

Minutes of the FSA Business Committee Meeting on 13 March 2023

FSA BC 23-06-01

Via Teams

Present

Ruth Hussey, Chair; Lord Blencathra; Hayley Campbell-Gibbons; Fiona Gately; Susan Jebb; Peter Price; Mark Rolfe

Boardroom Apprentice: Judith Hanvey

Officials Attending

Emily Miles - Chief Executive

Junior Johnson - Director of Operations

Anjali Juneja - Director of International & UK Affairs

Ruth Nolan - Deputy Director of Finance & Planning (For FSA BC 23-03-06)

Katie Pettifer - Director of Strategy, Legal, Communications and Governance

Julie Pierce - Director of Wales, Information and Science

Tara Smith - Director of Resources & People

Ann Stirling - Head of Secretariat (For FSA BC 23-03-03)

Rebecca Sudworth - Director of Policy

1. Welcome and Introductions

1.1 The Chair welcomed everyone to the first meeting of the reconstituted Business Committee, put the membership of the Committee on record and asked Members to declare any relevant interests. Mark Rolfe declared that as Head of the Public Analyst lab which did the analysis of the human breast milk products referenced in the Chief Executive's (CE's) Report, he would recuse himself from the discussion of this item.

1.2 Hayley Campbell-Gibbons declared she had taken a new role as Head of Sustainability at Kite Marketing.

1.3 The Chair declared she had recently been appointed as High Sheriff for Merseyside.

1.4 No additional business was raised for discussion at the end of the meeting.

2. Minutes of 7 December 2022 Business Committee Meeting (FSA BC 23/03/01)

2.1 No comments were raised on the minutes, and they were agreed as an accurate record of the meeting.

3. Actions Arising (FSA BC 23/03/02)

3.1 No comments were raised on the actions from previous Business Committee meetings.

4. Terms of Reference for the Business Committee (FSA BC 23/03/03)

4.1 The Chair noted the refined version of the Terms of Reference (ToR) for the Business Committee and invited comments.

4.2 Mark Rolfe commented that he could anticipate other reasons not included in the list of reasons for excluding papers from publication, for example ongoing criminal proceedings. It should also be made clearer which papers would be published.

4.3 The Chair agreed the ToR should be amended to include criminal proceedings and legal issues as reasons for not publishing papers and to clarify that the list of reasons for excluding papers from publication was not exhaustive.

4.4 Hayley Campbell-Gibbons suggested it should be made clearer that Human Resources issues fell within the remit of the Business Committee in the first instance.

4.5 The Chair raised the issue of who would chair the Committee in the event that the FSA Deputy Chair was not available. The Committee agreed that in all circumstances where the FSA Deputy Chair was not available to chair the Business Committee, the FSA Chair would chair the meetings. The Standing Orders for the Business Committee should be updated to reflect this.

Action 1 - Board Secretariat to update the Business Committee ToR as follows:

- Add confidential legal or criminal proceedings to the list of reasons not to publish Business Committee papers.
- Add wording that the list of reasons not to publish papers is not exhaustive.
- Amend wording to make it clearer what papers will not be published.
- Add wording to make it clearer that Human Resources are within the remit of the Business Committee.

Action 2 - Board Secretariat to amend the Standing Orders for FSA Board Meetings and Committees as follows:

- Amend wording to make it clearer that when the FSA Deputy Chair is unavailable to chair a Business Committee meeting, it will be chaired instead by the FSA Chair.

4.6 The Chair said that dates for Business Committee meetings for the rest of the year would be circulated to ensure they were in Committee Members' diaries.

Action 3 - Board Secretariat to circulate dates for Business Committee meetings for 2023/24 to Committee Members.

5. Chief Executive's Report to the Business Committee (FSA BC 23/03/04)

5.1 The CE gave an update on some items from her report including the PCS Union intention to ballot members in the FSA; the Competition and Market Authority's latest decision in relation to Eville and Jones's merger with Vorenta; an upcoming meeting with the Northern Ireland Department of Finance; and National Food Crime Unit (NFCU) activity on Operation Hawk involving mislabelling of products supplied to a supermarket.

5.2 Junior Johnson gave an update on Operation Hawk explaining that the supermarket involved in the incident had now been publicly named as Booth's. There had been discussions with

journalists explaining why it was not currently advisable to make the name of the supplier to the retailer public and contact had been made with other retailers using this supplier.

5.3 Lord Blencathra asked about the media handling around Operation Hawk and asked whether it would have been better presentationally to have named the retailer earlier and to have specified the affected products to avoid an appearance of a cover-up. The CE said the retailer had eventually named themselves and had not been named earlier by the FSA due to ongoing investigations. Claims made about the products involved and withdrawals reported in some of the press had not been correct and the FSA communications team had worked through the night to ask for corrections. Advice from the College of Policing about naming suspects and victims had been followed throughout. Mark Rolfe asked whether it was possible for the FSA to access assets seized through the proceeds of crime. Junior said that he would be able to provide further detail on this in writing.

Action 4 - Junior Johnson to provide detail on whether the FSA can retain seized proceeds of crime and what it does with these funds.

5.4 Hayley Campbell-Gibbons commented that the breakdown given in the Chief Executive's update was a good example of how to show financial budgeting against resources. Tara Smith said the breakdown gave an overview of changes since 2016 with the largest area of growth being in staff numbers. The CE said it demonstrated a change in organisational posture because the organisation would, from 2023/24, no longer be in growth. The resource available in the upcoming financial year was less than had been requested for the addition post-EU Exit responsibilities.

5.5 Fiona Gately asked about the extent to which the number of new staff the FSA was able to take on would be impacted by wage increases. Tara Smith explained that the pay remit for the following year was not yet known, and we had budgeted according to some likely scenarios. There was no additional money for wages included in the settlement from the Spending Review.

5.6 Margaret Gilmore asked about the reward and recognition scheme. Tara explained this was a relatively small amount of money as a proportion of the budget and included individual rewards of low-level vouchers. The scheme was valuable as a mechanism for offering immediate reward and recognition during the year.

5.7 Fiona Gately asked about the working group on small abattoirs and the CE explained this was a Defra-led group. The number of abattoirs involved depended on the categorisation and from the 270 abattoirs where the FSA operated, between 50 and 100 fell within the 'micro' and small categories.

5.8 Fiona also asked about the Food Data Transparency Partnership and the relationship with the FSA. The CE said the FSA was involved with assisting on the data workstream but there was currently nothing new to report.

6. Performance and Resources Q3 2022-23 (FSA BC 23/03/05)

6.1 Tara Smith presented this report highlighting: meat food business operator compliance and audits; local authority performance; trust and confidence in the FSA and food system; understanding the food crime threat; the FSA's financial position; and health, safety and wellbeing.

6.2 Peter Price asked about the forecasted underspend in ring-fenced capital expenditure. Tara explained the figure was for the PATH-SAFE project and could not be rolled over to the following financial year. Forecasts for non-ring-fenced funding were within HMT spending limits. Tara

confirmed for the Committee that the capital allocations needed to be spent within the year, which presented challenges for the FSA.

6.3 Hayley Campbell-Gibbons asked about fundamental issues in local authority performance including in recruitment. Katie Pettifer explained that research into recruitment and retention was ongoing with local authorities and would be used to develop the FSA's work. This was one of the projects included in the Achieving Business Compliance Programme paper for the Board meeting on 22 March. The Board would also hold an internal briefing session on performance management of local authorities ahead of the Board meeting.

6.4 Fiona Gately asked about the number of high-risk establishments awaiting inspection as the period for the recovery-plan closed. Katie said for the period covered in the report, local authorities were held to the requirements of the recovery plan and the threshold for formal escalation had not been met. Michael Jackson explained the FSA was clear in engagement with local authorities that they should take a risk-based approach and resource should not be diverted from higher to lower risk inspections.

6.5 Under concerns and risks, Mark Rolfe noted the lower profile for some strands of FSA work, including Food Hygiene Ratings Scheme (FHRS) mandation in England and suggested that higher business compliance could be brought about without securing mandation through an increased profile for FHRS. Katie said it would be made clear at the upcoming Board meeting that FSA support for FHRS mandation in England had not been dropped but there was recognition that there was currently no available legislative opening. FSA support to local authorities to operate the FHRS scheme continued to be provided.

6.6 Mark noted the concerns and risks in relation to the deprioritisation of the Food Crime Strategic Assessment and asked for reassurance that the lack of progress would not negatively impact what the NFCU was achieving. Junior explained the deprioritisation of the Food Crime Strategic Assessment was for 2022-23 only and had not had a negative impact on the NFCU's work. Work on the control strategy was being developed for 2023-24.

6.7 Mark said that with regard to the numbers of disruptions and outcomes and timeliness of bringing proceedings outlined in the report, the current form of the paper did not facilitate effective monitoring of the NFCU. With the Business Committee no longer being held in public, he asked whether a different approach in the report could facilitate this better. Junior said the FSA monitored data relating to the time it took to bring cases to court and the time it took for proceedings to complete, and this could be included for future reports to give a better indication of the productivity of the Unit.

Action 5 - Junior Johnson to implement a new approach to presenting NFCU information on progress and achievements, to include reference to the timeliness of bringing proceedings.

6.8 Mark noted the rate of accidents experienced by field operations staff was higher than the Health and Safety Executive (HSE) benchmark. Tara acknowledged this was correct adding that the FSA was improving in terms of tracking accidents and was experiencing a lower accident rate than the nearest comparator organisation. The FSA was undertaking communications with field operations management on slips, trips and falls; had 'knife champions' in place providing training for employees; and had put a safety checklist tool in place among other actions to address this and would monitor numbers to ensure they were having the desired impact.

6.9 Hayley raised the figures for bullying and harassment and Tara agreed this was a concern. Figures within the FSA were below the Civil Service average but there was no complacency in addressing this serious issue. There had also been an increase among those reporting bullying and harassment but saying that their issues had since stopped, demonstrating that the issue was being taken seriously and work was being done to address it.

6.10 Fiona noted a risk around health and sustainability in the section of the paper relating to capability and capacity and suggested that it would be useful for the next report to contain an outline of work that was being done in this area. Katie said this had been included in the paper on the FSA's Three-year Corporate Plan which would be discussed at the upcoming Board meeting.

6.11 Tara confirmed for the Committee that risk analysis and regulated products were intended to become part of the Performance and Resources report for the coming year.

6.12 The Chair concluded that it was reassuring to see how much work was taking place and the Committee endorsed the direction of travel and approaches being adopted.

7. FSA Priorities and Budget 2023-24 (FSA BC 23/03/06)

7.1 Ruth Nolan presented this report covering priorities and deliverables for 2023-24; the context within the strategy and the spending review settlement; activities expected to place pressure on the business; and confirmation of the budget for Wales.

7.2 Hayley Campbell-Gibbons asked about whether there should be a continuation of any work on health and sustainability in the context of increased demands on the business. Tara Smith explained that the demands on the budget for this work - particularly on the food data transparency partnership and on the school food pilots - were currently small and involved very few staff, meaning that stopping the work would not free up significant additional resource. Susan Jebb noted how the work had shifted culture positively across the organisation.

7.3 Peter Price expressed disappointment with the final figure for the Welsh budget for 2023/24. Tara explained that it was in line with realistic expectations and did not represent a decrease. A final settlement for Northern Ireland had not yet been agreed.

7.4 Susan Jebb mentioned the detailed list of Priorities for 2023/24 noting that under the corporate plan objective of Convenor and Collaborator, a top priority was listed as to "lead the delivery of food industry outcomes within the new Northern Ireland obesity strategy to support the consumer to access a healthier diet." She asked how the FSA could do this. Anjali Juneja said that she would provide greater detail on this point.

Action 6 - Anjali Juneja to provide greater detail on how the FSA could lead the delivery of food industry outcomes within the new Northern Ireland obesity strategy to support the consumer to access a healthier diet.

7.5 The Chair said it was helpful to have the budget breakdown for two comparable years and asked about the impact of the change for information and science. Ruth said the 2022/23 forecast was slightly inflated as we had diverted underspends from other parts of the business in year to this area, ensuring we maximised use of our budget and minimised underspends. Tara added that within the change programmes, there was some funding for digital technology that was being held by Directors.

7.6 Fiona Gately noted the list of key activities at Annex A and asked if there was a sense of the form of the REUL work. Katie Pettifer said there would be an update for the Board ahead of the Board meeting but an agreed approach from Ministers had not yet been achieved and approval of the FSA's proposals was still awaited from the DHSC Secretary of State.

7.7 Lord Blencathra mentioned the large body of case law that the government needed to take account of when amending environmental regulations. He asked whether there was a similarly large body of case law for food. Katie Pettifer said case law was not as heavily relied upon for food matters, but the FSA was working to identify any areas where there might be case law that

would need to be written back into the legislation.

7.8 Fiona asked whether there was confidence that a regulated product system would be operational this year. Rebecca Sudworth said that Precision Bred food and feed would continue to be a source of pressure for the FSA and the Board would receive a full update on that at the upcoming meeting. It was an area where continued collaboration with Defra would be important. The Review of Novel Foods was due for completion. Consideration would then be given to how best to keep the Board and stakeholders apprised of the findings. It was not intended that any specific reforms would emerge from that and REUL would become the vehicle for any significant changes to the regulated products service. The Case Management system was near readiness though no launch date had yet been announced.

7.9 Fiona asked whether the response to the recommendations from the NFCU Review should be included within the paper. Junior said that on the business plan for operations, there were actions that specifically addressed this.

7.10 The Chair said that these points underscored the complexity of the annual plan and the need for a quarter one review. The Committee agreed the business plan for 2023/24, recognising the challenges and the need for flexibility.

8. Any Other Business

8.1 No other business was raised, and the meeting was closed.