

Review of openness in the Food Standards Agency

An independent review carried out by Dr. J A Bailey, February 2007

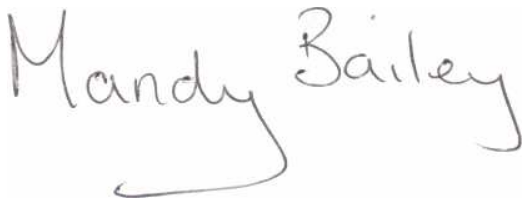
Foreword

This review has examined how successful FSA has been in living up to the high expectations that people have of it being an open and transparent organisation. In its short life it has achieved a great deal and it should be proud of its record on openness.

It is inevitable that in undertaking a review of this kind areas will be found where improvements could be made. The old adage that others rarely see us as we see ourselves is true and we should not be surprised therefore if perceptions by stakeholders do not always match those of FSA itself. However, in talking to people and reading the many comments received, I was struck by the amount of good will towards FSA and the constructive spirit in which comments were given. None of the criticisms should detract from the fundamental message that FSA are doing well and I hope that they will be received as building blocks for even greater progress.

All of the conclusions in this report are based on evidence. Some elements are more compelling than others, but in so far as it is possible given the amount of information covered I have tried to present summaries of the evidence in the text and annexes.

I am grateful to all who took time out from their own heavy workloads to complete questionnaires, attend meetings and workshops, send me letters or emails, or talk to me on the telephone. Without their help this review would not have been possible.

A handwritten signature in cursive script that reads "Mandy Bailey". The signature is written in dark ink and is positioned above the date.

2 February 2007

*“O wad some Power the giftie gie us
To see oursels as ithers see us!”*

(Robert Burns)

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Executive summary and list of conclusions and recommendations

Openness is one of the core values of the Food Standards Agency and this is reflected in the way it undertakes its activities, in its relationship with its various stakeholders and in its stated intentions and priorities. The aim of this review was to establish how well the Agency has performed in being open since it was first established in 2000 and whether it has lived up to the hopes and expectations of that time.

The review has also examined what people understand by openness today and what characteristics they deem to be important in an open and transparent organisation. There was surprisingly good agreement on this point across a range of individuals from both within and outside FSA and amongst other organisations.

In the early days of its existence FSA was praised for the innovative ways which were used to engage consumers and raise awareness of its activities and key messages. At the outset it stated its intention to take all policy decisions that affect consumers in the open and all its Board meetings and some of its scientific meetings have been held in the open. This was once thought to be ground breaking, but is it still? The review compared the methods used by FSA to inform and engage the public and other stakeholders with those used by 14 other organisations. This showed that other organisations are now using open meetings much more frequently and that they too had developed interesting and innovative ways of reaching their target audiences.

The review also looked at whether there were any downsides to openness and whether it had had any impact on FSA's ability to undertake its regulatory functions.

It was not possible to explore costs and benefits in the depth that had originally been intended as neither FSA nor other benchmark organisations could provide details of the costs of being open. Suggestions are made for rectifying this.

The overall conclusion is that FSA has performed well and that it has fulfilled early expectations. The review has also identified some areas of weakness and it is important that the FSA tries to improve its performance in these areas so that the trust and goodwill that it has built up is not eroded.

Summary of conclusions and recommendations

General conclusions

This report has considered many aspects of openness. In general FSA is doing well at living up to being an open and transparent organisation. It has delivered what was expected of it initially and its staff recognise the importance of continually striving for improvements. There is no room for complacency however and some of the early reputational advantage that was gained by being innovative in its approach has been eroded because other organisations are now being equally successful at finding new ways of reaching their target audiences and engaging the public. Open board meetings, which at one time set FSA apart from most other organisations, are now far more commonplace and there is general consensus that policy issues affecting the public should be discussed in the open.

Some areas of performance require attention, particularly those relating to internal communications, providing feedback and giving reasons for decisions to stakeholders, and risk communication. There are also areas where the process could be more efficient, and probably more cost effective, although the latter is difficult to judge in the absence of a detailed breakdown of the costs of these activities.

Trust in an organisation is an important component of successful risk management and FSA must continue to work hard to maintain the trust of all its stakeholders. Trust by consumers has increased, but trust is easily lost and there are early signs that this may be happening in some stakeholder groups.

Some of the findings in this report mirror those found in the Dean report¹. This begs the question of how much progress has been made in addressing the issues raised in that report and in implementing the recommendations. Whatever steps have been taken have not yet had any impact on the perception of stakeholders.

Specific conclusions

1. There is a common understanding both from within and outside the organisation of what an open organisation should look like and which characteristics are the most important. Those generally held to be very important are:

- accessibility of information;
- explaining the reasons for decisions and policies;
- engaging stakeholders in the policy making process;
- honesty; and,
- openness embedded in the culture.

2. There is room for improvement in the way in which the Agency explains the reasons for its decisions and policies and in the transparency of the decision making process. Particular attention should be given to explaining why changes in thinking have occurred and to explaining why views or evidence have been rejected.

3. The FSA works hard to make its information available to all. It has used different and sometimes very innovative ways of reaching different sections of the community. Most of the stakeholders consulted agree that the consumer information is excellent and presented in a very understandable way. There is however, a question mark over the extent to which information on the website reaches the average consumer, and it is recommended that FSA explores this further through its annual attitude survey or by a separate piece of research.

4. There are several features of the website which need attention (see Annexe E, para. E4). The Agency should consider making the availability of information in 10 languages more prominent by displaying the range of languages catered for on the Homepage. It should also address the difficulty that users have with the search facility. Unless you have experience of FSA's website and are a frequent user of this facility it is more likely to frustrate than enlighten. Consideration should also be given to organising the material on the website along user group lines so that different stakeholders could quickly access information that was directly relevant to their needs for specialist rather than consumer orientated information.

- 5.** From the point of view of public relations and confidence in the Agency it is important that ways are found to improve the accessibility of senior staff and Board members for both staff and external stakeholders.
- 6.** There is a perception that FSA is not always as open as it could be, particularly with respect to the political context in which decisions are taken and the practice of holding closed sessions of the Board ahead of the main meeting. Thought should be given to how the political context of decisions could be explained without compromising FSA's independence or ascribing blame and breaching collective government responsibility. Some mechanism needs to be found to enable stakeholders to see how technical evidence is considered and used by the Board in arriving at a policy decision.
- 7.** There needs to be consistency in FSA's dealing with stakeholders and this needs to be driven by better internal communication between policy divisions who deal with the same stakeholders.
- 8.** Perceptions of 'divide and rule' should be addressed by ensuring that mechanisms exist to allow all major stakeholders to have their say. This is particularly important when working groups are established as the chosen representative may reflect the interests of his/her company rather than the wider interest of the sector as a whole.
- 9.** More and better ways should be found to bring different stakeholders together and to harness business knowledge.
- 10.** The perception that some FSA staff have little understanding of the food industry and the way in which its different components fit together and work must be addressed. Opportunities for training and industry secondment should be considered.
- 11.** The FSA uses plain English in its leaflets and reports and the website scores highly against this criterion. However scores for the clarity of information and advice are not as high as they might be. It is possible that this is because consumers are not getting their information from the website. Research should be undertaken to establish which media are used most frequently by consumers to obtain information.
- 12.** An analysis of the FOI data shows that FSA has frequently used the exemption covering commercially sensitive data. This information should be used to reassure industry that they can be trusted not to release such information unless there is an overriding public interest in so doing.
- 13.** The FSA should investigate the reason for FOI requests being refused on the grounds of cost and also look at whether their internal procedures for assessing FOI requests could be made more efficient.
- 14.** The FSA needs to improve its internal communications on management issues so that staff can see that senior managers and the Board are living by the organisation's values. Better internal communication between policy divisions would also enhance FSA's relationship with their major stakeholders.
- 15.** When explaining the reasons for their action the FSA should clearly differentiate between enforcement action due to a statutory limit and risk to the public.

- 16.** The choice of language in risk communication is critical in determining public reaction. FSA should take steps to ensure that the choice of language is appropriate to the level of risk perceived and the evidence available.
- 17.** Ways of better explaining relative risk to the general public should be explored.
- 18.** When FSA has to alert consumers to a potential risk and little scientific evidence is available on which to make a judgement, they should regularly evaluate how successful their risk communication has been by seeking the views of both consumers and other affected stakeholders. Lessons learned from difficult communication exercises are an essential part of improving future performance.
- 19.** The FSA should take steps to rebuild some bridges with the food industry as the evidence suggests that trust in the Agency by this sector is wavering.
- 20.** More opportunities should be created for different interest groups to discuss issues of concern directly with each other so that each has a better understanding of why particular stances are being taken.
- 21.** The Agency urgently needs to review its policy on publishing the names of those who fail to follow best practice guidelines or who participate in voluntary surveys. The current practice is inconsistent and is hindering FSA's ability to carry out all its duties effectively. The aim should be to develop a more common sense and flexible approach with clear criteria that are understood by all. In doing so FSA needs to consider the sustainability dimension to this policy. The benefit to the consumer of knowing the name of a company that has failed to follow best practice guidelines should be weighed against the disbenefits to FSA's ability to collect the information required to protect the consumer, and the impact it may have on the economic viability of small businesses which also have responsibility towards consumers.
- 22.** The FSA has used some very innovative techniques to communicate with the public and raise awareness of important issues, but they are not alone in doing so. The one feature that sets them apart from other benchmark organisations was in the use of the webcast to enable people to 'virtually attend' Board meetings. This makes an important contribution to perceptions of their openness. FSA should consider whether it would be advantageous to enable this facility to be accessed via the Homepage of their website at all times rather than provide access through the Board pages between meetings when Board items are not in the news.
- 23.** No organisation, including the FSA, was able to provide a detailed breakdown of the costs of being open. Given that openness is a cultural attribute embedded in all activities perhaps this is not surprising. Costs are important however, because without them it is not possible to assess whether value for money has been achieved.
- 24.** It is recommended that cost benefit evaluations are undertaken for a range of specific communication activities to help inform future decisions on how to get particular messages over in the most cost effective way. Such evaluations should include an assessment of whether a particular campaign has achieved its policy objective e.g. of changing behaviour and attitude in a particular target group.
- 25.** Mass consultation is an inefficient process; FSA should look at ways of making consultation more efficient.

REVIEW OF OPENNESS IN THE FOOD STANDARDS AGENCY

Introduction

1. Openness is one of the core values of the Food Standards Agency. Since the Agency was established six years ago it has worked hard to be open and has been at the fore front of exploring innovative ways of open communication with all who have an interest in its activities.
2. The Board of the Agency asked for this review to be undertaken because they wanted to know how well the Agency was doing in delivering openness. The question was raised not, as critics may have supposed, in an attempt to row back on the level of openness, but in an attempt to identify ways in which the Agency could build on its early success and improve its performance. As observed by Baroness Dean in her wider ranging review of how well the FSA were living up to all its core values, measures that were innovative and unusual in the early days may not now be sufficient to show that the Agency is being open¹.
3. Some stakeholders have asked how this review differs from that undertaken by Baroness Dean and why the Agency needs to look at the issue again. It is inevitable that there will be some overlap between the two reviews, but this review looks only at openness and has therefore considered the topic in greater depth. It explores the meaning of openness and what expectations people have of an open organisation. Evidence of how the Food Standards Agency compares to other organisations which have similar functions has been collected, and the costs and benefits of openness and the different ways in which it can be delivered have also been examined.
4. The scope of the review was set out in a paper presented to the Agency's Board in September 2006 ². It was framed as a series of questions which the review has addressed. These can be found in Annex A.

Methods used

5. Several different methods were used to gather evidence. Comparisons of the way in which the Agency and other organisations deliver openness and the costs of doing so were done by means of a benchmark questionnaire. A copy of this can be found in Annex J. This was sent to 22 organisations in the UK and abroad. Fifteen completed questionnaires were returned. This included a return from FSA's Executive, which enabled direct comparisons to be made between its response and the answers from the other organisations. This response is referred to throughout this report as 'FSA' and is taken as their corporate view. This is quite distinct from the responses received in the staff survey which are referred to as 'FSA Staff'.
6. A list of the comparator organisations can be found in Annex K. It is important to note that no attempt was made to establish how well the comparator organisations were performing in the eyes of their stakeholders, as has been done for FSA. Such an exercise could not have been achieved in the timescale, nor without the agreement, support and funding from the organisations themselves. The benchmark exercise was designed to explore what mechanisms these organisations used, what their policies and stated aims on openness were, their reasons for these, what they had learned themselves about what worked well and what did not, and the costs.
7. Further comparisons between these 15 organisations were made by comparing their websites. Details of the criteria used and the scoring methodology are provided in Annex E.

8. Views from stakeholders were obtained by the following means:

- an open invitation to submit views on the Agency's website;
- letters inviting comments from representatives of the food industry;
- telephone interviews with scientists, journalists and the food industry;
- attending a meeting of Chairs of Advisory Committees;
- a questionnaire sent to academics/scientists working in the areas of food standards, food safety and nutrition;
- a workshop with a mixed group of stakeholders with different perspectives and interests;
- discussions with groups of staff, lead by their Heads of Division working from a preset list of questions; and
- a meeting with the Chief Executive of the Meat Hygiene Service (MHS) and some members of MHS staff.

A full list of those submitting evidence can be found in Annex K.

9. It is important to note that the benchmark and academics'/scientists' questionnaires, staff discussions and workshop were each designed to obtain different information. There is some overlap however, and where the same ground has been covered, particularly with respect to what the most important characteristics of an open organisation are, similarities and differences have been highlighted in this report. These comparisons are not however based on any statistical analysis due to the differences in sample size and the nature of the data collected.

10. To ensure that the review was conducted in a completely independent manner, the choice of organisations to contact and the people invited to participate was made by the consultant undertaking the review. With the exception of views submitted to the website, responses were returned direct to the consultant, including those from Heads of Division within the Agency.

The meaning of openness

11. Before embarking on an assessment of how well the Agency is performing it is first necessary to examine what is meant by an organisation that is open and transparent.

12. At this point it is helpful to look at why the Agency was established because this has undoubtedly influenced the way in which it has evolved and the way in which it characterises itself as an open and transparent organisation.

13. The Food Standards Agency was born out of a loss of public confidence in the safety of food following several food scares, and in particular the Government's failure to communicate the risks that BSE posed to humans well enough.

14. Whenever there is a major government failure a review of what has gone wrong usually follows and BSE was no exception. The Inquiry into BSE³, lead by Lord Phillips of Worth Matravers, concluded that the government had not lied to the public about BSE, but they had kept information about the disease from them. Furthermore, the expert committee, (the Southwood Committee), which looked at the scientific evidence available at the time, "did not, as it should have done, make clear the basis for its assessment of risk". Nor was the public informed of any change in the perceived likelihood that BSE might be transmissible to humans as knowledge about BSE was gained. When the announcement that BSE may be transmissible to humans eventually came it was met with shock, anger and a feeling of betrayal.

Early expectations

15. This then provided the backdrop to the Agency's establishment. In 1997 Professor Philip James was asked by Tony Blair (then Leader of the Opposition), to set out a blueprint for a food standards agency. The following extracts from his report⁴ describe what was expected of this new agency.

“An agency must be open and transparent in all its work. This transparency of process will be fundamental in ensuring the independence of its advice, its accountability and, ultimately its credibility.”

“An agency must operate openly so that the decision making becomes more transparent and the true balance of interest is subject to public scrutiny.”

“Social science research reveals a widespread distrust of government, science and business and of any regulatory authority seen to be close to vested interests. Furthermore surveys reveal that providing consumers with a more detailed understanding of, for example, biotechnology issues tends to amplify rather than allay anxieties. Thus, public information and education in themselves are an inadequate means of coping with the public's crisis of confidence. The public need to have faith in the systems that are intended to protect them and confidence in the decision making process in these complex issues”

“A new agency should aim to bring stability and consistency of approach to food policy and food safety issues so trust is steadily rebuilt.”

16. The Select Committee on Food Standards First Report⁵ and the 1998 White Paper – ‘The Food Standards Agency – A Force for Change’⁶ gives further insight into expectations existing prior to the Agency's establishment.

“This new culture will to a great extent depend upon the people who direct the operation of the agency and upon those who work for it. However, just as great an influence upon the Agency's culture will be its openness and the transparency of the procedures of its executive. This openness is not just a component of its independence from those government departments who used to carry out much of its work, but also serves to stress and make explicit that independence to the public at large. It will be essential that the Agency in all its activities espouses the principle of openness.”

“Organisational change alone will not be sufficient to restore public confidence. Cultural change must also be achieved by demonstrating that protection of the public is the top priority, and by conducting business more openly and transparently, with greater public involvement in policy making and better, clearer information reaching consumers.”

17. The picture that emerges from these extracts is that at the time the kind of organisation that was sought was one that:

- is open and transparent in all its activities;
- makes clear the basis for its assessment of risk;
- is consistent in its approach to food safety and food policy issues;
- involves the public in policy development;
- is independent; and,
- generates faith in the systems of protection and confidence in the decision making process.

18. It is also clear that, at the time, the benefits that it was believed would accrue from greater openness and transparency were the restoration of public confidence in food safety and trust in the organisation responsible for making policy and regulating those affected by it.

19. The Agency was created in April 2000 by an Act of Parliament⁷. Its first strategic plan – ‘Putting Consumers First’⁸ set out what it hoped to achieve in the first five years. One of its key priorities was to “earn people’s trust by what we do and how we do it”. Openness featured heavily in their description of how they intended to do things. Hence they said:

“The way we work is important; we must live up to our core values of openness and honesty”

“We shall issue information when we have it, and, whenever possible, we will issue authoritative advice at the same time. Our commitment to being open and honest runs through all the work that we do. This includes the scientific basis for our decisions, the costs and practicality of possible actions and the feasibility of enforcing new regulations.”

“We have made a commitment to decide on policy issues in public and after open debate. Open Board meetings are one example of the Agency’s transparent working and the ethos of openness goes right through the Agency across the UK.

“Our website is an important tool both for communicating with and listening to consumers and the monthly FSA News keeps stakeholders abreast of the latest Agency developments and research.”

20. It is clear from this description that the Agency was set up with the full intention of living up to these expectations.

21. Early expectations and statements of intent are only part of the story however. Organisations evolve, new requirements come into play, and memory of early influences is replaced by recent experiences and seemingly new dilemmas. Therefore before an assessment of how well the Agency is delivering its commitment to openness can be made a greater understanding of what the Agency and its stakeholders now believe openness to mean is required.

Recent statements on openness

22. In the Agency's most recent strategic plan (2005-2010)⁹ openness is said to mean:

- seeking people's views and being accessible;
- making our policy decisions public;
- explaining the reasons for our decisions and advice;
- communicating in a straightforward and timely way; and
- publishing our targets.

23. It should be noted that in the Annual Report 2005/6¹⁰ the first of these bullets is replaced by "seeking and being receptive to people's views". This may seem to be a minor point, but consistency in language is important in describing how a core value is being expressed. Accessibility and receptiveness are different characteristics.

24. Further evidence of how the Agency now sees itself can be found in the written evidence given to the House of Lords Economic Affairs Committee Inquiry into Government Policy on the Management of Risk¹¹. That evidence said:

"Our open and transparent model has moved us away from the sequential model of 'assess, decide, tell' towards a more integrated model that has engagement with the public and with other stakeholders at its core. We therefore undertake risk communication through the policy process. The overarching test for us is to blend expert advice (with all the limitations of uncertainty) with participatory decision making, and, in doing so, reach a judgement on what action, if any should be taken in each case."

"Our practical knowledge shows that public trust and confidence are built through being open about risks and uncertainty: saying what we know, what we don't know and what we are doing about it; and offering considered advice in non technical language."

"The results of risk assessment should be open to scrutiny and challenge, to ensure that divergent scientific views can be heard and assessed."

How others see openness

25. These formal expressions are a reflection of how the senior executive wants the Agency to be portrayed. A test of whether staff throughout the organisation see openness in the same way was provided by the discussions that Heads of Division held with their staff (Annexes B&H). A more rigorous test would have been to ask staff individually, however as the Agency conducts an annual staff survey for other purposes, it was felt that a further survey would be too onerous and was unlikely to get a good response.

26. External stakeholders' views on how the Agency is performing will be greatly influenced by their own ideas on what an open organisation should look like. They are unlikely to judge that the Agency is performing well if their ideas of openness differ markedly from what the Agency itself believes.

27. Benchmark organisations, FSA and workshop attendees, amounting to 17 different groups of people, were all asked to select the five most important characteristics of an open organisation from a list of 14 characteristics. When all the responses were pooled the five characteristics that appeared most frequently in the choice were:

- accessibility of information (94%);
- explaining the reasons for decisions and policies (71%);
- engaging stakeholders in the policy making process (71%)
- honesty (53%) and,
- openness embedded in the culture (53%).

Results can be seen in Fig.1.

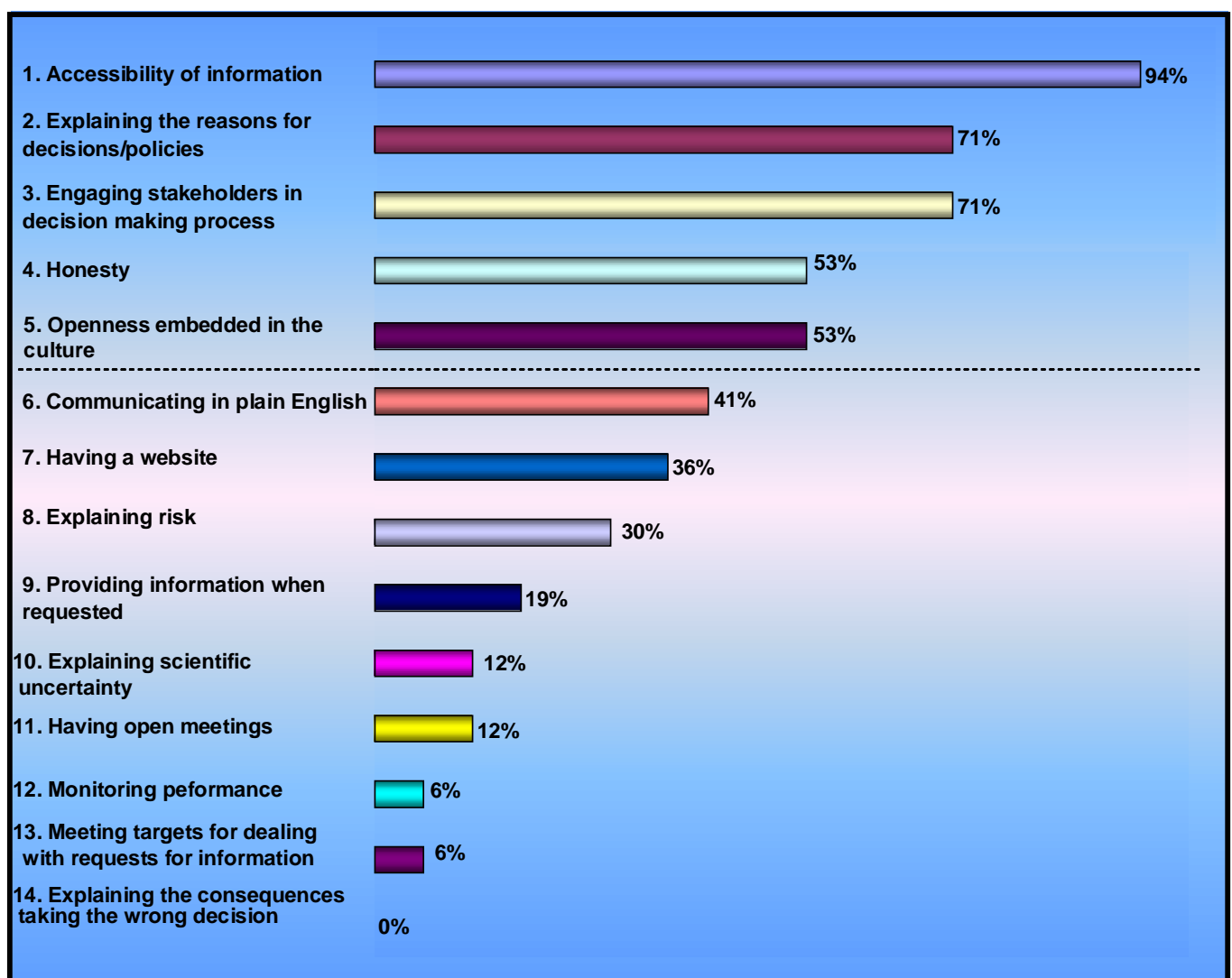


Fig. 1 – The percentage of responses which include each characteristic in the top five – pooled data (17 groups)

28. The first four of these characteristics also appeared in a high percentage of the staff's responses (see Fig B1, Annex B), showing the widespread agreement in what people perceive to be the most important characteristics in an open organisation. There was greater variability in the inclusion of the other characteristics amongst the top five. This is unsurprising given the intrinsic variability between the groups in respect of their functions and aims. Those with scientific or technical interests selected characteristics such as explaining scientific uncertainty or explaining risk, whereas others put greater emphasis on characteristics such as communicating in plain English. It is interesting to note that very few of the external organisations and only 27% of the staff's responses included having open meetings in the top five.

Conclusion 1: there is a common understanding both from within and outside the organisation of what an open organisation should look like and which characteristics are the most important. Those generally held to be very important are:

- **accessibility of information;**
- **explaining the reasons for decisions and policies**
- **engaging stakeholders in the policy making process;**
- **honesty; and,**
- **having openness embedded in the culture.**

29. Having established that there is a fairly consistent view of the kind of behaviours people expect to see in an open and transparent organisation, and the relative importance attached to each, it is now possible to examine how well FSA matches up to these expectations. Before doing so however it is necessary to consider the legal obligations and whether there are any constraints on openness.

Legal obligations and constraints on openness.

30. There are a number of pieces of legislation that enable or constrain the release of information. The Agency's founding legislation, (the Food Standards Act 1999⁷), gave the Agency the power to be open, but it is essentially permissive. Thus the extent to which the Agency is open is a matter of choice, subject to the provisions of other legislation which prevents the release of certain categories of information. The Act does however describe the Agency's functions which include "providing advice and information to the General Public, (or any section of the public), in respect of matters connected with food safety or other interests of consumers in relation to food." It could not effectively carry out this function without a high level of openness.

31. In the early days the power to publish any of the advice that it gave to Ministers was seen as one of the key provisions of the Act in determining the Agency's influence and independence.

32. There are 3 key pieces of legislation covering the release of information with which the Agency, like any other public authority, must comply. These are the Freedom of Information Act, 2000¹²; the Data Protection Act, 1998¹³, and the Environmental Information Regulations, 2004¹⁴. In addition there are some restrictions imposed in European legislation covering various approval procedures e.g. approval of novel foods and novel ingredients, which are there to protect the commercial confidentiality and intellectual property rights of companies developing these products.

33. The Freedom of Information Act, 2000, sets out the entitlements of any person that requests information from a public authority. The authority has a duty to provide that information in a 20 day period unless it requires further information in order to be able to identify and locate the information which the applicant fails to provide, or if the information falls into one of the categories to which an exemption applies.

34. There are two kinds of exemption - absolute exemptions and discretionary exemptions. In the latter case a public interest test has to be taken to establish whether the public interest in maintaining the exemption outweighs the public interest in disclosure. A list of the exemptions falling into each of these categories can be found in Annex L. The Act works from the principle of a presumption of disclosure unless the harm caused by disclosure is greater than the public interest in knowing the information.

35. The Freedom of Information Act also places a duty on public authorities to draw up a publication scheme which tells people what the authority intends to publish, in what format and whether a charge will apply. This scheme has to be approved by the Information Commissioner and the authority is then expected to publish information in accordance with that scheme.

36. The Data Protection Act 1998 concerns the processing and disclosure of information relating to individuals. Data from which an individual can be identified is referred to as personal data. This cannot be disclosed to anybody other than the person to whom it refers unless the consent of that person has been obtained in writing. Individuals do have right of access to personal information held about them subject to certain conditions being met.

37. The Environmental Information Regulations, 2004, applies to environmental information held by a public authority. This puts both a requirement on authorities to make information progressively available in an electronic form that is easily accessible and to provide information on request subject to particular exemptions. These include information that is being held in a legal or judicial capacity, personal data and information that falls within one or more of the exemptions under the Freedom of Information Act.

How well is FSA delivering openness?

38. This question has been considered by looking at FSA's performance in relation to the characteristics of an open organisation that the majority of people consulted expect to see (paragraph 27). Some of the less frequently selected characteristics have also been included in the discussion because of their relevance to FSA's work.

Explaining the reasons for decisions and policies

39. As indicated earlier 'explaining the reasons for decisions and policies' was the second most popular in the list of the top five most important characteristics selected. In terms of the Agency's performance it was also one that attracted considerable criticism, both from within the Agency and from external stakeholders.

40. A theme that was present in several of the responses from across the whole range of respondents was that there is inadequate explanation of changes in thinking that occur in the lead

up to decisions being taken. The following examples provide a flavour of the kind of comments received.

“The process that led to the change in the FSA criteria,” (for moving the high band for sugar criteria from 22.5g to 15g), “was very opaque.”

“There was no consultation on last minute changes by FSA to its Nutrient Profiling Model.”

“FSA could perhaps have explained more fully and more clearly the changes in the improved risk estimate during the OTM rule review.”

“Although usually clear on reasons for a first decision there is a feeling that it is not always clear why other options have not been chosen. FSA needs to do more to elaborate the decision making process.”

41. There was also some criticism of a lack of transparency and consistency in FSA’s decision making processes. Once again, negative comments came from both within and outside the organisation.

“FSA’s internal decision making process is not always transparent and feedback can be selective. There can appear to be reticence to explain and justify the decision making process, particularly in cases where industry views and evidence have not been taken into account such as nutrition profiling and signposting.”

“Who decides on what is proportionate and how? For example does proportionate mean that risks to consumers are weighed against impact on industry? How is scientific uncertainty taken into account in taking proportionate decisions?”

42. One external stakeholder considered that there sometimes appeared to be a mismatch between policy and the communication of an issue. This led to questions being raised when there was no new data and no change in advice from the FSA. This person thought that there should be a clear explanation of why FSA thought it important to raise an issue in these circumstances otherwise it appeared that information was being put out in the name of openness with no clear purpose. The issue of concern was atypical scrapie.

43. Criticisms of this nature are not new and were identified in the Dean report¹. Indeed, one of the recommendations in this report (No.12) was: “To emphasise the transparency of decision making the Agency should ensure that there is always a clear, concise summary of the evidence considered and how this led to the conclusion reached.” It is not clear from the evidence that has been collected for this review whether this has been pursued. If it has, it has not succeeded in satisfying stakeholders. In any case, a written summary may not be sufficient for those stakeholders who are greatly affected by a decision and are concerned about a particular issue. Thought should be given to using more direct feedback via meetings where there is the opportunity to clarify areas of uncertainty or misunderstanding.

Conclusion 2: there is room for improvement in the way in which the Agency explains the reasons for its decisions and policies and in the transparency of the decision making process. Particular attention should be given to explaining why changes in thinking have occurred and to explaining why views or evidence have been rejected.

Accessibility of information

44. Comments received in response to question 3 of the staff survey, (Annex B), showed that there is widespread agreement amongst staff about what accessibility means. Many commented on the need for information to be available to all and that there needed to be access to staff at all levels. Hence one of the reports from a staff discussion said:

“Accessibility is the ease with which people can get information so when FSA says it is accessible it means that anyone should be able to get the information they need on a given subject in a relatively easy way.”

45. There are several aspects to information being available to all. First there is the format in which it is presented, and whether it is available in languages other than English, and in formats that will suit people who have visual impairment or who are hard of hearing. The Agency scores highly in meeting this requirement, providing publications in Bengali, Chinese, Greek, Gujurati, Hindi, Punjabi, Turkish, Urdu and Welsh. Its website has also been designed with special features for those with visual impairments, for example, access keys for those who have difficulty with navigation or using pointing devices such as a mouse, and resizable fonts to produce large text.

46. However, it was observed that:

“Open Board meetings are not accessible to the deaf in real time – simultaneous sign language interpretation, (or subtitles on the web cast), are not routinely provided”.

47. Second, there is the ease with which the information can be found. This has received some critical comment, particularly with respect to the search facility on the website.

“The search facility on the FSA website seems designed to frustrate the finding of information”

“Specialists know where to find things, but some of the most interesting things are not always flagged up and the information you need is buried in the minutes of a meeting”.

“A good search engine is imperative for business users who need the technical detail – this could be improved”.

48. Participants at the workshop thought that the quality of the information on the website did not always meet the needs of some of the groups with an interest. They identified four distinct

groups: consumers, businesses, professionals (specialists and scientists), and enforcers. Whilst the appropriateness of the language was thought to be good for consumers it was felt to be less so for professionals and businesses because it was “semi-scientific and not detailed enough”. It was also felt that even though vast amounts of information was available for consumers some may still need help in determining exactly what they should or should not do.

49. The Agency was however complimented on the innovative way in which it had used the ‘food bus’ and ‘Yum Yum dancing’ to get over simple messages on food safety and nutrition.

50. Although hardly a scientific exercise, I was curious to see whether messages on nutrition had extended to the hard to reach consumer. I therefore led a discussion at an adult literacy class for a group of learners with learning difficulties, some of whom could not read beyond the level of a 7-8 year old. Without exception all knew about the ‘5 a day’ advice for fruit and vegetables and could talk about other important nutritional advice such as low salt and fat levels.

51. Some concern was expressed about the accessibility of people within the Agency, particularly senior staff and Board members.

“We have an on-going daily working relationship with the FSA, but they often make it difficult for us to access senior personnel. This proves difficult when key decisions need to be made and discussions held at a more senior level.”

“They” (the Board) “do allow questions at the end, but these are more designed for stakeholders and interest groups than journalists”

“Opportunities for policy officials to engage with Board members other than at open Board meetings would benefit overall policy making”

52. The first of these comments was made in the context of policy frequently getting changed, which from an industry perspective creates additional burdens as they often require a good lead time to introduce new measures. It was felt that having access to the person with lead responsibility for the policy would help to avoid nugatory planning by business.

53. This leads into the question of how easy it is to identify the right person to contact. A quick search of the website showed that this is relatively easy. The ‘Contact us’ button leads into a site with a list of named contacts with e-mail addresses and telephone numbers for all areas of work. The contact is not always the Head of Division, but entering ‘organisation chart’ on the search facility produces a chart that shows all the senior staff from Head of Branch upwards. This suggests that if there is a problem it lies with the availability of senior staff rather than lack of information about who is responsible for what.

54. Being able to speak to someone at a senior level is not a problem unique to FSA. It is a feature of most organisations as the telephone seldom goes through direct to that person. However, from the point of view of public relations and confidence in an organisation it is important that people have access to senior personnel if they feel they need to speak to them.

Conclusion 3: the FSA works hard to make its information available to all. It has used different and sometimes very innovative ways of reaching different sections of the community. Most of the stakeholders consulted agree that the consumer information is excellent and presented in a very understandable way. There is however a question mark over the extent to which information on the website reaches the average consumer, and it is recommended that FSA explores this further through its annual attitude survey or by a separate piece of research.

Conclusion 4: there are several features of the website which need attention (para. E4, Annex E). The Agency should consider making the availability of information in 10 languages more prominent by displaying the range of languages catered for on the home page. It should also address the difficulty that users have with the search facility. Unless you have experience of FSA's website and are a frequent user of this facility it is more likely to frustrate than enlighten. Consideration should also be given to organising the material on the website along user group lines so that different stakeholders could quickly access information that was directly relevant to their needs for specialist rather than consumer orientated information.

Conclusion 5: from the point of view of public relations and confidence in the Agency it is important that ways are found to improve the accessibility of senior staff and Board members for both staff and external stakeholders.

Honesty

55. Honesty is closely related to trust as there can be little trust in an organisation that is not thought to be honest. It is perfectly possible to put out vast quantities of information in the name of openness, but not tell the truth.

56. There are two sides to honesty. The first is whether the truth is being told. The second is whether people believe that they are being told the truth. Reputation hinges on the latter and, as was discussed in paragraph 14, the loss of public confidence during the BSE crisis was not because people had been lied to, but because information had been kept hidden. There is nothing in the information that has been collected to suggest that FSA has ever lied to the public.

57. Even when openness is a stated aim it is not always possible, nor indeed desirable, to be completely open because of legal or other constraints. These constraints were discussed in paragraphs 30-37; the question therefore is whether there are examples of information having been withheld which could have been made available.

58. Question 4 of the staff survey (Annexes B and H) sought examples of where the Agency has not been as open as it could have been. Most of the divisions who responded provided examples and a selection are reproduced below.

“The process of making public policy decisions taken by the Board in closed session and the reasons for them should be transparent. I don’t know if it is!”

“Handling of incidents has not always been as open and robust as it should be.”

The Agency “has not been as active as it could be in dispelling incorrect perceptions of risk, whilst research is available not much has been done to convey this to consumers”.

“We feel that we sometimes do not say exactly what we think so as not to antagonise others”.

Consultation on regulations – “Although it is normal practice to have a stakeholder group during the development of a regulation, the formal consultation is not done until the regulation is agreed and then it is too late for any comments to be considered.”

59. Three of the themes in these quotations occurred in several responses. In the case of incidents Sudan 1, GM rice, contamination of Cadbury’s chocolate and food supplements were all cited.

60. The political context of decisions was also mentioned several times with different examples given. Pressure from other parts of government, whether from Ministers, Cabinet Office, Treasury, or Number10, is a difficult issue for FSA; particularly with respect to their openness agenda. FSA is a non Ministerial government department and notwithstanding the oft stated claim of being at arms length from government, it is still answerable to Parliament. Although not subject to direct instruction from Ministers, except in extreme circumstances where it is deemed to have seriously failed in its duty, it is still part of government and therefore subject to collective government responsibility. Honesty about the political context of its decisions risks compromising its independence. Within the ranks of its staff however, there is a feeling that there should be greater openness about the political context of some of its decisions.

61. Closed sessions of the Board and expert groups featured in a number of responses and were also picked up in some of the external comments received. One of the individuals consulted said:

“If they really want trust more spontaneity is required. Having private sessions before Board meetings always leads to the suspicion that minds are made up and that members are being rehearsed.”

62. Since its inception FSA has been committed to taking all policy decisions concerning food safety and standards in open meetings. Preparatory meetings where Board members are briefed by officials and invited stakeholders on technical issues are, however, held in closed session. The question of whether it is advisable to hold closed Board sessions ahead of the main meeting is a difficult one to answer as there are both advantages and disadvantages of doing so. The disadvantage is that it leads to the kind of suspicion illustrated above. The advantage, particularly in situations where the issue is particularly complex and technical, is that it gives members time to obtain clarification and gain a better understanding of the evidence. It also enables discussion

on information that might otherwise be covered by an FOI exemption thereby ensuring that the Board get a complete picture.

63. The Dean report¹ acknowledged that the nature of some food safety issues is so complex that it is difficult to hold meaningful debates in the limited time available at the open Board meeting. It was recommended (Recommendation No.7) that the Agency must seek a mechanism which allows for in depth and/or technical discussion to add value to the open board meeting.

64. The format of Board meetings does not appear to have changed greatly since that recommendation was made and the question of whether there should continue to be closed sessions remains on the table.

65. The review of the over thirty month (OTM) rule provides an excellent example of a process that allowed technical issues to be debated in the open. This was however, a lengthy and costly process which would not be possible for all issues.

66. A suggested way around this dilemma is to create a webcast of the technical presentations and the subsequent discussion of these for any issue that requires an analysis of complex, technical information before a decision can be made. This would not apply to all agenda items in the closed session, nor would it necessarily remove all suspicion, but it would provide a better picture of the evidence on which decisions were going to be taken at the meeting, and it might also be seen to be more spontaneous than the formal meeting. If timing permitted it to be broadcast ahead of the main meeting it might even be possible to obtain feedback from interested stakeholders which would increase the level of external participation in the process.

67. The extent to which consumers trust the Agency has been monitored in the survey 'Consumer Attitudes to Food Standards'¹⁵ which has been conducted annually since 2001. In the 2005 report 58% of respondents who were aware of the Agency judged them to be trustworthy. This was a small increase on the previous two years, which is encouraging, but it still leaves a sizeable chunk of people who are less certain.

Conclusion 6: there is a perception that FSA is not always as open as it could be, particularly with respect to the political context in which decisions are taken and the practice of holding closed sessions of the Board ahead of the main meeting.

Thought should be given to how the political context of decisions could be explained without compromising FSA's independence or ascribing blame and breaching collective government responsibility.

Some mechanism needs to be found to enable stakeholders to see how technical evidence is considered and used by the Board in arriving at a policy decision.

Engaging stakeholders

“Consultation should not just be a process, but a genuine exchange of ideas”

68. This comment sums up the expectations of external stakeholders. Like the curate’s egg responses from stakeholders on how well the Agency has achieved this are both good and bad. One industry organisation, which represents 95% of one of the manufacturing sectors, was generally very positive about the way in which FSA engages with stakeholders, saying:

“We welcome the open and transparent approach taken by the FSA in the past six years. In particular, our experience in working with the Animal Feed Unit is very positive, and we are extremely satisfied with the service we receive (e.g. support and feedback regarding the re-registration of feed additives or the review of the Marketing Directive)”.

69. Comments on the salt campaign and on acrylamide were also very positive – two typical examples are given.

“We feel that the approach taken by the Food Standards Agency in the course of the recent project to establish salt targets across food categories was helpful and allowed for an open flow of information and a realistic outcome. FSA’s approach to handling confidential information, while setting the parameters for the forthcoming monitoring exercise on progress towards salt targets has also been constructive. This has given us confidence to participate and we hope that this way of working will continue during the forthcoming work on saturated fat and energy.”

“We welcome the Agency’s engagement with all directly affected or interested groups in the policy making process and, where technical matters are being discussed in a non-controversial atmosphere, we consider the Agency to be receptive to the views of all stakeholders, generally seeking an evidence-based consensus. Acrylamide stands out as an issue that was handled with a great level of understanding of the practicalities involved.”

70. These comments contrast sharply with those relating to the development of the Nutrient Profiling Model.

“There are some areas of the Agency’s work where the trust of the food and drink industry in the consultative process has been eroded. For example, FSA decided to continue with developing its Nutrient Profiling Model, despite the robust criticism received in response to its consultation. This model, which in our opinion is scientifically flawed, is now to be adopted for the purpose of restricting the television advertising of food to children. This experience stands out as a watershed in industry’s relationship with FSA.”

71. Discontent about consultation is not restricted to industry groups. Commenting on a review by one of the advisory committees on the safe cooking of burgers one consumer organisation said:

“We are extremely disappointed that no evidence was requested from us or any other consumer organisations as part of the review”.

72. Comments suggest that stakeholders feel particularly aggrieved when they are excluded from groups or discussions to which they think they should have been invited.

“We are very concerned that earlier this year we were not invited to join the Food Fraud Task Force as a full member. We feel that the exclusion of a major stakeholder with considerable expert knowledge on the handling and use of animal by-products is regrettable and can hinder meaningful recommendations to combat food fraud to the FSA Board.”

“A specific FSA and industry committee was established to review moving the high band for sugar criteria from 22.5g to 15g. However there was only one retail representative on the committee and we did not even know that this committee had been established to review the criteria.”

73. This creates a real challenge for the Agency. If a task force or working group is to be established it is not possible to include everyone who has an interest or the group would become unmanageable. However in the highly competitive business world input to any group or consultation will reflect a business’s own concerns which may not be representative of the sector as a whole. It is important therefore that when representatives are selected for working groups that some mechanism is included which allows those not selected to have their say. This will avoid the kind of damning comment that came from another respondent:

“There is a perception that the Agency seeks to divide parts of our sector, and stakeholders by playing one off against another. This does not engender trust.”

74. Workshop participants concluded that although there was usually extensive consultation, sometimes it was too narrowly focused or not well directed. Stakeholder groups presented a wide variety of different audiences and the Agency needed to understand how to engage with each. They thought that they should look for more and different ways of bringing stakeholders together and that they needed to do more to harness business knowledge.

“If they get stakeholder engagement right it will animate the organisation”.

75. There was a feeling amongst some industry stakeholders that FSA has a poor understanding of the food industry and how the food chain works. This affects the level of confidence and trust that stakeholders have in the Agency. This was reflected in one of the industry responses which said:

“We feel the trust we have in the FSA varies depending on the individual we are dealing with. Where a good relationship has been built there is a good level of trust, leading to a positive and open exchange of information. Where the relationship is not so good the trust is not as strong and this is often due to a lack of understanding of retailer issues and the supply chain by the FSA contact.”

76. This criticism does not apply to MHS which has a good understanding of their own sector of the food industry. One of their corporate objectives is to improve their understanding of the industry and an industry satisfaction survey has been undertaken.

77. They also have a volunteer user panel for developing instructions to ensure that they are clear and easy to understand. This involves industry at an early stage in how instructions are implemented in the field.

78. The need for consistency in the Agency's dealings with stakeholders, both in terms of action taken and information given, was highlighted by a number of respondents.

“The lack of clear, open and consistent directional priorities does make it difficult for businesses impacted by their decisions. The openness internally in the FSA between what departments define as a priority and how they each differently and separately communicate that to us is increasingly difficult for us to work with. It shows a lack of openness/joined up decision making within the organisation. For example, labelling versus reformulation - different departments both define each of these as a priority, meaning what they want from us as a result, is often conflicting”.

“We operate under tough food safety/protection guidance from the FSA, but we know of situations where they have allowed other companies to undertake lesser risk management options than have been required of ourselves under very similar conditions; for example product labelling errors leading to misdeclaration of allergens.”

“The way the industry multiple traffic lights adopters group has worked in its openness and transparency is also questionable – we feel there has been a lack of consistency of approach. For example, members seem to have been given different information by FSA. At times, there is a feeling of a lack of collaborative approach from the FSA towards industry members.”

Conclusion 7: there needs to be consistency in FSA's dealing with stakeholders and this needs to be driven by better internal communication between policy divisions who deal with the same stakeholders.

Conclusion 8: perceptions of 'divide and rule' should be addressed by ensuring that mechanisms exist to allow all major stakeholders to have their say. This is particularly important when working groups are established as the chosen representative may reflect the interests of his/her company rather than the wider interest of the sector as a whole.

Conclusion 9: more and better ways should be found to bring different stakeholders together and harness business knowledge.

Conclusion 10: the perception that some FSA staff have little understanding of the food industry and the way in which its different components fit together and work must be addressed. Opportunities for training and industry secondment should be considered.

Communicating in plain English

79. This characteristic might have been described better as communicating in plain language. Fortunately, the idiomatic phrase did not cause any problems of interpretation with consultees, including those from countries outside the UK!

80. No adverse comments were received on FSA's success in producing information which is easy to understand. The website has plenty of useful information for consumers in straightforward language. For example the 'Eat well, be well' site has information displayed in various formats including eight tips for eating well and a Q&A section 'Ask Sam' which provides explanations on questions such as why people are advised to eat 5 portions of fruit and vegetables a day.

81. These sites are kept up to-date and contain topical information. For example at the time of writing it has guidance on defrosting and cooking turkeys, including a handy calculator for working out defrosting and cooking times.

82. Despite this the ratings for clarity of advice and clarity of information in the annual consumer attitudes survey are not as high as might be expected. Around 50% of those who were aware of the Agency scored these positively (defined by the authors as above the mid point on the rating scale). This raises the question on what basis respondents were making their judgements and the sources of advice/information they were using. This becomes even more relevant when the finding that those of C1C2 social grade gave a higher rating on clarity of information than either ABs or DEs is considered. It is quite likely that people in the different social groups are using different sources of information which may or may not include the internet. The researchers have considered different sources in terms of different organisations providing information or advice, but do not appear to have considered the medium.

Conclusion 11: the FSA uses plain English in its leaflets and reports and the website scores highly against this criterion. However scores for the clarity of information and advice are not as high as they might be. It is possible that this is because consumers are not getting their information from the website. Research should be undertaken to establish which media are used most frequently by consumers to obtain information.

Providing information when requested

83. An objective assessment of how well the Agency has met this criterion can be made by looking at the number of requests under the Freedom of Information Act that have been granted

and, in the case of full or partial refusals to disclose, the reasons given for withholding the information.

84. The published performance tables for monitored public bodies for 2005¹⁶ show that FSA had 297 requests for information under FOI. 90% of these were answered within the 20 day deadline and a further 7% met the 'in-time' criterion when permitted extension times were taken into account.

85. The performance tables refer to 'resolvable requests' which are defined as all those where it would have been possible to provide a substantive response. They exclude requests where it was necessary for the Agency to go back to the applicant and help them reformulate the enquiry because they were not able to provide the information in the format requested. 281 were deemed to be resolvable, but responses had not been provided for 4 of these at the time of publication. Of the remainder, 36% were granted in full; information in 12% was fully withheld and in 50% was partially withheld.

86. 20 of the 35 cases where no information was provided were refused on grounds of cost i.e. to answer them would have cost more than the £600 upper limit. The other 15 were refused under other exemptions.

87. The grounds for exemption in those cases where information was fully or partially withheld are summarised in the table below. As can be seen, refusal on the grounds that the information contained personal data and commercial confidentiality constituted the majority of these.

Grounds for refusal	Number of cases* in which exemption was used.
Information intended for future publication	4
Prejudice international relations	1
Investigations and proceedings conducted	1
Law enforcement	5
Formulation of government policy	6
Prejudice to effective conduct of public affairs	1
Health and safety	1
Personal information	112
Information provided in confidence	8
Legal professional privilege	1
Commercial interests	101
Prohibition on disclosure	2
EIR exceptions	24

*The total number of cases where information was fully or partially withheld was 175. Several exemptions applied to some of these cases hence the figures in the table do NOT add up to 175.

Table 1: FSA grounds for refusing information under FOI exemptions

88. Without a detailed examination of each case it is impossible to judge whether any of this information could have been released. However, given the nature of FSA’s work the distribution of these exemptions is unsurprising. An important point to note is the relatively high number of cases in which the commercial interests exemption was used. FSA should use this information to demonstrate that they can be trusted not to reveal commercially sensitive information if it is not in the public interest to do so. At present some commercial companies are reluctant to share information with FSA because they do not trust them to protect commercial confidentiality.

“We would be cautious in sharing information with the FSA on particularly sensitive areas of discussion that may subsequently be the subject of Freedom of Information requests, prejudicing our commercial confidentiality.”

89. A comparison of FSA’s performance with that of the benchmark organisations was not possible because only 4 of them are monitored bodies and therefore appear in the report. Comparisons across the wider group of bodies in the report would have had limited value as the kind of information they hold and the use of the various exemptions depends on their functions and the nature of their activities.

90. One finding, where comparisons are possible, was particularly striking. Out of the 42 bodies listed FSA was amongst the poorer performers in terms of the percentage of requests refused on the grounds of cost. Table 2 below shows the comparison. FSA fell into the 5-9.9% group at 7.1%. Only 9 of the 41 other organisations had a higher percentage than FSA.

%total resolvable cases where information was refused on the grounds of cost	Number of bodies (n=42)
Less than 1	18
1-4.9	10
5-9.9	10
10-14.9	3
Above 15	1

Table 2: Refusal to provide information on cost grounds

91. In evidence to the Select Committee on Constitutional Affairs, (Seventh Report),²⁷ one expert witness said that he believed that many of the request refused by bodies on the grounds of cost were because of failures to properly utilise electronic records management systems (EDRMS) and to ensure the long term survival of electronic records. That document retrieval may be a contributory factor in FSA is supported by one of the comments in the staff survey which indicated that the search for information takes longer than it should because of the difficulty of accessing files. This is a matter that FSA should investigate more fully.

92. There may also be scope for improving the efficiency of the internal procedure for assessing FOI requests. MHS were particularly concerned about duplication of effort because all decisions on the release of information on non routine cases have to be cleared centrally. This practice also applies to divisions within core FSA. In the case of MHS this may be because FSA and MHS are not separate legal entities, and it does ensure consistency in approach; but compulsory referral rather than the provision of help and advice when needed, appears to be inefficient and costly, particularly when applied to an Executive Agency with its own Chief Executive.

Conclusion 12: an analysis of the FOI data shows that FSA has frequently used the exemption covering commercially sensitive data. This information should be used to reassure industry that they can be trusted not to release such information unless there is an overriding public interest in so doing

Conclusion 13: the FSA should investigate the reason for FOI requests being refused on the grounds of cost and also look at whether their internal procedures for assessing FOI requests could be made more efficient.

Openness embedded in the culture

93. A good test of the extent to which openness is embedded in the culture of an organisation is the degree of openness practised by the Executive in relation to the internal management of the business. Behaviour breeds behaviour and a climate of secrecy internally is likely to be replicated in dealings with the outside world.

94. Question 4 of the staff survey (Annex B) asked for examples of where FSA has not been as open as it could have been. Twenty percent of the responses included a comment on internal openness, particularly in relation to the restructuring of the Agency. Some typical examples are reproduced below.

“An internal example would be that Agency staff were not fully involved in the work running up to the restructuring of the Agency. Therefore internal openness was not as good as it could have been”

“Internally colleagues did not feel that the 2005 reorganisation was carried out in an open way. Staff were canvassed for views but sensed that it was decided before the consultation started. It is important that we are equally as open and transparent internally as externally.”

“Internally in the development of the 2005-10 strategic plan.”

“Internally, information about working procedures and conditions is not always transmitted to staff even after direct requests.”

95. The feeling that internal communication could be improved extended to policy issues too.

“Within the FSA there could be better communication between Divisions on current work topics. This could help others be aware of issues that could have an impact on, or relevance to, their work area. This could be delivered via the intranet Foodweb.”

“More openness is required about internal issues during policy development and particularly about how devolution works within the Agency.”

96. Staff attitudes towards openness are very positive and there appears to be genuine commitment to being open. This commitment extends to MHS who, in addition to formally signing up to FSA’s policy on openness have developed their own policy document focusing on issues that are particularly relevant to their own staff and stakeholders. They are proud to be a ‘Chartermark’ organisation which cannot be attained without good customer service and high standards of openness and honesty.

97. MHS has also recognised the need to improve internal communications and as a step towards this has produced a newsletter for their 2000 operational staff, which aims to strip away jargon and provide updates on the latest technical issues, and most importantly, to explain why the issue has arisen and why action is required. They are also planning to make the minutes and papers from the Management Board available to staff, a practice already adopted by FSA’s Executive Management Board.

Conclusion 14: the FSA needs to improve its internal communications on management issues so that staff can see that senior managers and the Board are living by the organisation’s values; and, better internal communication between policy divisions would also enhance FSA’s relationship with their major stakeholders.

Explaining risk

98. As with many of the other criteria there were mixed opinions on how well the Agency explains risk. An issue of particular concern was the mixing of messages about enforcement and risk. It was strongly felt that there is confusion about the safety of food when enforcement action is taken because of a statutory limit when the risk posed by a substance is very low. Sudan 1 was repeatedly cited as an example of poor risk communication.

99. A further point to emerge was the difficulty in explaining risk through the media who, it was suggested, love conflict and will readily exploit differences of opinion. The media are however vital in getting messages to the widest possible audience and managing the relationship between the media, the public and the food industry is one of the biggest challenges FSA faces.

“We feel information was poorly handled during Sudan 1 and in other recalls. The way information was handled prompted a disproportionate response from the media and through them consumers.”

“The Sudan 1 scare was an example of how the FSA had not properly balanced the need to be open with consumers and guidance on managing risk.”

100. Other examples of poor risk communication cited by workshop participants were benzene in fizzy drinks and semicarbazide in baby food. The last of these examples was cited as an example of successful communication by FSA in written evidence given to the House of Lords Economic Affairs Committee’s inquiry into government policy on the management of risk¹¹. An analysis of why such diametrically opposed views exist can be found in the case studies in Annexes F and G.

101. These show that the language chosen is critical in determining reactions to messages and that relative risk is a concept that is not well understood by the general public who tend only to see the worst case. Professionals associated with the retail/supply sectors fall at the other end of the spectrum, tending towards there being negligible or no risk, and questioning the statements on the basis of the evidence available. It may not be possible to always reconcile these two conflicting positions; however, very careful thought should be given to the choice of language in situations where there is little evidence, particularly in the use of language that is known to trigger alarm. There would also be great benefit in exploring ways of better explaining relative risk to the general public.

102. In contrast, very complimentary comments were made about the way in which FSA had handled risk communication in relation to avian influenza, in the recent case of GM rice contamination, and acrylamide.

“A good example of how the FSA balanced openness and risk management was the GM rice case. The FSA sensibly took a pragmatic approach by not requiring public recall of the affected stock but targeted the product at import. This allowed industry to identify and withdraw stocks on shelves without causing mass panic, while at the same time keeping the FSA updated.”

“The information the FSA provided during the avian flu outbreaks was excellent, concise, accurate and effective in ensuring consumer confidence.”

“Acrylamide stands out as an issue that was handled with a great level of understanding of the practicalities involved.”

Conclusion 15: when explaining the reasons for their action the FSA should clearly differentiate between enforcement action due to a statutory limit, and risk to the public.

Conclusion 16: the choice of language in risk communication is critical in determining public reaction. FSA should take steps to ensure that the choice of language is appropriate to the level of risk perceived and the evidence available.

Conclusion 17: ways of better explaining relative risk to the general public should be explored.

Explaining scientific uncertainty

103. This is closely related to the previous criterion of explaining risk since in many of the areas for which FSA has responsibility science will underpin any risk assessment. It is not possible to fully understand the level of risk presented unless the scientific evidence on which the assessment is based and the assumptions that have been made in drawing conclusions are also understood.

104. There are some good examples of where FSA has been hugely successful in making the process of examining scientific evidence and assessing risk open and transparent. The review of the over thirty months rule was just such a case where an expert risk assessment group was established, bringing together national and international scientific expertise on BSE, to consider the risks attached to various options for replacing the rule. In addition a core stakeholder group of industry representatives, consumers and enforcers met regularly throughout the review in open session to consider the costs and benefits of the options. The process was unusual in exposing the monetary value of a human life in the risk assessments and enabled anyone with an interest to see the assumptions, areas of uncertainty, and disagreement amongst experts for themselves.

105. In the above example although there was scientific uncertainty and disagreement amongst experts, there was plenty of evidence for the scientists to assess, and confidence in the process was high. As was seen in the two case studies, stakeholders have less confidence when there is little scientific evidence on which to base judgements on risk, and it is in these cases that FSA's own assessment of how successful they have been in communicating a risk can differ markedly from the way in which external stakeholders see it. Evaluation of risk communication exercises where there is scientific uncertainty has been undertaken in some cases e.g. in the case of BSE in sheep,²⁸ but these are not undertaken on a regular basis. Lessons learned from difficult communication exercises are an essential part of improving future performance and such evaluations should be undertaken more frequently.

Conclusion 18: when FSA has to alert consumers to a potential risk and little scientific evidence is available on which to make a judgement, they should regularly evaluate how successful their risk communication has been by seeking the views of both consumers and other affected stakeholders. Lessons learned from difficult communication exercises are an essential part of improving future performance.

The risks and benefits of openness and the issue of trust.

106. As discussed in paragraphs 13 & 14, the Agency was established initially because of a loss of public confidence in the safety of food and in those parts of government responsible for maintaining it. The main benefit of openness and transparency was therefore to restore public

trust. This is important for a regulator as research has shown that public trust is one of the most important variables in explaining the public's perception of risk¹⁷. The higher the level of public trust the lower a risk is perceived to be and vice versa. In the case of the public the annual attitude survey¹⁵ shows that trust in FSA has increased since 2001.

107. Further evidence that FSA has been successful in restoring consumer confidence comes from a European consumer attitude survey conducted in 2002¹⁸. This showed that consumer confidence in the safety of food was much higher in GB than in other European countries represented in the survey. The comparison made between Germany and GB was particularly interesting since both countries have large and competitive markets for producing and distributing food. The authors conclude that the large differences in the levels of consumer trust in these countries is in part due to differences in steps taken to correct critical events, such as BSE, and restore consumer trust. One of the biggest steps in GB was of course the establishment of FSA, and as the authors of this report put it “the rehabilitation of institutional performances.”

108. Paradoxically, the methods of stakeholder engagement and dialogue that are features of openness can also result in loss of trust, particularly if certain stakeholder groups believe that they are not being listened to or that the process is in some way unfair. The case studies discussed earlier (para.100), and the various comments received throughout the course of this review (see paras 70, 73, 75, 88, and Annex B, paras B13, B15 and FigB5) show that the level of trust in some stakeholder groups, particularly the food industry, is wavering. This is a risk that needs to be carefully managed as non co-operative interest groups can undermine the policy process. In the case of the food industry this would create a major problem for FSA as it is clear from the staff survey that 96% of respondents believe that the food industry are important partners in achieving FSA's objectives. If a poor relationship between FSA and the industry leads to consumer confusion lack of confidence and trust may spread to the public.

109. Unfortunately if FSA develop too close a relationship with the food industry they risk losing the trust of consumer groups. The answer may lie in even greater transparency and the creation of more opportunities for different interest groups to discuss issues of concern directly with each other so that each has a better understanding of why particular stances are being adopted. This may encourage a more rigorous and open debate about costs and benefits, something rarely achieved by producing a regulatory impact assessment, which seldom reflects costs accurately and provides no opportunity for challenging information given. The review of the OTM rule is an excellent example of how this can work. Endorsement of this view came from one of the comments in the staff survey, “Involving competing interests together delivered refreshing openness during a discussion with stakeholders.”

110. The advantage of this approach is that it enables FSA to maintain its fiercely protected independence as each participant can speak for themselves and FSA will not be accused of ‘getting into bed with industry’.

111. A further risk of openness is that in certain circumstances it may hinder FSA's ability to deliver some of their key objectives and hinder effective enforcement. There are numerous examples from the staff survey (Annexe B) of instances where companies, or other enforcement agencies, have been uncooperative for fear of a company being named with consequential damage to its reputation or the provision of an unfair advantage to its competitors. This has prevented some research projects and surveys from taking place, has reduced the number of surveys undertaken and has denied FSA access to valuable information it needs to carry out its

duties. Amongst staff there is very little support for the policy of publishing the names of people who fail to follow best practice guidelines but have not broken the law. MHS does not do so, and many of the benchmark organisations were wholly opposed to the notion. FSA needs to review its policy on publishing the names of those who fail to follow best practice guidelines. A more common sense, flexible approach based on a case by case assessment would seem to be desirable.

112. Openness can also result in damage to FSA's own reputation if errors in their performance are exposed. Openness can however also be the saviour in such circumstances as admitting to one's own errors is seldom as damaging as having them exposed by others.

113. It is often said that scientists are concerned about the release of pre-publication data and such concern may affect the extent to which they trust the Agency. The reasons given usually concern the difficulty of getting work published in reputable journals if it is already in the public domain and because it may jeopardise commercial exploitation if ideas are picked up and exploited elsewhere. The questionnaire that was sent to academics and scientists (Annexe I) explored this issue.

114. It was clear from the responses (Annexe C) that this is not as clear cut as it might appear. It is not simply a matter of scientists being concerned about their own careers, although the number of publications in high quality journals does affect career prospects. However, as one respondent put it, "It would be unreasonable to put career ambition above the health of a nation if a real problem emerged". It is however important to consider each case on its merits rather than have a blanket rule that all data shared with FSA must be made available immediately. The quality of the data must be tested by some kind of peer review. It is not in the public's interests to publish untrustworthy data. The risk of doing so is that the damage to public health may outweigh the benefit obtained. It is very important that the scientists themselves are involved in discussion on risk and that the validity of the data is thoroughly challenged and tested.

115. This review has not uncovered any examples of where a rigorous examination of the data has not been undertaken and most of the concerns that have influenced levels of trust are associated with the communication of risk rather than the assessment of risk.

Conclusion 19: the FSA should take steps to rebuild some bridges with the food industry as the evidence suggests that trust in the Agency by this sector is wavering.

Conclusion 20: more opportunities should be created for different interest groups to discuss issues of concern directly with each other so that each has a better understanding of why particular stances are being taken.

Conclusion 21: the Agency urgently needs to review its policy on publishing the names of those who fail to follow best practice guidelines or who participate in voluntary surveys. The current practice is inconsistent and is hindering FSA’s ability to carry out all its duties effectively. The aim should be to develop a more common sense and flexible approach with clear criteria that are understood by all. In doing so FSA needs to consider the sustainability dimension to this policy. The benefit to the consumer of knowing the name of a company that has failed to follow best practice guidelines should be weighed against the disbenefits to FSA’s ability to collect the information required to protect the consumer, and the impact it may have on the economic viability of small businesses which also have responsibility towards consumers.

How does FSA compare to other organisations?

116. This question was addressed by the benchmarking exercise which included the benchmark questionnaire and a comparison of the websites of participating organisations. Full results from these investigations can be found in Annexes D and E.

117. One of the purposes of the exercise was to test whether FSA was still in the vanguard in the use of innovative techniques to reach their target audiences or whether the greater emphasis on openness and transparency across government had produced equally innovative ideas elsewhere.

118. From the outset FSA were committed to having open Board meetings so that people could see for themselves how decisions were made. In 2000 this was considered to be a revolutionary concept as few, if any other government bodies held meetings of this nature in public. Today it is much more commonplace and over 70% of the organisations in the survey held open board or council meetings to discuss policy issues that impact on others. It was less common for organisations to hold all their Board meetings in open session with only 40% claiming to do so.

119. One factor that set FSA apart from other organisations was in the use of webcasts to enable people to “virtually” attend a Board meeting. Clearly this provides the opportunity of the meeting being seen by a vastly wider audience than is possible by personal attendance. With time being at a premium for most people it is also valuable in enabling people to watch specific items of interest with no associated downtime. Six other organisations use webcasts occasionally for specific events that they wish to broadcast however, none of them use them routinely as FSA does. FSA is also piloting the use of podcasts (web based audio broadcasts accessed by subscription over the internet). The reason that these methods are not used more widely is not clear, although cost may be an inhibitory factor.

120. A wide variety of different methods of engaging stakeholders and communicating key messages are used by all organisations. There is no doubt that FSA has employed some innovative techniques, and two examples serve to highlight this. The first is the cooking bus, which is part of a wider campaign to encourage healthy eating and influence the eating habits of the next generation. The cooking bus tours schools, particularly those in low income areas, and in consultation with school staff, provides workshops to promote cooking skills and convey food hygiene and nutrition messages to children in a practical and fun way.

121. The second example is the Agency's contribution to the public dialogue on GM foods. This involved a series of activities amongst which were a citizens' jury run by Opinion Leader Research¹⁹, the sponsoring of a national schools' debating competition, and a video about GM foods made by school students.

122. However, it would be wrong to conclude that FSA has a monopoly on innovative ideas. In Scotland the NHS has brought the public directly into the policy making process by introduced Public Partnership Forums, which bring together voluntary organisations, community groups and individual members of the public to improve information for the local community, provide a vehicle for consultation and provide a means of enabling people to raise issues of concern about health on a continuous on-going basis.

123. Defra launched a long term campaign in 2002²⁰ to raise awareness of the personal import rules relating to food items and plant material. Amongst other activities this has used a specially created mobile unit which has toured the country attending events such as 'Islam Expo' at Alexandra Palace; messages on special travel merchandise, (pens, travel toothbrush, travel wallet); advertising on travel websites; TV fillers; videos for airlines to show; videos shown on Welcome Break TV at 23 motorway service areas across GB; extensive distribution of bi-lingual leaflets in 9 languages to doctors' and dentists' surgeries, and veterinary surgeries; and, advertisements on public phone booths in targeted locations.

124. Defra has also involved school children in a campaign to raise awareness of the effects of climate change.²¹ They ran a competition, attracting 600 entries, in which young people were asked to use different types of media to communicate the threat of climate change in their regions. Nine were selected as 'Youth Climate Change Champions' who will spend a year in office spreading the word about climate change in their area..

125. Although there is clear evidence of some innovative approaches and the use of a wide variety of communication methods there is huge reliance on websites and issuing news releases for providing information by all organisations, including FSA. Whether this is a good thing is a matter of debate. As one observer put it: "The strategy of press releases makes the accuracy of the message questionable as some newspapers will rewrite with a sensational twist. Currently there does not appear to be an affordable, alternative solution as most other models, such as the website, are mainly the preserve of the interested professional."

126. It should be noted that MHS relies less heavily on communicating via their website than other parts of FSA. They have conducted a customer satisfaction survey and included a question on how their customers would like to receive information and in what format.

127. It would be a useful exercise to establish the extent to which the general public, as opposed to the interested professional, does use the internet as a source of information on nutrition and food safety. The annual consumer attitudes survey¹⁵ obtains information on which organisations consumers obtain their information from, but not how they obtain it.

128. Most of the organisations in the benchmark group undertook consumer attitude surveys, either on an annual or on a bi-annual basis. These surveys were generally of the same order of magnitude as the annual survey undertaken by FSA. However, it appeared from the results that

FSA did do more in the way of obtaining feedback from stakeholders. FSA claimed that it sought feedback after the announcement of all policy decisions. There was no indication of how this was done, and given the views expressed earlier, (paragraphs 40 & 41), which suggested that stakeholders were not always satisfied with the amount of feedback given, this may have been more of an aspiration than an evidence based claim.

Conclusion 22: the FSA has used some very innovative techniques to communicate with the public and raise awareness of important issues, but they are not alone in doing so. The one feature that sets them apart from other benchmark organisations was in the use of the webcast to enable people to ‘virtually attend’ Board meetings. This makes an important contribution to perceptions of their openness. FSA should consider whether it would be advantageous to enable this facility to be accessed via the Homepage of their website at all times rather than provide access through the Board pages between meetings when Board items are not in the news.

Costs and benefits

129. In paragraphs 106 and 107 the benefits to the organisation of being open were explored in terms of engendering trust and confidence in the organisation. It is also important to consider the benefits that accrue from an individual information campaign in terms of achieving the policy objective. Has it worked? If not was it worth spending all that money on it?

130. Benchmark organisations were not asked for an evaluation of any of their examples, although it is clear from the lessons learned and from looking at various reports on their websites that assessments of the success of their campaigns have been made, at least in some instances.

131. The Agency too has reported on individual activities. For example, in the case of the cooking bus there are reports on the number of schools visited and the number of teachers and children involved. However in none of the examples that have been examined in this study has there been evidence of an in depth cost benefit analysis which looks at whether policy objectives have been achieved and the costs that have been incurred. For example, in the case of the cooking bus it would be interesting to revisit schools that have had a visit from the bus in the past to see if attitudes to food have changed or whether it was just an enjoyable activity which has had no long term effect on the eating patterns of the children. Whilst it might be too onerous to do this for all activities, samples across the spectrum of campaigns would begin to show the value for money being obtained and inform future decision making.

132. Before this could happen a much better handle on costs must be obtained. It was both striking and disappointing that no organisation, including FSA, could give an accurate breakdown of the costs of openness. Whilst it is true that openness is a part of all activities and therefore difficult to cost, it should be possible to cost some individual campaigns and to undertake evaluations of whether these had achieved their main aims.

Conclusion 23: no organisation, including the FSA, was able to provide a detailed breakdown of the costs of being open. Given that openness is a cultural attribute embedded in all activities perhaps this is not surprising. Costs are important however, because without them it is not possible to assess whether value for money has been achieved.

Conclusion 24: it is recommended that cost benefit evaluations are undertaken for a range of specific communication activities to help inform future decisions on how to get particular messages over in the most cost effective way. Such evaluations should include an assessment of whether a particular campaign has achieved its policy objective e.g. of changing behaviour and attitude in a particular target group.

133. Consideration should also be given to the cost of the consultation process and whether it could be made more efficient. An examination of the reports that are available for consultations completed in 2005 and 2006 shows that the number of responses received in relation to the number of documents sent out is often very low. The average number of responses for the 10 reports which provide numbers was 27, but usually several hundred documents had been sent out. In one extreme case 845 organisations/people were consulted and 11 replies were received.

134. Whilst the production of detailed consultation documents cannot be avoided because of central government rules governing the process, this rate of response highlights the inefficiency of mass consultation. FSA should consider whether there are ways of making it more efficient. They already have an e-mail alert system with 4791 subscribers, but when run in parallel to paper consultation this may not have brought the advantages anticipated.

Conclusion 25: mass consultation is an inefficient process; FSA should look at ways of making consultation more efficient.

General conclusions

135. This report has considered many aspects of openness. In general FSA is doing well at living up to being an open and transparent organisation. It has delivered what was expected of it initially and its staff recognise the importance of continually striving for improvements. There is no room for complacency however, and some of the early reputational advantage that was gained by being innovative in its approach has been eroded because other organisations are now being equally successful at finding new ways of reaching their target audiences and engaging the public. Open Board meetings, which at one time set FSA apart from most other organisations, are now far more commonplace and there is general consensus that policy issues affecting the public should be discussed in the open.

136. Some areas of performance require attention, particularly those relating to internal communications, providing feedback and giving reasons for decisions to stakeholders, and risk communication. There are also areas where the process could be more efficient, and probably more cost effective, although the latter is difficult to judge in the absence of a detailed breakdown of the costs of these activities.

137. Trust in an organisation is an important component of successful risk management and FSA must continue to work hard to maintain the trust of all its stakeholders. Trust by consumers has increased, but trust is easily lost and there are early signs that this may be happening in some stakeholder groups.

138. Some of the findings in this report mirror those found in the Dean report¹. This begs the question of how much progress has been made in addressing the issues raised in that report and in implementing the recommendations. Whatever steps have been taken have not yet had any impact on the perception of stakeholders.

Scope of the Review

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?

B1. The aim of the staff survey was to find out what the staff within the Agency thought about openness and to assess how well openness was embedded in the culture of the organisation. Thirty group responses were received.

B2. Question 1 tested whether their view of what an open organisation should look like was similar to that of other organisations and their stakeholders. It should be noted that staff were not given ‘openness embedded in the culture’ within their list of characteristics to choose from as the whole questionnaire was designed to establish their attitude to openness, however all other characteristics were included. A comparison of responses from benchmark organisations and the staff for the common characteristics is shown in Fig.B1 below. The results show good agreement with the choice of the most popular characteristics in both groups, but unsurprisingly put more emphasis on explaining scientific uncertainty than external organisations did. A higher percentage of FSA staff selected open meetings in the top five, and given the emphasis that appears to be placed on open meetings it is perhaps surprising that this did not exceed 27%. Yet this is encouraging in that it suggests that most staff see openness as a much wider activity than simply having open meetings.

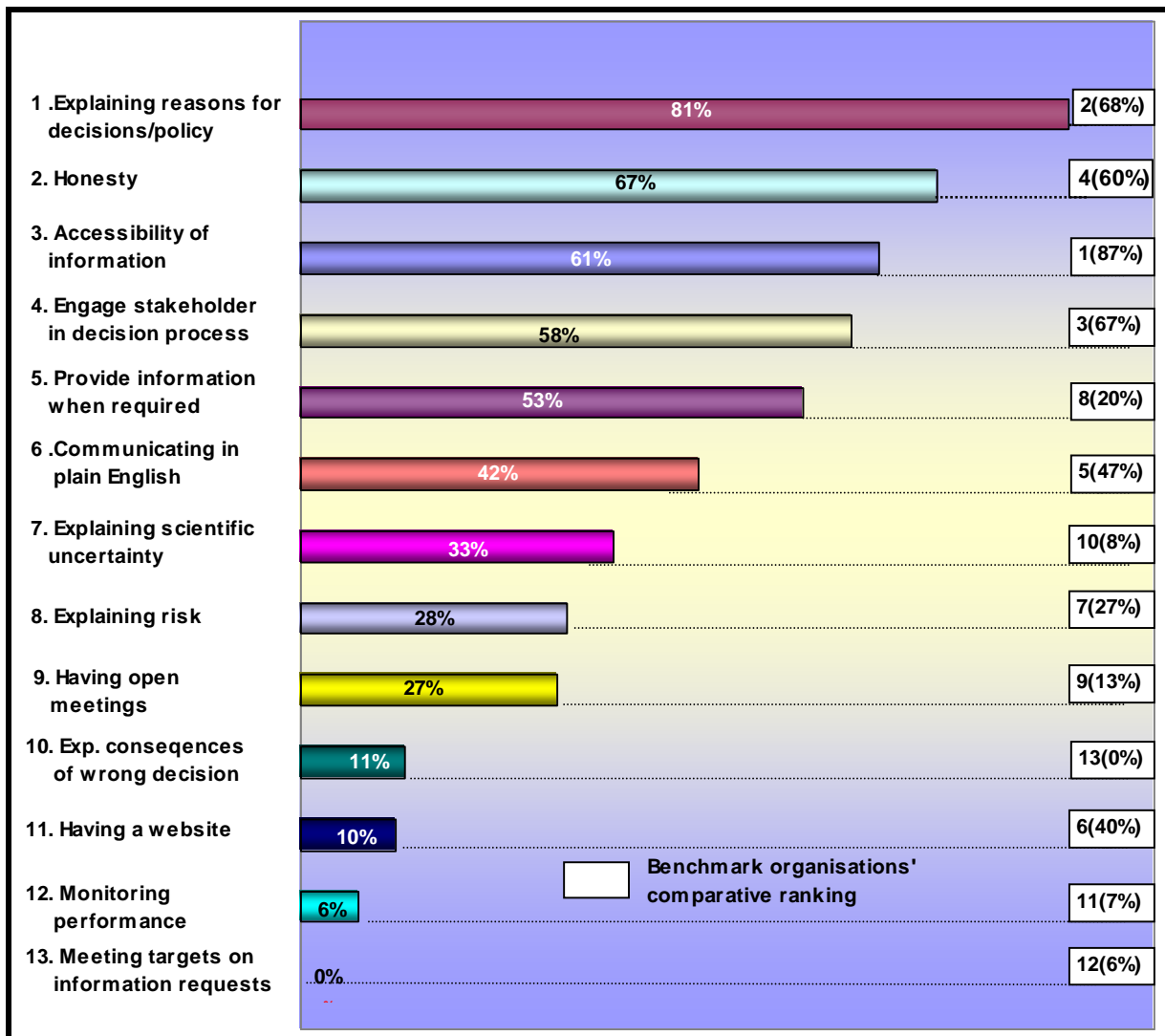


Fig. B1 – FSA staff response on characteristics of an open organisation: with Benchmark organisations’ ranking shown as a comparison.

B3. In question 2 staff were asked to say whether they agreed or disagreed with a number of statements. Results are shown in Fig B2.

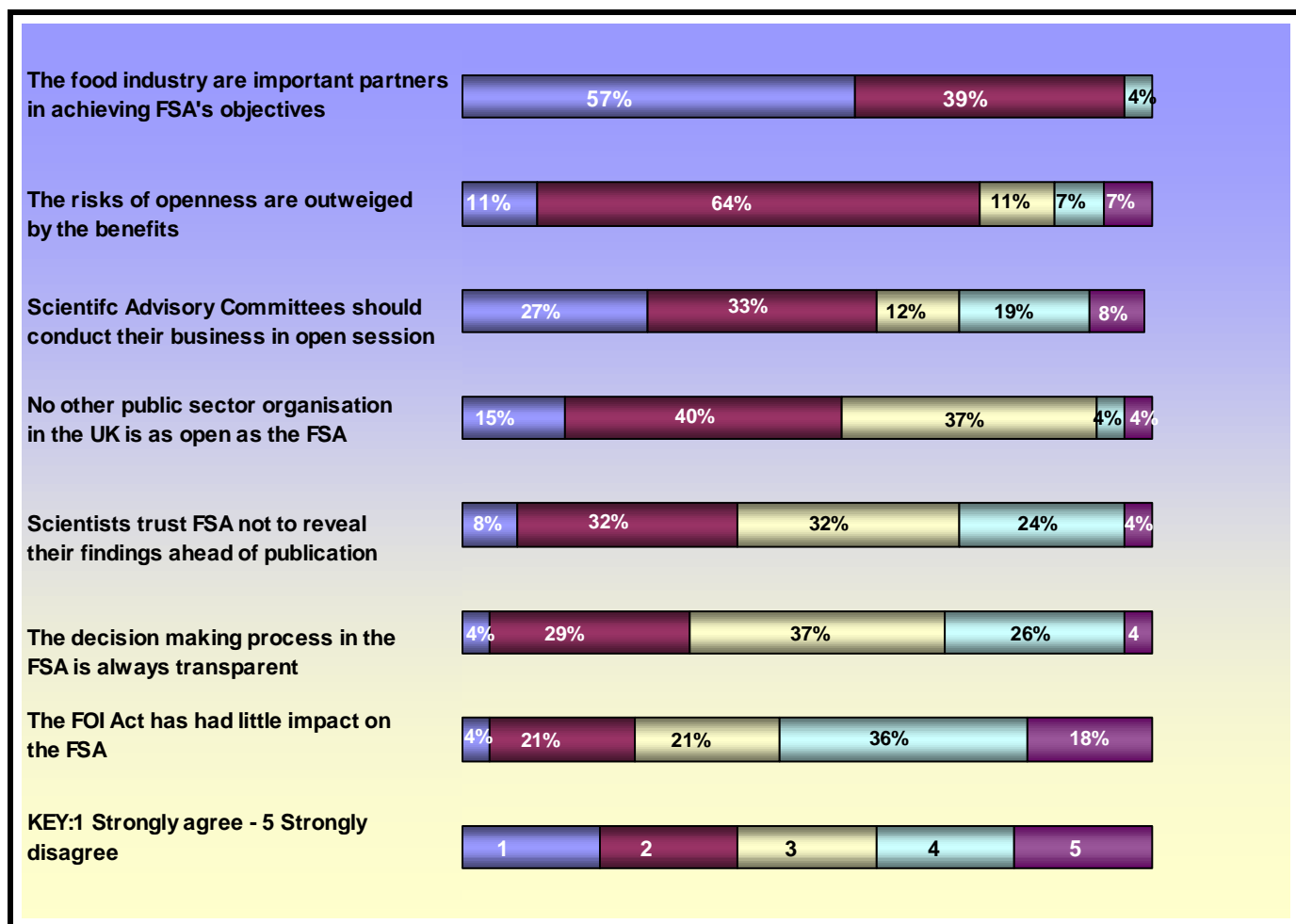


Fig. B2 – FSA Staff response to specific questions on openness

B4. Questions of this type often result in a high percentage of answers falling around the mid point (3) on the scale, which occurred in the questions relating to whether scientists trusted FSA not to reveal their findings ahead of publication and the transparency of decision making in FSA. What is striking is the almost unanimous belief (1+2) that the food industry are important partners in achieving FSA's objectives. The majority of staff also believe that the risks of openness are outweighed by the benefits. This is important because it suggests that people believe that openness does have a value. It is interesting to note that 55% (1&2), of the staff who responded did not think that FSA was any more open than some other organisations, a belief supported by the benchmark exercise.

B5. Question 3 was intended to establish whether there was a common understanding of what being accessible meant. This is important because it can be interpreted narrowly as information being easy to find, or more widely in terms of staff availability. External expectations from stakeholders may be greater than can be delivered as a balance has to be struck between getting the job done and being available to answer the questions of others.

B6. The responses to this question were wide ranging, covering all aspects of accessibility. They are recorded below and suggest a very positive staff attitude and a broad interpretation of what it means to be accessible.

(i) *“People can find what is going on and why, see the decision making process, interact and make their voice heard. FSA expresses things in language people can understand and using approaches to communication that suit the audience”*

(ii) *“That it will provide information and reasoning behind its actions, that people get a helpful and personable response to requests for information and assistance and that the Agency is open to meeting with its stakeholders to discuss its work as it develops, not just after decisions have been made.”*

(iii) *“Anyone can approach us for the information and advice they need. In practice it means the website, a visible presence in e.g. media and national and international meetings, being responsive to enquiries and engagement with stakeholders.”*

(iv) *“That the Agency is a source of information and advice that can be easily accessed by consumers and stakeholders. That it involves stakeholders in the decision making process.” Willing to listen and react. Being approachable and prepared to answer questions or provide a reason if they are unable to. That information is available to all.”*

(v) *“Making information available to all, regardless of socio economic group, disability etc. Being prepared to listen and being approachable – people feel able to write/phone /make contact.”*

(vi) *“Regular contact with as many stakeholders as possible, for both specific issues and to listen to their concerns in order to improve. Decisions reached should be done so in a clear manner and evidence provided to show how the decision was reached; they should then be presented in an appropriate way for the individual audience. Those who make decisions should then be able to be contacted in order to explain how and why they reached the decision.”*

(vii) *“Clear communications in plain English, provides helpful information on request, clear routes into the Agency for further information and routine publication of policy documents.”*

(viii) *“There is access to the Agency at all levels; proactively seek views; information open and available; open Board meetings-question time; open website.”*

(ix) *“The FSA tries to be as helpful and candid with stakeholders as possible, subject to the constraints of law and of collective government responsibility.”*

(x) *“Anybody is able to contact the FSA and be given, or helped to find, information on a given subject/issue, or, to provide their views and opinions on a subject and that they will be considered. Accessibility is the ease with which people can get information, so when the FSA says it is accessible it means that anyone should be able to get the*

information they need on a given subject in a relatively easy way i.e. website, phoning up the correct personnel.”

(xi) “That the FSA is willing to provide advice and guidance within FOI guidelines.”

(xii) “People and/or information are readily available. Individuals are identifiable.”

(xiii) “People with queries or concerns wish to comment or make proposals, should find it easy to make them known to the appropriate people and find that the FSA responds appropriately.”

(xiv) “Open meetings with stakeholders; stakeholders will be listened to; available to the public/stakeholders in dealing with enquiries.”

(xv) “It allows members of the public, industry and other agencies to communicate with it easily, efficiently and clearly, within agreed deadlines.”

(xvi) “That we provide information, and are willing to speak to stakeholders in a range of ways and a range of formats. That we will invite the opinions and representations of stakeholders and that these will be taken into account in decision making. That our advice for consumers should be in plain English and other languages as appropriate. That we have open channels of communication- website, helplines, e mail, telephone, post, open office and that our responses are helpful.”

(xvii) “Anyone who wants to get information from us, or give us information can easily.”

(xviii) “Formal mechanisms to gain access to information and Agency officials.”

(xix) “Approachable, known points of contact, easy to contact and have a dialogue with. Explaining the reasons for decisions suggests a listening organisation.”

(xx) “It has methods for receiving comments from anyone and responding to them. Anyone is able to go to Board meetings, i.e. the Board meets directly with the public.”

(xxi) “Easy to access through a range of media – phones, websites, contact lists, consultation and stakeholder meetings, publishing plans.”

(xxii) “Approachable and receptive to all interested parties; individual consumers, companies and other stakeholder s can easily find (website or readily available publications), or request information from the FSA. Information/advice is provided in a format that is understandable to the average consumer. In some cases (e.g. where a scientist asks a technical question), the response should be tailored to their needs and may include more technical detail. It is possible to establish the background to advice issued by FSA, or to easily obtain guidance from FSA. Outcomes of research, surveys and Agency work are available to everyone and in a variety of formats as the person receiving/obtaining information might require. We are also open to receiving and considering new information, such as new scientific evidence. Information on decisions, policy etc, as well as general background information, should be readily available to stakeholder groups and individual consumers. Explains why we have taken a decision and

what that is, highlighting uncertainties and assumptions. We try to publicise our message as widely as possible so that it gets to people who need it most. If someone requests information we will get it them within the designated time frames and to the best of our ability and we will provide that information in a format which is understandable to the individual. The Agency's business is carried out in open session, (unless there are strong reasons for conducting an item of business in closed session), and the public may question or seek clarification of why a particular decision or policy has been made."

(xxiii) "Easily contactable by anyone who wishes to do so by phone, e-mail or website. Willing to explain things in an open and transparent way, at the right level, to enquirers."

(xxiv) "Information about the staff dealing with a subject is made available and the staff are given the opportunity to explain, and be accountable for, their decisions and that information is available either published or on demand. Stakeholders can get information about policies/decisions which affect them. FSA will take stakeholders views into account when deciding its actions. Gaps in knowledge and uncertainties are acknowledged and their impact explained. It should be recognised that there may be different degrees of openness depending on whether information is wanted on an issue retrospectively (i.e. this is what we did and what we found) or while an issue is still alive."

(xxv) Everybody can scrutinise our work. People can talk to us. Information is widely disseminated; enquiries answered with minimum delays; always providing an answer. Willing to communicate with anyone."

(xxvi) For us accessible means that we welcome people coming in to talk to us and that we make genuine efforts to engage stakeholders. We listen to our stakeholders not just to hear what they say. We are an approachable organisation. Stakeholders should be able to see how we take decisions and how they might feed into that decision making process."

B7. Question 4 was aimed at exploring staff's opinions on FSA's performance by asking them whether the organisation was always as open as it could be. Examples were provided of where staff thought that the organisation had not been as open as it could have been. Several of these were mentioned in more than one response and where this is the case the number of references is given in brackets.

- ***Internal communications (5)***
- ***Not all Board meetings are held in public(2)***
- ***Separate stakeholder fora***
- ***Discontinuing the Consumer Committee***
- ***Oversimplifying the science***
- ***Where government/ political pressures have been brought to bear(3)***
- ***Not keeping the website up to date***
- ***Food supplements***
- ***Reasons for accepting late dossiers***

- *Timing of consultation in relation to decisions having been taken*
- *Bird Flu*
- *Dispelling incorrect perceptions of risk*
- *Uranium in bottled water*
- *Handling of incidents: Sudan 1, GM rice, Cadbury's (2)*
- *Reasons for rejecting options*
- *FOI requests not dealt with fully because of inaccessibility of files*
- *Publication of information from surveys delayed because of publication strategies*

B8. In question 5 staff were asked to identify occasions where openness had had unexpected consequences. Some of the examples provided are given below.

- *Publication of brand names in surveys has allowed some companies to use the good results i.e. less contamination than their competitors, as part of their marketing material.*
- *Inability to carry out an egg survey at packing stations because packers refused to participate for fear of being named.*
- *Industry, public health officials and enforcers share less information which may delay effective action when dealing with hazards and outbreaks.*
- *Loss of the power of surveys - other Agencies sometimes refuse to carry out surveys or refuse to publish the results of an outbreak investigation because if asked FSA would name the companies concerned even though no blame may be attached to them.*
- *Protracted negotiations with industry participants in key research projects as they are not comfortable with raw data being put in the public domain.*
- *Being open can lead to the suspicion that it is more apparent than real and that there are hidden agendas.*
- *Open and transparent engagement with stakeholders on one issue helps facilitate smooth running/good relations on others e.g biosecurity campaign/avian flu.*
- *Generates additional/ unplanned work*
- *The creation of scapegoats by publishing the names of companies from surveys in which the sample only reflects a few companies.*
- *Raising expectations that cannot be met. For example the policy of 'scores on the door' created a market for website services that did not exist.*

- *Souring of relationships with other governments or other government departments.*
- *Naming and shaming is problematic when the results are open to subjective interpretation where publication may prejudice enforcement action on potentially illegal products.*
- *The publication of HAS scores in meat establishments has been used by companies to make decisions on which companies to trade with.*
- *The announcement of surveillance surveys is likely to increase the number of retailers that clear up their shelves before the survey takes place giving a false impression of the level of potential contamination.*
- *The friendliness in the working environment has been affected as people no longer exchange chatty - mail comments for fear of them being divulged in an FOI request.*
- *Early openness can result in accusations of backtracking if things change at a later stage e.g. salt target*
- *Contractors taking samples on the Agency's behalf have been intimidated by shopkeepers when they make it known that they are collecting material for use in a food survey.*
- *Making draft opinions of expert committees widely available can lead to premature demands for action that may turn out to be inappropriate in the light of the final opinion*

B9. Issues that came up repeatedly in the responses were the reluctance that several stakeholder groups now had in sharing information with the Agency; the detrimental effect it has had on the Agency's ability to carry out surveys, both in terms of the number undertaken, the quality of these and the co-operation of other enforcement agencies; and the extended time that is now required to do things because of an increase in demand for information, and protracted negotiations with industry and scientists around issues relating to the release of information.

B10. 'Naming and shaming' featured in many of the above responses as being a reason for some stakeholders' reluctance to share information or work co-operatively with FSA. Question 6 was designed to explore staff attitudes to this practice in more detail. Results are shown in Figs B3 and B4. The majority of staff supported the policy of publishing names where a breach of regulations has occurred, but there was much less support for adopting this as standard policy in all cases where best practice guidance had not been followed. Comments suggested that it may occasionally be sensible to do so in the case of serial offenders, but that there should always be dialogue with the person or company, and each case should be considered on its merits. A sizable proportion of respondents (34%) thought that it was never appropriate to publish the names of those failing to follow best practice guidance.

B11. Question 7 was intended to supplement the views collected from academics and scientists on how concerned they were by the release of pre- publication data by asking staff if they could identify any occasions when a scientist had refused to work with FSA because of fears that their results would be released before they would want them to be. Only two specific examples were

given: an American university could not agree to the openness conditions and thus some research on TSEs was not done; some researchers not funded by FSA were unwilling to share new findings that they felt were important in terms of food labelling. One respondent also stated that certain researchers have declined to apply for research requirements due in part to this concern.

B12. A further interesting point to emerge from this question was the concern by FSA scientists that FSA's policy of refusing to sign confidentiality agreements may mean that FSA officials cannot attend some scientific meetings where research results are discussed.

B13. There were many more examples of companies refusing to work or co-operate with FSA. Some of these are summarised: but examples which just gave the name of a specific company have been excluded to protect their identity.

- *The egg industry refused to participate in a survey of eggs at packing stations.*
- *Some poultry companies were reluctant to participate in a research project looking at good practice in relation to campylobacter, although a solution to this was found.*
- *Companies have been concerned that being partners in research projects may lead to damaged reputations if raw data is put in the public domain.*
- *A recent outbreak where a company did not want to contact the Agency until the laboratory which had reported the positive result had explained its significance.*
- *Where recall of products has been advised by FSA companies can sometimes fail to co-operate because of reputational damage - and begin legal proceedings.*
- *Some small butchers shops have refused to give samples in the red meat survey.*
- *Some companies have declined to commit publicly to meeting the Agency's salt targets because of fears that they will fail to meet them.*
- *Reluctance of some companies to adopt the traffic light scheme.*
- *Development of codes of practice for acrylamide and 3-MCPD*
- *Companies manufacturing colorants for use in food packaging feared FSA looking at their products because of anticipated negative publicity and information leaking about their product*

B14. The number and variety of examples is of concern because it suggests that the way in which openness is delivered is having a real impact on FSA’s ability to deliver some of its strategic aims.

B15. The issue of trust has been considered as part of this review because openness and transparency in policy development and decision taking were seen as key components in restoring public confidence in food safety. Question 9 sought the staff’s views on the extent to which FSA was trusted by different stakeholder groups. This was to supplement information collected directly from these groups. Results are shown in Fig B5. The least trust was thought to come from the food industry, a conclusion supported by the information given in paragraph B13. As 96% of staff respondents (para. B4) believe that the food industry is an important partner in achieving FSA’s objectives this must be an area of concern for managers.

B16. One hundred percent of respondents thought that FSA should continue to try to improve the way in which it delivers openness by seeking new and innovative approaches

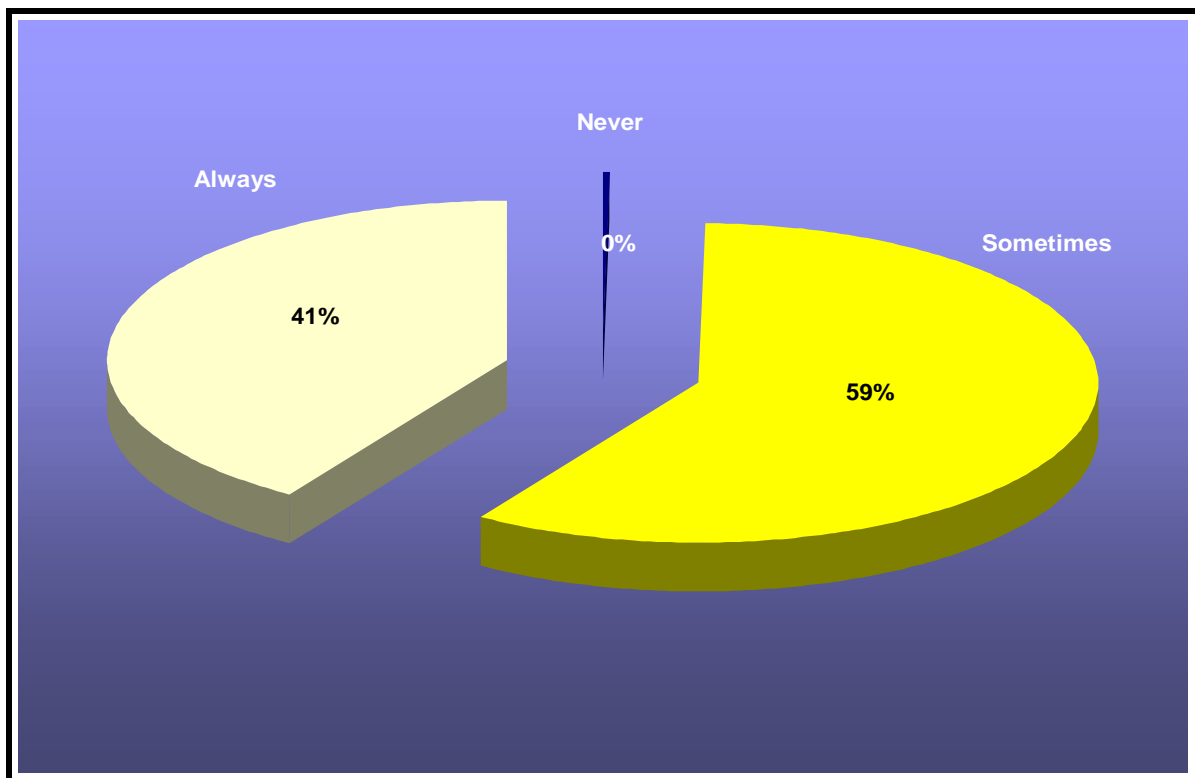


Fig. B3: FSA staff attitude to ‘naming and shaming’ – breach of regulations

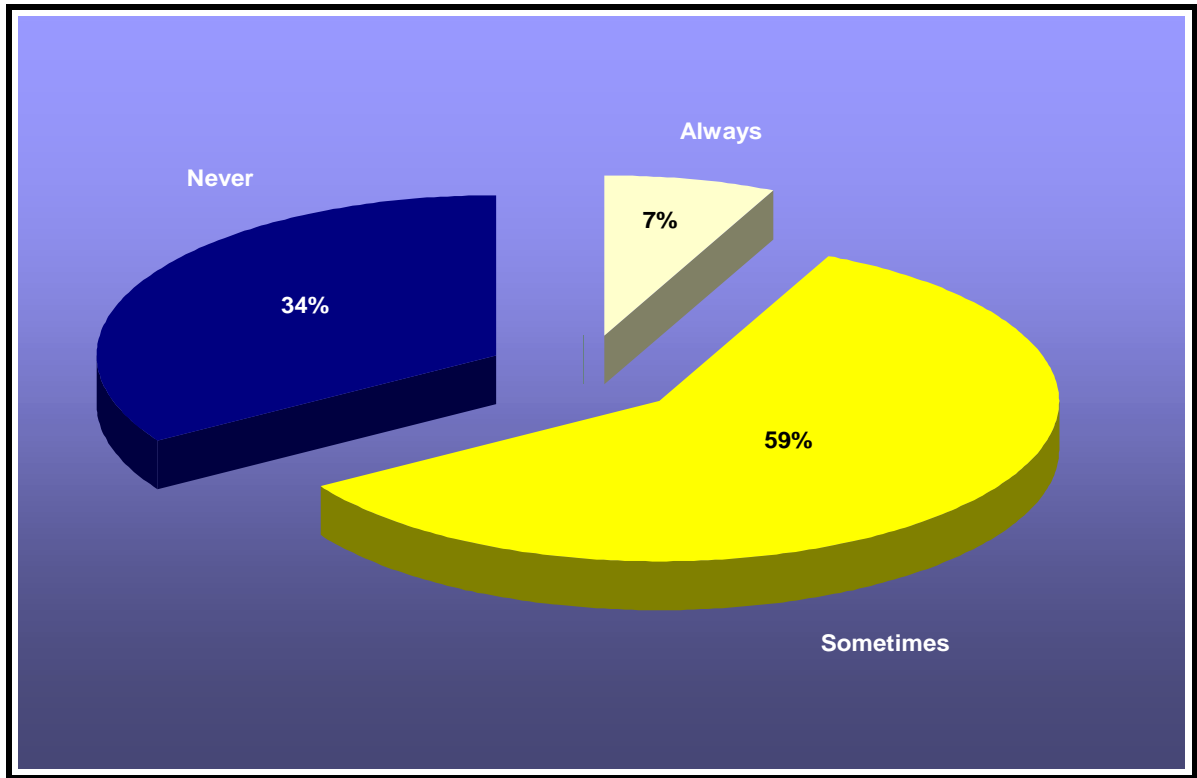


Fig. B4: FSA staff attitude to ‘naming and shaming’ – best practice guidance

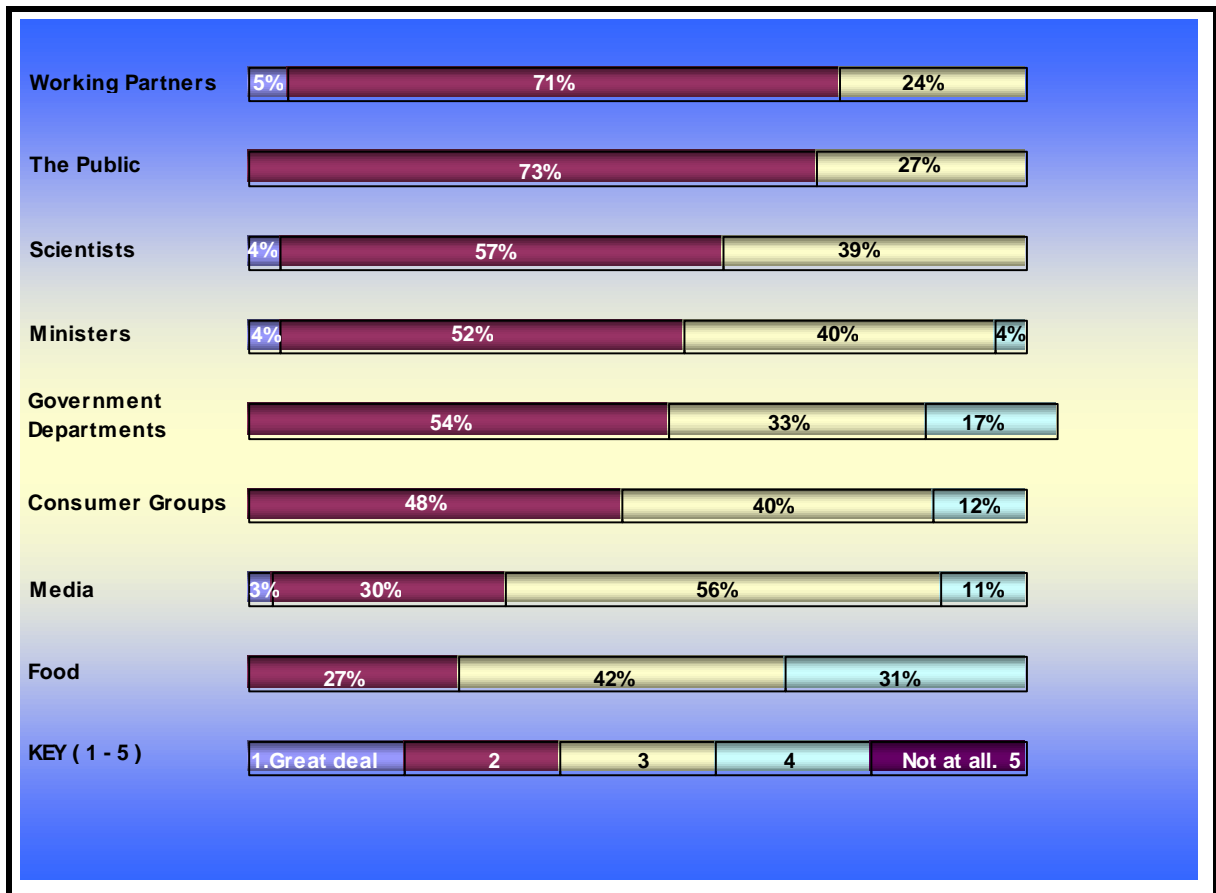


Fig. B5 – Staff view on stakeholder trust in the FSA

Results from the questionnaire sent to academics/scientists

C1. A question that was identified at the outset is the extent to which FSA is trusted by various groups of stakeholders. In the case of academics/scientists one of the key issues is whether they are concerned about the release of pre- publication data. This questionnaire was designed to explore this and other factors that may affect the relationship between FSA and academics/scientists. The number of questionnaires returned was low, (despite several attempts to encourage a return), and the information presented here is based on 6 responses with some material from two additional sources by means of telephone discussions.

C2. All of the responding scientists had contact with the FSA, either because they were invited to scientific meetings; had a research contract; were involved in consultation exercises; or, were represented on one of FSA's advisory committees.

C3. Questions 2 and 3 asked for views on the level of openness. Two thirds thought that it was about right, although some of the respondents also provided comments or qualifications.

“My perception is that they tend to focus only on what the press will be interested in and have a rather narrow and litigation orientated focus. The main issue is who can be blamed, not how do we make the health of the population better.”

“We often prepare papers or reports as part of FSA presentations – they are always available prior to the meetings as are papers prepared by other parties. There is a good communication process with draft FSA technical documents e.g. Intentions on salt reduction.”

The FSA's approach to openness is entirely appropriate to reflect the Government's aims in relation to a more open society. Unfortunately, unless consumers receive the information and understand it then the entire process loses validity. The FSA has conducted little research into the receipt of information- it has focused on awareness and input rather than effectiveness of understanding. Without that, there is no openness or enhancement of choice.”

“With respect to the dissemination of information to the public and the openness of the meetings it is about right. However with respect to initial contact with scientists, this level of openness can be restrictive. The restrictions occur because the scientists do not want to publicise ideas before they have had a chance to exploit them or of equal importance the opportunity to test them by vigorous experimentation before exposure to the public or their scientific peers.”

C4. Questions 4 and 5 were designed to assess the level of concern about the release of pre-publication data. As Fig. C1 and Fig. C2 show the responses were evenly divided between respondents.

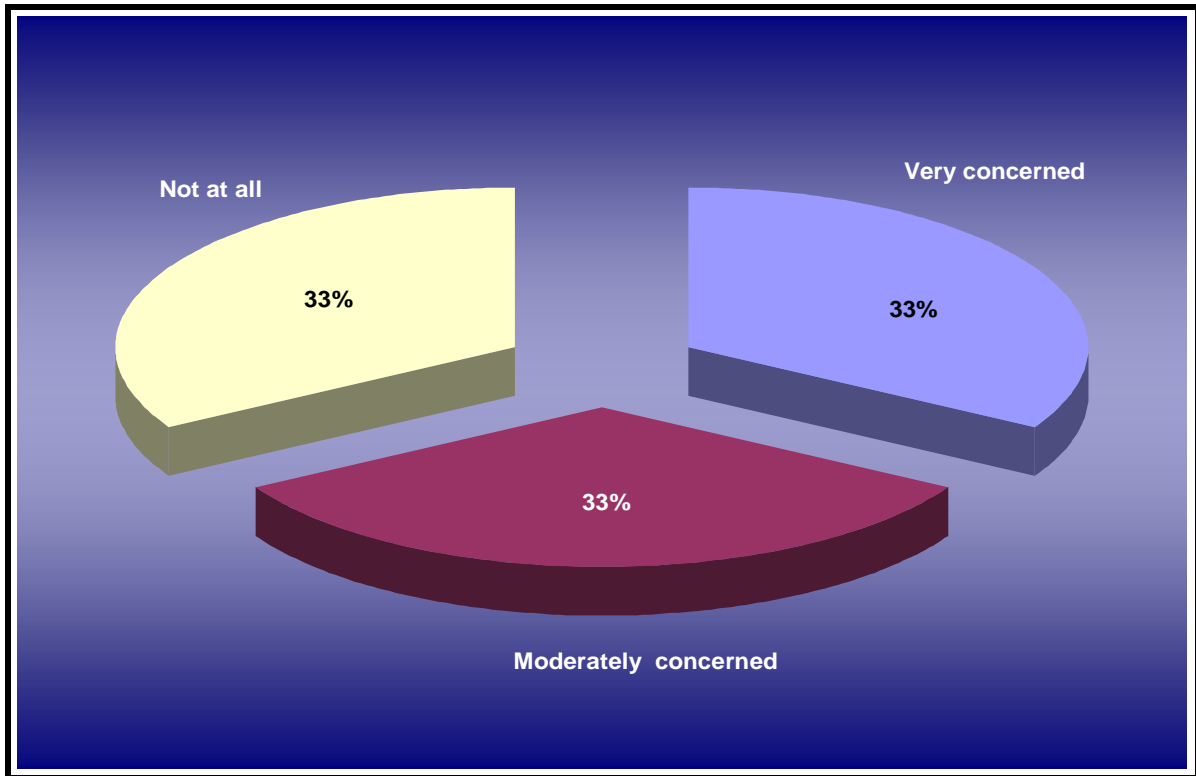


Fig. C1. How concerned are Academics/Scientists about pre-publication information being released?

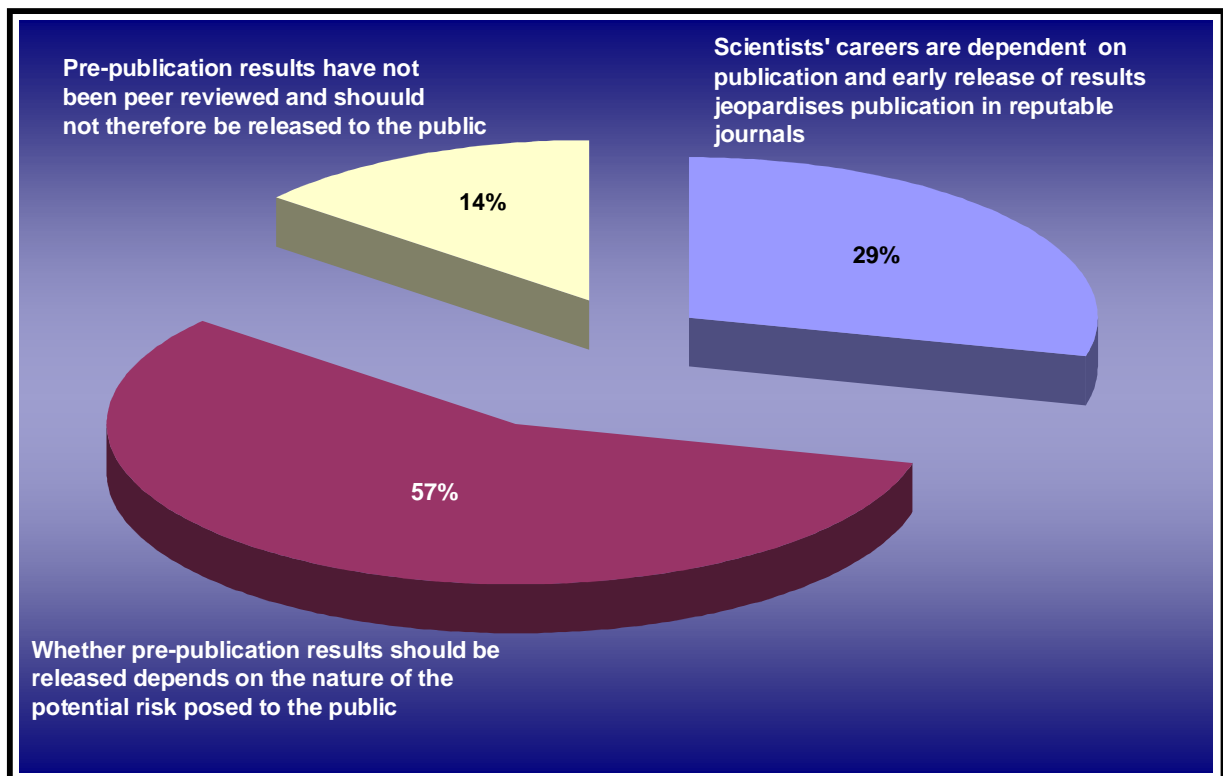


Fig. C2. Academics'/Scientists' views on the release of pre-publication of results

C5. Most thought that the circumstances should dictate whether or not pre-publication data is released, but it was generally felt that such data should not be released without peer review of some kind, which could be through an advisory committee. The following comment illustrates why it is difficult to give a categorical answer to this question.

“This is a difficult question to answer because it depends on what kind of data it is. If an experiment has been designed to test something and preliminary results show what was expected the conclusion will usually hold. Therefore if what was shown was damaging to health then the data could be released at an early stage and it would be appropriate to do so. On the other hand, if some unexpected result emerged from something you were doing it might be dangerous to draw conclusions about what it meant at an early stage because the experiment would not have been designed to test such an outcome, and it might be difficult to judge what should be done next. In that kind of situation it is important not to show a panic reaction as to do so may not be in the public interest. It is not in anyone’s interest to release preliminary data that is not trustworthy.”

C6. Those who were very concerned about the release of prepublication data gave explanations based on the reproducibility of the data and the fact that some reputable journals would not publish data that was already in the public domain. One researcher commented that although this was understandable there were ways around it if FSA was prepared to negotiate with editorial teams to enable a conclusion to be published with any necessary warnings for the public ahead of the detailed supporting data. This would require journals to satisfy themselves that the data was valid through peer review and to agree to publish it later.

C7. Questions 7-14 were aimed at finding out how receptive FSA was to the views of scientists other than those they had asked to undertake work and whether they were open minded enough to take seriously the views and data from scientists who may have a point of view that differed from their own. These questions produced only limited information on which to judge these points and responses were mixed. It was clear that the majority of those who undertook research for FSA found the project officers to be knowledgeable, open to dialogue and flexible in their approach.

C8. Some of the comments on receptivity illustrating the different opinions of respondents are summarised below.

“ FSA staff are very receptive to meetings and discussions on any topic.”

“Experience on the Foodborne Disease Strategy Group is that it is very open to ideas and suggestions for the provision of new information for further discussion.”

“Organisations such as FSA need to be more open minded. Research is often funded to build on existing knowledge and to confirm scientists’ prejudices. There needs to be greater challenge and a small proportion of the research budget should be used to challenge long held assumptions.”

“It is sometimes possible to ‘throw the baby out with the bath water’ by imposing limits on something on the basis of a negative result without looking to see whether it has positive attributes too. When I have challenged decisions based only on negative findings I have received a very dismissive response.”

“It is very difficult to get a foot in the door if you do not already have a contract.”

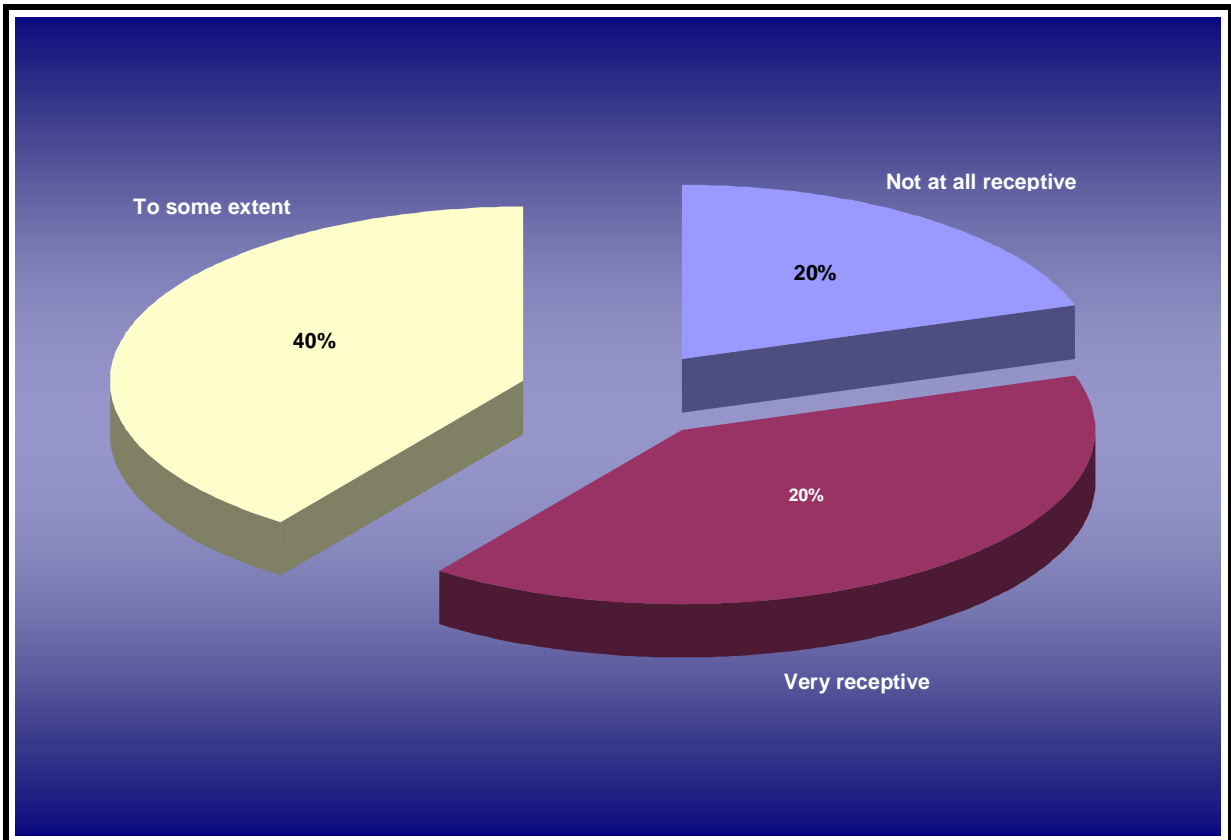


Fig.C3 – How receptive do Academics/Scientists believe that the FSA are to those that are not commissioned to work for them?

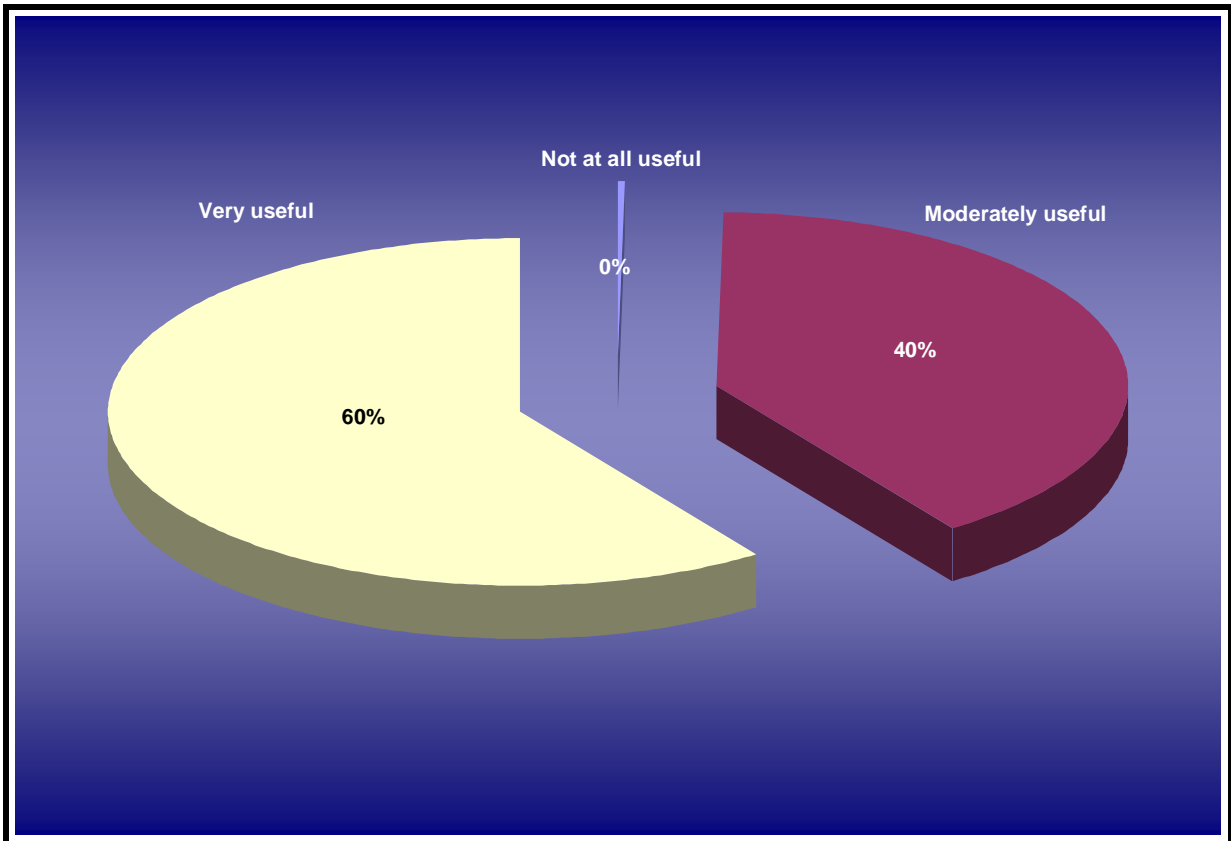


Fig.C4 – Academics'/Scientists' views on the value of the FSA website in providing information relevant to the scientific community.

C9. Question 15 sought views on the usefulness of the website from a scientific perspective. As the figure shows all thought that it was either very or moderately useful. However, the comments acknowledged that it was mainly aimed at the public but that it did contain some links to scientific information and indicates the researcher's work to look up or contact.

C10. One of the issues to emerge from this survey concerned the clarity of research requirements documents and the level of feedback obtained when an application for funding had been rejected. It was felt that the wording in the documents did not always describe what was intended. It was also annoying to have a rejection letter, for a full proposal that had taken a lot of work to produce, that simply said that it did not meet requirements - when the outline proposal had been accepted. Whilst it may not have been possible for the work to be funded within a limited budget, a more detailed explanation of why it had failed to meet requirements would have been appreciated by the researcher.

Results from the benchmark organisation questionnaire

Type of organisation represented in the benchmark group

D1. The type of organisation represented in the benchmark group is shown in Fig.D1. Some organisations, including FSA, fall into more than one category. Benchmark organisations covered the range of FSA’s functions as a regulator, an enforcement body and an organisation whose primary aim is to put the consumer first and to provide them with advice and information to enable them to make informed choices.

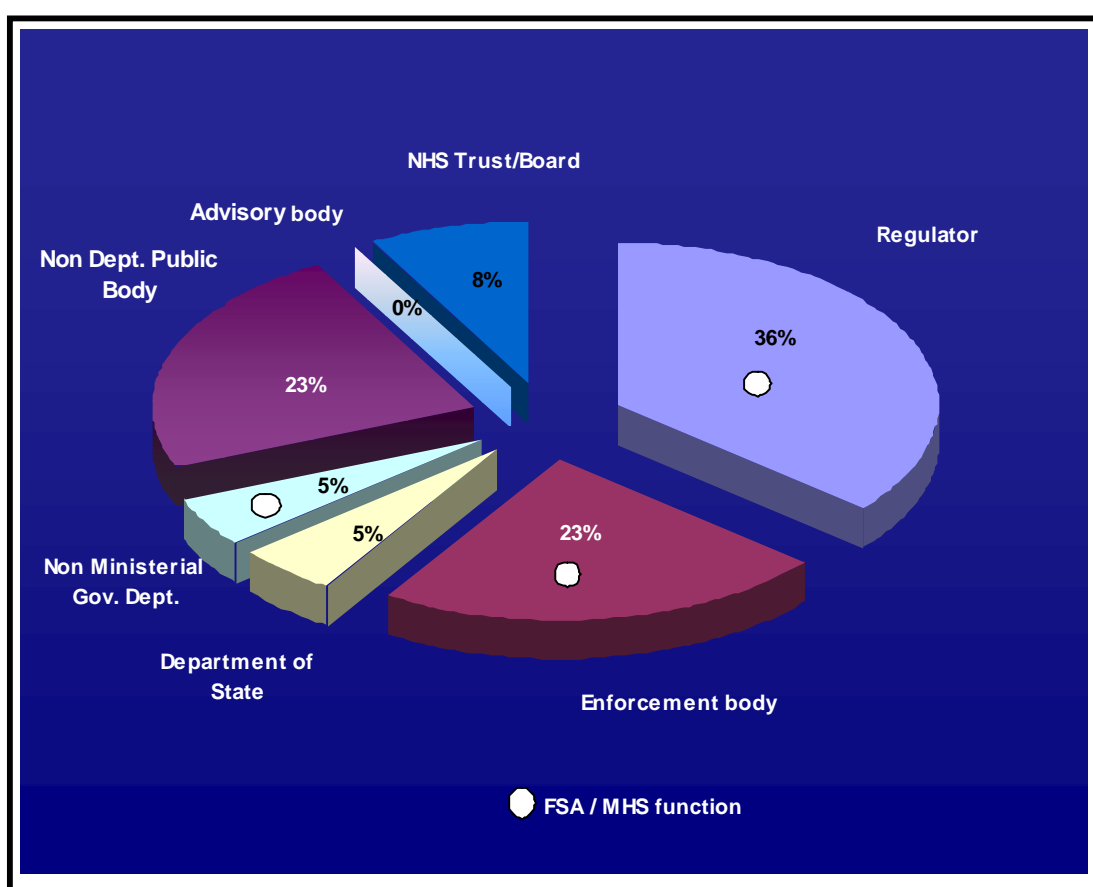


Fig D1 – Benchmark organisations’ function / type

Importance of openness and transparency to the organisations

D2. All of the benchmark organisations thought that openness and transparency were either critical (11) or very important (3) to them. FSA scored this as critical.

The five most important characteristics of openness

D3. The five characteristics selected as the most important in an open organisation and where they were ranked by benchmark organisations are shown in Fig.D2. Although FSA’s ranking was similar for the two most important characteristics it differed from the majority in the lower order ones, giving more prominence to explaining risk and scientific uncertainty. This is unsurprising given its functions and bearing in mind that not all the benchmark organisations were science based.

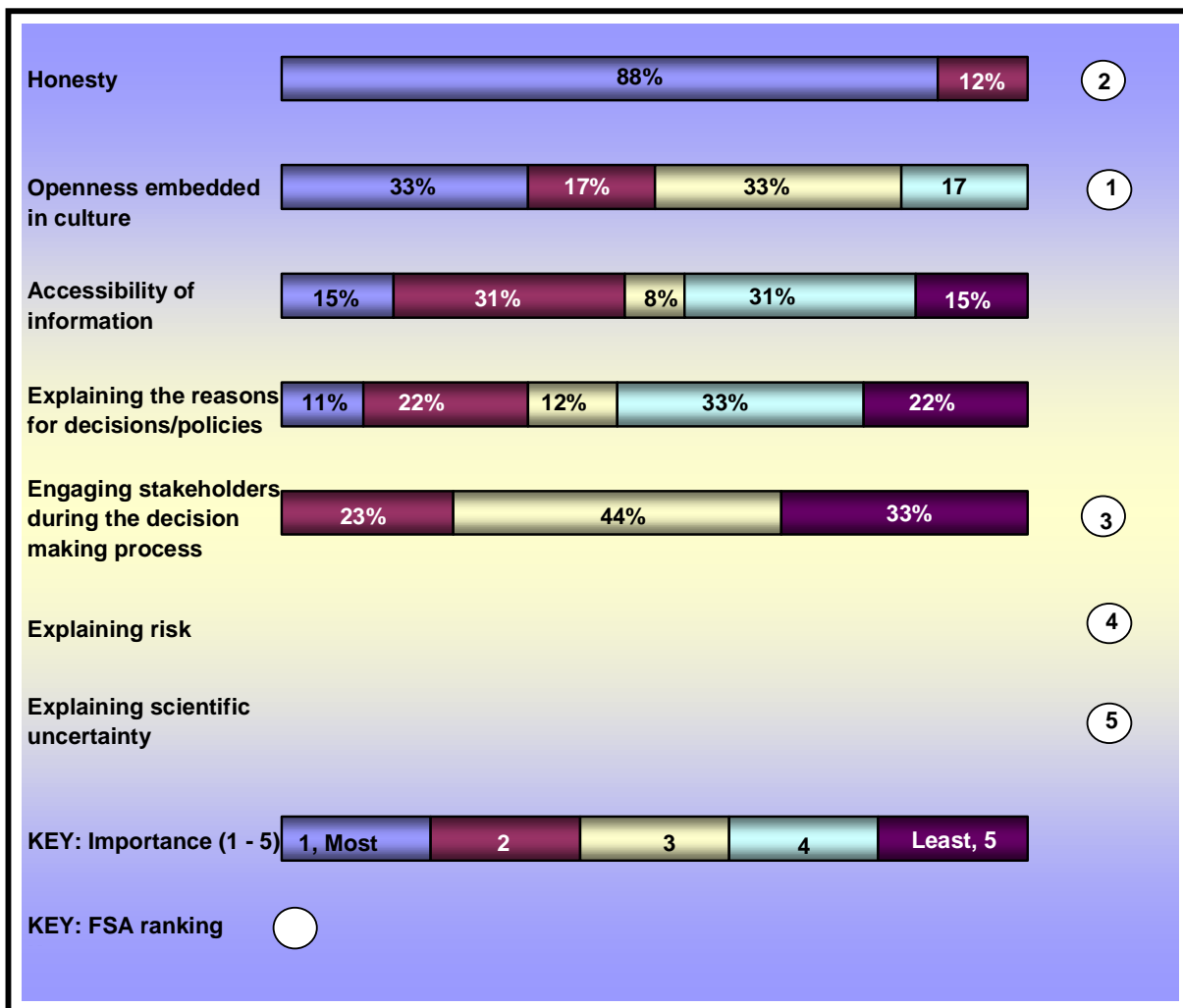


Fig D2 – Benchmark organisations’ ranking of the 5 most important characteristics of an open organisation.

D4. 71% of the benchmark organisations held open meetings of their Board, or, in the case of two organisations with no Board, of their Council. Of the four that did not, two were government departments, or agencies of government departments, whose Boards were internal management boards and where policy decisions were taken by Ministers; the third did not have a Board; and the fourth gave their reason for not having open Board meetings as: “We fear that the work process would be less efficient. Open meetings might jeopardize the open debate within the Board.”

D5. The key factor that influenced attitudes to open meetings was their purpose i.e. whether it was to discuss policy, where external stakeholders could be expected to have a view, or internal management matters concerned with finance, staff etc. which organisations wish to conduct in private. For their internal management meetings some organisations adopt a “fly on the wall” policy whereby staff can attend internal management board meetings to see how decisions affecting them are reached.

D6. Of the 10 organisations which held open board/council meetings 1 held one meeting per year in public; 5 had a mixture of open and closed meetings throughout the year; and 4 held all their meetings in the open. It was not clear from the responses whether those claiming to hold all their meetings in the open held closed meetings to discuss the internal management of the board, and whether, like FSA, there were preparatory meetings where Board members were briefed by officials and invited stakeholders on technical issues.

D7. Seven of the 14 benchmark organisations had advisory committees. Six of these held open meetings with 1 saying that all their advisory committee meetings were open. The remaining 5 held a mixture of open and closed meetings. Reasons given for not holding all meetings in the open include the discussion of commercially confidential information and prepublication research data. The organisation that does not hold open meetings of its committees does however publish minutes and some papers emanating from them.

D8. FSA’s position is given in Table D1, which summarises the results of an openness and transparency audit of FSA’s nine scientific advisory committees.

Advisory Committee	<i>No. open meetings per year</i>	<i>No. closed meetings per year</i>	<i>Publication of minutes</i>	<i>Publication of papers</i>	<i>Seeking more openness?</i>
ACAF	4	0	√	√	X
ACMSF	4	0	√	√	√
ACNFP	0	6	√	√	√
ACR	3	0	√	√	X
COC	3	0	√	√	X
COM	3	0	√	√	X
COT	6-7	0	√	√	X
SACN	1	2	√	√	X
SEAC	5	0	√	√	X

Table D1: - Openness and transparency audit of FSA’s Scientific advisory committees

D9. Most of the committees who hold all their meetings in public do nevertheless have closed sessions at the start or end of the open meeting to discuss internal matters relating to committee business, or issues where there is commercial confidentiality or prepublication data that has an embargo on it. In instances where an approval process governed by EU law is part of the committees business, as is the case with ACNFP, there are legal constraints on the release of data which affect the level of openness that can be achieved.

D10. All of the benchmark organisations engaged their stakeholders in one way or another during the policy decision making process and all consulted stakeholders who may be affected by the policy.

D11. In question 5 organisations were asked to describe any ways other than open meetings, consultation and engaging stakeholders in which they achieved transparency during the decision making process. A list of the methods given in the responses is shown below.

- *Policy shaping seminars*
- *Publishing papers on the website*
- *External speaking engagements to explain thinking*
- *Public meetings on planning and enforcement*
- *Consultation meetings*
- *E-newsletter for stakeholders*
- *Consumer panel*
- *Quarterly Board meeting with consumers*
- *Open evenings for stakeholders to meet Board Chair, Chief Executive and Directors*
- *Publication of comprehensive guidance for applicants (for an authorisation process) on the evaluation procedure*
- *Advance publication of residue monitoring plans*
- *Publication of full minutes of the advisory committee advising Ministers*
- *Publication of the justification for including particular commodities in the monitoring programme.*
- *Documents made available for public scrutiny*
- *Use local media to inform local public*
- *Open stakeholder meetings to explain and discuss proposals*
- *Public partnership forums*
- *User networks attached to Managed Clinical networks*
- *Internal staff newspaper*
- *Patient groups*
- *Cancellation of “in committee” meetings of the Trust Board*
- *Regulatory impact analysis statements posted on the web.*

The extent to which the reasons for decisions are explained

D12. Question 10 asked benchmark organisations to indicate, on a scale of 1-5, the extent to which they would explain once a decision had been made: scientific uncertainty; risk to the public; why some evidence was considered to be of lesser importance or was rejected altogether; costs and benefits; and the consequences of a wrong decision.

D13. FSA’s response was in line with the general picture but with more weight on explaining the costs and benefits than was generally the case. Results are shown in Fig.D3.

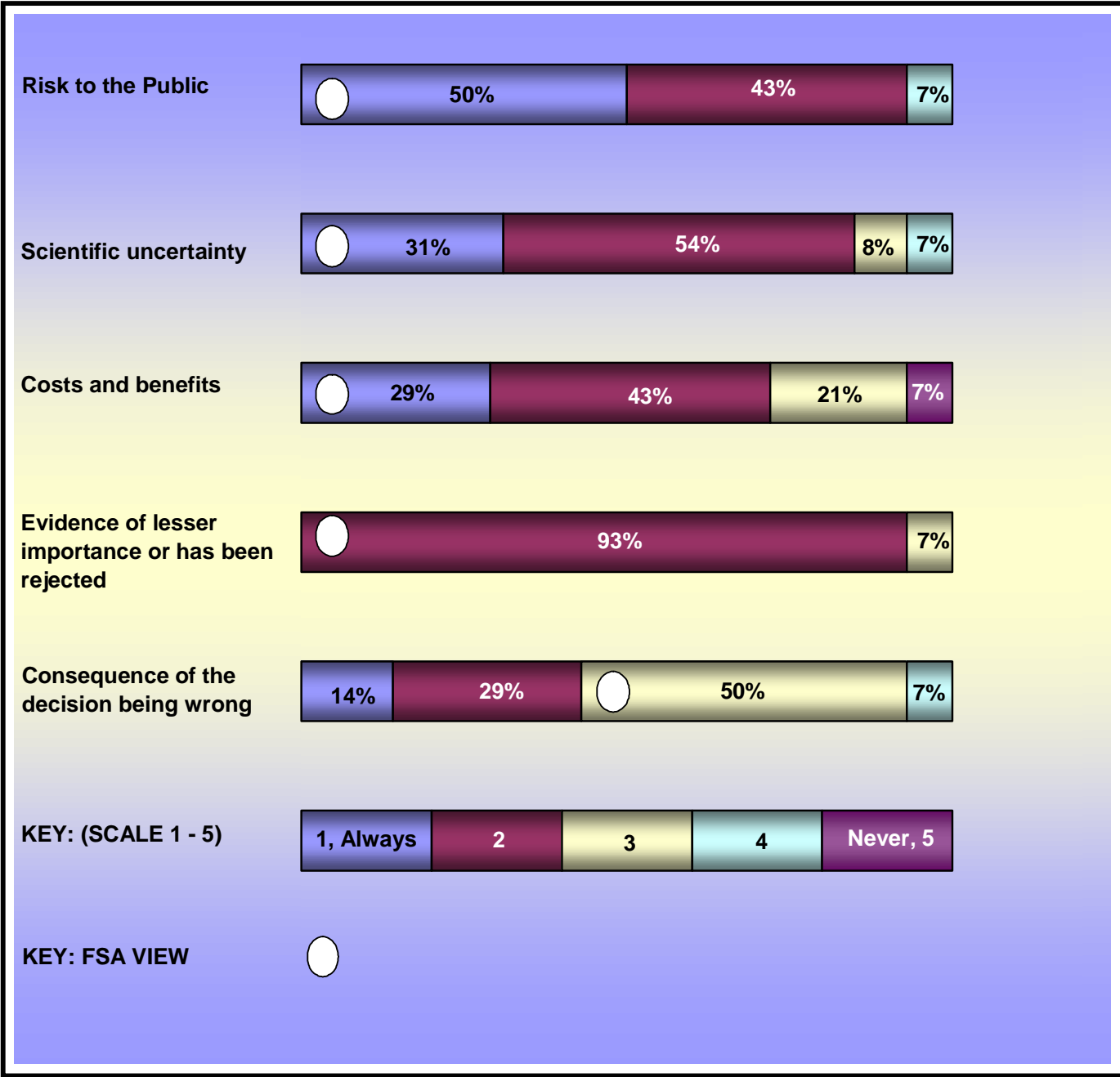


Fig D3 – The extent to which Benchmark organisations explain their reasons for decisions taken.

Methods of publicising advice and decisions and factors that influence the choice of medium.

D14. In question 11 organisations were asked to indicate on a scale of 1-5 the frequency with which they used various methods of publicising their decisions and advice. The results can be found in Fig D4

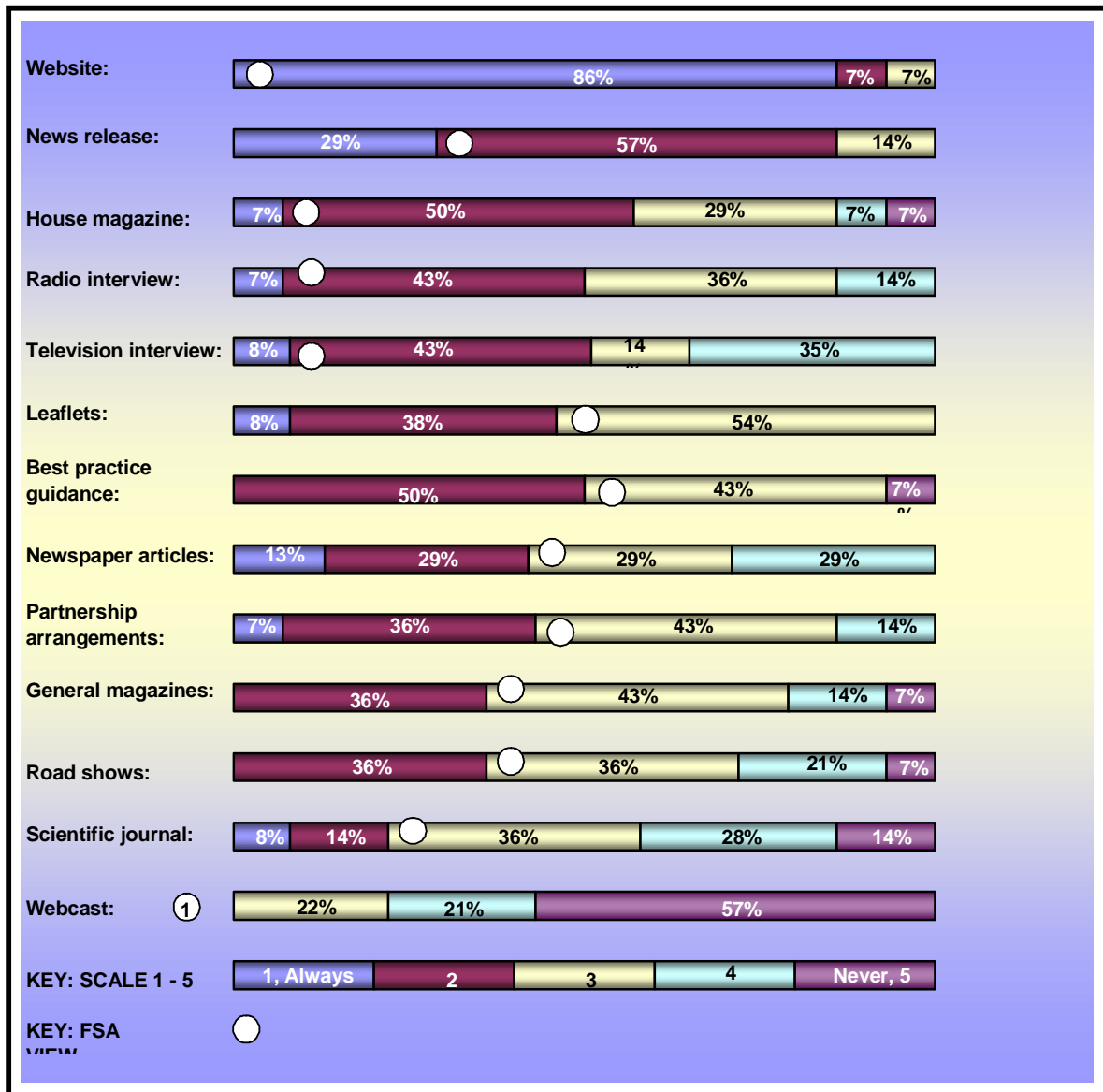


Fig D4 – How frequently Benchmark organisations use various media as a means of providing advice/information

D15. Respondents were also invited to describe any methods used other than those listed in the question. These are listed below and show the wide variety of different mechanisms in use:

- *Training seminars*
- *Direct e mail to specific groups*
- *Help line*
- *Parliamentary receptions*
- *Stakeholder meetings*
- *Stakeholder engagement programme*
- *Publishing reports*
- *Regulatory guidance and information updates*
- *Marketing campaigns*
- *Local press coverage*
- *Specialist media*
- *Community partnership groups*
- *Radio/TV fillers*
- *Advertising*
- *Marketing through partnership arrangements*
- *Direct mail*
- *Participating in events, shows and exhibitions*
- *Presentations, conference speeches*
- *Web logs*
- *Ministerial statements*
- *Contributions to scientific article*

D16. There was no indication from the data collected that FSA were any more innovative in their use of the range of media available than other organisations.

D17. Question 12 explored some of the factors that might affect the choice of medium. The results are shown in Fig D5. The responses shown indicate that all Benchmark organisations have a high awareness of the need to find the method most likely to reach their target audience and that the complexity of the information and the risk to the public being conveyed in the information were important factors in the choice of medium. Cost had a big effect (scored at 1 or 2) on the choice of method in only 50% of the benchmark organisations, although it was scored at 2 by FSA.

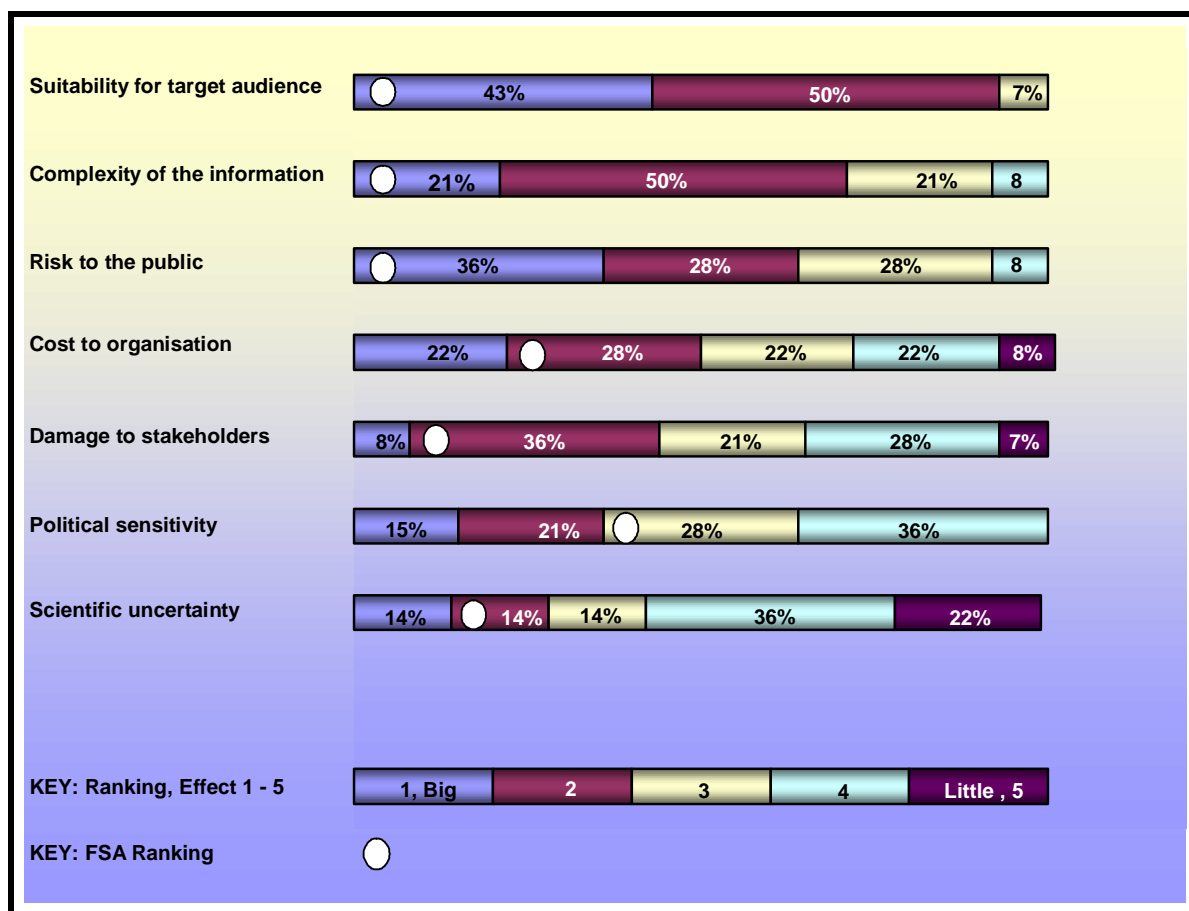


Fig D5 – Factors that affect the choice of Benchmark organisations’ choice of medium

.Lessons learned by benchmark organisations on what makes an information campaign successful.

D18. Each of the bench mark organisations was asked what had been their most successful information campaign in the last three years and why it had been successful. The reasons given for the success of their named campaign are summarised.

“A variety of media were used; there was a long campaign of information; multiple consultations; bespoke road shows for specific groups; and a large amount of joint working.”

“There was a fast reaction to the problem; useful advice was given to the public, and there was good co-operation with other organisations.”

“There was good awareness of the campaign and positive indications that it had changed attitudes and behaviour.”

“We were able to win hearts and minds to make the sector understand there were benefits to them from filing on time.” – The campaign was to raise compliance with reporting deadlines.

“This was a real, well planned campaign linked to the work on food safety, animal and plant health, and consumer protection using a wide coverage on media from TV to our website. There was a ‘faces’ option for the media and press.” This described the successful launch of a new organisation.

“The campaign had broad reach and relevance.”

“The policy has attracted widespread press and media attention which, whilst not always positive has contributed significantly to public awareness of pesticide residues in food and informed public debate about the concerns they raise. It has been instrumental in encouraging compliance by the produce trade with statutory maximum residue levels and arguably far more persuasive than conventional statutory action.”

“The campaign was well researched, well targeted e.g. at ethnic minorities, and was innovative in the use of different channels of communication e.g. phone booths, TV fillers, partnership working, stakeholder engagement and high profile risk management.”

“We were able to showcase the strengths and innovative work undertaken by Environmental Health Departments to an audience of those we need to work with if partnerships are to be successful – and if financial and other support is required to deliver the health improvements sought.”

“The information was spread worldwide, including the World Health Organisation, and acrylamide is now engaging scientists all over the world.”

“The campaign was successful because of good targeting and the use of high quality materials produced in house.”

“We used a number of different media to advertise our consultation document. There was a good response from the public and other stakeholders.”

“We raised awareness,” (of hospital hygiene), “and the role of all-patients, staff, visitors, the public and contractors.”

“Many partners contributed to both campaigns and they reached many international travellers through different venues such as embassies, airlines etc. The Food Safety Programme was targeted mostly at schools, libraries and the Canadian Medical Association. We intend to expand both campaigns because according to Public Opinion Research there is a requirement to provide the public with more information. Through the website we have increased subscribers and web traffic.”

D19. There are some common themes throughout these examples. Success is associated with clear outcomes, whether this be increased awareness or changing attitudes and behaviour, careful targeting, widespread coverage and the use of innovative communication channels designed for

different target audiences. Emphasis is also put on partnership working and influencing those with whom the organisation has to work.

D20. FSA's example of the salt campaign was no exception. The reason it was deemed to be such a success was because there have been large increases in consumer awareness of health messages around salt and of recommended daily guideline amounts, and a steady increase in claimed behaviour change. The campaign has also had active support from both the food industry and NGOs.

Reasons given for unsuccessful information campaigns

D21. Benchmark organisations were also asked what their least successful campaign had been in the last 3 years. Again they were asked to say why they thought it had been less successful than others. Some organisations, including FSA, claimed not to have had any unsuccessful campaigns in the last three years. In the case of two of these it was because they had been established relatively recently and had run relatively few. Most were honest and reflective and were clearly in the habit of undertaking a lessons learned analysis following a major communication exercise. This is always a worthwhile exercise as even the best campaigns usually have elements that would be changed if people were able to do them again.

D22. The explanations given for the less successful campaigns can be seen below.

“There were few tangible results, no appetite for the information, a lack of co-operation across agencies and no power to require, only to encourage.”

“We did not have enough information before we started the campaign and it is better to have expert meetings before you start.”

“It failed to reach the target audience.”

“Results have been mixed. The campaign failed to meet the diverse audience we hoped. The campaign was run in partnership with other groups.”

“This trade sector contains a large number of small independent operators making communication difficult even for its representative trade body. A further difficulty has been developing a clear message in a style and format appropriate to the target audience.”

“The policy was not fully aligned with communications. The campaign did not run long enough to ensure sufficient reach and there was a credibility problem – people did not believe that their actions would result in change.”

“The organisation has been indistinct in its communication,” (on this issue), “one reason for this is that we have neglected to unify our statements.”

“We often have to share very complex information. This is difficult and can rarely be simplified.”

“There was little public interest, limited events at limited times and limited funding to support the process.” This particular example was one where only the public failed to respond well, staff and stakeholders did attend the meetings. The public would however have been affected by the outcome of the proposals.

“Increased funding would have contributed to more visibility and ability to reach more stakeholders. The outreach programme requires more active participation from partners involved as well as dedicated resources, both financial and human.”

D23. These comments confirm the importance of those factors identified as contributing to successful campaigns. In their absence, information campaigns tend to be less successful, and may fail to achieve the outcome desired. One of the responses gave working in partnership as a contributory factor in the lack of success, yet this is also mentioned several times in the context of successful campaigns. This suggests that working in partnership can be a risk as well as bringing benefits. Very good communication between partners, identification of each other’s agendas and the agreement of a common outcome to aim for are essential ingredients for successful partnership working.

Policies on publishing the names of those contravening regulations

D24. Eleven of the fourteen benchmark organisations responded to this question. Only one of these said that it was not their policy to publish the names of those contravening regulations, but they offered no explanation for this.

D25. The reasons given for their policy by those responding ‘yes’ are summarised below.

“It demonstrates that we can be a tough regulator and has deterrent value (we hope!)”

“Based on national legislation and requirements”

“It has proved highly effective in encouraging trade compliance with statutory maximum residue levels.”

“Not a clear answer in reality. We support the developing ‘Scores on the doors’ scheme informing the public of the food safety standards of food businesses. We also agree with the idea that publicity regarding those prosecuted and convicted of offences is appropriate. However widespread ‘naming and shaming’ is also seen as a counterproductive policy. It is better to have general co-operative relationships with business than have constant antagonism.”

“This is useful information for consumers. It works as a stimulus for enterprises to better themselves.”

“To improve behaviour.”

“To protect our staff.”

“Publication of names on successful prosecution provides a deterrent to others, as does publishing the names of companies involved in recalls”

D26. Most of these responses justified their policy on the basis of the value it brought to the enforcement process, either as a deterrent or as an encouragement for businesses to improve their performance. In contrast, FSA justified it on the basis of openness and informing stakeholders of those businesses not complying with the law.

Policies on the publication of the names of those failing to comply with best practice guidelines

D27. Eight benchmark organisations responded to the question of whether they published the names of businesses which failed to comply with best practice guidelines. Two said that they did, the remaining six said that they did not. FSA does do this, although not in every circumstance.

D28. FSA justified this in the following way: “We understand the criticism by some that this practice amounts to regulatory creep in that it applies the same regulatory sanctions to operators who are not complying with the law. Following the publication by the Better Regulation Task Force of its report on regulatory creep, we said, ‘we believe it is right for us to inform consumers about the extent to which best practice is being followed, but we will give further thought as to the way we present survey findings on best practice in the future’.”

D29. The other two organisations which said that they did this gave the following reasons for their policy.

“To embarrass organisations publicly - this sends out a powerful message.”

“To deter non compliance and to alert a wider industry audience.”

D30. Organisations which did not publish the names of those who failed to comply with best practice guidance gave reasons which were divided between legal constraints, (cited mainly by non UK respondents who had different domestic law), and the belief that the policy was ill conceived. This group included MHS who said that their reason for not doing so was that it might prejudice a case if there was future legal action required. Other answers are given below.

“We think that it would be a counterproductive policy to do so.”

“Legal advice has consistently been that we can only publish the names of non-compliers who have been successfully prosecuted.” This response was from a non UK organisation which may be subject to different domestic law.

“Pointless!”

“Positive support is better than naming and shaming.”

“The publicity of the documentation is the basic rule in the national legislation. There is no need to publish the names separately.”

Seeking feedback

D31. This part of the questionnaire was designed to establish the extent to which the decisions taken by the benchmark organisations affect the general public and the extent to which they seek feed back on how well they are performing in the eyes of the public and their stakeholders.

D32. All benchmark organisations scored this at either 1 or 2 on a five point scale, 1 representing ‘a great deal’.

D33. The frequency with which they undertake public attitude surveys to monitor performance is shown in Fig. 6. Most undertook them on either an annual or bi-annual basis.

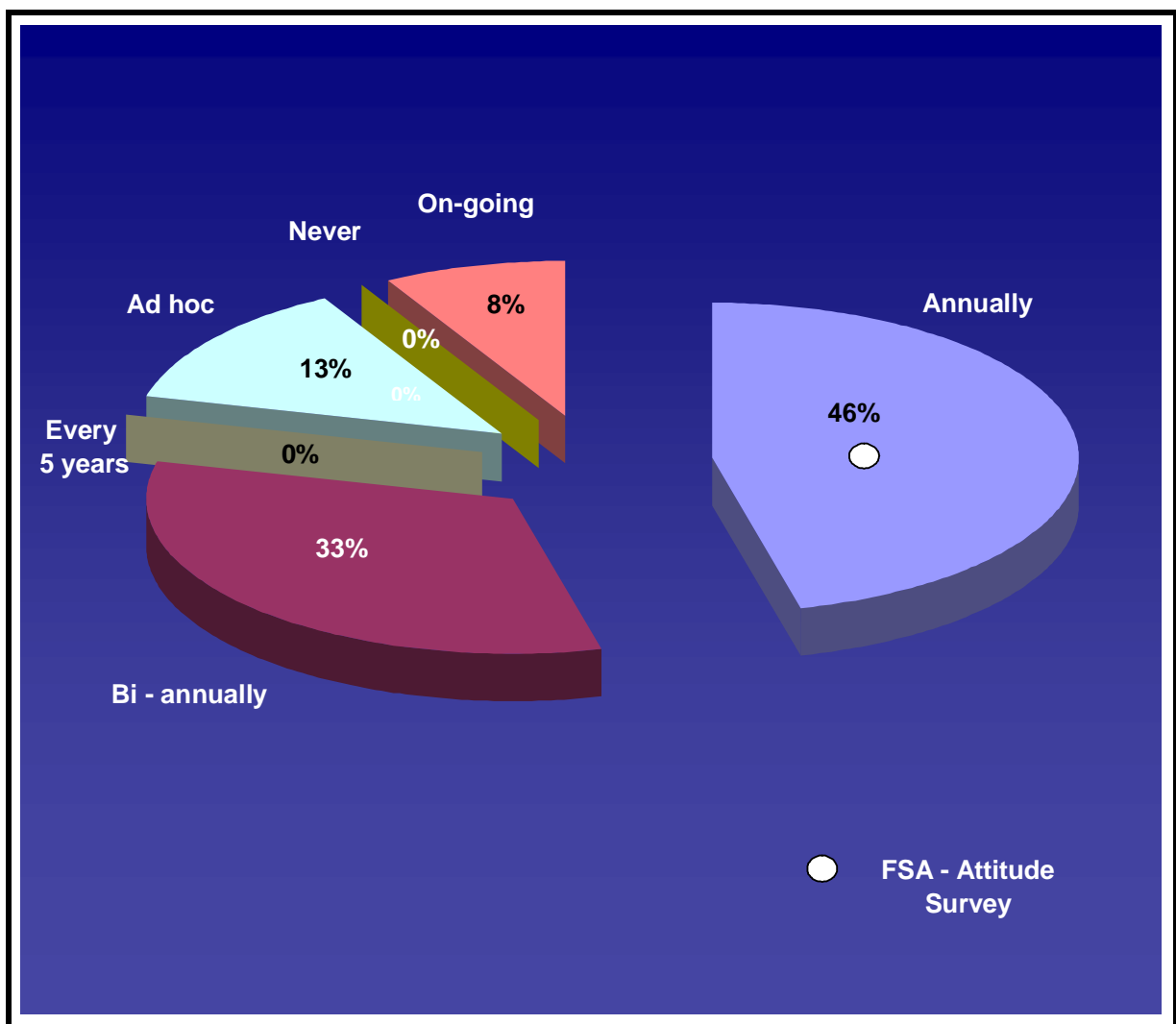


Fig.D6 – Frequency of attitude surveys to monitor performance

D34. The sample size of these surveys was generally in the range of 1,000 – 5,000, although a substantial number had smaller surveys of less than 1,000 and two organisations had surveys of over 5,000. One organisation had surveys in all size ranges. Eleven of the benchmark organisations said that they would always publish the results of their surveys, but two said that publication would depend on the findings.

D35. The frequency with which the organisation sought feedback from stakeholder groups was more variable. Most did this on a selective and ad hoc basis and one organisation said that they never sought this kind of feedback. FSA said that they obtained feedback after the announcement of all policy decisions. Results are shown in Fig. D7

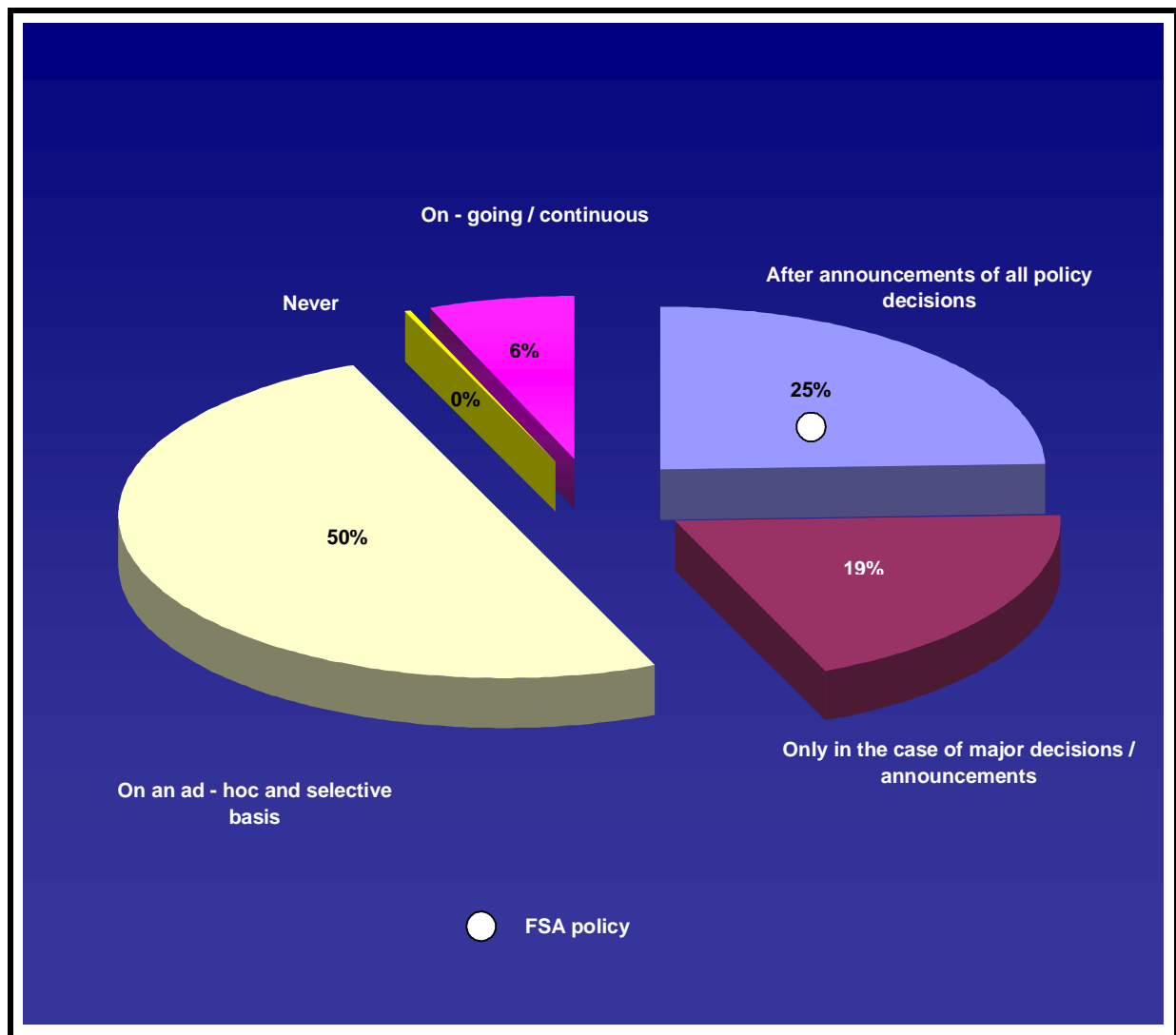


Fig. D7 – Frequency with which Benchmark organisations sought feed back from stakeholders.

Costs of openness

D36. The final part of the questionnaire asked for information on the costs of openness in each of the benchmark organisation. Results were very limited as most organisations, including FSA, were unable to provide an answer because openness was an integral part of the way in which they work. Three provided guesstimates, all of which were remarkably similar at around £1-1.5 million.

D37. Six organisations estimated the percentage of their total running costs taken by openness. Half of these thought it lay between 5 and 10 %; two that it was less than 5%; and one that it was greater than 15%.

D38. FSA was able to provide the cost of their open Board meetings and a breakdown of the average costs for meetings held in 2005 is given in the Table D2. With 8 meetings per year this represents an annual average cost of £705,600.

Activity	Cost (£)
Salaries of Board members and staff	28,000
Travel costs to Board meetings	4,200
Accommodation and refreshment costs	8,000
Administrative costs associated with delegates, Webcasting, videos etc.	48,000
Total	88,200

Table D2 – costs of open Board meetings

D39. It is not clear from this data whether there is any scope for making savings as some of the costs would occur irrespective of whether the meetings were open or closed. The only way to ascertain this would be to produce an options paper with a full cost benefit analysis of each of the options. Whether this is worth pursuing is debateable since open meetings and webcasts have been important contributory factors in establishing FSA's reputation for being an open and transparent organisation.

Website comparison for assessment of benchmark organisations

Method

E1. The criteria in the list below were used for the comparison. For each organisation all the criteria were scored on a scale of 4 -0, with 4 being excellent, 3 good, 2 average 1 poor and 0 being non-existent. The maximum score any organisation could obtain was 96. Scoring was done independently by 2 experienced web users. Where significant differences in their individual scores were found, an agreed score was determined after discussion.

Criteria

E2. The criteria used were:

- 1. Ease of navigation (intuitive)
- 2. Site makes provision for people with visual or other disabilities (Accessibility)
- 3. Good search facility
- 4. Clear statement on openness
- 5. Code of practice (COP) on access to information
- 6. Commitment to timely provision of information
- 7. Clear and visible complaints/appeals procedure
- 8. Published targets and achievements
- 9. No bars on access to pages on the public site
- 10. Evidence of frequent updates, particularly refreshing the home page
- 11. "Contact us" facility
- 12. Clear identification of key personnel and contacts
- 13. Webcasts/podcasts available
- 14. Mobile/PDA/Email updates available
- 15. Information available in language other than English
- 16. All information is available through one or two entry points ('Less is more')
- 17. Jargon free accessible language
- 18. A visually attractive design
- 19. Interactive
- 20. Covers issues readers want to know e.g. frequently asked questions (FAQ)
- 21. Site is designed for different user groups
- 22. Helpline is prominent and details are easy to find
- 23. Links to committee home pages/sites
- 24. Newsroom/media contacts

Results

E3. Despite the subjective nature of the exercise there was good agreement between the scorers with only 19 out of the 370 scores given by each being different by 3 marks. The maximum score obtained by any organisation was 78. Given the subjectivity, the organisations have not been

ranked because differences of a few marks would be meaningless, but the results in the table below show the number falling into each of six score bands. A full presentation of the results is shown in Fig.E1, which ranks the results in overall performance terms and shows where the assessment of the FSA website is located within each of the criteria.

Score	Number of organisations falling in band
1-16	0
17-32	2
33-48	1
49-64	8
65-80	4
81-96	0

Table E1 – the number of benchmark organisations falling into each score band.

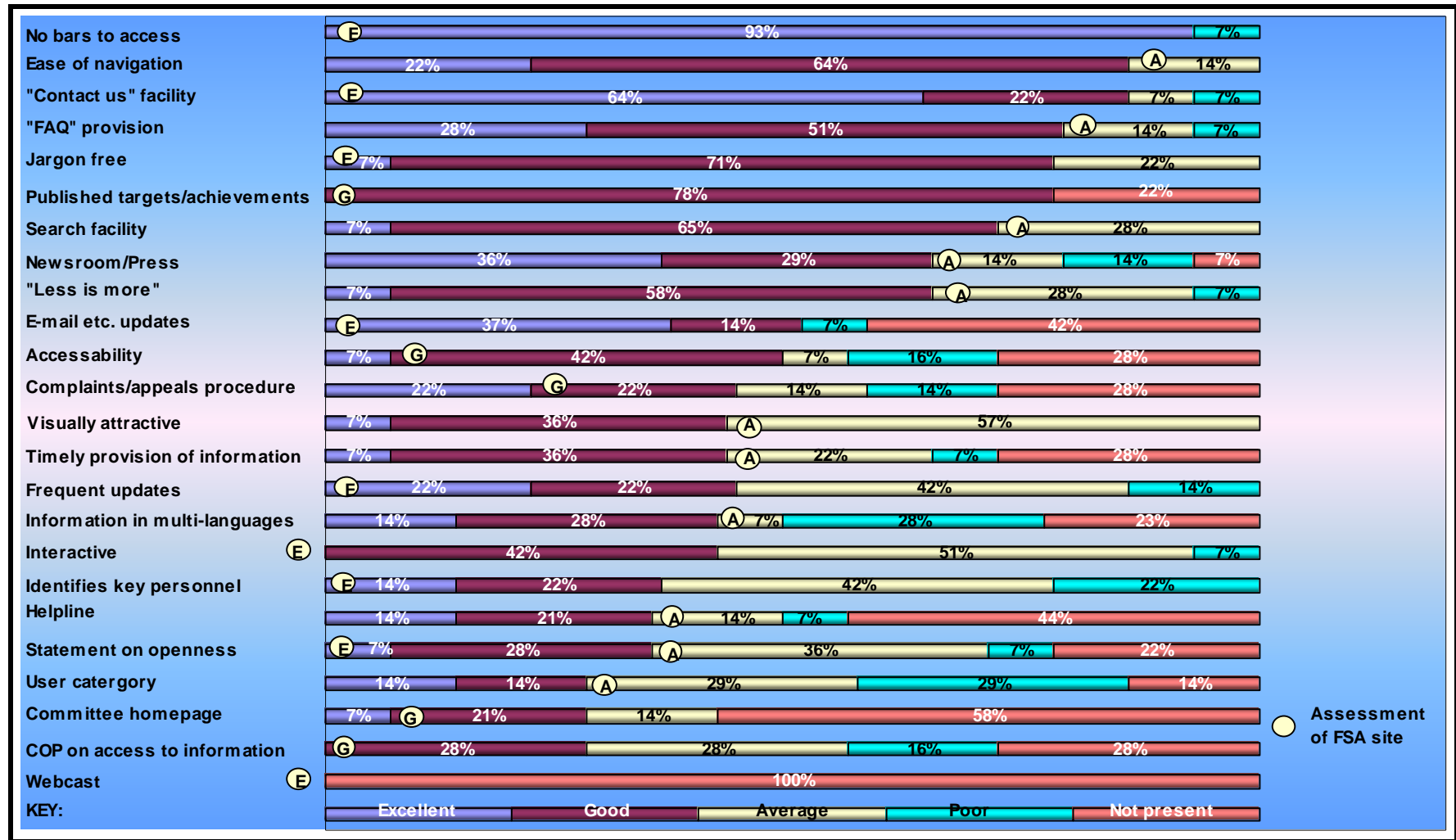
E4. FSA scored 71 and fell into the highest scoring group. Although the overall score was amongst the four highest obtained, the scores for the separate criteria revealed some deficiencies which ought to be addressed. The criteria attracting the lowest scores for FSA, (all scored at 2 - average), are shown below.

- *Ease of navigation*, which was scored at 4 for the other 3 organisations in the highest scoring group.
- *The search facility*, which rarely seemed to produce what you were looking for.
- *A commitment to the timely provision of information*, which for an organisation that prides itself on being open was peculiarly well hidden and failed to improve on the standard FOI commitment to which all public bodies are required to adhere.
- *Provision of information in other languages* – the low mark was not because FSA fail to do this, (information is available in Bengali, Chinese, Greek, Gujarati, Hindi, Punjabi, Turkish, Urdu and Welsh), but because it is not apparent how anyone whose first language is not English would know this when entering the site for the first time. Some websites have symbols, buttons or information on foreign languages available directly from the home page. Indeed, on one of the sites individual web pages can be translated into another language at the press of a button.
- *All information is accessible through one or two entry points*. This is related to navigation. Sometimes it was necessary to try several different routes to find what was being sought.
- *Visually attractive design* – aesthetics are a matter of personal taste, but those scoring found some pages, including the home page, too cluttered, even though good use is made of photographs and illustrations.
- *User category* – this criterion judged whether the site clearly identified and accommodated the needs of different stakeholder groups. In FSA’s case one might expect to see different pages for consumers, scientists, businesses and enforcers easily accessed directly from the home page. FSA’s site is geared towards consumers. Whilst this is quite

proper for an organisation that puts consumers first, other people need information from FSA and, for professional audiences, some of this needs to be quite technical. Some other regulators achieved this.

- *Helpline* – FSA does have a helpline, but it is not immediately obvious. Sometimes help is needed quickly and there is not time to work your way around a website to find something. Some other organisations had helpline numbers clearly advertised on or linked to their home page.
- *Newsroom* –the criticism came because although FSA does have a media centre linking to news and press releases accessible through the home page, it is necessary to use the A-Z contact list to find a point of contact. Some organisations link their news releases etc direct to their media centres which also provide specific contact details for their press officers, sometimes on a subject specific basis.

E5. The criteria making up the final scores were not weighted in any way, although some will have more of an effect on the overall impact that a website has than others. Most of the points made above about FSA's website are concerned with the way it is organised and the ease with which a user can find information. These are very important features and warrant attention.



Fig, E 1 - Profile showing the assessment of Benchmark organisations' websites with the FSA website assessment superimposed. (The Benchmark organisations' assessments have been ranked to show where the overall strengths occur)

Case Study 1- Risk communication on Semicarbazide

F1. A possible health risk from a potentially carcinogenic chemical was first brought to the public's attention in July 2003. The European Food Safety Authority (EFSA) alerted member states to the possible findings of semicarbazide in some foods sold in jars.²³ It was thought that the substance may have migrated from the plastic sealing gaskets used in the lids of these jars, but at the time the alert was made this was uncertain. Because of lack of information the EFSA was unable to provide a risk assessment.

F2. The first statement made by FSA on 29 July was factual, reporting the fact that industry were attempting to establish whether the food testing results were correct and that FSA had commissioned its own research. A statement in the last paragraph said that "While these significant uncertainties remain the Agency is not advising anyone to stop buying or using products in jars."

F3. A further statement was issued on 15 October 2003²⁴ after agency staff had attended a meeting of European Member States on 14 October. This statement confirmed that semicarbazide does migrate into food from the plastic gaskets used to seal glass jars with metal lids. It also stated that "the information about how much of this substance can get into food is still extremely limited as is the evidence on possible health risks."

F4. It went on to say, "On the basis of the current limited and inconclusive evidence, the Food Standards Agency is not advising against eating food in jars. However, these jars are commonly used for baby food and so parents may understandably be concerned by the continuing uncertainty, which may lead some parents to choose alternative food for their babies. Advice on feeding your baby is available on the FSA website."

F5. This statement is subtly suggestive and although it certainly does not say that parents should be concerned it says that it would be understandable if they were. It therefore goes slightly further than simply stating the facts and letting consumers decide for themselves on the basis of the facts. Unsurprisingly, it is this element of FSA's message that the media latched onto.

F6. This approach differs to that adopted by the EFSA²³ which was more concerned with the relative risks of the semicarbazide (SEM) and the possible microbial contamination that might occur with other forms of packaging. Hence their press release, issued on 15 October stated, "While results are not conclusive at the present time, it has become clear that SEM is present in certain foods in very small quantities. The risk to consumers- if any- is judged by scientific experts to be very small, not only for adults but also for infants. Nevertheless, experts believe it would be prudent to reduce the presence of SEM in baby foods as swiftly as technological progress allows. EFSA therefore recommends that the European Commission put in place a monitoring programme to ensure that industry implement alternative packaging solutions in a timely manner focusing on baby foods as an immediate priority. In the interim, EFSA's scientific experts advise no change to current dietary habits: consumers may continue to utilise all foods concerned, including baby foods."

F7. The experts themselves had highlighted that “although not an obligatory part of infants’ diets, baby foods in jars are widely used for reasons of convenience, quality and nutritional safety. With an excellent record of microbiological safety, they provide strong protection against microbiological and other risks of contamination. While concluding that it would be prudent to reduce exposure to semicarbazide as swiftly as technologically possible, experts stressed that it would be unwise to take any immediate action on baby foods which could potentially have other detrimental effects on the health of babies.”

F8. The food industry appears to have been unhappy with FSA’s message. They view the statement as differing substantially in tone to that issued by EFSA and because of this comments such as “no evidence base” and “disproportionate” enter the debate. They are not averse to the information being made public, but object to the language and presentation which they view as leading the consumer rather than presenting the straight facts and letting them decide.

F9. That this message could have had an effect on short term purchasing habits was demonstrated by two pieces of research that FSA commissioned.²² The first involved two focus groups, each consisting of 7 mothers who each had babies aged between 3 and 12 months; and the second a set of 49 qualitative interviews. The selection of people to interview was based on a set of criteria including being a mother with a baby between 3 and 12 months who uses jars of baby food, and being aware of the news story on semicarbazine. The focus groups were run before the EFSA report²³ was made public and the interviews were conducted after the announcement.

F10. There was no awareness of the SEM story prior to the EFSA announcement. Although this is a very small sample it suggests that the initial statement had had little impact. After the October announcement about 50% of those mothers approached by researchers had some knowledge of the story. “The great majority of the respondents had taken action, or were considering it, to reduce or eliminate use of these products, and shift towards alternatives; most wanted to err in the direction of caution until the full truth about SEM becomes known.”

F11. This work also suggested that relative risk is a hard concept to grasp. Hence the researchers reported, “Respondents did tend to see the worst case interpretation rather than have a graduated sense of the risk involved”; “people had no framework of thresholds of acceptability- the strong instinct was to regard any risk to babies as unacceptable”; and, “risk was often assumed to be absolute rather than relative; for example mention of cancer is easily taken to mean will cause cancer to everyone.”

F12. As other research of this nature has also concluded, there are certain key words that have a profound effect on attitude irrespective of the scientific evidence. Thus, the researchers reported that: “almost everyone, regardless of what else they knew, had latched on to the reference to cancer; some stressed that the risk had been presented as being very small and unproven, but a substantial proportion were blind to the issues of degree of risk and simply linked baby food and cancer. Few showed any awareness of the evidence on which the claim might be based, such as the three animal studies.”

F13. This research also used the focus groups to test how well different presentations of the facts were received by consumers. The choice of language was critical to acceptability, and interestingly, from the three options provided, the one that mentioned cancer was considered to be too panicked and panic inducing; the cancer in people claim was not thought to be proved by

the evidence presented. Consumers in this study wanted key facts, admissions of what is not known and authority's best judgement on how to respond in practice.

F14. FSA clearly viewed this example of risk communication as a success. In their written evidence to the House of Lords Economic Affairs Committee they described it in the following way: "Our risk communications on this issue were informed both by the science and by pre-announcement qualitative research to gauge possible consumer responses, attitudes and behaviour. This helped us to get across appropriate advice and information on an emotive issue for parents. Honesty and clarity, even about uncertainty, were important to gain trust, as was a clear statement on action being taken to address the issue. We made clear that the FSA was not advising parents to use alternative foods, but gave advice to parents who might prefer to use alternative foods. Our advice was given on our website, and supplemented a press release and broadcast interviews."

Case Study 2 – Benzene in fizzy drinks

G1. On 31 March 2006 the Agency issued a press release to announce the results of a survey on the levels of benzene in 150 soft drinks on sale in the UK. Four products contained levels of benzene above the World Health Organization’s guidelines for drinking water. Manufacturers were asked to remove affected batches from sale.

G2. The risks to the public were communicated in the following way: “While it is important that industry take action, people should not be alarmed if they have drunk these products. The levels of benzene reported in this survey will only make a negligible impact on people’s overall exposure to benzene and so any additional risk to health is, therefore, likely to be minimal.”.....“People who have inhaled very high levels of benzene in the workplace have been found to increase their risk of cancer. Benzene has been detected at far lower levels in some soft drinks. People would need to drink more than 20 litres of a drink containing benzene at 10ppb to equal the amount of benzene you would breathe from city air in a day.”

G3. Although this statement attempts to give some idea of relative risk it is also rather confusing and unlikely to succeed. It talks about “very high levels” in the workplace without giving the reader any idea what these might be. It implicitly assumes that exposure via inhalation is a reasonable comparator for risks by ingestion, and then it talks about levels inhaled from city air in one day, again with no mention of what these levels might be or how they might relate to those very high levels in the workplace. In reality therefore, this provides little valuable information on which to base relative risk even if this were a concept readily understood, which if the research highlighted in the previous case study is to be believed, is not the case. It is far more likely that the message taken away is that there is benzene in soft drinks which can cause cancer

Questions for Heads of Division to discuss with their staff

The Board of the Food Standards Agency has asked for a review of openness to be undertaken so that they can assess how well the Agency is delivering this core value. My name is Mandy Bailey and I am the external consultant who has been asked to undertake the review. I believe that the views of staff are as important as those from external sources. To obtain these views the Chief Executive has agreed that Heads of Division in all parts of the Food Standards Agency should be asked to lead discussion sessions with their staff using the questions below as discussion points. Your response will be seen only by me. Results in the report will be presented only in aggregated form and no individual divisional response will be identified.

Please send a completed summary of your discussion to the following e mail address by 31 October. jeannette.bailey@btinternet.com

1. Openness and transparency are listed as core values within FSA. Please select from the following list the 5 most important characteristics that demonstrate this commitment and rank them in order of importance with 1 being most important:

- Accessibility
- Communicating in plain English
- Providing information when requested
- Having a web site
- Having open Board meetings
- Explaining the reasons for decisions/policies
- Engaging stakeholders during the decision making process
- Monitoring performance
- Meeting targets for dealing with requests for information
- Honesty
- Explaining scientific uncertainty
- Explaining risk
- Explaining the possible consequences if the decision that is made is wrong

2. Please say whether you agree or disagree with the following statements:

	Strongly agree					Strongly disagree				
The decision making process in FSA is always transparent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The FOI Act has had little impact on FSA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No other public sector organisation in the UK is as open as FSA

Scientific Advisory Committees should conduct their business in open session

Scientists trust FSA not to reveal their findings ahead of publication

The food industry are important partners in achieving FSA's objectives

The risks of openness are outweighed by the benefits

3. When FSA says that it is accessible what do think it means?
.....
.....
.....
.....

4. Please provide below an example of where FSA has NOT been as open as it could have been.
.....
.....
.....
.....
.....

5. Please provide below an example of where openness has had unintended consequences (these may be good or bad)
.....
.....
.....
.....
.....
.....
.....

6. Please tick one of the following boxes to indicate when you think "naming and shaming" would be appropriate.

	Always	Sometimes	Never
Breach of regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Best practice guidance not followed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Please provide any examples you can think of where a researcher has refused to work with FSA because of fears that their results will be revealed before they would want them to be.

.....

8. Please provide any examples you have of where a company/organisation in the food industry has refused to work with or co-operate with FSA because of fears of damage to their company's reputation.

.....

9. Please indicate the extent to which you think FSA is trusted by each of the following:

	A great deal				Not at all
	1	2	3	4	5
Ministers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The media	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The food industry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consumer groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scientists	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other government departments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Working partners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. To what extent do you believe that the Agency should continue to try to improve the way in which it delivers openness?

- Not at all – it is already as open as it can be
- Minor improvements should be made
- The Agency needs to continually seek new and innovative approaches.

11. Please add any additional comments that you wish to make on how openness is delivered in the FSA

- Prepublication results have not been peer reviewed and should not therefore be released to the public.
- Scientists' careers are dependent on publication and early release of results jeopardises publication in reputable journals.
- Whether prepublication results should be released depends on the nature of the findings and the potential risk posed to the public.

6. Do you have research results that could have informed any of FSA's recent, high profile decisions in food safety or nutrition?

Yes No

7. Please provide brief details of the topic and what you felt you could contribute below:

.....

8. Did you contact FSA to offer this information?

Yes No

9. If no please explain your reason

.....

10. If yes please comment on how receptive FSA were:

.....

11. Would you welcome greater contact with FSA?

Yes No Possibly

Questionnaire for benchmark organisations

Please return by 31-10-06

About your organisation

1. Please tick any of the following descriptors that apply to your organisation:

- Regulator
- Enforcement body
- Department of State
- Non Ministerial Government Department
- Non Departmental Public Body
- Advisory Body
- NHS Trust/Board

2. On a scale of 1-5 please say how important openness and transparency are to your organisation

- | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Critical | | | | | Unimportant |
| 1 | 2 | 3 | 4 | 5 | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. Please select the 5 most important characteristics that you would expect to see in an open organisation from the following list and rank them in order of importance with 1 being the most important.

- Accessibility of information
- Communicating in plain English
- Providing information when requested
- Having a web site
- Having open meetings
- Explaining the reasons for decisions/policies
- Engaging stakeholders during the decision making process
- Monitoring performance
- Meeting targets for dealing with requests for information
- Honesty
- Openness embedded in the culture
- Explaining scientific uncertainty
- Explaining risk
- Explaining the consequences of taking the wrong decision.

Transparency in the decision making process

4. Please tick all of those that apply to your organisation:

- Open Board meetings
- Open meetings of advisory committees
- Stakeholder engagement during the decision making process
- Consultation with those who may be affected by the decision

5. Please describe any other ways in which your organisation achieves transparency during the decision making process

.....
.....
.....
.....
.....
.....

6. If you hold open Board meetings please indicate their frequency

- 1 open meeting per year
- A mixture of open and closed meetings
- All meetings open

7. If you do not hold any Board meetings in the open please give the reasons for this policy

.....
.....
.....
.....

8. If you hold open meetings of your advisory committees please indicate their frequency.

- 1 open meeting per year
- A mixture of open and closed meetings
- All meetings open

9. If **any** of your advisory committees never hold meetings in public please provide brief details of their function and the reasons for this policy

.....
.....
.....
.....
.....
.....

10. On a scale of 1-5 please indicate the extent to which you explain the reasons for your decisions once they have been made

Always

Never

Scientific uncertainty

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5

Risk to the public

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5

Why some evidence is considered to be of lesser importance or has been rejected altogether

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5

Costs and benefits

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5

Consequences of the decision being wrong

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5

Publicising advice/decisions

11. Please indicate on a scale of 1-5 how frequently your organisation uses the following means of providing advice/inform

	Always				Never
	1	2	3	4	5
Website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Webcast	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Radio interviews	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
News release	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Television interview	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Newspaper articles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Magazine articles:					
<i>General</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>House magazine</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leaflets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Best practice guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road shows	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Through partnership arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

with other organisations

Scientific journal

Other (please specify these below)

.....
.....
.....
.....
.....

12. On a scale of 1-5 please indicate the extent to which the following factors influence the medium you select for providing information.

	Big effect			No effect	
	1	2	3	4	5
Scientific uncertainty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk posed to the public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Complexity of the information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Political sensitivity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Damage to stakeholders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost to organisation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suitability for the target audience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. What has been your most successful information campaign in the last 3 years?

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14. Please explain briefly why you think it was so successful

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15. What has been your least successful information campaign in the last 3 years?

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16. Please explain briefly the problems you had and what you learned from this

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Enforcing Regulation

17. If you are involved in enforcement activities please indicate whether it is your policy to publish the names of those contravening the regulations.

Yes No

18. Please give reasons for this policy

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.....
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.....

19. When issuing best practice guidance to help people comply with regulations would you ever publish the names of non compliers?

Yes No

20. Please give reasons for this policy

.....
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.....
.....
.....

Monitoring performance

21. On a scale of 1-5 please indicate the extent to which your decisions/advice affect the general public.

A great deal

1

2

3

4

Not at all

5

22. Please indicate how frequently you undertake attitude surveys to monitor your performance.

Annually Bi- annually Every 5 years Ad hoc Never

23. Please indicate the sample size in these surveys

Less than 1000

1000-5000

More than 5000

24. Please indicate whether the results would be made public

- Always
- Depends on the findings
- Never

25. How frequently do you seek feedback from stakeholder groups with whom you have worked?

- After the announcement of all policy decisions
- Only in the case of major decisions/announcements
- On an ad hoc and selective basis
- Never

26. What do you estimate the cost of openness is in your organisation?

.....
.....
.....

27. Please indicate what proportion of total running costs this represents

- Less than 5%
- 5-10%
- 10-15%
- More than 15%

28. Please provide an estimated breakdown of the percentage of your openness budget spent on the following:

	%
Website	<input type="checkbox"/> <input type="checkbox"/>
Publications	<input type="checkbox"/> <input type="checkbox"/>
Open meetings of Boards, committees etc	<input type="checkbox"/> <input type="checkbox"/>
Road shows, promotional events etc	<input type="checkbox"/> <input type="checkbox"/>
Helplines	<input type="checkbox"/> <input type="checkbox"/>
Responding to requests under FOI legislation	<input type="checkbox"/> <input type="checkbox"/>

29 Please specify any major items of expenditure not included in this list and the percentage cost they would represent.

.....
.....
.....

List of those submitting evidence

a) *Benchmark organisations*

- Health and Safety Executive (HSE)
- Charity Commission
- Commission for Social Care Inspection (CSCI)
- Pesticide Safety Directorate (PSD)
- Defra
- Western Group Environmental Health Service – Northern Ireland
- Ofgem
- Lothian NHS Board
- Cardiff and Vale NHS Trust
- Healthcare Commission
- Evira – Finland’s food safety authority
- Bundesinstitut für Risikobewertung (BfD) – Berlin, Germany
- Livsmedelsverket – Uppsala, Sweden
- Canadian Food Inspection Agency

b) *Workshop attendees*

David Clarke - Assured Food Standards
Robin Tapper – NFU
Professor Richard Moody – Manchester Metropolitan University
Eric Crutcher – VMD
Bob Jeffries – Dairy Hygiene Inspectorate
Les Bailey – LACORS
Monika Prenner – Pet Food Manufacturers Association
Judith Nelson – Agricultural Industries Confederation
Phillip Cullum – National Consumer Council
Susan Knox – Foodaware

c) *Meetings*

Meat Hygiene Service
Chairs of the Advisory Committees

d) Individuals or organisations submitting written evidence or responding to the open invitation to submit evidence to FSA's website

Food and Drink Federation
Sainsburys
British Retail Consortium
Kraft
Petfood Manufacturers Association
Haemolytic Uraemic Syndrome Help (HUSH)
Jim Masson
Judy Steele – consumer
WEA Rowland
Paul Sage – consumer
Ian Panton – GMFree Cymru

e) Respondents to the scientist/academic questionnaire

Central Science Laboratory
Campden and Chorleywood Food Research Association Group
Manchester Metropolitan University
University of Nottingham
University of Reading

f) Telephone interviews

Jeanette Longfield -Sustain
Jenny Ames – University of Belfast
Kirsten Brandt – Newcastle University
Stephen Rossides – Meat and Livestock Commission
Susan Davies – Which
Kate Trollop – EU Food Law magazine

Exemptions under the Freedom of Information Act, 2000

There are two categories of exemption: absolute exemption and those covered by a public interest test where the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Absolute exemption

- Information which is reasonably accessible to the applicant by other means.
- Information supplied by or relating to, bodies dealing with security matters.
- Court records.
- Parliamentary privileges i.e. to avoid an infringement of the privileges of either of the Houses of Parliament.
- Prejudice to the effective conduct of public affairs.
- Information provided in confidence.
- Personal information covered by the Data Protection Act, 1998.
- Prohibitions on disclosure - under any enactment;
 - Community obligations;
 - where it would constitute or be punishable as a contempt of court.

Exemptions where the public interest test applies

- Information intended for future publication.
- National security, unless that information has been provided by, or relates to, bodies dealing with security matters.
- Defence.
- Prejudice international relations.
- Prejudice relations between any administration within the UK.
- Economic interests of the UK.
- Financial interests of any administration in the UK.
- Investigations and proceeding conducted by public authorities that may lead to charges or criminal proceedings.
- Law enforcement - prejudice the prevention or detection of crime, apprehension or prosecution of offenders, the administration of justice, the assessment or collection of tax, or the operation of immigration controls.
- Audit functions.
- Formulation of government policy.

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