

**Westminster Food and Nutrition Forum:  
The future of food regulation in the UK post-Brexit: standards, delivery and the supply chain**

***“Regulating our Future” – the view from the FSA***

**Heather Hancock**

**24 April 2018**

Delighted to be here with at a critical juncture, to talk about the future of food regulation post EU exit. Why it matters. What it means. How it should be done. Who should do it.

At the Food Standards Agency, we are approaching the future of food regulation solely through the lens of our statutory purpose to protect public health, and the consumer’s wider interests in relation to food. Our priority is to ensure that, from the date the UK leaves the EU, there remains a robust and effective regulatory regime for maintaining the safety of food for the benefit of our consumers and our industry. Our remit is for England, Wales and Northern Ireland – Geoff Ogle will speak later about the perspective of the SG and FSS.

***WHY does food regulation post EU-exit matter?***

There isn’t a body in this room who needs telling ‘why’ it matters, but it always bears repeating. Today the UK enjoys a world class reputation for food safety and standards, for protecting public health. That reputation helps to sustain public trust – that food is safe, and food is what it says it is. It drives business confidence, to invest in compliance capital, to innovate in products and production methods, and to meet consumer demands. It enables international trade – other countries trust our regulatory regime to keep their consumers safe too. And our reputation gives us influence and leadership at the global level.

So, food regulation beyond our membership of the EU is critical. Get it wrong, and we put at risk public health, public trust and confidence. We potentially also compromise valuable trade opportunities and employment. You will hear some interesting stats from Geoff Ogle later about the public’s concerns in this area. Whilst broadly the issues of food safety are not top of the public’s mind in the post-EU era, they do expect standards to be maintained if not improved, and they want assurance that food imports meet our standards. My mantra is the Dutch proverb – Trust arrives on foot and leaves on horseback. Years spent building reputation and trust can be lost in the blink of an eye by someone, somewhere in the food system getting it wrong. 2011 ecoli Germany loss to EU economy; Horsegate 2013 £300m off Tesco value, legacy of consumer distrust and trade constraints

***WHAT does a post-EU regulatory regime mean in practice?***

There are two strands. One, that there are effective regulations in place on leaving, and, two, that upon exit there is an effective regulator. On the regulations, c.95% food and feed law in the UK is actually EU law that needs to be repatriated

Replacing the regulatory systems and functions that today happen in EU institutions and the Commission is more complex. We need to create an equivalent regulatory regime, one that can be evidenced to the public, to industry and in the face of international scrutiny. At its most basic, that equivalent regulator must have six capabilities.

It needs **surveillance**- to identify the issues that might pose a threat to food safety  
It needs **risk assessment**, the science and evidence base on which to assess the scale of that threat

It needs skills in **risk communication**, so all stakeholders are properly informed about the threat

Decisions have to be taken about **risk management** – on the basis of evidence and analysis, what mitigating measures should be put in place to control the risk

The regime needs the **controls and processes** to implement those risk management decisions

And finally, we need to be able to **review** whether those interventions are achieving the intended effect, and to amend either the regulations or their delivery in the light of that assessment.

And this whole regulatory model must be ready from Day One, March 2019. That's regardless of the nature of any transition arrangement with the EU or decisions about the future trading agreement between the UK and the EU. It's a day one issue for two reasons. The risk that something goes wrong – which happens – means we need a fully competent regime to respond. And because from Day One, countries importing UK food will demand assurance that we have a complete regulatory regime in place which – in the same way it protects our consumers – protects theirs.

### ***HOW should food regulation happen?***

How to deliver food regulation in future has been a priority for the FSA since 2017. We want to make sure the 21<sup>st</sup> century food system - globalised, complex, fast-moving – is overseen by a 21<sup>st</sup> century regulatory regime.

We have a long-term change programme running through to 2020 to achieve just that. FSS are developing their own plans in parallel and we are very closely connected on this. A key component is to benefit from the many data sources on food business performance, so we can deliver a more risk based, targeted regime. Food businesses today are legally required to ensure that food is safe and authentic. They all have systems and processes for doing that. Many businesses use external providers to give them assurance that they've got it right. Many businesses join independent assurance and accreditation schemes to give their customers confidence in their compliance and standards. Yet the current inspection regime gains little benefit from all this activity. And neither do honest, compliant, food businesses. In future, we want to channel useful and relevant information from all these sources to local authorities, so they can make more informed judgments about the nature, frequency and intensity of official controls for that business. Some businesses are already starting to take this step – for example, 2 sisters food group, having had a very difficult time last autumn, has responded by publishing all its audits, giving us access to its CCTV and to its secret worker programme. Just last week, one of the UK's biggest meat producers, Cranswick, published a report

making the case for 'Radical Transparency' from the food industry, demonstrating greater accountability to the public from farm to fork, building in visibility about hygiene, safety, ethics and sustainability.

An important piece of our modernisation plan, and critical in a post-EU world is enhancing the registration of food businesses. An easy to use online registration system will give us – for the first time – a unified picture of all food businesses across England, Wales and Northern Ireland. The new system will be rolled out this summer, starting with new food businesses and gradually moving all food businesses online. We can then put the data it generates into a risk engine, analyse how risky a business is and set an appropriate inspection regime

It will be much easier for new businesses to register, and to get guidance to help them get compliance right from the start. It will give local authorities more and better information about the businesses in their area: when a food business changes – changes ownership, or changes the type of food it provides for example – it can automatically trigger the need for a LA visit. It will mean that, when a restaurant owner in the Midlands is found to be negligent about allergen control, causing serious harm to a customer, we can quickly track whether that owner has other restaurants around the country that need checking up on too.

Alongside this, we will soon conclude six pathfinder trials for introducing National Inspection Strategies for food businesses which use the Primary Authority scheme. Some of the partnerships in these trials will begin to implement their strategies this Autumn. This is one of the earliest areas where we'll demonstrate the benefits of data sharing, clarity on standards, and rigorous assurance of business and local authority performance.

I've heard some nonsense talked about our reforms. The worst is the assertion that we are 'privatising' regulation, or allowing self-regulation. That couldn't be further from the truth. We want businesses to stand up more to their legal obligation to provide safe, honest food. We want them to share the evidence that they do so, evidence that is reliable and robust and trustworthy. By doing this, we can much more effectively identify risks to public health and public trust. And then we can focus our and local authorities' resources on getting those risky businesses to do the right thing, or using our enforcement powers to punish them for doing the wrong thing.

I've also heard that we're cutting local authorities out of the regulatory system. Again, nonsense. I cannot imagine a food regulation system without LAs at the heart. There's a critical role for LAs in assurance, and they'll retain responsibility for enforcement of food safety and food standards regulation legislation.

EU Exit has raised additional 'Hows'. Our independent Science Council will report shortly on how in the future the FSA can be confident that we have access to the best science, that capacity and capability is in place, and that we are strengthening our science and evidence base, regardless of any future relationship we have with EFSA. We have invested significantly in international relationships, through Codex and bilaterally. Last summer we agreed a new surveillance strategy, now being implemented. As part of improving our defences, earlier this year Ministers agreed that the NFCU should develop an investigative capacity, which we'll start to build this

summer through to 2020. Some of the HOWS are more complex – for example, import and export controls – that involves many parts of national and local government. I know that the significance of port issues for food – for public health, for consumer choice, and for business needs – is well understood across Government. We are fully embedded in the work being taken forward across Government on controls at the border.

The outcomes of our modernisation programme, and EU exit, place additional demands on the FSA itself. Our request for additional Treasury funding to support EU Exit planning was met in full. Our CEO has led a significant improvement in our change management capability. But next year, we'll be on our own two feet like never before. I welcome the additional scrutiny this should generate.

### **WHO**

I've covered why, what and how. We do now need a decision on WHO will shoulder these various responsibilities next year. The decision about which part of government in which part of the UK will do which parts of this regulatory regime – well, that's not a decision the FSA can take. You will appreciate that it is bound up in much bigger questions about the relationship between Holyrood, Cardiff, Stormont and Westminster. We are keen that Ministers confirm the specific role of the FSA before the summer, to enable our detailed planning to move into delivery phase.

As a Board, we have been clear how we will judge the appropriateness of the outcome.

1. Regulation must be driven by the need to protect public health. Other consumer interests are important, but public health must have primacy.
2. The regime must deliver public – and business – trust. The FSA was created in the light of BSE as part of a deliberate move to make decision-making more independent and transparent. Lord Phillips' enquiry into BSA was unequivocal - a policy of openness is the correct approach, and openness is essential to generate credibility and trust. So sustaining public trust requires an ongoing commitment to openness and transparency. We can then trust the public to respond rationally. Today, with the viral spread of myths and misinformation, we cannot allow that lesson to fade.
3. Science and evidence should remain the bedrock in a post\_EU regulatory system and decision making.
4. Consumers and food businesses are both better served by as unified a future system as possible. Today, the FSA serves three different governments because food is a devolved issue. Divergence risks creating internal barriers to trade in food within the UK – we think that would be bad for consumer confidence and choice, bad for business within the UK, and will damage our businesses' international trading prospects.

Those of you with more than a passing interest in the FSA will – I hope – see that we've come a long way in past 18 months. I believe we've developed a more open, constructive relationship based on mutual understanding and trust. We will need that to make a success of regulation once we are outside the EU. I believe the FSA foundations are strong: independent, from political and special interest influence or direction. We are getting on with our ambition to be seen as an excellent modern

accountable regulator, and to be match fit for a regulatory future outside the EU. All I have said today is driven by one constant ambition for my department. That people can have food that is safe, food they can trust.