

# Minutes of the FSA Board Meeting on 13 December 2023

Future Inn Bristol at Cabot Circus, Bond Street South, Bristol BS1 3EN

## Present:

Susan Jebb, Chair; Mark Rolfe, Deputy Chair; Lord Blencathra; Hayley Campbell-Gibbons; Fiona Gately; Margaret Gilmore; Anthony Harbinson;

Rhian Hayward; Timothy Riley; Justin Varney.

## Officials Attending:

Name	Role
Emily Miles	Chief Executive
Jane Clark	Director Veterinary Services and Trade Facilitation (For FSA 23/12/06)
James Cooper	Deputy Director of Food Policy (for FSA 23/12/08)
Claire Forbes	Director of Communications
Junior Johnson	Director of Operations
Anjali Juneja	Director of UK & International Affairs
Rebecca Kirk	Head of Regulatory Compliance Division (For FSA 23/12/04)

Name	Role
Rebecca Lamb	Head of Policy Priorities Unit (for FSA 23/12/04)
Carmel Lynskey	Head of Achieving Business Compliance Programme (For FSA 23/12/04 and 23/12/05)
Robin May	Chief Scientific Adviser (via Zoom)
Rick Mumford	Head of Science Evidence and Research
Ruth Nolan	Director of People and Resources
Katie Pettifer	Director of Strategy and Regulatory Compliance (via Zoom)
Julie Pierce	Director of Information and Science
Andrew Quinn	Head of the National Food Crime Unit (for FSA 23/12/11)
Lexi Rees	Head of Regulatory Services Delivery (for FSA 23/12/07)
Chris Rundle	Head of Regulated Products Risk Assessment (for FSA 23/12/07) (via Zoom)
Rebecca Sudworth	Director of Policy

# **1. Welcome and Introductions**

1.1 The Chair welcomed everyone to the meeting and noted a full attendance from the Board and Executive. Katie Pettifer was joining by Zoom and would need to leave following the discussion of Annual Communications Report (FSA 23/12/10). The Chief Scientific Adviser (CSA) Robin May was also joining the meeting via Zoom.

1.2 Since the previous meeting, interviews for the position of Deputy Chair of the FSA had concluded and the panel's assessment of the candidates was with the Minister who it was expected would make an appointment by the end of the year. She thanked Mark Rolfe for fulfilling the role of interim Deputy Chair in the meantime.

1.3 Thirty-two questions had been received ahead of the meeting. It was expected that the thrust of many of these questions would be addressed in the discussions of the relevant items, but all questions would receive a written answer.

1.4 Board Members had no new interests or conflicts of interest with items on the agenda for this meeting.

## **2. Minutes of 20 September 2023 Board Meeting (FSA 23/12/01)**

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

## **3. Actions Arising (FSA 23/12/02)**

3.1 The Chair noted that all but two of the actions from the previous meetings had been completed. One of these, relating to traceability was partially complete. Regarding the action about Terms of Reference (TORs) for the Food Advisory Committees (FACs), these were being drafted and would be brought to a future Board meeting for agreement.

## **4. Chair's Report**

4.1 The Chair said that the period since the previous Board meeting had been particularly busy. Her engagements had been published on the FSA website with many relating to two large legislative pieces of work: the Border Target Operating Model (BTOM) and regulatory reform priorities, alongside conversations around Ultra Processed Food (UPF). She noted her attendance at a meeting of international regulatory counterparts in Berlin; the laying of the FSA's and Food Standard's Scotland's (FSS's) joint Annual Report in Parliament and stakeholder events for its launch in Westminster and the Senedd.

## **5. Chief Executive's Report to the Board (FSA 23/12/03)**

5.1 The Chief Executive (CE) raised some items included in her Report including the laying of the FSA/FSS Annual Report; the emerging risk around veterinary resources from the salary threshold rise for residence in the UK; inward missions from international counterparts to look at food standards in the UK; the meeting with the CEO of the British Egg Industry Council (BEIC); and a visit with the CEOs of Food Agencies from Ireland and Belgium and FSS to the Port of Rotterdam.

5.2 The CE recognised the Board's concerns about the lack of young people entering the veterinary public health profession and noted that officials and Board Members who had attended a visit to Bristol Vet School the previous morning had heard about the efforts being undertaken to attract young people into that profession.

5.3 The Executive clarified for the Board that imported goods would need to be produced to the same standards as those in the UK thereby assuring them that new trade agreements could not lead to imports of products produced to standards lower than those allowed for in the UK including the use of growth promoter hormones or high levels of antibiotics.

## **6. Annual Local Authority Performance Review (FSA 23/12/04)**

6.1 The Chair welcomed Rebecca Kirk and Carmel Lynskey to the meeting and introduced the topic outlining local authorities' role in the defence of the food system. Rebecca gave an overview of the paper covering the end of the Covid-19 recovery plan; the sources of and findings from the data in the paper; and the challenging operating environment for local authorities.

6.2 Rhian Hayward and Anthony Harbinson reported on the discussions at the FAC meetings about this paper. The Wales Food Advisory Committee (WFAC) had noted the pressures on local authorities in Wales and the language used around performance management, suggesting that a term such as 'performance monitoring' might avoid an implication of FSA control. Katie Pettifer noted that 'monitoring' was indeed the term used in legislation; however, it would be difficult for the FSA to justify simply monitoring the position and taking no action to improve performance, but she acknowledged the importance of considering language carefully. The Northern Ireland Food Advisory Committee (NIFAC) welcomed the rise in inspections and noted the risk to the FSA from the backlog.

6.3 The Board registered the overarching message that the food system remained safe, but noted the vulnerabilities, highlighting the importance of reminding those responsible for protecting the food system of their responsibilities. In response to a request for details on the escalation process, Rebecca Kirk explained that the process was carried out on a case-by-case basis and the timescale for a management plan to resolve issues would depend on the state of the local authority. Where there was identified resource issues there would be no quick fix it could take period of over a year to get premises back up to standard. The ultimate sanction, of taking over and running the services of the local authority had not happened to date and it was hoped this could be avoided.

6.4 The importance of the Code of Practice to local authorities was noted. This was especially the case where there were financial pressures to reduce activities while complying with statutory duties. This was particularly important around sampling. It was explained that the FSA would be using intelligence to develop a sampling plan that would be shared with local authorities, with specific funding provided by the FSA for directed sampling, alongside normal local authority sampling budgets.

6.5 The Board also noted: the tendency for young people with an interest in food to be directed into the hospitality sector as opposed to any of the many other areas of the food system, including careers as EHOs; the intention to publish a methodology for local authorities to determine resource requirements; the approach that should be taken to engagement with elected Council Members, including the Chair writing to them, Chief Executives and Finance Officers of local authorities to remind them of their statutory duties; and the challenges for local authorities served with Section 114 notices.

6.6 The Board asked about risks to the food system from reduced local authority funding and how these risks were evidenced. It was explained that there had been no evidence of a drop in Food Hygiene Rating Scheme (FHRS) ratings or an increase in foodborne disease but there had been an increase in required enforcement actions and anecdotal reports of reductions in standards requiring greater intervention and support from LAs. It was considered likely that continued pressure on the service could begin to have an impact on public health. The shortcomings of the current data collection systems were acknowledged, and it was noted that the local authority data project was covered in the Achieving Business Compliance (ABC) Programme paper (FSA 23/12/05).

6.7 There was a question about technological inspection aids reducing the need for extensive training. Katie explained that greater use of remote inspection was envisaged at lowest risk establishments for both food standards and hygiene inspections.

6.8 The Chair concluded the Board were encouraged that the issues raised in the paper were being addressed by the FSA and noted the point around use of language. The Board supported plans to write to Chief Executives and Finance Officers of local authorities to remind them of their statutory duties and the suggestion to include elected members in engagement. The Board also supported the development of a model for what was needed to deliver the minimum statutory function. The Board noted the challenges in attracting people into careers in enforcement and the importance of that for the longer-term safety of the food system. Consideration of how better to help local authorities through the ABC programme was endorsed. The Board were clear of the need for larger-scale reform of the process to ensure best use of resources, with a focus on the highest risk businesses.

## **7. Achieving Business Compliance Programme (FSA 23/12/05)**

7.1 The Chair introduced this item by observing its connection to the necessary changes to the system as highlighted in the previous discussion (Annual Local Authority Performance Review (FSA 23/12/24)). She noted the amount of activity since the previous update in March 2023 and the need to consider the 'building blocks' as outlined in the paper. Carmel Lynskey then provided an overview of the paper covering: details of activity since March; the new food standards model in England and Wales; the Enterprise Level Regulation Large Retailer trial; early thinking on the building blocks for future reform; and the potential timescales for implementation of the building blocks.

7.2 The Board remarked that the feedback from local authorities was for the FSA to be ambitious in developing a food hygiene model. They also recognised that whatever plan for data gathering emerged, it would be important not to place additional burdens on local authorities.

7.3 The Board asked why changes to food hygiene intervention scoring and planned official control frequencies would not be going ahead. It was explained that the recent consultation had included proposals for changes to the intervention frequencies for food hygiene in a way that was similar for food standards. However, the in-depth engagement with local authorities had suggested that the benefits of making these changes would not be very substantial. Meanwhile, the experience with food standards had demonstrated that such changes took considerable time and resources, given the need to make changes to local authority management information systems. So, taking on board the feedback from the consultation, the team had concluded that the benefits did not justify the costs for these proposals. However, some of the other proposals in the consultation received broad support and would be able to proceed more quickly, including changes to allow local authorities to make more use of regulatory support officers where they could safely do so, and changes to enable greater use of tools like remote inspections for lower risk premises. Some of the more ambitious ideas put forward during the consultation had also

informed the development of the building blocks for future reform.

7.4 On the building blocks, the Board commented on the importance of the evaluation of the enterprise level pilots; national level regulation; lessons learned from the food standards model for next steps on food hygiene; the number and variety of audits for third-party assurance schemes; and the use of effective sanctions.

7.5 In response to a question about how Primary Authorities worked with national regulation, Katie Pettifer explained that a Primary Authority was a commercial arrangement between businesses and the local authority, which covered a wider range of regulatory activities than food and could continue alongside national regulation.

7.6 The Board asked about the FSA's future role and whether the FSA could potentially become the accountable body for the assurance of business performance. It was explained that the paper outlined early thinking about future building blocks and there were still details to be determined including the precise role the FSA would take in that process. For national level regulation, it would make sense for the FSA to act as the regulator. The outcomes of the evaluation of the enterprise level pilots would be essential to inform the approach. If the evaluation showed the enterprise level arrangements were feasible, those relationships would continue, and more businesses could be included. It would also be necessary to consider what to include in legislation, which would be necessary to implement the system, in addition to considerations on charging.

7.7 There was a question about whether licensing fees could be applied to businesses. It was noted that WFAC had been supportive of this, and Welsh Government would welcome consideration of this. As regulatory arrangements depended upon the ability to charge, legislation would be needed. This would have to happen after the next General Election and discussions with the post-election Government would be required to determine their preferences and potential fee levels.

7.8 The Board asked about the resources required for data handling. A set of tools had been developed by the FSA Information and Science team, which was being used in the analysis of data, informing decisions on targeting food standards and sampling.

7.9 A point was raised about aggregator's FHRS thresholds for scores and inspection dates for businesses to be included on their platforms. It was explained that a minimum score for trading through a platform was difficult to enforce as no such standard existed on the high street. There had been close work with aggregators to help them put in place measures to allow consumers to make informed decisions. Setting more stringent requirements in relation to FHRS scores or inspection dates would also have unintended consequences for local authorities who would receive an increase in requests for reinspection, impacting on their workloads. The Chair acknowledged the challenges but said that encouraging a rise in these thresholds should be considered a part of driving up standards and the FSA should pursue this where possible. The main priority with aggregators, however, should be to ensure that the scores were given appropriate prominence on their sites. Mandatory display of FHRS ratings would allow easier solutions to many of these issues, which demonstrated the need to continue to pursue this.

7.10 The Chair concluded that the Board had noted progress since the previous update; were supportive of the direction laid out in the paper; recognised the number of audits and inspections businesses underwent; and would welcome a more agile system of assurance. The measures in place to handle increased volumes of data were noted and it was suggested that the Board discuss the enterprise level regulation again at the June 2024 Board meeting to understand how it was recommended to progress. Other aspects of the work would need come back to the Board later.

**Action 1 - Katie Pettifer to bring an update on progress with enterprise level regulation to the June 2024 Board meeting.**

## **8. Border Target Operating Model (FSA 23/12/06)**

8.1 The Chair welcomed Jane Clark to introduce this item noting previous discussions on the importance of the Border Target Operating Model (BTOM); and the commencement of import controls on goods from the EU, as well as the launch of pilot schemes for trusted traders. Four questions relating to this item had been received, highlighting the level of interest from stakeholders. Jane gave an overview of the paper, covering the lead role of the Cabinet Office and Defra; noting that the UK's food standards did not change as a result of the BTOM and some of the key changes to how this would be assured, including the enhanced risk basis for delivering checks at the border. The focus was now on implementation and resourcing, both at the UK border and in the EU.

8.2 In discussion, Board Members raised the ability to change the categorisation of products dynamically; trusted trader status; the appropriate forum for the consideration of emerging risks and the frequency of reports; monitoring of EU pre-notifications; monitoring of compliance levels under the new approach to Identity and physical checks at the border; the potential impacts of changes in checks on animal feed; the readiness of EU Member States; and the absence of authenticity checks within the trusted trader pilots.

8.3 The discussion of the appropriate forum for consideration of emerging risks and the frequency of reports concluded that reporting would be to the Business Committee on a six-monthly basis, but where strategic changes were required, or emerging risks were identified, it was expected that the Business Committee would defer discussions and decisions to the Board.

8.4 On the monitoring of EU notifications, Anjali Juneja explained that the situation had previously not been routinely monitored and enforced but that this was expected to improve from January 2024. For monitoring compliance levels following the alignment of identity checks with the physical check rate, Anjali said that documentary checks would continue as before but acknowledged that the situation was dynamic, and that the frequency of these checks could still change.

8.5 The Board highlighted that animal feed was not included in the trusted trader pilot schemes and the Chair asked that the team give consideration to how issues around animal feed could be addressed.

**Action 2 - Anjali Juneja to consider how issues around animal feed could be addressed within the BTOM trusted trader schemes.**

8.6 On the readiness of EU Member States, Anjali explained that on a recent visit accompanying the CE to the Netherlands, meeting counterparts within the Dutch and Belgian food safety authorities, they had heard that they were preparing for the checks starting in January.

8.7 On the inclusion of authenticity checks in the trusted trader pilots, Anjali explained that authenticity was not something that was currently checked for at border control points but acknowledged the importance of being able to ensure authenticity.

8.8 The Chair said that it was expected that routinely, there would be six-monthly updates to the Business Committee, initial updates to the Board may be expected at the June Board meeting to give assurance that things were on track. This could be through the CE's report item unless there was a specific issue that warranted a more substantial update. The Chair said that the Board welcomed the plan as laid out in the paper and looked forward to measures being implemented,

noting that it would take time to become fully established and support for port health authorities and local authorities would be needed to ensure a successful implementation.

## **9. Risk Analysis and Regulated Products Service: Regular Update (FSA 23/12/07)**

9.1 The Chair welcomed Lexi Rees to the meeting and noted there had been two questions received about this item from stakeholders ahead of the meeting. She said the paper was a regular update and provided some contextual background for the discussion including delays to the next group of regulated product authorisations and the need to focus on plans for future reform. The Chair also noted that future updates on Regulatory Services Delivery would go to Business Committee, and progress on strategic reform would continue to come to the Board for decisions.

9.2 Rebecca Sudworth explained that the reforms were necessary to make the service viable for the future and gave an update on some of the issues covered in the paper including: the seven reform principles; the authorisation process; and the authorisation caseload.

9.3 Lexi Rees then gave an update on routine service issues such as the number of cases awaiting authorisation; completed cases; issues affecting delivery including the renewal of cobalt as a feed additive; the approach taken to applications; and the programme of continuous improvements including the strengthening of governance.

9.4 In discussion of the priority reforms, the Board asked about the simplification, architecture and functions of the authorisation process.

9.5 The CE explained that principle seven as listed in the paper striving for four-country working would necessitate parallel consultation with Ministers in Westminster and the Devolved administrations as well as frequent liaison with FSS. This did have the potential to impact on timelines. Rebecca added that the Common Authorisation Procedure would enable some flexibility for products to be assessed appropriately and speed up the early stages of the authorisation process. This would be covered in greater detail in the March 2024 Board paper.

9.6 The Board discussed the simplification of functions in relation to laying Statutory Instruments (SIs) and the complexities involved in four-nation coordination.

9.7 Anthony Harbinson noted that NIFAC had agreed that the legislative timetables should be aligned as far as possible. The Committee would consider the process in greater detail in January but considered this the best approach based on this paper.

9.8 Rhian Hayward said that in WFAC's consideration of the paper it was noted that Welsh Government would want to be involved. It was noted that the FSA in Wales were within budget for this year but were conscious of additional burdens that could arise from this reform process. The Chair noted that investing in this area would be necessary to solve the issue as not doing so would likely consume more resource in the long run.

9.9 Rebecca noted the potential for a General Election to impact on the timetable in 2024. The CE said that the Parliamentary Business and Legislation Committee would be approached for permission and a time slot to lay SIs in Parliament. Scottish and Welsh Ministers also wanted to progress reforms.

9.10 Board Members supported the suggestion of investing resources into the Regulated Products Service and raised the need to look widely for solutions in addition to inherited methodologies. They noted that resourcing decisions were for the Executive and suggested the possible use of external project management and the potential to take legal advice on non-

essential steps. There was a question about what would be expected within the March Board paper and at the Business Committee.

9.11 Rebecca explained that work on the initial reforms was being progressed now and would be outlined at the Board retreat in January with a fuller update on the process to be included in the paper to the March Board. Pending the Board's endorsement, the CE outlined the earliest timeline that could be considered for progressing legislation with a possibility of SIs being laid in May. This was noted as an ambitious timeline and there was a need to align across the four nations. If the SIs did come into force on that schedule, they could potentially be used from the autumn onwards. The March Board paper would also include a package of options for reform of the architecture and process, including how it would be operationalised.

9.12 In response to a question about staffing for the service, the CE explained the headcount cap and budgetary limits created challenges for the FSA. This would be reviewed, and proposals presented to the Board in January at their Retreat. The position could then be included in the March Board paper for inclusion in the 2024 FSA business plan.

9.13 The Chair said that Ministerial engagement would be required around four-country coordination and suggested updating Ministers on the challenges faced by the service and the proposed reforms.

9.14 The Board expressed concern about the current position and asked for the temporary establishment of a Board Sub-Group, to provide challenge and support to the executive in addressing the pressures in the current service.

**Action 3 - Board Members to decide membership of a subgroup to support to the executive in addressing the pressures in the current regulated products service.**

9.15 Board Members were content with the reform principles and the proposals for priority reform, while noting the challenging timelines particularly in the event of a General Election. The Board looked forward to the paper in March and the discussion at the January Retreat and Business Committee discussions.

## **10. Food Hypersensitivity: Update on Progress and Options for Improving the Provision of Allergy Information (FSA 23/12/08)**

10.1 The Chair welcomed James Cooper to the meeting and noted the impact on lives that food allergies could have, expressing the Board's sympathy with the families and friends of those who had died as a result of an allergic reaction to food. She highlighted: the amount of work carried out since the previous Board discussion; meetings that Board members and officials had held with families and stakeholders; and the large number of questions that had been received from stakeholders in relation to this paper.

10.2 The Chair gave a particular welcome to Paul Carey, who was attending to observe the meeting and whose son Owen died in 2017 as a result of anaphylaxis.

10.3 James gave an overview of section three of the paper, on proposals for provision of information in the non-prepacked sector. The update covered: the current requirements for information provision; the advantages and challenges with the provision of written information; the ability of verbal information to respond to dynamic risks; the proposed presumption for the provision of both written and verbal information; formats for the provision of written information; encouraging compliance through guidance; and consistency through standardised presentation of information.

10.4 The Board were content with the work outlined in the paper around Precautionary Allergen Labelling (PAL), respecting the view of CODEX that more information was needed to accurately determine thresholds and recognising that decisions on setting these thresholds need to balance evidence on health impacts, operational feasibility and indirect impacts of differing threshold levels. The Board also discussed the elements of the paper on written and verbal provision of information.

10.5 On whether verbal or written information was preferable, the Board expressed the opinion that having both options available was preferable. They took the view that up-to-date, reliable, written information was more likely to be available if this was mandated. It was also noted that in Wales, Welsh language information would need to be available.

10.6 On guidance for businesses, the Board said that voluntary guidance would not be enough to secure compliance, and therefore mandation should be pursued. Most businesses want to do the right thing and so mandation would only present additional impact to those who would not otherwise take steps to improve written information. Rebecca Sudworth said that guidance was an essential tool to support businesses and will be developed whether or not provision of written information is mandated.

10.7 The CE clarified that the responsibility for making the decision to bring legislation to enable mandation lay with Ministers. The FSA could provide advice and recommendations to Ministers but could not bring the legislation itself.

10.8 Some Board Members suggested standardisation may be helpful for smaller businesses who could be less confident in implementing mandated measures for information provision. Julie Pierce added that work was ongoing to ensure that written information could be made accessible and future-proofed through the use of technology such as QR codes. Rebecca added that on a recent visit to Ireland, it was clear that a lack of standardisation could be confusing for customers, noting that many of those using this information would be children and young people.

10.9 The Board asked whether it was possible to mandate that a responsible person within each business receive allergen training. The Chair explained that changes in the Food Law Code of Practice would enable inspectors to assess allergen management systems, but it would not be mandated. Rebecca noted there had been a high uptake of currently available training and a rise in good practice, demonstrating that businesses took the issue seriously.

10.10 On examples from other countries of mandatory allergen information provision, Rebecca noted that the compliance rate in Ireland had been rising but was substantially short of 100%. In a recent ad hoc survey by the Carey family it was estimated at 70%. James explained that other countries had different regulatory approaches, but Ireland was the only country to legislate and had legislated for written information only.

10.11 One Board Member declared that she owned two coffee shops and that as a business owner, what was needed was clarity about what was required. One Board Member stated, for the record, that they were opposed to the mandation of verbal communication of allergen information, due to difficulties in enforcement.

10.12 The Chair concluded that the Board endorsed setting a presumption that allergen information should be available both verbally and in writing, particularly on menus, and the most effective way to achieve that would be to change the law to mandate written information. The FSA was committed to making lives better for the people with Food Hypersensitivity and the Board considered the best way to achieve this was to ensure it was a legal requirement rather than the voluntary guidance as proposed in the paper.

10.13 The Chair noted that a 2024 General Election could delay legislation and interim measures to develop guidance and clarify good practice should be pursued. This could lay the

groundwork for possible future legislation, pending a decision from Ministers. The Chair suggested she write to Ministers in each of the countries to set out the Board's views. She would also liaise with her counterpart in FSS to consider the possibility of a four-country approach.

## **11. Annual FSA Science Update (FSA 23/12/11)**

11.1 The Chair apologised for the overrun on the previous paper which meant the time available for the Science Update was limited. She invited Rick Mumford to give an overview of the paper, Rick noted the paper provided updates on the impact of FSA Science since the previous paper in December 2022 and a high-level overview for future plans.

11.2 The Board asked about the UK's re-entry into the Horizon research programme; the FSA's horizon scanning capability; animal feed methane reducing supplements; and extra funding brought in by FSA Science.

11.3 The CSA said that the UK rejoining the Horizon research programme was good news and the FSA had collaborative projects on food safety issues, including FHS. Recruitment from overseas had been a challenge following the suspension of Horizon, and this was an opportunity to benefit from international expertise.

11.4 Horizon scanning within the FSA had been scaled back but had not been stopped and the team were still producing the strategic report among other activities. It would be subject to the same prioritisation considerations as other areas of the FSA's business. There would be a horizon scanning session as a part of the Board's January Retreat.

11.5 The methane reducing supplements had gone through the Regulated Products Service and would come into force on 22 December 2023. On extra funding, the total FSA research and evidence third-party spend was £8.5 million annually. £1.6m of that was ringfenced for the laboratories programme and the remainder for research and supporting science capabilities. Some of this was used to leverage further external funding for example, the Food Safety Research Network, which the FSA co-funded with BBSRC, cost around £1.45 million, of which the FSA contributed £250,000.

11.6 The Chair thanked Rick and added that a further conversation on FSA science priorities for the future would be held at the Board's January Retreat.

## **12. Annual Communications Report (FSA 23-12-10)**

12.1 The Chair noted that this paper covered the previous twelve months as well as including a look ahead to the coming year and invited Claire Forbes to give an overview of the paper. Claire covered: FSA Communications ambitions for the coming year; digital activity; partnership working; and the challenges for communications in a General Election year.

12.2 The Chair noted the small size of the FSA Communications team in proportion to the achievements over the past year. The Board raised inclusivity and engaging vulnerable consumers; comparative budgets for Westminster and the devolved administrations; the use of social media platforms; and government communication restrictions during the period preceding a General Election.

12.3 Claire explained that Northern Ireland and Wales had their own budgets from their own legislatures. On social media platforms, it was explained that this was an important channel for the FSA. Payment for social media was mostly to advertise incidents, which was a cost-effective way of targeting groups that the FSA needed to reach with important food safety messages. The FSA had spent around £700 on social media advertising on one incident where there was an

acute risk to public health.

12.4 On Government communications in a pre-Election period, the impact on different campaigns would depend on timing of the Election, but Communications team members were also members of the of the Government Communication Service, and subject to Cabinet Office guidance for communicating during that time.

12.5 The Chair concluded that the capacity to do more would be welcome but acknowledged this was not possible within current resource pressures which emphasised the need to maximise the impact of FSA Communications work. The Board looked forward to hearing more about partnership working and how that could increase the impact of the FSA's communications in future updates.

## **13. Annual National Food Crime Unit (NFCU) Update (FSA 23/12/11)**

13.1 The Chair welcomed Andrew Quinn to the meeting and noted the amount of activity for NFCU for the year and actions taken in relation to the recommendations in the external report of the NFCU. Andrew gave an overview of the paper covering: cases approaching trial; backlogs in the criminal justice system; the timeline for cases; and the development of capability.

13.2 The Board raised SI's for Police and Criminal Evidence (PACE) Act. PACE Powers for the NFCU; Defra's loss of digital forensic capabilities; the thresholds and criteria for bringing forward an investigation; staffing capacity; the impact of the decision to delay the refresh of the strategic assessment on the work of the NFCU; and the NFCU's Key Performance Indicators (KPIs).

13.3 It was explained that the SIs had been submitted with a provisional date of 14 March with view to powers going live on 1 May.

13.4 On digital forensics, an alternative private provider had been identified and the NFCU were in the process of uploading the material that was held at Defra enabling work to restart on those investigations. Final negotiations with another government department with capability for digital forensics were taking place with a potential start date of around April 2024.

13.5 In relation to the thresholds and criteria for bringing forward an investigation, Andrew explained that the NFCU could carry out between eight and ten investigations at any one time. Currently, there were eight live investigations, of which four would be due in court in 2024. Work had been carried out with the Association of Chief Trading Standards Officers to agree the threshold for work the NFCU should be taking on. The seriousness and impact of the offence would be taken into account as well as the geographic boundaries and jurisdictions.

13.6 In terms of staffing and capacity, whilst this was currently manageable, there was not capacity in the system to take on new operations. Andrew stressed that, a major investigation had never been turned down on capacity grounds to date.

13.7 On the decision not to refresh the strategic assessment, it was explained that ideally, it would be refreshed every three years but delaying the refresh for a year had been manageable. The collection phase for the assessment was underway with a view to it being published in 2024.

13.8 In relation to KPIs, the recent Business Committee report represented the first time that these had been produced and were based on previous performance. Andrew offered to meet with the Chair of the Business Committee to revisit the KPIs and ensure that they met the Business Committee's needs.

**Action 4 - Andrew Quinn to meet the Chair of the Business Committee to refine NFCU KPIs.**

13.9 The Chair noted the commitment to revisit the KPIs, and said the Board were encouraged to hear that the NFCU had been able to manage and operate effectively within its current capacity.

## **14. Annual Governance Report (FSA 23/12/12)**

14.1 As this paper was by the FSA Chair, Susan Jebb, Susan passed chairing of the discussion to interim Deputy Chair Mark Rolfe. She thanked the Board secretariat for their support throughout the year and in producing this paper. In her overview of the paper Susan covered: the overlap between the FSA Code of Conduct and that produced by Cabinet Office and amendments to avoid duplication; the Terms of Reference (ToRs) for the Audit and Risk Assurance Committee (ARAC); Board views on the operation of the Business Committee; and the Board Operating Framework.

14.2 Susan clarified for the Board that Business Committee papers were published; publication of the papers took place along with the Report from the Business Committee meeting, after the meeting had taken place.

14.3 Mark concluded that the Board were content with the recommendations of the Report and handed the chairing of the meeting back to Susan.

## **15. Report from the Chair of the Northern Ireland Food Advisory Committee (FSA 23/12/13)**

15.1 Anthony Harbinson gave an overview of his paper covering: the background of NIFAC; the Committee membership and recruitment of new members; discussions and activities over the past year including the Food Standards Delivery Model, food and animal feed fraud, food crime; and the review of the FACs.

15.2 The Chair asked about NIFAC's discussions on regulated products reform. Anthony explained that NIFAC and WFAC would be considering the reforms at their meetings in early 2024, to feed into future Board discussions. NIFAC and WFAC would have common themes for their meetings going forward and had agreed key areas for the course of the year.

## **16. Report from the Chair of the Business Committee (INFO 23/12/01)**

16.1 The Chair confirmed that the papers that had been discussed at the Business Committee meeting had been published and invited Mark Rolfe to introduce the paper. Mark gave an overview of the work and activity of the Committee since the previous meeting covering: refinements to the data included in the Performance and Resources Report; the Business Committee's view on the need for a Board sub-group to focus on the Regulated Products Service as well as a potential ARAC deep-dive on it.

16.2 The Board noted the need for legislation across a number of agenda items including Regulated Products, ABC, and FHS, and raised whether the sub-group should consider legal requirements across the FSA's business.

16.3 Mark said the Business Committee's proposal for a Board sub-group was to focus on supporting the current Regulated Products Service rather than look at any future legislative

changes to the regulated products system or anything else which would remain a matter for the full Board. The Board asked that this be enshrined in the sub-group's ToRs. The Chair added that Regulated Products regulatory reform was an area where there was an urgent need to make progress, and given the potential for a General Election period, should be prioritised.

**Action 5 - Regulated Products team to liaise with Mark Rolfe to establish a Board sub-group to consider the Regulated Products Service.**

16.4 The Chair thanked Mark for the Report and Ruth Nolan for the Performance and Resources Report considered by the Business Committee.

## **17. Report from the Chair of the Audit and Risk Assurance Committee (ARAC) (INFO 23/12/02)**

17.1 The Chair invited Timothy Riley to introduce this report. Timothy noted: the reorganised schedule of ARAC meetings and in particular, the focus on selective deep-dives on the FSA Delivery of Official Controls (FSADOC) contract and lessons from the Regulated Products Service handling of CBD products. Holding one in person meeting a year, using a workshop format, enabled improved engagement and understanding of the topic items.

17.2 On in-person meetings, it was explained that ARAC plans to have only one each year to achieve best value and to deliver useful insights to the Board. It was noted that the Business Committee had also reserved the right to meet in-person but had no current plans to do so.

## **18. Reports from the Chairs of the Food Advisory Committees (Oral Reports)**

18.1 Anthony Harbinson gave an update on NIFAC since the previous Board meeting. NIFAC had held a themed meeting at St Louisa's Comprehensive College and heard from nutrition and food science teachers on their work and the pathway for children into careers in food. The next meeting would be in January focussing on Regulated Products.

18.2 Rhian Hayward said that WFAC had met twice since the previous Board meeting. The first of these was an in-person themed meeting at Aberystwyth University on science and innovation where they had heard a presentation from the School of Veterinary Science and from Oat Services oat breeders. The second meeting was to consider the papers for the Board meeting. She noted the expertise on the Committee and the desire to contribute to the FSA. She also outlined recent appointments to the Committee.

## **19. Any Other Business**

19.1 The Chair asked if any Board Members had any other business to raise. In response to a request for an update on the appointment of a Boardroom Apprentice, the Chair confirmed a new Boardroom Apprentice had been allocated to the FSA as a part of the UK scheme.

19.2 No other business was raised, and the meeting was closed. The next meeting of the FSA Board would take place on 20 March 2024 in Leeds.