

# Performance Analysis

Analysis of FSA performance when it comes to enforcement action, financial performance and sustainability.

## Enforcement action in approved meat establishments (England and Wales)

In accordance with the requirements of the Food Standards Act 1999, we report each year on enforcement action taken by the FSA in meat establishments that require veterinary control (slaughterhouses, cutting plants and game handling establishments). Statutory notices may be served for failures in hygiene, unsatisfactory structural matters, to stop the use of particular types of equipment, to impose conditions on the meat production process, to close down the operation completely, or to stop a particular practice that contravenes the hygiene provisions of the legislation. Statutory notices must accurately reflect the non-compliance, refer correctly to the relevant legislation, and be clearly legible and unambiguous, to be legally valid.

### England and Wales: formal and informal enforcement action taken during 2021/22

Formal action	Number of notices 1 April 2021 to 31 March 2022	Number of notices 1 April 2020 to 31 March 2021
Hygiene Emergency Prohibition Notice, served under the Food Safety and Hygiene (England) Regulations 2013 and the Food Hygiene (Wales) Regulations 2006, giving a food business operator a day's notice of the intention to apply to a court for the granting of a Hygiene Emergency Prohibition Order which would result in an immediate cessation of business.	0	0
Hygiene Improvement Notice served under the Food Safety and Hygiene (England) Regulations 2013 and the Food Hygiene (Wales) Regulations 2006.	32	50
Remedial Action Notice served under the Food Safety and Hygiene (England) Regulations 2013 and the Food Hygiene (Wales) Regulations 2006.	42	107

<b>Informal action</b>	<b>Number of notices 1 April 2021 to 31 March 2022</b>	<b>Number of notices 1 April 2020 to 31 March 2021</b>
Written advice	1,417	1,277

### **Northern Ireland: formal and informal enforcement action taken in approved meat establishments during 2021/22**

The level of NI enforcement action was lower than in England and Wales. This is partly because the number of FSA meat approved establishments in NI is relatively low at 55. Of these, only 19 (slaughterhouses and game handling establishments) required constant veterinary presence during operations. Most of the slaughterhouses are very large, high throughput establishments driven by export markets, where requirements tend to be even higher than EU compliance. In terms of audit outcomes, NI has recorded no 'Improvement Necessary' or 'Urgent Improvement Necessary' from Q1 2019/20 onwards (see Fig. 13). The Department of Agriculture, Environment and Rural Affairs (DAERA) is responsible for the meat operations delivery on behalf of the FSA in NI. We monitor performance of DAERA as part of the service-level agreement, and there is a system of verification visits in place where levels of enforcement at the establishment are assessed against the observations made on the day; there have been no concerns in relation to this.

<b>Formal action</b>	<b>Number of notices 1 April 2021 to 31 March 2022</b>	<b>Number of notices 1 April 2020 to 31 March 2021</b>
Hygiene Emergency Prohibition Notice, served under the Food Hygiene Regulations 2006 (Northern Ireland), giving a food business operator a day's notice of the intention to apply to a court for the granting of a Hygiene Emergency Prohibition Order which would result in an immediate cessation of business.	0	0
Hygiene Improvement Notice served under the Food Hygiene Regulations (Northern Ireland) 2006	0	0
Remedial Action Notice served under Food Hygiene Regulations (Northern Ireland) 2006	1	0

<b>Informal action</b>	<b>Number of notices 1 April 2021 to 31 March 2022</b>	<b>Number of notices 1 April 2020 to 31 March 2021</b>
Written advice	28	11

## Prosecutions

Following an investigation referral and full criminal investigation, prosecutions of offences committed at approved premises can be taken by the relevant enforcement authority.

In England and Wales, prosecutions for food hygiene breaches are taken by the FSA. Cases in relation to alleged breaches of animal welfare, animal by-products and some transmissible spongiform encephalopathy (TSE) requirements are prosecuted by the Crown Prosecution Service (acting on behalf of the Department for Environment, Food and Rural Affairs) or the Welsh Government. In 2021/22, the FSA Legal Investigation Branch accepted 37 referrals from Operations Directorate for investigation with a view to prosecution. The outcome of these investigations are subject to evidential and public interest tests.

The timescales for prosecutions mean that it is rare for a case to progress from referral to a final court hearing within the same reporting year. Therefore, many of the cases referred for investigation in 2021/22 have yet to be concluded.

During 2021/22, 11 cases investigated by the FSA were concluded at court with convictions secured against 14 defendants. A further 8 cases are currently being prosecuted.

There were 36 recorded investigation referrals in England and Wales during 2020/21.

The outcomes or status of those referrals are as follows:

<b>Outcomes/current status</b>	<b>Number of referrals</b>
Convictions	7
Warning letters issued	4
Ongoing prosecution in Court	4
Acquittals	0
Withdrawn prosecutions	1
No prosecution taken	20

# Complaints including those made to the Parliamentary and Health Service Ombudsman

The FSA will always seek to address and learn from any issues identified through its Complaints Policy. We aim to resolve all complaints quickly and as close as possible to the point of delivery. For this reason, complaints are normally handled at the 'local' level in the first instance. Where the complainant is dissatisfied with how the FSA has responded to their complaint, they can escalate the matter through to the 'central' level of our process. This level effectively offers two stages of 'appeal' firstly through the office of the Complaints Coordinator and secondly, through the office of the Chief Executive. Although there may be occasions when it is necessary for a complaint to commence at the 'central' level of the process.

Launched in April 2019, details of [our Complaints Policy can be found online](#). Where a complainant remains dissatisfied having exhausted the FSA's process, at both the 'local' and 'central' levels, they can refer their case to the Parliamentary and Health Service Ombudsman (PHSO). Further [details about the PHSO are available online](#).

During the calendar year 2021:

- 10 cases were responded to at the 'local' level. 5 cases were not upheld, 3 were partially upheld and 2 were upheld in full.
- 1 case was responded to at the 'central' level of our process through the office of the Complaints Co-ordinator, where it was partially upheld.
- 1 case was escalated to the office of the Chief Executive and this was partially upheld.
- 0 cases were referred to the PHSO.

This compares to 2 complaints progressed beyond the level of a local response, to the Complaints Co-Ordinator, during 2020. Of these:

- 1 case was not upheld.
- 1 was partially upheld.

One further case, which initially commenced in 2019, was referred to the PHSO in 2020 and was partially upheld.

## Financial Performance

Total expenditure £129 million. Total amount that the FSA spends, this is split into categories of expenditure: DEL and AME.

**Departmental Expenditure Limit (DEL):** £108.3 million. Budgets are set for multi-year periods in Spending Reviews. They are linked to FSA's strategic objectives.

**Resource DEL:** £103.8 million. Spending on items which do not give rise to an asset.

**Capital DEL:** £11.1 million. Expenditure for the purchase of assets, investments and capital grants. Include capitalised Research and Development under ESA10.

**Administration:** £108.3 million. Support costs, including staff, accommodation, office services, and IT.

**Ringfenced:** £3 million. Depreciation and amortisation.

**Non-Ringfenced:** £105.3 million. All other expenditure.

**Annually Managed Expenditure (AME):** £9.6 million. Budgets are volatile or demand-led in a way that the FSA cannot control.

**Resource AME:** £9.6 million. Budgets are volatile or demand-led in a way that the FSA cannot control.

**Capital AME:** £0 million. The FSA does not have any Capital AME expenditure.

The FSA is financed through the annual Supply Estimates process managed by HM Treasury (HMT).

We also generate a level of income from services provided to external and public sector customers.

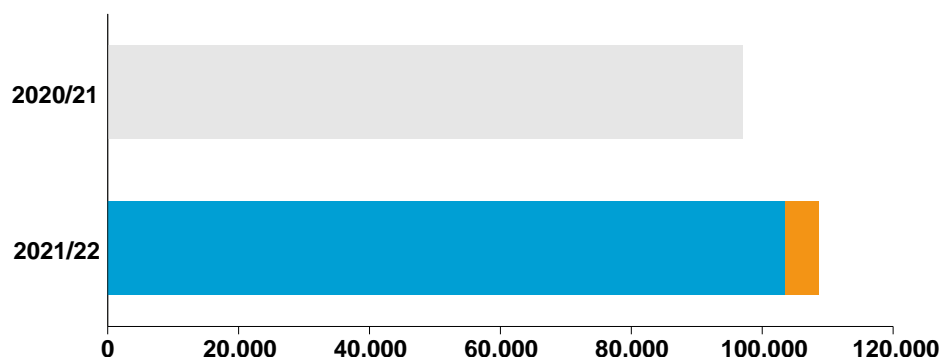
We are accountable to HMT, Parliament and the public for how we have used public funds during the year. Annually, we publish our audited consolidated annual report and accounts (ARA) to support parliamentary accountability by comparing the FSA's actual resource expenditure to estimate. The 'Reconciliation of net resource expenditure between estimates, budgets and accounts' provides more detail on the FSA's outturn against its estimate.

We publish our financial performance based on the government's accounting framework in the Statement of Comprehensive Net Expenditure which is found in the Accounts section.

The net resource cost of the Westminster funded FSA was £105.8 million against available funding of £117.9 million to 31 March 2022. Total net expenditure was 15% lower than estimate by £17.5 million.

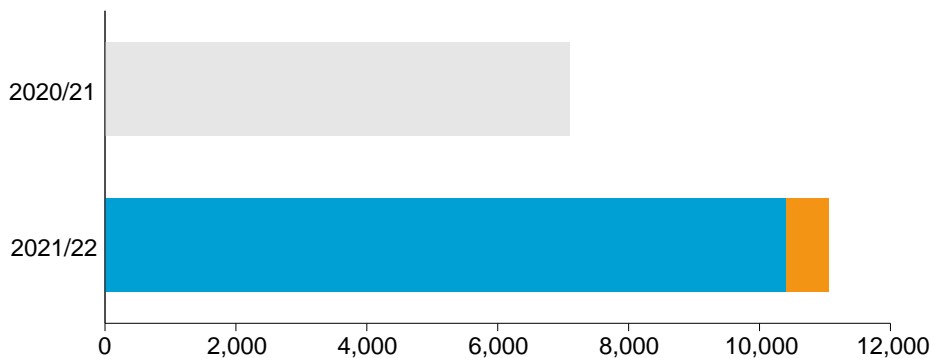
An underspend in RAME of £7.1 million was the principal contributor to this underspend.

**Figure 31: FSA Financial Performance 2021/22 Administration (£000s)**



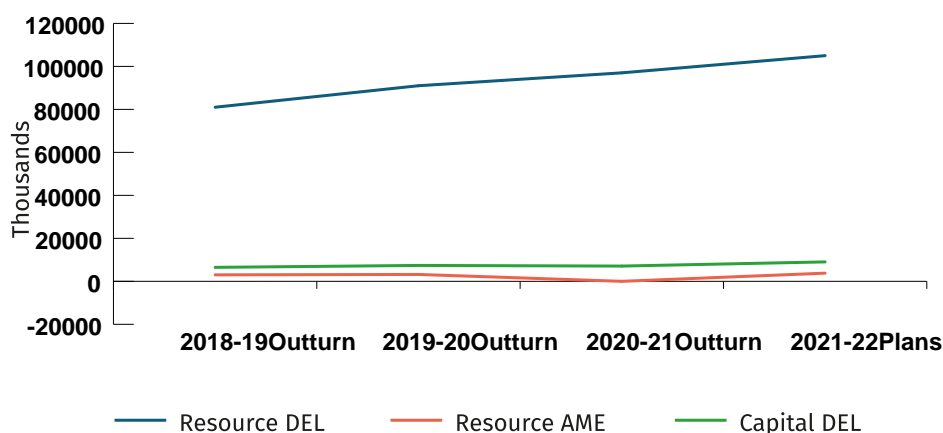
From 2021/22 onwards, the FSA's RDEL budgets are 100% Admin. For comparison the prior year's Programme spend has been incorporated into the above diagram. The £4.9 million saving was driven mainly by the pandemic, the effects of which continued to be felt during 2021/22.

**Figure 32: FSA Financial Performance 2021/22 Capital (£000s)**



There was a CDEL (Departmental Expenditure Limits – Capital) underspend of £0.6 million largely due to reprioritized projects. Analysis by activity comparing 2021/22 spend with 2020/21 spend can be seen in Note 2. Please see SOPS2 for a budget to accounts reconciliation.

**Figure 33: FSA total departmental spending trend analysis (£000s)**



FSA’s total expenditure has increased in time with the prepare and delivery of EU Exit and the formation of the National Food Crime Unit. Further information can be seen in the Core Tables published at [Reports and Accounts](#).

## Climate change adaptation

We have made considerable progress towards improving our understanding of climate change, how it will impact on the UK food system and how it will impact our daily operations as a government department with a strong commitment to sustainability and reducing greenhouse gas emissions.

Our Climate & Environment Action Group (CEAG, an internal staff network) has now formulated and successfully published an environmental sustainability strategy as a public-facing document. This important document educates staff about our environmental goals and sets out our action plan for achieving these goals. It also defines our commitment to sustainability and the protection of the environment to the public that we serve.

In November 2021, we were also successful in achieving ISO 14001 (Environmental Management) certification, being one of the first Civil Service organisations to do so. This internationally recognised accreditation provides a structural system for the FSA to analyse and improve its environmental protocols in a practical way. The FSA Procurement team has begun to integrate social responsibility protocols in its decision making, which include

significant sustainability parameters to be considered when making procurement decisions.

We have placed greater emphasis on our working practices, promoting hybrid working methods which use a blend of virtual and on-site capabilities. We have given our staff the opportunity to work from home where possible, and many new entrants to our organisation are given a choice between on site, multi-site or home working as their substantial place of work. This contributes strongly to a reduction in utilities use in our estate and a reduction of carbon emissions required for commuting or official travel.

At the request of the CEAG, the FSA executive management team has also approved the creation of a full time Sustainability lead within the organisation to help maintain and improve our environmental approach in the long term. Further to this, we are conducting a communications campaign to raise staff awareness of the importance of environmental mindfulness in our everyday work.

## **Sustainability reporting**

The effects of climate change will be globally devastating without genuine commitment from governments, organisations, and individuals to act. The FSA have identified areas where we believe we can make a difference and advance the green agenda by taking actions to improve our environmental sustainability through our policies and business practices, and where we can seek to influence our stakeholders and partners to do the same.

We have increased our focus on sustainability in the reporting year with the development of [a new Environmental Sustainability Strategy](#) which was published in January 2022. The strategy outlines how we will support the government's green agenda, delivering against the Greening Government Commitments for 2021-25, with details of how we will achieve, measure and report against these targets. The strategy focuses on:

- reducing our carbon footprint
- conserving natural resources
- prioritising sustainable procurement
- enhancing awareness of green initiatives

Additionally, we are ISO 14001 (Environmental Management) certified, which will enable us to effectively monitor how we manage our estate and mitigate negative environmental factors using a robust reporting framework. This holds the FSA to an internationally recognised high standard, as the accreditation is externally audited by a UKAS-approved certification body.

### **Greenhouse gas emissions - Scope 2 (indirect) ([footnote 1](#))**

We have learnt the lessons from the COVID-19 pandemic and continued to encourage a switch to remote working for all our office-based staff. This has driven a positive impact on our carbon emissions due to reduced travel.

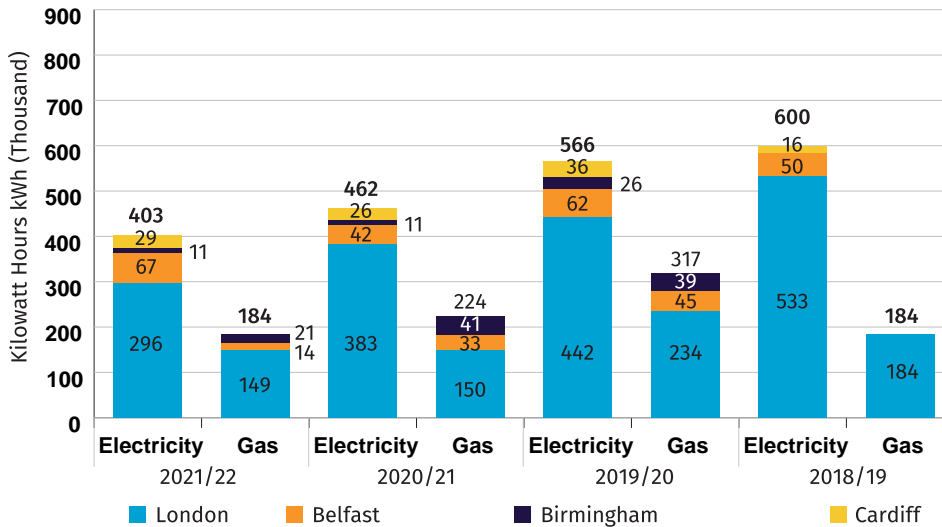
There has, however, been less of a reduction in energy consumption in our offices, as our energy consumption and the associated carbon emissions are calculated pro rata using the total building consumption emission and the FSA percentage area occupied. This has led to minimal reductions, particularly where other tenants have continued to operate out of those premises. We are currently exploring options to reduce our emissions, including closer working with the landlords, or possibly the installation of meters on the floors we occupy to help provide greater control over our consumption and increase the accuracy of our emissions data.

We are working with our landlords and co-tenants, seeking to switch our energy tariffs to greener energy. We will continue engaging with our government landlords via sustainability forums to

explore value for money measures that we can introduce across our estate.

We will be appointing a new Environmental Sustainability Manager who will be a central point of contact, to lead and develop our work in this space.

**Figure 34: Energy consumption across our estate**



**Greenhouse gas emissions - Scope 3 (indirect) [\(footnote 2\)](#)**

As we adapt post-pandemic, we plan to seize the opportunity to embed environmental sustainability into the way we think and work.

We have reviewed our workplace strategy and how this can support a reduction in our carbon footprint. We are maximising our flexible working offer to office-based staff, supported by our suite of digital collaboration tools, and keeping travel to a minimum. This includes a move away from issuing office-based contracts which will help us to shrink our office footprint and help reduce energy consumption.

Road travel will still be required due to the critical business need for field-based staff to deliver front line services, with staff needing to travel to sites in remote rural areas. We have successfully negotiated with its suppliers to reduce road CO2 emissions by transitioning its fleet of lease cars to a combination of ultra-low emission and electric vehicles only. All new lease cars are ULEV or electric by default.

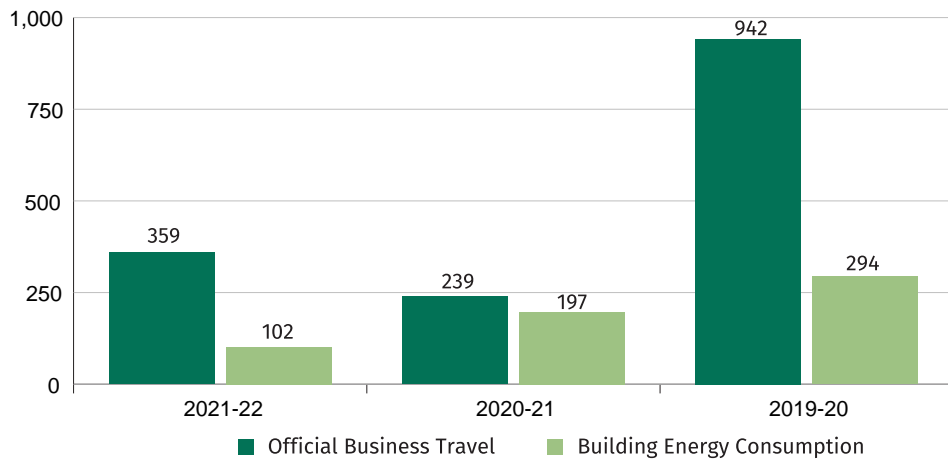
To further strengthen this, we are encouraging travel by public transport wherever possible, and continuing to support hybrid working so that our staff have a choice as to whether they need to travel or not.

Although there was a small rise in overall carbon emissions (6%), we saw a significant reduction in energy consumption in our estate (48%) which provided counterbalance for our increase in business travel emissions (50%).

Our emissions have risen for field-based staff to meet critical business needs, but we remain steadfast in encouraging hybrid methods of working for field-based staff where possible to keep these emissions to a minimum. The fact that the figures have not returned to pre-pandemic levels confirms that the changes to hybrid working methods are having a positive impact.

**Figure 35: Total CO2e tonnes by travel and total building consumption**





**Figure 36: Breakdown of CO2e tonnes by travel**

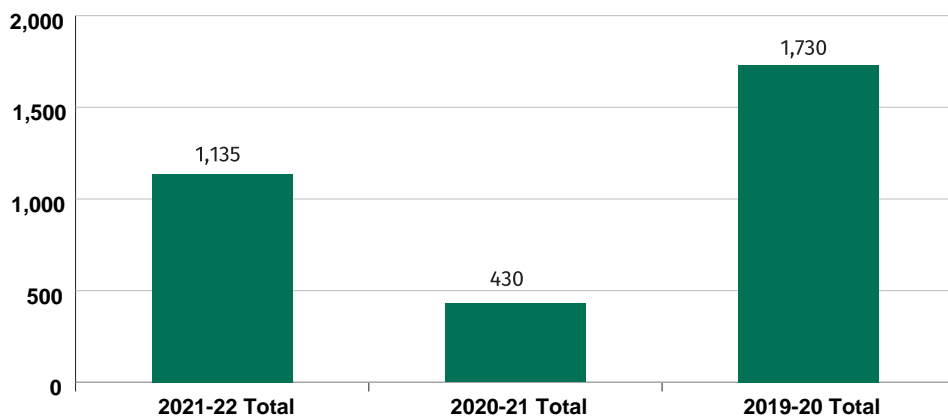
The chart shows the breakdown of CO2e tonnes by travel (for office-based staff and for field-based staff) for the

## Finite resource consumption

### Water consumption (m3) [\(footnote 3\)](#)

Total water consumption has unfortunately increased as our staff have returned to offices following the COVID-19 pandemic and lockdowns. The FSA is aware of this issue and will be looking to raise awareness among our office-based staff to mitigate future rises and encourage responsible water consumption in our premises.

**Figure 37: Water Units (m3)**



## Waste minimisation and management

### Waste (Tonnes)

Total waste consumption has further decreased in this reporting year by 33%. An additional significant result is that we have not sent any waste to landfill for two years. We have also proudly participated in a charity project which enabled our obsolete ICT equipment to be recycled and repurposed for charity, helping with the education of children without access to ICT. This has effectively wiped out the emissions caused by ICT waste for this accounting year.

Through a government forum, we were introduced to an organisation providing a national register of charities and data wiping services for equipment. This enabled us to pilot a transformation programme to upgrade and recycle our devices and provide social value.

Working with HM Treasury, we successfully negotiated to gain approval to proceed. We awarded via the national register to 16 charities selected based near our 5 office locations. Collections of ICT equipment were arranged from home addresses.

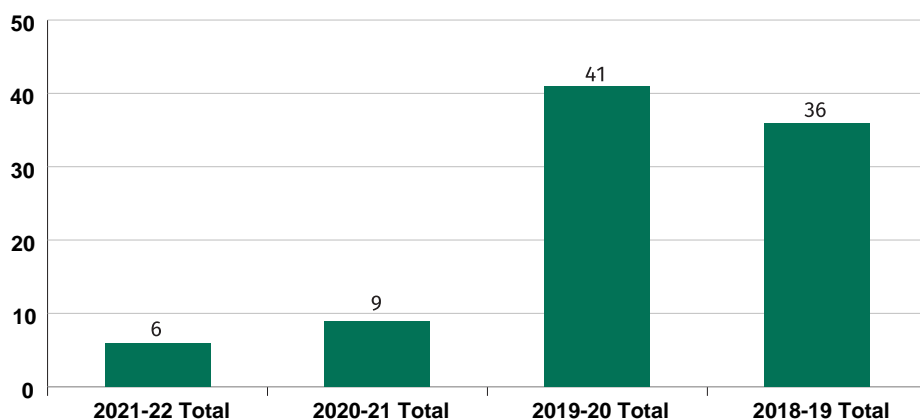
Having become a pioneering government department, this has generated a great deal of interest from other departments. We are now embarking on a further collaboration Pilot with the Crown Commercial Service to request information from suppliers on the framework to enable a fair and open competed 3-year contract. This project to recycle our ICT has made a huge contribution to the FSA's social value and sustainability strategy by helping people in need and have saved 75 tonnes in CO2 emissions. We are also working to obtain waste reports from our ICT supplier.

Our Climate and Environment Action Group (CEAG) continues to work on a dedicated workstream for waste and recycling and at how we can improve our existing processes which are already effective.

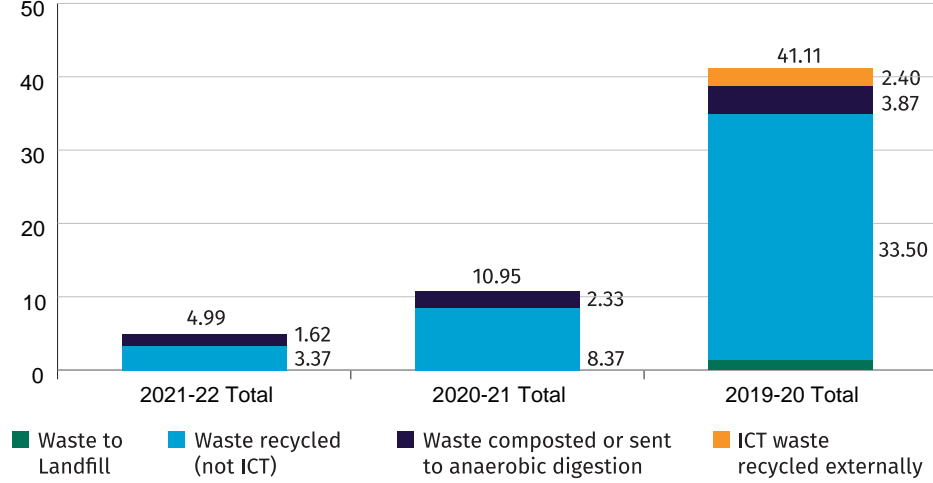
We are working with our government landlords to reduce the overall amount of waste generated.

The FSA has no contracts with office waste management suppliers for our main offices and we work with our landlords to ensure they are reducing waste and managing it sustainably. The FSA does have a contract to manage its confidential waste from office space within food business operators and this amounts to £24,000 per annum.

**Figure 38: Waste (tonnes)**



**Figure 39: Waste recycled and landfill (tonnes)**



**Emily Miles**

**Chief Executive and Accounting Officer**

1. Data released to FSA London, Birmingham, Wales and Northern Ireland only. Data for office in York is accounted for by Defra.
2. UK wide data.
3. Due to an issue with the water usage figures provided by the Landlord for Clive House, the 2021/22 figures included above are an estimate based on the 2021/22 charges.