

REVIEW OF OPENNESS

Executive Summary

1. Being open and transparent is one of the core values of the Food Standards Agency that informs how the organisation conducts its activities. Openness operates at all levels, from early engagement with stakeholders during the formulation of policy, to the commitment by the Board to take decisions on matters of strategic food safety and standards policy only at its open meetings.
2. The functions and powers given to the Food Standards Agency in our founding legislation underpin our approach to openness. In particular, the power to publish information and advice without political influence has enabled us to develop an open and transparent approach to the assessment, management, and communication of risk. We believe this approach has been key to the hard-won improvements we have seen over the past six years in consumer confidence in the regulatory arrangements for safety and standards of food and drink.
3. This paper provides the Board with a plan of how the review on openness it requested at the June 2006 meeting is to be conducted. It provides an opportunity for Board members to comment on whether they are content with the scope of the review and the intended format of the paper that will be presented at the December meeting.
4. We propose the review should, amongst other things: compare the FSA's performance on openness to that of other organisations; identify areas where we lag behind the leading practitioners of openness; and assess whether there are any proportionate and cost-effective changes we should make to our approach as a result.
5. The Board is asked to:
 - **consider** and **comment** on the proposed scope of the review, and in particular identify any questions that they would wish to add to the scope, or any other organisations they would like the FSA to be compared with;
 - **consider** and **comment** on the format proposed for the final report of the review; and

- **note** that the attached paper, amended in the light of the Board discussion, will be published on the FSA website, and evidence to further inform the review will be invited from stakeholders.

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Purpose of Paper

1. To describe how the review of openness requested by the Board will be conducted and to define the scope and nature of the final paper that will be presented to the Board to inform its substantive discussion at its December meeting.

Context of the Review

2. Originally set up because of loss of public confidence in food safety, the Food Standards Agency has now been in existence for six years. Much has happened in those years and the Agency has experience of living by its core values of being open and accessible and of putting consumers first. The review needs to consider how successful it has been, the lessons it has learned, and whether it has modified its approach as a consequence.
3. Openness and transparency do not come without incurring additional running costs. The review also needs to look at the costs of the methods chosen by FSA, the benefits they have brought, and whether these represent good value for money.
4. Other organisations have not remained static during this time. The Agency provided a model that others have tried to emulate and the Freedom of Information legislation, which received Royal Assent on 30 November 2000 and has since been progressively implemented¹, has imposed a wider statutory requirement for organisations to be open.
5. Against this background it is timely to ask whether the Agency is still setting the pace, whether it can learn anything from other regulatory organisations in their approach to openness, including how they have managed the costs, and what it needs to do to position itself for the next six years. An important issue here will be to consider the extent to which openness aids or undermines the FSA's regulatory purpose. When considering future action, attention will need to be paid to the risks that any changes in the methods the Agency uses to deliver openness could be portrayed as less open than those currently used.

¹ The final stage of implementation took place on 30 November 2005

Scope of the Review

6. The review will cover the Food Standards Agency and its operational executive agency, the Meat Hygiene Service. It will explore the following issues, and, in each case, will attempt to provide clear, evidence based answers to a series of questions.

The Meaning of Openness

- What characteristics would one expect to see in an open and accessible organisation?
- What are the benefits of openness?
- What does the Agency mean by openness?
- Has this definition changed during the life of the Agency?

Comparison with Other Organisations

- How well does the Agency score against the characteristics of an open organisation compared to other benchmark organisations?
- Is the definition still relevant or should it be changed in some way in the light of these comparisons?

Expectations and Obligations

- Has the Agency met its statutory obligations on openness set out in the Food Standards Act?
- Has the Agency met its statutory obligations under the Freedom of Information Act, and what are the implications of the recent internal audit of its activities in this area?
- Has the Agency met the expectations on openness in the Phillips' Inquiry into BSE and in the James' Report?
- How have the recommendations relating to openness in the 2005 Review of the Food Standards Agency, (undertaken by the Rt Hon Baroness Brenda Dean), been taken forward?
- Is the Agency trusted by a) individual consumers, b) consumer organisations, c) press and media, d) the food industry e) other government departments f) external scientists with whom it works?
- To whom is the Agency accountable and how is this demonstrated?

Achievements and Lessons Learned

- What lessons have been learned from applying the principles of openness and accessibility? Evidence will be collected through a case study approach.

- In what way have these lessons been translated into new ways of working?
- To what extent are individual consumers involved in the policy making process?
- What requirements on openness does the Agency have of its contractors and Local Authority partners?

Risks

- What are the risks of not being open?
- What are the risks associated with openness?
- How are both these sets of risks managed by the Agency?

Costs and benefits

- What are the benefits and costs of openness?
- How do these costs compare to those in organisations that are not as far along the spectrum of openness and accessibility as the Agency?
- How do the methods used by the Agency to work openly impact on their ability to apply the principles of sustainability?

Sources of Evidence

7. Evidence will be gathered from existing published reports, both from within the Agency and from other organisations. There are numerous surveys, reviews and reports which can usefully inform the review.
8. This will be supplemented by a number of interviews and workshops which will be particularly helpful when looking to compare the Agency against other organisations on delivery of openness.
9. The following organisations have been initially selected for that comparison. They have been chosen as each has functions and that parallel at least one of the key roles of the Agency undertakes, for example as:
 - a non-Ministerial Government Department;
 - a regulator/policy maker;
 - a national food safety agency and competent authority for EC food law; and as,
 - a public health promotion organisation.
10. Another operational body will also be selected against which the Meat Hygiene Service can be benchmarked.

Name of organisation	Reason for selection
Health and Safety Executive	An operational Non Departmental Public Body.
Two Local Authorities	Regulators with a different statutory basis to central government.
European Food Safety Authority	Established after FSA and benefiting from their early experience. Set up for similar reasons i.e. to restore consumer confidence. Involved in risk assessment and management and working with scientific advisory panels. Potentially liable to pan-European influences from member states with different attitudes to openness.
European, including a Scandinavian, Food Safety Agencies.	Direct comparison of the position in other member states.
The Charity Commission	Another 'public law' organisation, which has the same status in government as does the FSA and transparency as on eof its seven principles.
The Office of Fair Trading	A non-ministerial government department with a remit to protect consumers.
Ofgem	A regulator of the electricity and gas markets whose stated aim includes the phrase "Protecting consumers is Ofgem's first priority"
2 Ministerial government departments: Defra and Department of Health	Both have close links with FSA and work in related fields. Both had suffered damage to their reputations during the BSE crisis. Comparisons can be made on whether there is any longer a difference between Ministerial departments and an independent body at arms length from government now the FOI Act is in place.
Centre for Public Health Excellence within the National Institute for Health and Clinical Excellence (NICE).	They aim to promote good health, healthy lifestyles and reduce the risks of ill health. It is likely that they face similar challenges of audience penetration and their success at reaching minority groups will make an interesting comparison with FSA.

The Final Report

11. The review is being led by an external consultant; their final report will be an analysis of the evidence found and a set of conclusions. This report will be distributed to Board members, and published in advance of the December Board meeting. The report of the review will also inform a short paper from the Executive to the December Board meeting, which will propose recommendations for action in the light of the review's conclusions.

12. It is envisaged that the review's final report will be arranged under the following headings:

- Executive summary
- Summary of conclusions from the analysis
- Introduction and background to the study
- Methodology
- Why be open? – *a discussion on the benefits of openness*
- What should an open organisation look like? – *the original expectations set out and the characteristics of openness in today's world defined.*
- How does FSA compare to other organisations? – *the results of the benchmarking exercise. This will be summarised in tabular form as illustrated in the annex attached to this paper.*
- How well has FSA done? – *a discussion of performance against these expectations/characteristics.*
- The risks of openness and ways of managing them – *this will include lessons learned from case studies.*
- The costs of openness – *an analysis of costs in so far as they can be separated out and comparisons of sample activities with the costs of similar activities in other organisations e.g. holding open meetings.*
- Maintaining momentum – *A look to the future and what FSA must do to maintain/recapture its position as a leader in this area.*
- Annexes – *factual information- organisations/people consulted, facts and figures, costs etc.*

13. Minor changes to this format and additional headings may be required once the evidence for the report has been gathered.

Board Action Required

14. The Board is asked to:

- **consider** and **comment** on the proposed scope of the review, and in particular identify any questions that they would wish to add to the scope, or any other organisations they would like the FSA to be compared with;
- **consider** and **comment** on the format proposed for the final report of the review; and
- **note** that the attached paper, amended in the light of the Board discussion, will be published on the FSA website, and evidence to further inform the review will be invited from stakeholders.

ANNEX

CHARACTERISTICS

ORGANISATION	Transparency	Accessibility	Engaging Stakeholders	Giving feedback	Sharing information
FSA & MHS					
HSE					
Local Authority 1					
Local Authority 2					
EFSA					
European agency 1					
European agency 2					
Charity Commission					
OFT					
Ofgem					
Defra					
DoH					
NICE (CPHE)					

Key: Organisations have been scored on a scale of 1-4

- √ Some way to go
- √√ Average performer
- √√√ Good performer
- √√√√ Pace setter

N.B. This table would provide a summary, with supporting evidence set out in the narrative of the review report.