerning data protection that would need to be considered before this could be done. Local authorities had so far shown reluctance to take any prosecutions on the grounds that they considered a warning to be the correct response to a first offence. It was hoped and expected, however, that prosecutions would be pursued if a second offence were committed.

36. The Board was pleased to note that the system put in place to identify cattle born before 1 August 1996 at abattoirs were clearly being effective. One Board member observed that MHS staff and plant operators had both identified the pre August 1996 animals and noted that this was a good example of partnership working.

37. There had also been three reported instances of seals having been broken on consignments of OTM carcasses, which required removal of vertebral column without the MHS being present as they must be in these cases. In all cases the OVS⁸ had been satisfied that the carcasses were as dispatched and they were therefore allowed to be processed in the normal way.

38. The risk if vertebral column were not properly removed from OTM carcasses was very small because the carcasses would be from cattle that had tested negative for BSE before being allowed to leave the abattoir. Nevertheless, it was important to maintain confidence in the SRM⁹ controls. The MHS would be writing to abattoirs and cutting plant operators to remind them of the need to ensure that seals were not broken without their staff being present.

Item 5 - Action to Tackle the Trade in Illegal Meat

(FSA 06/02/03)

39. The Chair welcomed David Statham (Director of Enforcement) to the table and invited him to introduce the paper.

40. The paper updated Board members about the developing picture regarding the investigations that centred on Euro Freeze (Ireland) Ltd and highlighted a series

⁸ Official Veterinary Surgeon

⁹ Specified Risk Material

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of actions that the FSA believed would help prevent food fraud and other illegal practices relating in particular to the trading of meat.

41. The main umbrella recommendation referred to the proposed establishment of an independently chaired Task Force, to consider actions throughout the food chain to tackle meat fraud. In addition to this overarching review by the Task Force, the FSA would wish to carry out a series of specific reviews as described in paragraphs 17 – 22 of the report. These included actions in respect of:

- looking at the security of the health marking system;
- looking at the identification of animal by-products;
- looking at the inspection and audit arrangements for meat plants;
- considering how food fraud risks might be factored into the risk-based inspection systems, both for local authorities and the MHS; and
- looking at the effectiveness of FSA support systems, which were introduced following the “Denby Poultry”¹⁰ case.

42. The paper asked for the Board’s views on the recommendations, so that the Executive could take those views into account before coming back to the Board in April with an Action Plan, including the proposed terms of reference for, and membership of, the Task Force.

43. In discussion Board members made the following points:

- the recommendations of other task forces such as the Waste Food Task Force (WTF) should be implemented;
- the Task Force should bring forward recommendations as they arose and not wait until the final report;
- the Task Force should consider how external quality assurance schemes might be encouraged to increase their requirements for traceability throughout the food chain;
- the issue of staining Category 3 animal by-products was important and should be brought to the Board at the earliest opportunity and should take account of pet animal welfare issues;

¹⁰ Denby poultry was a pet food processing plant. Some staff from this business were found guilty in 2003 of conspiracy to defraud due to their selling of unfit poultry in the form of animal by-products as food for human consumption.

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- the review of audit and inspection arrangements should be incorporated into the enforcement review;
- the FSA should encourage enforcers to use their intuition, skills and abilities in tackling fraud and not tie them down with strict rules;
- the Task Force membership should include people from outside enforcement for it to be credible;
- was the information from other Member States about the adequacy of official controls at cold stores anecdotal?
- what strategies had been developed by the FSA to manage the impact of major incidents?
- it should be recognised that food fraud could affect food safety and therefore should not necessarily be seen as a low risk activity;
- there was an opportunity for industry to work with the FSA to identify those involved in fraudulent activity as they could give the industry in general a bad reputation; and
- the Executive should consider a European presence on the Task Force.

44. The Director of Enforcement explained that the Task Force would build on the work of the WFTF. The Task Force would be looking at different issues by stages and would bring recommendations to the Board incrementally. The issue of staining was important but would require careful consideration before bringing a recommendation to the Board. He agreed to take into account the comments made about traceability and membership of the Task Force. He confirmed that the FSA was considering European representation on the Task Force. He currently chaired the European Group on Enforcement and was looking to bring in expertise from that group and the Food and Veterinary Office. The FSA had heard of reported problems with cold stores in Germany and the Czech Republic. A meeting in Brussels was planned to look at the final reports of visits to EU cold stores and consider the implications.

45. The Chief Executive agreed that the impact of major incidents on the FSA was a very important issue: the three recent incidents had stretched resources. Although the FSA had managed to keep most of its planned business on track, this had been as a result of staff working above and beyond the call of duty. The FSA was pursuing the idea of creating a reserve group of people, possibly retired Environmental Health Officers, who could be called upon at short notice, but would continue to think of alternative solutions to this problem. One Board member noted that the Euro Freeze incident had also impacted on the resources

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of the MHS and that they would need to be factored into the FSA's thinking. The Chief Executive confirmed that the MHS would be included and that he was very grateful to the MHS for all the work done in Northern Ireland.

46. In summing up the Chair noted that the Board had:

- agreed the recommendations for future action;
- welcomed the fact that the process would be incremental;
- requested that issues be brought to the Board as they arose;
- requested an early report on recommendations on staining Category 3 animal by-products;
- agreed that a detailed action plan, including the terms of reference and membership of the Task Force, should be presented to the April Board meeting;
- requested wide membership of the Task Force including representation from the EU; and
- noted progress on the investigations at Euro Freeze (Ireland) Ltd.

Item 6 - Local Authority Monitoring Data on Food Law Enforcement

(FSA 06/02/04)

[Prior to the discussion of this item Sandra Walbran declared an interest as a local authority environmental health officer, although not currently practising as such. The Chair, with the agreement of the Board, considered that this was not material and that Sandra Walbran should participate in the discussion and determination of this issue.]

47. The Chair invited David Statham (Director of Enforcement) and Julie Monk (Head of Enforcement Division) to the table.

48. Prior to the discussion of items 6 and 7, David Statham gave a short power point presentation setting out the FSA's vision for enforcement and the interlinked actions that would help to achieve it.

49. Julie Monk informed Board members that there had been significant improvement in the data provided by local authorities since 2002. Administrative burdens on local authorities had been reduced by the move from quarterly to annual returns and the simplification of data lines. All authorities had made returns for 2004-05.

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One particular area of improvement had been the number of local authorities achieving planned high-risk inspection rates of 90% and above. There had also been a reduction in the number of local authorities showing low levels of activities. A large number of authorities had also reported a high level of activities. Annex 8 set out those authorities that had reported low levels of activity or incomplete returns. This did not necessarily mean that there was poor performance across the piece. The data acted as a trigger system for the FSA to ask further questions and linked into the audit process.

50. Board members generally recognised and welcomed the improvements that had been made in the collection of data and the efforts that had been made both by FSA staff and local authorities.

51. One Board member was pleased to see the FSA moving towards an outcome based approach for local authority monitoring and noted the view that more activity resulted in better industry compliance was not always accurate. Some of those authorities perceived to be failing were considered to be achieving well in other areas by the Audit Commission. It would be important to bear in mind the resource implications for authorities and that some district councils were very small and could therefore lack expertise. David Statham acknowledged that the FSA was concerned about resources. The FSA had been working with local authorities and had met the professional bodies to look at how to attract people into this area of work. One option could be for those with lower levels of qualifications to focus on lower risk areas. This would then free up more experienced people with higher level qualifications to concentrate on high risk work.

52. One Board member asked about the number of enforcement actions taken and the number of samples taken, as there seemed to be a reduction in both. David Statham explained that the reduction was an area of concern. A focus on high-risk work would normally result in increased sampling and the FSA would be discussing this issue with LACORS¹¹.

53. One Board member noted that tables 1-4 showed that levels of activity had reduced whilst table 5 showed improvements in local authority returns. This could be interpreted as evidence of more administrative work and less frontline work being undertaken. Had changes introduced in 2004/05 resulted in a request

¹¹ Local Authorities Co-ordinators of Regulatory Services

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for fewer planned inspections, which had in turn led to increased performance? What would indicate poor performance? The Chair asked for more information on what the reduction in levels of activity actually meant.

54. Julie Monk explained that it would be necessary to make some assumptions about the reasons for the reduction. It could have occurred as a result of a focus on higher risk premises. The FSA would be exploring these issues with local authorities and LACORS to identify the underlying reasons and national trends. David Statham reassured Board members that there was no evidence of increased administration. The reporting arrangements were now less onerous, which had resulted in less administration for local authorities.

55. Board members stressed the importance of careful analysis of the data and noted that it was difficult to reach conclusions from the statistics. One Board member suggested that there needed to be a change of emphasis towards local authorities providing assurances that their data were robust. Julie Monk agreed that local authorities were responsible for their data. She noted that there was also a need for highly performing authorities to work with, and support, those authorities that were struggling.

56. One Board member noted that targets needed to be more outcome-focussed. Another member suggested the need to have links between activities and levels of food borne disease. Another noted that there was no proven link between levels of inspection and improved performance in public protection and health. David Statham agreed that it would be important to identify real outcomes and measures which could then tie into securing the Agency's objective of reducing food borne disease. He agreed that authorities should in future focus on the appropriate intervention to achieve the desired outcome. The FSA wanted to improve standards and improve the health status of the nation.

57. In summing up the Chair noted that the Board had:

- supported the enforcement vision;
- welcomed the improvement in the level of local authority returns and recognised the excellent work undertaken by the FSA, local authorities and LACORS in achieving this;
- asked the Executive to consider the data further, together with any points arising from the forthcoming meeting with LACORS, and to report the findings

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to the Board, clearly highlighting whether there had been any improvements to public health or not;

- agreed that officials should consider what further support or action should be taken with those local authorities which had reported the lowest levels of activities or had gaps in their data;
- asked that the Executive consider how to move towards a system where those audited provided assurances as to the robustness of their data; and
- recorded its concern about pressures on resources allocated for food law enforcement and asked that this work continue to be given high priority.

Item 7 - Review of the Framework Agreement and the FSA's Audit Scheme of Local Authority Food and Feed Law Enforcement Activities

(FSA 06/02/05)

[Prior to the discussion of this item Sandra Walbran declared an interest as a local authority environmental health officer, although not currently practising as such. The Chair, with the agreement of the Board, considered that this was not a material conflict of interest and that Sandra Walbran should participate in the discussion and determination of this issue.]

58. The Chair invited David Statham (Director of Enforcement) and Julie Monk (Head of Enforcement Division) to introduce the paper.

59. The paper set out the approach to a parallel review of the Framework Agreement and the FSA's arrangements for audit of local authority food law enforcement services. It was important to recognise the limits of what an audit could and could not deliver. An audit could not guarantee that no problems existed but it could give confidence that effective management systems were in place.

60. Board members noted the limits of assurance provided by audits and welcomed the move to an outcome focussed approach. One Board member suggested that the audit framework was too input focussed. It would be important to build on other assurance mechanisms to maximise value for money. Another Board member noted that inputs could drive authorities in terms of priorities which could then achieve outputs. It was suggested that a review of the code of practice would be welcome. It would be important to develop freedoms and flexibilities to allow local authorities to concentrate on protecting consumers and improving public health. There also needed to be a focus on those local authorities that

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needed support. David Statham agreed that a balance had to be achieved between flexibility and a focus on outcomes. A review of the code of practice would be vitally important. The FSA would take into account other quality assurance mechanisms to ensure that inspections were not covering the same ground.

61. One Board member stressed the importance of effective accountability and responsibility mechanisms. Without these there could be a risk that authorities could shed their responsibilities to the FSA. This had happened in Wales when some had seen the FSA's failure to produce timely local authority audit reports as a possible reason for the E.coli incident. The publication of reports was a key driver for local authorities as it provided more information to the consumer. Another Board member noted that audits were only useful if an action plan followed which had been the problem in Wales. The Chair reminded Board members that every local authority in Wales had received oral feedback following their audit¹².

62. One Board member noted there was an assumption that there were different audit systems across the four countries of the UK. There needed to be consistency unless there were strong reasons for the differences.

63. One Board member suggested that local authorities should have a stronger presence on the Project Board to ensure greater ownership. The Chair asked for clarification on any interim reports before the project was completed in early 2007. She noted that a lot of this work would be driven by decisions made in Europe. Julie Monk confirmed that the Board would receive an interim report in September 2006. She explained that there were new proposals from the EU that suggested local authorities would need to be audited every five years. The FSA believed that focussed audits would be more appropriate. Auditing authorities every five years would require a significant increase in resource and this was an issue that the Project Board would be considering.

64. In summing up the Chair noted that the Board had:

- noted the context and background to the decision to review the Framework Agreement and the audit scheme;

¹² It was subsequently clarified that the majority of Welsh local authorities had produced action plans and agreed them with the FSA. These are available on the FSA's web-site

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- requested that there should be some definition included on the outcomes that the work was aiming to achieve and identify the inputs that will act as drivers;
- encouraged the Executive to continue with this work and to draw on any relevant input from the EU; and
- agreed the approach, scope and proposed timeline of the proposed review process, including an interim report in September 2006.

Item 8 - FSA Science Strategy 2005/2010

(FSA 06/02/06)

[Prior to the discussion of this item Bill Reilly declared an interest as a recent Chair of the Advisory Committee on the Microbiological Safety of Food. The Chair, with the agreement of the Board, considered that this was not a material conflict of interest and that Bill Reilly should participate in the discussion and determination of this issue.]

65. The Chair explained that Professor Mike Lean, Chair of the FSA Advisory Committee on Research (ACR), had hoped to attend the Board meeting but had been unable to do so due to a family bereavement. She welcomed Andrew Wadge (Director of Food Safety Policy and Acting Chief Scientist) and Derrick Jones (Head of Analytical Surveys and Research Policy Division) to the table.

66. Andrew Wadge explained that the Science Strategy was a key piece of work which set out the FSA's strategy for obtaining and using scientific evidence. It articulated the importance of getting the science right and it aimed to ensure that policy would be based on the best scientific evidence available.

67. Derrick Jones explained that the document replaced the existing strategy. The plan covered the period 2005 to 2010 and therefore matched the period of the FSA Strategic Plan. It set out how the FSA would obtain and use scientific evidence to support its strategic objectives. The plan had been developed within the FSA and the ACR had advised on the overall format and approach.

68. Board members had received a copy of the consultation pack in June 2005. The consultation had ended in August 2005 and the responses had been very supportive. These responses were set out in Annex 2 of the paper. The revised document following the consultation was included in the paper at Annex 1. The

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paper asked the Board for its views on the document and asked the Board to agree to its publication.

69. In response to a question from the Chair, Derrick Jones confirmed that the ACR had had sight of the final draft of the Science Strategy and were happy with it.

70. In discussion Board members made the following points:

- the strategy should not be funding driven, as there were differences across the UK. This was a UK strategy but the evidence base would not necessarily cover the whole of the UK;
- there should be some overarching ethical principle;
- could the FSA deliver this ambitious strategy and were there any resource implications?
- although it was intended that the document was for a scientific audience, it would be helpful to produce something for other audiences (eg consumers without a scientific background, students etc);
- what consultation responses had been received from UK universities?
- how would the strategy contribute to increasing the status of the social sciences?
- the FSA should consider how to include work done elsewhere;
- the strategy should set out how the FSA will use emerging scientific evidence which was not yet complete and had not been subject to peer review.

71. The Chief Executive acknowledged the importance of having a UK base of evidence. In the past, the National Diet and Nutrition Survey had not included Northern Ireland but the FSA intended to correct this position. The FSA would look to see what other evidence needed to be gathered from the other countries in the UK where it was clear there were differences.

72. Andrew Wadge agreed that it would be helpful to have an overarching ethical principle and would work to include one in the strategy. In terms of delivering the strategy, the FSA was considering the funding issues and was looking at a range of tools to help assess priorities. It was hoped that a tool could be developed to allow the FSA to be more transparent on how it determined and weighed priorities and where resource was allocated. The suggestion of producing material for other audiences, such as students, was helpful as it would, for

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example, be something the FSA could take to science fairs to help interest people in the science of food and working in the FSA.

73. Andrew Wadge confirmed that social science was very important to the FSA. As Acting Chief Scientist he wanted to drive forward the process of engaging with social science and look at how this could better inform the work of the FSA.

74. He agreed that the international context was important and would consider how to give this more weight in the document. He explained that the FSA had developed good links with European colleagues, for example as part of ERA-NET, a group working on mechanisms to co-ordinate research activities across Europe and through membership of the Advisory Forum of EFSA¹³.

75. Derrick Jones explained that UK universities had been consulted. Annex 2 contained a breakdown of the responses and the FSA's analysis.

76. In response to the question about how to include work done elsewhere, Andrew Wadge advised Board members that there was a broader question about how the FSA ensured that those capable of undertaking research work on behalf of the FSA actually applied for research funding. There was a need for the FSA to sell itself more to attract proposals from scientists working in disciplines beyond food science.

77. Andrew Wadge went on to explain that the FSA had held discussions on emerging scientific evidence with the editors of leading journals including Nature and Science. They had noted the importance of this issue and had agreed it was possible to fast track emerging evidence through their journals when appropriate. The Chair noted that the FSA would always put emerging evidence into the public domain if there were a public health risk. This would include making sure that the uncertainties were clearly highlighted. The Chief Executive explained that the FSA had a commitment to peer review and would look to fast track peer review whenever possible. This would ideally be done through journals but could also include using the scientific advisory committees or other scientists for this purpose.

78. In summing up the Chair noted that the Board had:

¹³ European Food Safety Authority

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- agreed that the new Science Strategy be published in spring 2006 with Board members' suggestions incorporated as appropriate;
- asked for an overarching ethical principle to be included;
- noted the importance of the international dimension;
- made clear that the FSA would work with editors to speed up the process of publication of scientific papers with implications for public health but in the final analysis recognised its responsibility for making the public aware of any findings that have an impact on public health as quickly as possible;
- asked the Executive to consider a possible summary for those without a scientific background; and
- asked that the Chair's introduction to the document include a statement on the FSA's policy on the use of emerging scientific evidence.

Item 9 - The Governance of Science

(FSA 06/02/07)

[Prior to the discussion of this item Bill Reilly declared an interest as a recent Chair of the Advisory Committee on the Microbiological Safety of Food. The Chair, with the agreement of the Board, considered that this was not a material conflict of interest and that Bill Reilly should participate in the discussion and determination of this issue.]

79. The Chair welcomed Andrew Wadge (Director of Food Safety Policy and Acting Chief Scientist) and Julie Norman (Joint Head of Strategic Development Unit) to the table.

80. The Chair invited the Deputy Chair to set out the background to the paper. The Deputy Chair reminded Board members that the work on the governance of science had been a Board initiative. The paper pulled together several strands of work and would enable the FSA to build on what it had always done but be able to communicate it more effectively.

81. Julie Norman informed Board members that the paper put on public record the output of a large amount of discussion, including some good input from NIFAC¹⁴. Science was vitally important to the work of the FSA. The checklist was a tool to enable Board members to assure themselves about the integrity of the science

¹⁴ Northern Ireland Food Advisory Committee

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being presented to them. Annex 5 of the paper set out the proposed role of the Chief Scientist.

82. The Chair of NIFAC was pleased to see that the feedback from the Committee had been incorporated in the paper and asked how the post-hoc reviews would work. She saw the role of the Chief Scientist as being an assurance role and someone who would work to maintain and extend scientific literacy in the FSA and engage with the wider scientific community. Andrew Wadge confirmed that he saw scientific literacy in the FSA as a key role for the Chief Scientist. He noted that although scientific capacity in the UK was not the responsibility of the FSA, there was a need to ensure that capacity existed to meet specific policy needs. It would therefore be important for the FSA to explain its needs clearly to the scientific community. On post-hoc reviews, Andrew Wadge explained that all policies needed measures of success built into them. The reviews would need to be regular and not ad-hoc. He explained that the FSA was developing a process for them.
83. One Board member suggested that there should be a scientific whistle-blowing mechanism with a role for the Chief Scientist. Andrew Wadge confirmed that he would be happy to take on this role. In response to a question from another Board member, the Chief Executive explained that a safeguard for a difference in opinion on the science between the Chief Scientist and the Chief Executive would be the independent advice from the appropriate Chair of a scientific advisory committee. As a last resort, the Government Chief Scientific Adviser would be asked for a view. However, this would be a rare occurrence. A separate question would arise if the Chief Executive chose to weigh other factors into the decision-making process rather than relying on what the science alone would suggest. In such circumstances it would be important for the decision-making processes to be totally transparent and brought before the Board for final decisions.
84. A number of Board members put forward suggested changes of the definition for the governance of science and asked that the definition be consistent with the FSA Strategic Plan. Board members agreed that 'gathered and used' would be replaced by 'identified, obtained, interpreted, used and communicated'. However, it was agreed that the Executive should think of a more pro-active word to replace 'identified'.

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85. Board members generally agreed that the Science Checklist was comprehensive but acknowledged that it was not definitive and would be an evolving tool. The Deputy Chair noted that the checklist would demonstrate to the Board that an issue had been interrogated in a number of ways and it would be a framework for the Board to use. In discussion, Board members identified a further two questions to include:

- Has a picture of the external environment been given so that the Board knows whether it needs to understand the context or educate consumers?
- Is there a need for different data sets for different regions of the UK?

86. One Board member suggested that there should be a process to ensure that credible people are placed on the list of experts that the FSA might call upon for advice at short notice.

87. In summing up the Chair noted that the Board had:

- asked for the working definition for the governance of science to be amended to align it with the Science Strategy;
- noted the current systems and processes in place;
- agreed the Science Checklist; subject to the inclusion of the changes proposed and consideration by the executive of how compliance with this could be demonstrated to the Board; and
- agreed the proposed role of the FSA Chief Scientist subject to the inclusion of the whistle-blower provision.

Any Other Business

88. The Chair noted that the standing order papers and the reports from the Chairs of the Advisory Committees in Scotland, Wales and Northern Ireland were included in the bound papers for information. She reminded Board members that the practice for reporting activities in the devolved countries had now changed. In the future there would be more comprehensive reports twice a year from each devolved country to allow the Board, as a UK body, to give appropriate consideration to activities in the devolved administrations.

89. There were no further business items raised.

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Date of next meeting

90. The next scheduled open meeting would be held in Glasgow on 9 March 2006.