

# A FRAMEWORK FOR POLICY MAKING IN THE FOOD STANDARDS AGENCY

## Introduction

1. This framework is intended to help policy makers in the Food Standards Agency (FSA) consider **at the first moment a policy proposal is mooted** whether there is justification for government — either the EU or the UK — to intervene. This document aims to prompt due consideration of whether intervention is required and if so, what sort of intervention it should be. There is more detailed guidance<sup>1</sup> on the process of policy making in *How we work* on the FSA's intranet, Foodweb.

## Background to the FSA

2. The statutory objective of the FSA is to protect the health of the public and the interests of consumers in relation to food and drink<sup>2</sup>.
3. In meeting our objectives, we will be true to our core principles:
  - putting the consumer first
  - openness
  - independence
  - being science and evidence based.
4. Everything we do reflects our purpose of *Safe Food and Healthy Eating for All*.

## An evidence-based approach

5. We are committed to basing our decisions on the best available evidence. We draw on a broad range of expertise, for example through an extensive programme of commissioned research and surveys, and through advice from a network of independent scientific advisory committees.
6. We are open about what we know and what we don't know. Where the risk is uncertain but the potential risk to public health is serious, we take a precautionary approach, publishing what we know when we know it, and taking the appropriate action quickly. We revise our approach as new evidence emerges.

<sup>1</sup> Under development

<sup>2</sup> In the rest of this document the term "food" is used (as in law) to mean food and drink.

### **Is intervention justified?**

7. Working with our enforcement partners across the UK, we will consider intervening to protect consumers where the benefits justify action and outweigh the risks of inaction.
  
8. In deciding whether to intervene, we take into account the:
  - risk to public health or consumer interests, based on the best scientific evidence
  - costs and benefits to everyone concerned<sup>3</sup>, always mindful of our statutory duty to protect the interests of consumers
  - risks of inaction – including the possible loss of consumer confidence in the regulatory system
  - regulatory<sup>4</sup> and sustainability<sup>5</sup> impacts of our proposed actions.

### **What sort of intervention?**

9. In deciding this, we shall:
  - support voluntary approaches, as long as they deliver proportionate consumer protection and are consistent with the requirements of EU law;
  - expect businesses to act responsibly, and encourage and recognise those that do so;
  - seek to work collaboratively with responsible businesses, and/or their representative organisations, to protect consumers;
  - work with enforcement bodies to help responsible businesses comply and to penalise those that are wilfully and repeatedly noncompliant, or seriously negligent with respect to consumer safety;
  - work with other regulators to minimise the burdens on businesses, for example through joint inspection regimes and data sharing, where this does not jeopardise regulatory outcomes.

<sup>3</sup> We have a statutory responsibility to take costs and benefits into account when considering whether and how to exercise any of our powers. We will assess possible approaches not only in terms of improvements to public health, consumer protection and consumer confidence, but also in light of the effects on industry and other stakeholders.

<sup>4</sup> <http://www.berr.gov.uk/files/file45019.pdf>

<sup>5</sup> [http://www.food.gov.uk/aboutus/how\\_we\\_work/sustainability/](http://www.food.gov.uk/aboutus/how_we_work/sustainability/)

## **Options for intervention**

10. In order of consideration:

- do nothing, having analysed the issue and decided that action is counter-productive or unwarranted.
- assemble and publish the evidence, to inform public debate.
- provide information to consumers without recommending a particular course of action, so they may make informed choices, eg publish the results of surveys.
- provide advice to consumers.
- provide and publish our advice to Ministers.
- encourage desirable behaviour by the private or voluntary sector by non-statutory means including positive recognition and/or reputational sanctions.
- encourage self-regulation through voluntary codes of practice or co-regulation through statutory or Government-backed codes of practice or action plans.
- promote compliance through collaborative working with responsible businesses and encourage responsible businesses and individuals to blow the whistle on businesses that are irresponsible or fraudulent.
- provide practical advice to businesses to help them comply with the law.
- promote proportionate, effective, risk-based interventions by enforcement bodies, through guidance, training and support, performance monitoring and audit.
- license products, people, processes or premises.
- negotiate for changes to EU legislation to protect UK consumers, or (where legally permissible) advise Government to change domestic law to improve consumer protection or make penalties more appropriate.

## **Review and evaluation of this framework**

11. This framework has been developed by the Food Standards Agency and informed by consultation and engagement with our stakeholders.
12. We have reviewed the framework and our performance against it, three years after its initial adoption in 2006. In line with internal and external stakeholder comments we will revise and re-launch it in 2010 as a decision-making aid. We will review it and our performance against it again in 2012.