

Report from the Director for Northern Ireland

FSA 23-06-10 - Report by Andy Cole, Director for Northern Ireland. This paper provides a high-level overview of work that has been undertaken since the last update to the Board in June 2022 as well as current and future priorities for the FSA team in Northern Ireland.

1. Summary

1.1 This paper provides a high-level overview of the work of the Food Standards Agency (FSA) in Northern Ireland over the last year.

1.2 It also provides an update on Northern Ireland specific priorities, especially in relation to legislation and dietary health, as well as a forward look at priorities for the coming months.

1.3 The Board is asked to:

- **assess** the effectiveness of the outlined work to deliver FSA priorities;
- **consider** the alignment of this work with the FSA's strategic direction and nature of the FSA's three country approach;
- **provide feedback** on the identified priorities; and
- **endorse** the plans for the dietary health work outlined in Section 4.

2. Introduction

2.1 The FSA team in Northern Ireland has policy responsibility for all aspects of FSA policy, as well as the additional remit in relation to dietary health, nutrition surveillance and research and food compositional standards and labelling, including nutrition food labelling.

2.2 It is important to note that we have been operating in an extended period without the Assembly and Executive. However, we have sought to further build on relationships at official and Permanent Secretary level to enhance our governance and effective co-ordination with key Northern Ireland departments in the interim.

2.3 Since the last update to the Board, the FSA team in Northern Ireland has moved into the UK and International Affairs Directorate under Anjali Juneja.

3. Delivering corporate priorities

3.1 The FSA team in Northern Ireland has policy responsibility for all areas of FSA policy, alongside our additional policy areas already outlined. We work closely with colleagues in England and Wales to deliver on the FSA's core remit and seek to ensure that the voice of Northern Ireland is amplified. For example, three and four nation working on Precision Breeding, continued engagement under the three Common Frameworks that the FSA in Northern Ireland is party to which align to the FSA's policy responsibilities in Northern Ireland and work on the new Food Standards Delivery Model.

3.2 In Northern Ireland, the FSA holds policy responsibility for the Bread and Flour Regulations. Under the Common Framework arrangements, we are reviewing aspects of labelling and composition of bread and flour. A four-nation consultation sought views in five main areas, including: interactions with other legislation; implementation of the UK-wide commitment to introduce the mandatory addition of folic acid to non-wholemeal wheat flour; clarifying the scope of the Regulations; exemptions from fortification requirements; and adding improvement notices as a first step in addressing non-compliance. We continue to work alongside colleagues across the UK towards implementing any outcomes via legislation.

3.3 We are closely engaged with the cross-FSA Retained EU Law (REUL) work programme and continue to work with other Government departments, both centrally and in Northern Ireland. The FSA intends to keep all REUL which is relevant to Northern Ireland.

3.4 Although the Target Operating Model proposals will not directly apply to the movement of goods into Northern Ireland, it is important that port health controls and processes for Great Britain (GB) continue to support the onward trading interests of Northern Ireland's food industry. The team has been working closely with partners across the UK to ensure Northern Ireland agri-food interests are considered as part of the development of the proposals that have been consulted on.

3.5 To ensure that we are best placed to deliver FSA priorities in Northern Ireland, we have also undertaken a targeted programme of stakeholder engagement in the last twelve months to raise the profile of the FSA in Northern Ireland. This has included meetings with stakeholders such as the Ulster Farmers' Union and the Northern Ireland Grain Trade Association as well as sponsoring and securing a keynote speech for the Chief Executive at the inaugural Northern Ireland Food and Drink Conference.

4. FSA in Northern Ireland priorities

4.1 As well as working on areas that are organisation wide as outlined in Section 3, there are a number of specific Northern Ireland priorities for the Board's consideration, set out below.

4.2 **Legislation.** In the absence of the Assembly and Executive, we have not been able to progress any legislation since the last update to the Board in June 2022. However, we have continued to develop our legislative programme for when the Assembly and Executive return.

4.3 Recognising there is likely to be limited Assembly time when it returns, we have as always, sought to prioritise legislation which will have the strongest impact in line with our statutory obligations.

4.4 Our top legislative priorities for Northern Ireland at this time are:

- **Additional powers to investigate food and feed related offences falling under the Fraud Act 2006** – work on this is underway in England and Wales and a public consultation was carried out in 2022. We intend to seek the same level of protection from food fraud for consumers and businesses in Northern Ireland;
- **Food Hygiene Rating Online Display Regulations** – to introduce a requirement for food businesses supplying consumers with food ordered via an online facility to display their valid Food Hygiene Rating online. This proposal has been subject to public consultation and stakeholder engagement and was previously asked for by the Northern Ireland Assembly Committee for Health during the passage of the Food Hygiene Rating Act;
- **Bread and Flour Regulations** – we intend to pursue legislation to implement the review of the Bread and Flour Regulations, including implementing the four-nation decision on

mandatory folic acid fortification announced in September 2021; and

- **Requirements of directly applicable EU law already applying in Northern Ireland** – some amendments to domestic enforcement legislation are required, for example to specify competent authorities. Some of these amendments were approved by the Northern Ireland Assembly Committee for Health previously but had not sufficiently progressed through legislative adoption prior to the collapse of the Executive in 2022.

4.5 We will keep these priorities under close review and will engage with the Department of Health on these, as we rely on it to present legislation before the Assembly on our behalf.

4.6 **Dietary health.** In Northern Ireland, the FSA has responsibility for dietary health policy delivery, evaluation and nutrition surveillance and research.

4.7 As a key delivery partner in the Obesity Strategy for Northern Ireland 'A Fitter Future for All,' we lead a food product improvement programme which includes a focus on promoting and supporting food businesses to reformulate food to reduce sugar, fat, salt and calories and the delivery of our voluntary Calorie Wise scheme and MenuCal tool.

4.8 We are currently a partner in the development of a new Department of Health-led Obesity Strategy for Northern Ireland, which is due to be consulted upon in the coming months. Using evidence from the [Foresight Report](#), the new Obesity Strategy will provide the framework and direction for our dietary health workstreams.

4.9 These workstreams will be captured under a programme of work called 'Making Food Better' and will include wider policy development around reformulation, nutritional labelling and restricting promotions of foods high in fat, sugar and salt. We will also continue to work with stakeholders and delivery partners to help drive better dietary health outcomes for consumers. These workstreams are influenced by UK Government priorities on obesity prevention, as well as the EU legislative framework.

4.10 Through our 'Making Food Better' programme we are planning to refocus our dietary health work to ensure that the ambition is clearly defined and to allow us to maximise the impact and target our resources effectively. Suggested priorities for the coming year are:

- **Nutritional standards** – building on the development and introduction of nutritional standards in Health and Social Care settings we are leading work to shape draft nutritional standards for council catering in their various settings and will also be a partner in rolling out nutritional standards to the wider public sector. The public sector accounts for 27% of employee jobs in Northern Ireland;
- Our co-creation exercise with district councils identified early opportunities within vending as a first phase of implementation, due to reduced catering capacity following the COVID-19 pandemic and a greater reliance on vending. We have set up a steering group with representation from the 11 district councils to lead development and implementation and are working towards approval of draft vending standards to influence healthier and more sustainable vending. This is an opportunity to change the food environment and develop draft vending standards within a sector that represents a £1.5 billion annual turnover across the UK. The wider public sector has also expressed an interest in the vending standards;
- **Nutritional sampling** – nutritional sampling and analysis of key foods commonly produced and consumed in Northern Ireland is another proposed priority workstream. We have an opportunity to build on our previous work to provide baseline data on the nutritional value of commonly consumed foods and produce reformulation guides to support the local food industry;
- The next phase of this will focus on children's meals served in restaurants and hotels across the 11 district councils, with samples being taken for nutritional analysis. [Research](#) across the UK and Ireland shows that 55% of children's meals contain more than four times the recommended amount of saturated fat; and

- The results of this nutritional analysis will be published along with guidance on healthier children's meals. Potential products for reformulation will be considered along with possible interventions within restaurants in partnership with Environmental Health Officers and appropriate monitoring of outcomes.

4.11 Does the Board agree with the suggested areas of focus over the coming year?

4.12 **Windsor Framework.** Implementation of the new UK/EU agreement is progressing across UK Government alongside relevant departments in Northern Ireland. The FSA is a key partner in this work as the central competent authority for food and feed safety in Northern Ireland with responsibility for public health import policy.

4.13 Although the FSA does not have any statutory function to deliver controls at Points of Entry into Northern Ireland, we work in close partnership with the Department of Agriculture, Environment and Rural Affairs (DAERA) and district councils who deliver these controls.

4.14 A key cornerstone of the Windsor Framework is the [Retail Movement Scheme](#) (referred to as the 'green lane') which will enable retail goods meeting GB public health standards to be placed on the Northern Ireland market through simplified procedures at the Points of Entry. The new arrangements will go live from October 2023, however until then, food placed on the market in Northern Ireland must continue to meet EU standards, and our delivery partners continue to apply those requirements.

4.15 Additionally, goods travelling onwards to the EU via Northern Ireland must continue to meet EU standards. These goods will need to follow the 'red lane' procedure for EU requirements at the Points of Entry in Northern Ireland.

4.16 The FSA's primary focus is to ensure that people in Northern Ireland receive the same level of robust public health protection as the rest of the UK, whilst making it easier to access safe food. Consequently, our local implementation priorities are to ensure that domestic enforcement legislation is in place, and to provide guidance, training and advice to competent authorities.

4.17 The FSA is working in partnership with other departments to develop clear guidance for food businesses on the new arrangements that will govern food entering Northern Ireland. We will also engage with consumers to explain how the FSA will continue to support consumer interests in relation to food and provide them with equal protection.

4.18 **Official controls.** As the Board will be aware, the FSA in Northern Ireland has a Service Level Agreement (SLA) in place with DAERA for the delivery of official controls and associated activities by the Department relating to meat, milk, egg and primary production hygiene in establishments registered by, or holding certain approvals from the FSA. This represents a large part of our work to deliver on our core remit of keeping food and feed safe. Official control delivery is carried out in accordance with EU regulations and associated guidance. The quality of the service is measured throughout the year against a range of key performance indicators, and they were met to a good standard. The cost of the service is £7.5 million per annum.

4.19 We also work closely with district councils, who are key delivery partners. In recent months, we have written to the Chief Executives of the 11 district councils setting out our intention to remove the Local Authority Recovery Plan milestones from the end of March 2023 and asked district councils to return to compliance with requirements as set out in the Food Law Code of Practice.

4.20 Data from the January 2023 temperature check surveys indicated to us that 88% of local authorities (across England, Wales and Northern Ireland) were reporting that they could meet the ongoing requirements of the Recovery Plan. We recognise that it may take some time for district councils to get back fully to Code requirements and we will adopt a risk-based approach to our

performance management function. We will continue to collect performance data of district councils through ongoing regular surveys so we can assess performance against the Code of Practice requirements.

5. Forward Look

5.1 Key priorities for the next six – twelve months are outlined below. However, the Board should be aware that the current political situation may impact on the delivery of some of the key priorities.

5.2 **Northern Ireland Assembly and Executive.** When the Assembly and Executive are restored, we will seek to establish relationships with incoming Ministers and the Committee for Health to deliver on FSA priorities. As part of this work, we will be working towards final sign off for the three Common Frameworks and beginning our legislative programme. We will also consider any priorities set by the Executive, including a Programme for Government, and where appropriate, will be aligning our work to deliver on outcomes relevant to the FSA.

5.3 **Work with district councils.** We will be continuing to work with district councils to assist them in implementing the revised Food Law Code of Practice and subsequent implementation of the new Food Standards Delivery Model. We will also be seeking to collaboratively develop the new Food Hygiene Delivery Model. We will continue to engage with district councils over the coming months as we support them in preparations for Windsor Framework implementation both at Points of Entry and inland.

5.4 **Resources.** The Board will be aware that there have been difficult budgetary decisions across Northern Ireland departments and while we have received additional funding of £3.79 million this is specifically to meet operational costs arising from food safety controls applied to the movement of goods into Northern Ireland in line with current arrangements, and to help implement future arrangements for the same. However, our baseline budget has remained at £11.7 million since the 2021/2022 financial year and this makes our ability to deliver the demanding work priorities set out in this paper much more challenging.

6. Conclusions

6.1 This paper provides a high-level overview of work that has been undertaken since the last update to the Board in June 2022 as well as current and future priorities for the FSA team in Northern Ireland.

6.2 Overall, the Board is asked to:

- **assess** the effectiveness of the outlined work to deliver FSA priorities;
- **consider** the alignment of this work with the FSA's strategic direction and nature of the FSA's three country approach;
- **provide feedback** on the identified priorities; and
- **endorse** the plans for the dietary health work outlined in Section 4.