

Minutes of 4 December 2023 Business Committee Meeting

FSA BC 24/03/01 - Via Teams

Present

Mark Rolfe, Chair; Lord Blencathra; Hayley Campbell-Gibbons; Fiona Gately; Susan Jebb; Rhian Hayward

Officials Attending

Emily Miles - Chief Executive
Claire Forbes - Director of Communications
Natalie Groom - Interim Deputy Director of Regulated Services (for Rebecca Sudworth)
Junior Johnson - Director of Operations
Anjali Juneja - Director of UK & International Affairs
Robin May - Chief Scientific Adviser
Ruth Nolan - Director of People and Resources
Katie Pettifer - Director of Strategy, Legal, Communications and Governance
Julie Pierce - Director of Information and Science
Natasha Smith - Deputy Director of Food Policy (FSA BC 23/06/05)

Apologies

Rebecca Sudworth - Director of Policy

1. Welcome and Introductions

1.1 The Chair welcomed everyone to the meeting. No new interests were noted by Committee Members. Members had no conflicts of interest with any items on the agenda, and no further items of business were raised.

2. Minutes of the FSA Business Committee Meeting on 11 September 2023 (FSA BC 23-12-01)

2.1 No comments were raised on the minutes of the meeting of the 11 September Business Committee Meeting, and they were agreed as an accurate record of the meeting.

3. Actions Arising (FSA BC 23-12-02)

3.1 Progress with the actions was noted and no points were raised by the Committee in relation to the actions log.

4. Chief Executive's Report to the Business Committee (FSA BC 23-12-03)

4.1 The Chief Executive (CE) explained that the report had been included in the papers for the meeting. She provided additional updates on the ongoing incident involving poultry and eggs from Poland; the FSA Delivery of Official Controls (FSADOC) retender; charging for the delivery of official controls in abattoirs; FSA people and estates; the Precision Breeding consultation; and the implications of government changes.

4.2 Committee Members asked about levels of foodborne illness as a result of poultry and eggs imported from Poland; the aim of communications to consumers on cooking poultry; and possible mitigations at borders.

4.3 It was explained that the Strategic Incident Oversight Group (SIOG) had recently held a strategic incident meeting on poultry products including eggs from Poland to agree an approach. The Chief Executive had written a joint letter with the Chief Veterinary Officer to the European Commission and the Chief Veterinary Officer in Poland to flag the rise cases of human illness involving Polish poultry and eggs.

4.4 In response to a question from a Committee Member, the CE explained that there had been around 200 cases of illness related to the incident, though no fatalities had been attributed to consumption of these products. The Committee heard that the spike in the number of cases was the reason for the current intervention.

4.5 Advice was soon going to be issued to consumers setting out the importance of cooking poultry products thoroughly. These communications were targeted to specific audiences, given that it was suspected that the majority of the imported eggs were not going into retail but were being bought by catering establishments or ready meals. Large food businesses had also been asked to carry out additional sampling.

4.6 The number of establishments involved was known and information was going to be fed back to the Polish authorities. The Committee asked whether there were measures that could be taken at the borders to mitigate the incident. Anjali Juneja said that In line with the Border Target Operating Model (BTOM) pre-notifications would be required for EU commodities from the end of January and physical checks would be introduced from April. It would also be possible to use measures under existing regulations to undertake additional checks earlier if necessary.

4.7 On the FSA's delivery of official controls contract (for meat hygiene and animal welfare inspection in abattoirs in England and Wales), it was explained that Eville and Jones (E&J), the current service delivery partner had recently been acquired by the Phenna Group. It was not expected that there would be any change in the current service delivery as a result of the acquisition.

4.8 The issue of charging food businesses for the delivery of official controls was being calculated as part of the 2024/25 business planning process. In 2023/24, the FSA had budgeted to recover around £37m of the £53.7m spent on official controls, providing a discount to industry of £16.5m. The percentage of the cost charged to businesses had increased to around 70%, compared to 57% in 2019/20. The Executive was moving incrementally towards full cost recovery in line with the aspiration of the Board expressed in January 2022, and in line with the principles set out by HM Treasury in Managing Public Money. This would be done in a way that allowed the greatest proportion of the reduction in charges to target smaller premises to allow them to benefit from that discount. The Business Committee reaffirmed the Board's wish to continue with this approach.

4.9 The plan to sub-let the entire sixth floor of Clive House was no longer a possibility as the prospective tenant had pulled out, although a tenant was now sub-letting a portion of the seventh floor. This was a shame because the FSA currently spent more on accommodation than it needed to, and reducing estate footprint was key to balancing budgets in future years. A headcount limit from HM Treasury was expected in the near future following the Chancellor's recent

announcement to freeze civil service growth. This would make it more likely there would be too much space and we would consider the impact of this on business planning and estates once the details had been received.

4.10 On Precision Breeding, the complaint that had been received was from a stakeholder who had previously received an answer, with which they were not satisfied, to a question they had submitted. The FSA complaints team would investigate the issue and come to a decision.

4.11 The recent Ministerial reshuffle had brought a new Public Health Minister, Dame Andrea Leadsom MP, which presented a good opportunity for renewed engagement with DHSC.

5. Performance and Resources Q2 2023-24 (FSA BC 23/12/04)

5.1 The Chair invited Ruth Nolan to introduce the report, noting refinements to the layout of the paper. Ruth gave an introduction to the report noting the performance reflections from individual directorates. Ruth gave an overview of the finances laid out in the report covering the reviews to understand risks in the business; challenges in recruitment; and staff diversity. The Committee discussed the overarching view of strategic delivery; the improvement in the Westminster financial position and the reduction in pressure on Resource Departmental Expenditure Limits (RDEL); the budgets for Wales and Northern Ireland; quarterly reviews to understand business risks; diversity and inclusion among FSA staff; and potential impacts of headcount reduction on service delivery.

5.2 It was suggested that some of the data for diversity and inclusion was missing due to incomplete staff profiles on our new HR system. This would be improved in the coming months as the system becomes established.

5.3 On the impact of headcount reduction, formal guidance was awaited from Treasury in the near future. The first consolidated look at business needs was scheduled for the end of the week, followed by a series of meetings of the Executive Management Team (EMT) to enable 2024/25 budgets to be set before the start of the financial year. The CE said that further information on options around priorities and headcount would be discussed at the Board' retreat in January.

Action 1 - Detail of options around internal resourcing to be included in discussion of operating context at the Board's January 2024 retreat.

Operational delivery

5.4 Junior Johnson introduced the discussion of Operational Delivery covering themes emerging from audits; Field Operations and outcomes from the action plan with E&J; incidents; and the National Food Crime Unit (NFCU) and the impact on investigations of the withdrawal of forensic capabilities.

5.5 The aim to produce a quality measure for the service that could take account of the timeliness of resolutions of incidents was noted and it was explained that a baseline was being established across incidents. By the next Business Committee meeting it was expected that this would have been completed and a Key Performance Indicator (KPI) for this would have been established. The inclusion of a KPI showing the percentage of the caseload remaining after at key points in the process was suggested.

5.6 Potential delays in NFCU investigations following Defra's withdrawal of forensic capabilities were being managed. Interim arrangements had been established with a service provider and discussions were ongoing with other departments to discuss replacing the

capability. It was expected that a replacement would be in place by the end of March.

Local Authority Delivery

5.7 Katie Pettifer gave an update on local authority delivery, noting that the paper due to be discussed at the following week's Board meeting contained more up-to-date information than that included in the report for this meeting. It was suggested that the timing of this data being brought to the Business Committee be given further consideration to ensure the Committee had access to up-to-date information at points that would not clash with that being produced for the annual report.

Action 2 - Local Authority Delivery team to consider the timing of data being brought to the Business Committee to ensure the Committee had access to up-to-date information at points that would not clash with the that being produced for the annual report.

5.8 It was noted that on this occasion, a more detailed discussion would be possible at the Board.

Regulated Products

5.9 Ruth then asked Natalie Groom to give an overview of the Regulated Products section of the report. In discussion Board Members asked about the caseload in the regulated products service and the impact of the new Case Management System (CMS); the lack of new authorisations scheduled during the reporting period; the delay to the delivery of 'tranche three' authorisations planned for the rest of the year; forward projection illustrative models; resource restraints; and three-country working with Wales and Scotland.

5.10 On the delays to tranche three approvals, it was explained that the timescales laid out at the September Board meeting would not now be achievable. Tranche three approvals would be delayed by around 6 months because. As a result, our future illustrative models for the service would also need to be revised. Forecasting suggested further substantial delays were possible and it was not clear when a steady-state might be expected to be reached, with intake equivalent to conclusions, with work to be done on scenarios to establish when that might be. The CE apologised to the Board for this and noted that experience of concluding the first two tranches of cases had shown some planning assumptions were incorrect. There would be lessons learnt in terms of governance and accountability and streamlining processes to reduce delays as far as possible – including earlier drafting of Statutory Instruments, for example. Discussions were also ongoing with Food Standards Scotland to discuss prioritising cases. The Committee heard about the complexities of the process for making a number of separate submissions to Ministers across the three nations.

5.11 The Committee were very concerned about the delays and disappointed that the forecasting had proved to be unreliable, especially given the detailed scrutiny they had given to this previously. They were concerned to hear of issues affecting delivery that had not been highlighted previously. It was suggested that ARAC should look at the issues involved, noting that they had the previous week undertaken a deep-dive meeting to discuss previous practice on CBD. The reputational risk of delays for the FSA was highlighted.

5.12 The Committee heard that there were a number of activities, such as the policy work to remove a requirement for renewals and

reauthorisations, and work being undertaken by the Science Evidence Research Division (SERD) around invalidating poor applications sooner, which were being considered to improve the situation. The Committee asked that the Board see the projections for the impacts of each of these mitigations.

5.13 Concern was also expressed about resourcing within key teams. A set of priorities that enabled the short-term, speeding-up of the process would be helpful.

5.14 The Chair of the Business Committee would recommend that the Board delegate a subgroup to look into the issue in more detail as a result of this discussion in addition to ARAC's considerations.

Action 3 - Business Committee Chair to recommend the formation of a sub-group on regulated products to the Board.

Science

5.15 In the discussion on the Science section of the report, the contribution made by SERD to the regulated products risk assessment process was noted. It was explained that SERD had been acting on a plan for continuous improvement for the process including consideration of opinions of other regulators as well as ongoing discussions with the Scientific Advisory Committees (SACs) that more of the applications, which were more straightforward, could be dealt with without the SACs' direct involvement.

5.16 A KPI for the peer reviewed science funded by the FSA was suggested as well as some demonstrations of the qualitative value of the work being undertaken for future reports.

5.17 The Committee agreed the new approach to monitoring and reporting performance in 2023/24.

6. Any Other Business

6.1 No Other Business was raised, and the meeting was closed. The next meeting of the Business Committee would take place at 14:00 on Monday 11 March 2024 via Teams.