

Chief Executive's speech to the Chartered Institute of Environmental Health's (CIEH) Safe Food Conference

Kate Pettifer, FSA Interim Chief Executive, spoke to the CIEH's Safe Food Conference on Friday 22 November 2024, discussing the future of food regulation.

I'm pleased to be speaking to you again.

Joining your conference is always a great opportunity to talk to CIEH members about future of food safety, and to share some of our thinking on the big issues that may be affecting your work. It's also really good to hear what you're thinking.

It feels timely, given there's been media coverage over the last few months about the Food Hygiene Rating Scheme.

There's also been quite a bit of public discussion about some of the FSA's regulatory reform work, so I'm pleased that I have the chance to give you some more context to that.

I'm of course talking about the FSA's project on National Level Regulation which we discussed at our last FSA Board meeting. This is a trial we've been carrying out to see if a small number of large national food businesses - like supermarkets – could be regulated as a single business at a national level, rather than on a premises-by-premises basis.

I know this prompted concerns from the CIEH, and I will speak in more detail about that in a moment, but firstly I would like to explain where this trial fits in with the bigger picture of FSA regulatory reform.

Our shared objectives

Whether you're working in a local authority, a food business or indeed the FSA, I know that every environmental health professional shares the same goal – protecting public health.

I've been out on quite a few inspection visits with local authority colleagues, and I'm always struck by the time and effort food hygiene inspectors invest in helping businesses raise their standards – giving them really practical advice about the changes they could make in their kitchens or premises to improve food safety.

In the course of my job, I've also met environmental health professionals working in food businesses who are really committed to maintaining food safety and protecting their customers.

So, when we think about how to protect public health at the FSA, we often talk about having three lines of defence.

The first is businesses themselves, who are required by law to make sure the food they sell is safe. The second is local authorities, who deliver those official controls to check businesses are meeting their obligations. And the third is the FSA, which monitors the whole system and ensures its working well.

Often, protecting public health is a shared endeavour. It's obviously not in businesses' interests to make their customers sick. But we need regulation and checks to ensure standards stay high, and to reassure the public that they can trust the food system.

And as part of our role looking at the whole system at the FSA, we've been looking at how food regulation should evolve in the future.

Why do we need to reform?

As you all know, we're working in a rapidly evolving food landscape.

We've relied for many years on local authority teams inspecting physical premises of food businesses to keep people safe. And that's very important. But the number of food businesses keeps growing. Our latest data shows around 90,000 new businesses were registered in 2023/24 and, as of March this year, around 41,000 businesses were awaiting their first inspection.

Some businesses have also grown dramatically in size. A small number of large businesses wield huge influence on the sector - about 95% of the food we buy in the shops now comes from ten large national retailers. But there are also many more small and micro-businesses.

The way we buy and consume food has also changed. Around half of us now buy food through online delivery platforms and significant numbers use food-sharing apps or buy on social media.

There have also been significant shocks and disruption to the whole food system over the last few years. Something you will be all too aware of.

So, pressure on regulatory resources has increased, as the numbers of professionals has declined. By the start of the pandemic, local authorities had about 50% fewer professional staff overall on food standards, and about 15% fewer on food hygiene than they had ten years earlier. So, while the number of food businesses has gone up, the number of EHOs and TSOs has gone down. There are now just under 1900 people in food hygiene and standards teams, regulating over 500,000 businesses in England, Wales and Northern Ireland.

Food hygiene ratings have remained high overall, but we do hear a lot of concern from local authority food teams that it's getting harder to maintain those standards.

There's also now a huge amount of data produced and used by industry, especially the big businesses. It would be short-sighted of us not to be asking how that data can be used to enhance the way we assure food safety. We need to explore new ways to manage changing risk and to take advantage of new opportunities, like data.

We need to invest in our regulatory system and evolve it, if we're going to keep standards high and protect consumers.

What we've done already

The FSA has already been working with delivery partners like local authorities, to develop the system in the face of these challenges.

We've developed a new food standards model which fundamentally changed the way that local authorities consider the levels of risk and compliance and how this informs the subsequent intervention frequency. This includes more intensive intervention for the most non-compliant businesses and less frequent controls for those that are less risky.

Data is at the heart of the new model, making the system agile enough to respond to the changing food system.

We're tackling resourcing challenges by recognising new qualifications and working with local authorities to extend the role of Regulatory Support Officers. We've been supporting local authorities to make the best use of the staff resources and encourage innovation including the use of remote assessments. The triaging of new food businesses is ensuring those posing the greatest risk are prioritised for intervention.

And we're finding new ways to promote good practice, like our new Food Safety Charter with the food delivery platforms. The charter, signed with the three biggest food delivery platforms, incentivises good food safety practices in nearly 200,000 businesses using these platforms. For example, those platforms helped promote our allergen training with 22,000 businesses signing up as new users for the e-learning earlier this year.

We have also updated our Safer Food Better Business guidance, which details the food safety management procedures for small businesses, including caterers, childminders, residential care homes and training resources for colleges.

But these changes alone won't be enough.

We need to go further if we're going to make the system more sustainable in the long term - and fit for the future.

Last year, we talked to a lot of people about what works and what doesn't, in food regulation. We talked to businesses, consumer groups, academics, other regulators and delivery partners. We heard from local authorities, including through our consultation on changes to the food hygiene model and our engagement events.

Building blocks for the future

We don't know exactly what the future regulatory system should look like, but from what we've heard so far, we think there are some essential building blocks.

We're always going to need skilled environmental health officers in local authorities who can make sure food is safe in the businesses in their area. But we need to give them better tools.

The growth in new food businesses came up frequently in our discussions. We heard concerns, particularly from local authorities, that some people are operating these businesses without the necessary competence and knowledge. We want to explore whether the registration system could be enhanced somehow to address these challenges and give local authorities better data to support their activity.

This is closely linked to the question of charging for regulation – enhanced registration might include a registration fee, which could be used to fund regulation without placing undue burdens on smaller businesses, or there could be other ways of charging for food regulation, putting it on the same footing as other regulatory activity carried out by local authorities.

We also heard that there's a case for improvements to the enforcement toolkit so that local authorities have the most appropriate sanctions to drive compliance. This might include the use of fixed penalty notices, for example, which are available in other areas like alcohol licensing, as part of the local authority enforcement toolkit.

Improving information for consumers is another building block. We've long said that mandatory display of food hygiene ratings is a powerful consumer information tool, and it's become even more powerful now that it's visible on the big delivery platforms. There's strong support from both

consumers and businesses for making the display of ratings mandatory in England, just like it is in Wales and Northern Ireland – like other changes to the law, this would be a matter for ministers, but we believe there's a good case for mandatory display everywhere, including for online sales.

We also believe there's more FSA can do to help by sharing intelligence about risks, building on food standards model. This again might involve greater use of data and information from businesses and other sources.

The final building block is the one that's been more controversial – this is the question of national level regulation for some food businesses. There are some large national businesses who serve a very large volume of consumers and have huge influence on the food system. They have large-scale systems and processes in place at business level to try and ensure their stores are complying with food hygiene law, and indeed they employ quite a few EHOs.

But in the current system, although they might get assured advice from a primary authority, the actual process for assessing their compliance with food law still treats their stores as thousands of individual premises.

There's a question for us about whether that's the most efficient use of everyone's time – particularly local authority food teams – and whether it's the best way to drive compliance in big businesses. We feel like there's an opportunity with some businesses to assess what they're doing at a business level, to drive positive behaviour throughout their premises and their supply chains. We'd like to explore that.

National Level Regulation

Now I'm going to spend a bit of time on our national level regulation trial, because it's attracted a lot of attention over the last few months, and I know a lot of people in the environmental health community had concerns.

Let me briefly talk you through our thinking behind the trial.

We believe that the FSA and local authorities haven't been able to properly harness the opportunities presented by data. Businesses and third-party bodies have data that could help us identify risk within the system, but there is no current mechanism for the FSA or local authorities to view or analyse that information, even if it could be shared.

In our trial, we tested whether it was possible for a single regulator to make a business-level assessment of the overall food safety systems across a single business – and whether that assessment would pick up the same types of issues thousands of individual food hygiene inspections by separate local authorities.

During the trial, we scrutinised the businesses' internal food hygiene control systems and saw monthly data from internal and third-party audits on many areas including chilling processes, pest control and cleaning across all stores. We engaged environmental health professionals to carry out local checks to verify the data.

The FSA had access to data from more than 10,000 audits, compared with the 1,500 local authority inspections carried out. We were able observe trends in performance across all participating retailers' stores and identify new opportunities for improvements to food safety systems, alongside the existing inspections of individual premises.

To be clear, EHOs and TSOs are the backbone of the system and food safety remains our number one priority. There will always need to be independent regulation of businesses, large or small, to make sure their food is safe – and that will always need to include some checks in

premises. But as our trial shows, there may be different ways of assuring compliance which could complement checks on the ground to keep standards high and consumers safe.

National Level Regulation - Next Steps

Following our discussions of the trial at the most recent FSA Board meeting, we've been listening to your feedback and developed some next steps which I would like to talk you through.

The first thing to emphasise is that we've paused policy work on any long term move to national level regulation, which would require legislative change. For now, we want to continue exploring how the FSA could use data better to help the system target risk, learning from the trial.

It was clear from the response to our trial that our immediate priority is the need for wider engagement. We need to share in detail our learning from the trial and give everyone time and space to consider what we did, how we did it, and what we learned.

It's also worth reporting that alongside concerns about engagement, we've also heard people welcome the innovation, use of data, proportionality of the trial. All actors in the system have valuable insight about different things. We want to explore how we can best utilise this knowledge in a way that adds value.

We've already started this conversation with roundtable discussions with senior stakeholders. We'll continue to work with the large retailer and primary authority trial participants to refine the approaches we've taken.

We will also bring experts together from across regulatory delivery, academia, industry and government to share learning from the trial and explore the challenges and opportunities. That will include specific discussions in Wales and Northern Ireland, as well as England.

Once there has been an opportunity to people to scrutinise the trial, we can start to explore the next steps with everyone.

We have set up a new Senior Steering Forum, with regulatory delivery partners, including CIEH, to help oversee the co-design of the immediate next steps. This should help increase the transparency of what's being explored. It will also help us to ensure that the business insight we have is used effectively to complement the regulatory toolkit, protecting consumers.

The idea of national level regulation is just one of these building blocks that we want to explore, and I don't believe there's a single solution that will tackle the system-wide challenges we have. We need to develop lots of ideas in tandem.

As I said, we've paused longer term policy thinking on national regulation for now, to focus on engagement about the trial and the immediate next steps. But we want to return to it, alongside these other ideas, in the new year. We want to get a collective conversation going about the system-wide challenges and all the ideas for reform - including enhanced registration, charging for regulatory activity, the enforcement toolkit and mandatory display of FHRS in premises and online.

We need to work together to evolve the system if we're going to protect public health and ensure that people continue to have food they can trust in the future.

Supporting the profession

I can't stress enough how important the environmental health profession is to our future food safety. Colleagues working in local authorities and in the private sector are on the front line of

public health.

When I last spoke to you, we discussed the on-going recovery from the impacts of the pandemic and cost-of-living pressures. I'm conscious that these pressures are still being felt across the profession. It remains one of FSA's key priorities to provide you with support.

Local authorities have made considerable progress in getting inspections back on track following the pandemic, particularly for the areas of highest risk. Every time we collect the data, it's improving. So, thank you for all of the work you're doing.

Right now, there's still a backlog of interventions at the lower risk establishments and large numbers of unrated newly registered businesses - we know it will take much more hard work tackle these.

Thanks to your work, we've not seen a deterioration in food hygiene ratings or increases in foodborne disease, which gives us reassurance that standards are holding firm. But the fact that some of you are undertaking more enforcement action, as you've been working through the backlog, suggests that there has been some deterioration in some businesses.

Resourcing remains an urgent issue. Over summer I was on TV talking about the Food Hygiene Rating Scheme and our concerns about local authority resources and recruitment, in response to a BBC investigation into food hygiene inspections.

The BBC had been analysing FHRS data and were concerned that one in five businesses hadn't been inspected in two years. While I was able to explain more about risk-based inspection frequencies and provide reassurance that UK food standards remained high, it was an opportunity to raise awareness of our growing concern around local authority resource and why food inspections matter.

The more opportunities we have to bang the drum for the work you do the better, but I am concerned that if the resource issue is not addressed, I might be back on the BBC responding to a more serious public health emergency.

So, we will keep working with CIEH and other partners to help support the profession and grow the pipeline of people who do this vital work.

Conclusion

We're all continuing to work in a very challenging environment. It's vital that we continue to do the day job well, but we can't ignore the challenges that are coming down the track.

We need a system that not only keeps people protected today but is also fit for the future. It needs to be as sustainable as it is resilient, and for that we all need to work together.

I would like to thank you again for your hard work and the protection you provide in your communities. I look forward to us working together as we meet current and future challenges.