

# Annual Freedom of Information Requests, External Complaints and Internal Whistleblowing Report

FSA 24/09/09 - Report by Jenny Desira, Head of Knowledge Information Management and Security, and Noel Sykes, Head of Standards and Reward

## 1. Summary

1.1 This annual report informs the Board's oversight of these three areas of work. The Board is asked to **agree** the priorities set out below.

## 2. Introduction

2.1 This report presents data and commentary on the Food Standards Agency's (FSA) management of requests made under the Freedom of Information Act 2000 (FOIA), external complaints and internal whistleblowing and raising a concern cases. Delivering to high standards in each of these areas, whilst at the same time keeping processes under review and learning appropriate lessons, is integral to the FSA being an open and transparent organisation.

## 3. Evidence and Discussion

3.1 Data used to inform this report is drawn from the records managed by the FOI and Standards and Reward teams. Using the same data, reports are routinely submitted to the Cabinet Office. All data provided applies to **calendar years** (see Annex).

## 4. Freedom of Information

4.1 The FOI function is delivered by the Knowledge and Information Management and Security Team (KIMS) who are responsible for all aspects of information governance and information rights legislation. This means that the KIMS team provide an integrated openness and privacy service across the FSA.

4.2 FSA has a centralised FOI service model. Requests are forwarded to the KIMS team to be logged and responded to under the terms of the FOIA, with support to locate relevant information and specialist contributions provided by the relevant business areas.

4.3 Refer to **Table 1**. In 2023, the FSA recorded 254 FOI requests. The increased volume of requests received in 2023 was in line with an increase for 2023 for all monitored bodies. There have been 86 completed requests recorded in the first half of 2024 (and 11 still in progress at the end of June). This is a slight decrease on the same point in 2023, when we had recorded 117 in the first half of the year.

4.4 The FSA's compliance with the statutory timescales for answering requests remains high at 99% for 2023 and 100% so far for 2024. This compares to the 2023 average of 81% across 41 government departments.

4.5 In 2023, one FSA decision was escalated by a requestor as a complaint to the Information Commissioner's Office (ICO). As 254 requests were recorded in 2023, this constitutes a <1% referral rate, which remains lower than the average for Government Departments at 1.1%. In the first half of 2024, the FSA has not been notified of any complaints to the ICO.

4.6 The request which was the subject of the 2023 complaint was for information relating to animal welfare breaches which was withheld to prevent prejudice to investigations, our regulatory functions, and the administration of justice. The FSA's decision not to disclose this information was upheld by the ICO.

4.7 The subjects addressed by FOI requests are very diverse. However, there are some key themes which can be identified for 23/24. For example, incidents and enforcement action against food businesses which are reported in the media continue to align with an upswing in requests for information about those topics. In 2023 and the first half of 2024, outbreaks of E-Coli and salmonella reported by The UK Health Security Agency (UK HSA) and the media have also seen a similar increase in the proportion of requests which relate to those issues. We also continue to receive more general requests relating to the products we use and when we intend to replace them.

4.8 In the last year, the KIMS team have prioritised training and awareness initiatives to sustain and improve the knowledge and awareness of colleagues about their responsibilities to support FOI requests and responses. This has included the introduction of targeted KIMS training for all new Line Managers, improved use of varied internal communications channels, and engagement and training sessions with business areas that regularly correspond with the public.

## 5. External Complaints

5.1 The FSA's external Complaints Policy applies to formal expressions of dissatisfaction with the FSA, whether that be with its policies, its service, conduct of its staff or other. Details of the FSA's Complaints Policy are available here:

<https://www.food.gov.uk/contactconsumersfeedback/complaints-and-comments-about-the-fsa>

5.2 Refer to **Table 2**. There has been continued focus wherever possible to resolve complaints through the 'Business as Usual' process. This provides a quicker response, from the point of local delivery and without denying access to the formal complaints process should the complainant still wish to utilise this.

5.3 Most formal complaints are managed as 'Local' in the first instance, with usually an operational or policy area responding. If a complainant is dissatisfied with this response, they can escalate their case to the FSA Complaints Co-ordinator (the Head of Standards and Reward). If the complainant remains dissatisfied, they can then escalate their complaint to the FSA Chief Executive. After the FSA's complaints procedure is exhausted a complainant may then ask a Member of Parliament to refer their case to the Parliamentary and Health Service Ombudsman (PHSO) ([footnote 1](#)).

5.4 The subject of formal complaints has included; delays in the service of an intervention notice; specific aspects of charging for inspection activity; the conduct of and decisions taken by FSA staff whilst delivering official controls; the processing of a novel food application; and the consultation process attached to proposals for the new framework in England for the regulation of precision bred organisms used for food and animal feed.

5.5 Lessons learned have centred on the importance of maintaining clear communication between all parties e.g. the use of the Day Book within an FBO site. In one case the local team reshaped how it received and triaged complaints whilst in another case, the approach to Dairy Hygiene Inspections was reviewed. Another case resulted in the FSA Charges Guide 2024/25

being amended to improve its transparency.

5.6 There were two cases responded to at Chief Executive level in 2023, one not upheld and one partially upheld. The partially upheld complaint concerned the relationship between an FBO and the Dairy Hygiene Inspection team.

5.7 In June 2024, an internal audit of the FSA's complaints management arrangements returned a 'Substantial' audit opinion with only two low priority actions identified. As a separate development also in 2024, 14 additional investigating officers were trained providing greater resilience across the wider casework landscape including complaint cases.

5.8 In July 2024, the Business Development Group (BDG), agreed an action plan in response to the assessment completed by the FSA against the PHSO's UK Central Government Complaint Standards ([footnote 2](#)). This identified three areas for additional action; supporting those complained about, leaders promoting complaints as a positive learning opportunity; and outlining to our staff what change has arisen from complaints casework.

5.9 Looking forward, the complaints landscape will continue to evolve and may face new demands. For example, the FSA's role in market authorisation of regulated products within a sector that continues to grow, serves to emphasise the importance of ensuring a complaints process is both accessible and clear about its intended purpose.

## 6. Internal Raising a Concern and Whistleblowing

6.1 Internal raising a concern and whistleblowing refers to issues raised within, and about the FSA, by a member of staff or contractor and usually relate to alleged breaches of the Civil Service Code ('the Code'). Cases known as 'qualifying disclosures' and meeting the definitions provided by the Public Interest Disclosure Act 1998 also fall within this category.

6.2 In the calendar year 2023 and the first half of 2024, after initial assessment and further discussion with the individuals, three cases were accepted for formal investigation. Two further contacts were responded to outside of this process (as personal 'HR' matters). None of the investigations identified wrongdoing, but there were findings that resulted in learning for the FSA. This included changes to finance sign-off arrangements in a local Directorate and separately, a strengthening of processes underpinning the FSA's use of the 'Smarter Comms' platform (used for communicating with local authorities). One other case (not accepted for full investigation) highlighted issues with records management which led to a team being reminded of local procedures

6.3 This route is not used to address personal concerns about alleged bullying, harassment, or discrimination (BHD). Separate HR processes exist to provide an individual the mechanism and the support to raise such concerns. However, BHD is included within the wider subject area of 'Speak Up' and features within the process review/improvement and awareness building activity the FSA undertakes in this area each year.

6.4 The annual Civil Service People Survey (CSPS) includes three questions relating to the Civil Service Code. The first question concerns the level of awareness of the Code and the second, the level of awareness of how to raise a concern under the Code. The third question concerns the level of confidence the respondent has that a concern raised would be investigated properly.

6.5 The table below present the results, taken from the CSPS, for the last three years.

### Civil Service People Survey FSA Results – CS Code Questions

CS People Survey Question	FSA 2021	FSA 2022	FSA 2023	CS benchmark 2023
Are you aware of the Civil Service Code?	91%	93%	<b>93%</b>	88%
Are you aware of how to raise a concern under the Civil Service Code?	74%	75%	<b>76%</b>	70%
Are you confident that if you raised a concern under the Civil Service Code in the FSA it would be investigated properly?	76%	79%	<b>80%</b>	76%

6.6 Whilst the results of the CSPA present a positive picture against the Civil Service benchmark (especially in now reaching an 80% confidence level), there is still more work to be done in this area. The approach to communication used in 2022 and 2023 (with over 20 targeted awareness sessions delivered), appears to have had a positive effect on how staff perceive the FSA's commitment and arrangements in this space, so this will continue to feature going forward.

6.7 In July 2024, the FSA was accepted as a member of a cross-Government working group established by the Cabinet Office to take forward the recommendations arising from National Audit Office ([footnote 3](#)) and the Public Accounts Committee ([footnote 4](#)) reports. Each report examines arrangements for whistleblowing in the Civil Service. This provides the FSA with the opportunity to help shape future change and ensure its own whistleblowing arrangements continue to reflect good practice.

## 7. Conclusions

7.1 The Board is asked to note and agree the following priorities:

7.2 To carry out analysis of FOI data to see if this creates opportunities to make more data publicly available as open data published by FSA.

7.3 Progress the action plan agreed by BDG to ensure full alignment to the PHSO Central Government Complaint standards.

## Annex

**Table 1: Requests made under the Freedom of Information Act 2000 – key statistics.**



**Table 2: Complaints about the FSA - response and outcomes**

\*BAU complaints in 2022 included 22 relating to sunflower oil substitution and 6 relating to the CBD public list

\*\*2023 BAU subject areas;

- 6 allergy/intolerance/food hypersensitivity
- 3 internet/email/survey
- 3 hygiene ratings/LA
- 3 Helpline/CSU/Complaints Team advice
- 2 Field Ops
- 2 Incidents/product recall
- 1 precision breeding
- 1 novel foods (edible insects)
- 1 job application/interview process

\*\*\*2024 BAU subject areas;

- 5 hygiene ratings/LA
- 4 allergy/intolerance/food hypersensitivity
- 4 Incidents/product recall advice
- 2 Field Ops (including charging)
- 2 internet/login issues
- 2 Helpline/CSU/Complaints Team advice
- 1 Precision Breeding

1. <https://www.ombudsman.org.uk/>
2. [UK Central Government Complaint Standards | Parliamentary and Health Service Ombudsman \(PHSO\)](#)
3. [Investigation into whistleblowing in the civil service - NAO report](#)
4. [Investigation into whistleblowing in the civil service - Committee of Public Accounts \(parliament.uk\)](#)