

FSA 22-09-09 - Report from the Director of the FSA in Wales

Report by Nathan Barnhouse, Director of FSA in Wales.

1. Summary

1.1 This paper provides an update on the progress of Food Standards Agency (FSA) in Wales in delivering its programme of work since the last report to the Board in September 2021. It also provides an overview of our contribution to work of the wider FSA. Finally, we present our proposed priorities for the coming year, which are an evolution of our existing priorities. While good progress has been made, some challenges are longer term than one year, and work must be integrated into and aligned with wider Welsh Government and public sector planning.

1.2 The landscape in which the FSA in Wales operates has changed dramatically and this last year has been as much about adjusting to new challenges as it has been about continuing to address our objectives. The range of our work has broadened as we have taken on new functions post EU-exit and this work has bedded-in. We have taken on significant regulatory processes on behalf of Welsh Ministers, where our access to the wider scientific, risk assessment and policy expertise of the FSA can be brought to bear and where we can ensure that the interests of Welsh Ministers are fully represented.

1.3 This changing landscape has required a significant reorganisation of how we work – yet this has been done whilst also responding to the global pandemic. During these upheavals, the people in the FSA in Wales have responded with professionalism and dedication to deliver the best possible service.

The Board is asked to:

- **Assess** the progress made in delivering to the FSA priorities
- **Comment** on the alignment of this work with the FSA's strategic direction and nature of the FSA's three country approach and
- **Consider** and comment on the proposed priorities for the FSA in Wales for this financial year and into the next.

2. Introduction

2.1 The FSA in Wales is responsible for the development of devolved legislation and policy relating to food and feed safety, standards, food composition and labelling.

2.2 We work to ensure that the interests of Welsh Ministers, stakeholders and consumers are reflected in any policy or legislation developed by the FSA. We do this by working closely with colleagues across the FSA and Welsh Government to ensure an integrated approach as part of the FSA's three-country model.

2.3 Since the end of the transition period, we have been operating in a new landscape, with significant new responsibilities and where long-established ways of working were disrupted. Following the end of the transition period, the FSA has become a 'rule-proposer' rather than a 'rule-taker' and the FSA in Wales has responsibility for making recommendations to Welsh Ministers on the risk of new food products to the UK market. In addition to responsibility for the

administrative process, the FSA in Wales is responsible for representing the interests of Wales and ensuring those interests are considered through the risk assessment and authorisation process for regulated products. These new functions alone required significant additional resource and, since 2020/21, the Welsh Government has increased our funding by £1.5 million, from £3.74 million to £5.11 million.

2.4 The FSA in Wales draws upon its understanding of Welsh Government policy objectives, gained from working closely with the Welsh Government and other partners in the context of the Well-being of Future Generations (Wales) Act 2015, as part of its contribution to the wider work of the FSA. It also means that we draw from the extensive FSA scientific, risk management and research capability when providing robust advice to Welsh Ministers. This strengthens our role as an independent, non-Ministerial government department.

2.5 Engagement with Welsh Ministers has also changed since the end of the transition period. Ministerial submissions have increased both in number, substance and work involved, and they are set to further increase as more authorisations are progressed. We are also engaging more frequently with Welsh Ministers, particularly during the development of work across the UK, in order to ensure that their interests are appropriately represented. For example, since September 2021 we have supported the Chair and Board Member for Wales in three discussions on precision breeding with the Deputy Minister for Mental Health and Wellbeing. In support of these discussions, we have prioritised collaborative work with Welsh Government officials as they consider their position.

2.6 Alongside work on Wales-specific areas, we are fully integrated into wider FSA priorities and programmes of work, including key change programmes such as Achieving Business Compliance (ABC) and the Operational Transformation Programme (OTP). Our contributions to these areas are reflected in more detail further in this paper.

2.7 Our work is undertaken in line with the UK common frameworks ensuring the views of stakeholders in Wales are represented at a UK level in the development of policy and legislation. As part of the four-country model, we work closely with colleagues across England, Northern Ireland and Food Standards Scotland to ensure an integration of approach, to deliver FSA policies both effectively and efficiently.

2.8 We also provide day-to-day support to the Board Member for Wales for the Welsh Food Advisory Committee (WFAC). Since our last update we have supported the Chair in themed meetings, including on:

- **food hypersensitivity** where a variety of stakeholders attended to present on this issue across its breadth – from people living with and caring for those with allergies and the issues they face, to local authority enforcement of Natasha’s law which came into force last year,
- **household food insecurity** where we convened a number of stakeholders involved in dealing with different aspects of food insecurity across Wales, including the Welsh Government, LAs and charities.
- **precision breeding** where we convened key actors in this developing field of policy to provide an overview of the current situation and key developments.

3. Update on priorities and achievements since last Board update

3.1 The Board will be aware that the last paper in September 2021 highlighted four priorities for the FSA in Wales for the following six to twelve months. Below is an update on progress and achievements against these priorities:

Priority 1 - Recovering the delivery of food controls post-pandemic

- We are continuing to work with Welsh Government and LAs on the coordinated recovery from the impact of the COVID-19 pandemic. We are monitoring local authority (LA) performance throughout the year using temperature check surveys and annual returns to review implementation of the FSA Recovery Plan by LAs, and follow up as necessary. Responses feed into wider FSA updates on progress across the three countries.

In addition, we have initiated a series of assurance assessments with Welsh LAs to verify implementation of the LA Recovery Plan. The findings of these assessments will be fed into a three-country summary report that we aim to circulate later in the year.

We continue to work with Welsh Government to ensure the FSA recovery plan is considered as part of the wider recovery work for Public Protection Services.

Priority 2: Post EU-Exit

- **Common frameworks programme** – Common Frameworks provide the four nations with the mechanisms to work together to effectively manage areas where different policies emerge, seeking to ensure there is minimal undesirable impact on citizens and businesses. We contribute to this frameworks programme. The FSA is party to two Common Frameworks which align to the FSA's policy responsibility in Wales: Food and Feed Safety and Hygiene (FFSH) and Food Compositional Standards and Labelling (FCSL).
- The FCSL Common Framework went to the Health and Social Care Committee in the Senedd for scrutiny in February 2022 and will be updated following Parliamentary Scrutiny in each of the nations. The FFSH Common Framework has received final sign off from the Deputy Minister for Mental Health and Wellbeing in Wales. It is in the process of final sign off from the Ministers across the rest of the UK.
- **Fukushima** – We contributed to the review of controls on imported food from Japan following the nuclear accident at Fukushima. This was a high-profile area of work, involving a legal obligation to carry out a review in retained EU legislation, as well as considering the potential for divergence from the EU, within the context of potential trade implications. This is an example of four country working to progress an issue from early consideration of risk to the latter stages of developing risk management options. The FSA in Wales worked with Welsh Government and Welsh Ministers, providing briefings and meeting with the Deputy Minister for Mental Health and Wellbeing to explain the science and evidence underpinning the FSA's advice to Ministers. Legislation to remove controls was laid in Welsh Parliament on 30 May 2022 and came into force 29 June 2022, in line with England and Scotland.
- **First tranche of regulated products** – Since leaving the EU, the FSA and Welsh Ministers are responsible for the risk assessment and authorisation of regulated products in Wales respectively. We worked to ensure that Welsh interests were appropriately considered during the consultation stage and provided risk management recommendations to the Deputy Minister, based on the risk assessment opinions and consultation responses. Welsh Government officials are also kept updated via a fortnightly application overview system developed by the team to ensure that these officials can provide views on applications at the earliest opportunity. In the first tranche of regulated product applications, the Deputy Minister agreed to authorise 26 products (six Novel Foods, nine GMOs and 11 Feed Additives). Legislation giving legal effect to the Deputy Minister's decision is now in force for the six Novel Foods and nine GMOs. A Statutory Instrument (SI) giving legal effect to the 11 Feed Additives is due to be laid in September, pending Ministerial agreement.

Priority 3: Working with Welsh Government

- We have been contributing advice on the infrastructure requirements as part of Welsh Government's planning for prospective border control posts.
- We have also contributed to and supported the development of the Welsh Public Health Priorities developed as part of the Chief Medical Officer in Wales' Health Protection Advisory Group, ensuring that food and feed safety and standards are appropriately prioritised.

Priority 4: Engagement with Members of the Senedd

- In July this year we organised an event in the Senedd to engage with Members of the Senedd (MS). The event centred around the launch of the inaugural FSA/FSS Food Standards Report and served as an opportunity to meet and discuss the report, as well as the FSA's new strategy, with MSs and other key stakeholders. Both the FSA Chair and Deputy Minister for Mental Health and Wellbeing, Lynne Neagle, addressed the event, highlighting the FSA's critical role in light of new functions and a changing world. A third of the MSs present for Plenary that day attended.

3.2 In addition to priorities outlined above, the FSA in Wales has contributed to a number of other significant pieces of work and broader FSA priorities since the last report to the Board. Examples of some of these achievements are outlined below:

Engagement and Communications in Wales

- **Royal Welsh Agricultural Show and National Eisteddfod** – This year saw us return to our public engagement programme through these two major events. Our corporate stand was developed and enhanced to include modules on handwashing and food crime. Both events served as an effective platform to meet with a range of stakeholders. Whilst the Royal Welsh Show is an opportunity to engage with businesses, agricultural stakeholders and consumers in general, the National Eisteddfod, a festival to celebrate the culture and language of Wales, was an opportunity to increase awareness and understanding of the FSA's remit amongst consumers, answering public queries across the breadth of the FSA's portfolio. This year the FSA's Chair also visited the Royal Welsh to raise our profile and meet with stakeholders.
- **Safe Sustainable Authentic Food Wales (SSAFW)** – We continue to utilise this forum, consisting of the FSA, local government, Welsh Government, industry, academia and other key stakeholders in Wales, to discuss and share key issues of note. This forum was recently briefed on the FSA's new strategy 2022-27 by the Strategy Team where members noted that building on current objectives around food is safe and what it says it is, in addition to the inclusion of a third pillar in 'Food is healthier and more sustainable', was good progress in linking the long term health effects of the food that we eat, and in linking into the One Health ways of working.
- **Pathogen Surveillance in Agriculture, Food and the Environment (PATH-SAFE (footnote 1)) programme** – The FSA has worked with Bangor University on the development of pre-emptive data-driven tools to predict the risk posed by Norovirus and AMR in coastal waters and entry into the food chain in partnership with Arup, D?r Cymru-Welsh Water, Public Health Wales and Cefas.

Our contribution to broader FSA priorities

- Contribution to the content and the translation of FSA's new Annual Standards Report** – In addition to members of the team being involved in drafting several chapters of the FSA's first ever annual report on food standards, the translation team in Wales were responsible for providing this report bilingually, in accordance with the requirements of the FSA's Welsh Language Scheme and Senedd Tabling Office. This was a significant piece of work that required detailed project management in an environment where content was evolving quickly. The Welsh Language Unit worked closely with policy colleagues across the FSA to ensure a timely and accurate Welsh language report, upholding the high standard of service and language choice our consumers have become accustomed to in Wales. The report was laid bilingually in the Senedd in line with the other nations.
- Insects** – The ability to innovate food production whilst simultaneously tackling environmental, sustainability and social issues is a priority for Welsh Government, with the insect industry in particular identified as being able to play a major role. The FSA has recently launched a consultation on a proposed legislated transitional period for edible insects in GB. The proposal has involved significant input from policy officials within the FSA in Wales, including engaging with Welsh Government, Welsh LAs and an insect food business operator in Pembrokeshire throughout the policy development stage.
- Sampling** – Since September 2021, we have led on the development and administration of a co-ordinated sampling programme. This has included surveillance sampling undertaken by the two Public Analyst Official Laboratories appointed by Welsh LAs. This consisted of 180 samples over 4 sampling topic areas. The wider FSA in Wales funded sampling programme included targeted sampling by over half of Welsh LAs, including co-ordinated regional sampling activity.

Our contribution to unplanned priorities

- Response to sunflower oil supply issues** – The FSA in Wales was involved in all elements of the FSA's response to the supply chain disruption arising from the conflict in Ukraine, not only ensuring that Welsh interests were represented but also contributing incident response and policy expertise. This was managed as an FSA-led joint FSA/FSS incident, working closely with departments across government respecting the differing policy responsibilities on food labelling, composition and nutrition. The FSA in Wales led on the labelling workstream, specifically on drafting of industry guidance on the labelling of oils in varying proportions to assist with bringing the industry back into compliance.

4. FSA in Wales forward look: upcoming priorities

4.1 In the 12 months since establishing our four priorities for 2021/22 with the Board, our focus has evolved. As such, in the next 12 months our priorities will be an evolution of the those identified in 2021/22, as many of challenges are longer term. Post EU-exit activity continues to be a priority as the UK negotiates its position with the EU and the rest of the world, and recovery of the delivery of food and feed controls continues, although focus is increasingly shifting to planning for the delivery of controls post pandemic (such as ABC and the food hygiene delivery model review).

4.2 Collaboration with local authorities remains a touchstone of our approach and we use established groups in Wales to do this, as well as ensuring representation on FSA/LA three-country working groups as our programmes develop.

4.3 Although there has been a delay in the process, Welsh Ministers still plan to review the operation of the FSA in Wales and we remain ready to support this. Our approach is focused on offering the best possible independent and robust advice to Welsh Ministers, as well as looking for ways to enhance working relationships and ensure best value for money in our operations, and we welcome the opportunity the review presents.

Priority 1: Recovering the delivery of food controls and beyond

- The programmes of work that will inform any changes to the food delivery models sit within both the Achieving Business Compliance and the Operational Transformation Programme and these include the Food Hygiene and Food Standards Delivery Models. We will continue to work with colleagues across the FSA to ensure LA regulation is more targeted and proportionate in relation to food business risk through a review of the food hygiene and food standards delivery models. This intends to provide more flexibility for LAs, enabling resources to be targeted at more high risk and non-compliant establishments to add value and to drive continuous improvements in business compliance.
- The FSA recovery plan is in place until 2023/24 and until the review of the current delivery models is complete. By this time, official food controls at all high-risk establishments should be undertaken in line with the Food Law Code of Practice (Wales). We will continue to monitor, provide guidance and where appropriate, support, for the full recovery of official food controls.

Priority 2: Delivering our new functions

- **Regulated products: approvals** – The next phase of this work is embedding the new process and ensuring that Wales specific considerations are considered as applications are processed through the FSA's regulated product approval process. Our efforts will also be focused on ensuring Welsh Ministers have the appropriate information they need to make decisions on authorisations for Wales.
- **Wash up Statutory Instrument** – The FSA in Wales is working with colleagues within the FSA and FSS to progress legislation to correct deficiencies in retained EU and domestic legislation on food and feed hygiene and safety. This is legislation that would otherwise no longer operate appropriately now that the UK has left the EU.
- **UK Common Frameworks** – We will play our part in ensuring the FSA continues to abide by the principles and commitments contained within the UK common frameworks when developing its policies. Examples include the recent Bread and Flour Regulations and joint consideration of numerous regulated food and feed product applications.
- **Precision breeding regulatory framework** – The FSA in Wales has a role to provide Welsh Ministers with policy advice on precision breeding. We are also contributing to the FSA's development of the new regulatory framework for precision bred products under the Food and Feed Safety and Hygiene framework.
- **Precision breeding consumer research** – We are involved in the delivery of detailed consumer research in Wales as part of UK-wide consumer research to better understand

consumer perceptions of Precision Bred Organisms (PBO) food and feed. Consumer research will be undertaken in two phases, the first focusing on gathering quantitative data via a consumer survey, building on previous research conducted in 2021. A second phase will consist of iterative qualitative work. The first phase of research in Wales extends to over 1000 consumers, across a wide and representative cross-section of society, so that the views of Welsh consumers can be understood in more detail. We are also contributing to the workstream on consumer information which will be informed by our research.

Working with the Welsh Government

- **Wellbeing of Future Generations Act** – Consistent with our established way of working to the principles of the Wellbeing of Future Generations Act, and in line with the FSA's strategic vision of Food Is Healthier and More Sustainable, we will tailor our advice and support to the Welsh Government to contribute to associated priorities in their programme for government.
- **Welsh Government review of the FSA in Wales** – We welcome the review and look forward to the opportunity to provide information on our operation, and demonstrate the value we provide.

Engagement

- **Members of the Senedd** – Building on the successful Senedd event this year, we will hold annual engagement opportunities with MSs to further develop relationships, awareness and understanding of the FSA in Wales. We will ensure this engagement is embedded into the developing three-nation communications strategy and ensure MSs are kept abreast of significant FSA developments in the interim via regular communications to build awareness and presence.
- **WFAC** – We will continue to maximise the value and input of this committee into key FSA matters and will also look to utilise members' relevant networks to increase our stakeholder engagement. This includes with academia, as we did with the recent themed focus on precision breeding and the inclusion of Dr Huw Jones from Aberystwyth University, and work and research currently undertaken in Wales on this matter.
- **Royal Welsh Agricultural Show and National Eisteddfod** – Following our presence at these events this year, we will conduct a thorough evaluation of engagement which will inform our plans for 2023, where we will continue to refine our content and presence.
- **Stakeholder mapping** – Following successful engagement events over the past few months, we will learn from these and undertake a mapping exercise to identify key stakeholders and ensure our communications are targeted appropriately. This will include stakeholders from Welsh Government, LAs, academia and industry and will form part of the three-nation communication strategy.
- **Engagement planning** – As part of our wider stakeholder engagement plan, we will continue to build relationships and engagement with academia in Wales, via programmes and avenues such as PATH-SAFE, SSAFW and WFAC.

5. Conclusions

5.1 This paper provides an overview of work we have undertaken on the priorities for the FSA in Wales which the Board commented upon in September 2021. It also demonstrates some of the wide range of achievements that have been delivered in sometimes challenging circumstances and what the priorities are moving forward.

5.2 The FSA in Wales has been operating in a new landscape and has been rising to each challenge. We have set out in this report some of the significant steps we have taken to ensure that consumers can be confident that food is what it says it is.

5.3 Some of this work has been delivered in collaboration across government and with other delivery partners and we will seek to build upon these relationships to deliver the FSA's priorities and strategic direction as set out in the new FSA Strategy.

5.4 A lot has been achieved in recent years and the forward look priorities for the next 12 months emphasise that we will continue to be ambitious.
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1. The PATH-SAFE programme is a £19.2 million Shared Outcomes Fund (SOF) research programme which aims to develop a national surveillance network, using the latest DNA-sequencing technology and environmental sampling to improve the detection, and tracking of foodborne human pathogens and AMR through the whole agri-food system from farm-to-fork.