

Response to National Audit Office recommendations

In June 2019 the National Audit Office published a report into the effectiveness of the current regulatory arrangements to ensure that food is safe to eat and is what it says it is. As part of this report the NAO made a number of [recommendations for the FSA and other government departments](#).

The FSA accepted all of the recommendations at the time and is now providing an update on our progress.

Recommendations and responses

The FSA should establish the role that sampling plays in reducing risks to consumers. As part of its work on developing a sampling strategy, it should assess what level of and approach to sampling is needed to provide assurance that food risks, including food fraud, are being managed effectively by food businesses

The FSA has developed a sampling strategy on the back of the NAO report. The strategy recognises the importance of sampling and sees it as a valuable tool which shouldn't be viewed in isolation but as part of a broad regulatory approach with a robust framework in place to support it. With this approach in mind the FSA has increased its sampling surveillance activities for retail and imports.

We are undertaking further surveillance sampling programmes in 2021-22, which build on the outcomes of previous work. We produce an annual surveillance report and metrics for the Board which outlines our progress, challenges and opportunities for the future.

The FSA should address gaps in measures and targets for assessing compliance with food safety and composition standards

Our headline outcome-based measures and targets for assessing & monitoring food safety and standards are presented to the FSA Board on a quarterly basis. These evolve over time to keep aligned with our mission, vision and priorities. In particular we have recently (Q3 20/21) introduced measures to report on the performance of the National Food Crime Unit and Authenticity & Sampling performance (Q4 20/21). We then plan to report on measures around Food Hypersensitivity in 21/22 as well as additional reporting on other aspects of food sampling.

The FSA should press ahead with developing indicators for assessing the performance of local authorities (LAs) in providing assurance that food businesses are compliant with food standards

We started pilots for a new LA food standards delivery model in January 2021. We have identified potential indicators for assessing local authority performance and we will be testing these during the pilots which run until January 2022. We plan to introduce the new food standards delivery model across LAs in the course of 2023 at which point LA performance will be assessed against the new metrics.

The FSA should press ahead with developing measures of whether the [National Food Crime Unit \(NFCU\)](#) is having an impact in tackling food fraud.

We report on NFCU performance to the FSA Board each quarter and this performance report is published. The discussion on the performance report is held in public, both live streamed and then available to view later. The NFCU now works with the National Crime Agency (NCA) to ensure our activity to disrupt food crime is reflected within national data around interventions tackling serious and organised crime.

The FSA should set a target for when it will establish a suite of indicators to measure whether the FSA is effective in providing assurance to consumers that food is what it says it is.

As described for recommendation two we report on a wide and evolving range of indicators to measure our effectiveness. We believe we now have a suite of indicators to assess food is what it says it is (alongside food is safe). These will continue to evolve and additional measures will be introduced over time, such as a new measure for Food Hypersensitivity being reported later in 21/22.

The FSA should press ahead with its ambition to introduce mandatory display of hygiene ratings in food businesses in England. Recognising the requirement for legislation and current demands on Parliamentary time, the FSA should aim to do this within an achievable time period to improve information available to consumers.

We continue to seek ministerial support and a legislative vehicle for this.

The FSA should address gaps in the enforcement powers, including those available to the National Food Crime Unit. Given the additional funding that has been directed towards the National Food Crime Unit, the FSA should make firm plans to provide the powers the National Food Crime Unit needs to work independently.

We have communicated our requirement for additional NFCU powers to officials and ministers across Whitehall, and work continues to determine the best available routes to obtain those powers.

The organisations in the food regulation system should work together to assess government's appetite for risk and to take decisions on the level of funding required to ensure that food is safe to eat and what it says it is. They should consider the advantages and risks of a range of funding distribution options to ensure a sustainable regulatory system.

These could include recovering costs from businesses, centralised national systems of controls or a range of commissioning models

We are working closely across government and with MHCLG (now the Department for Levelling Up, Housing and Communities) in response to the ongoing challenges of funding across the food regulatory system. These challenges are not limited to the food regulation but also apply across a range of different regulatory services. Working with MHCLG we have presented our arguments around LA funding as part of the wider spending review submission ahead of the next budget.

We will continue to work across Government, with MHCLG, HMT and other departments to agree the level of funding required, the distribution and options for securing that funding, alongside continuing to develop [options for the future design of the regulatory system through our Achieving Business Compliance programme](#).

Within six months of the UK leaving the EU, the FSA should start to work closely with the other departments in the regulatory system to evaluate the medium- and longer-term impacts of EU Exit on the capacity of the food regulation system and potential shortfalls in resources and set a

timescale for reporting. It should identify what needs to be done to mitigate risks and make plans now to avoid food incidents, which could impact on future confidence and may affect trading relationships.

This will require scenario-based analysis of potential future controls on imports, additional food safety and standards checks that may be required to support UK exports, and an assessment of the impact of increasing volumes of imports from new trading partners.

Since leaving the EU we have continued to monitor the implementation of EU Exit-related changes, which has included undertaking a detailed review of both incidents and consumer views. We continue to monitor these going forward and to date, there is no evidence of any change to food safety risk as a result of EU Exit. More broadly some of the imminent changes resulting from EU Exit are being phased in, particularly in relation to controls on the movement of goods from the EU. We are using this additional time to ensure that other departments, such as Defra, are well sighted on our role in these areas, and fully integrates our needs into future projects.

We are also pressing ahead with a range of activities to ensure potential changes to trade patterns are understood and planned for and we will be publishing an [annual report on food standards](#).