

Minutes of the FSA business committee meeting on 18 September 2019

Lagan Suite, Hilton Hotel, Lanyon Place, Belfast BT1 3LP

Present:

Heather Hancock, Chair; David Brooks; Stuart Reid; Ruth Hussey; Colm McKenna; Mary Quicke.

Officials attending:

Rod Ainsworth	-	Interim Chief Executive
Chris Hitchen	-	Director of Finance and Performance
Michael Jackson	-	Head of Regulatory Compliance Division (for FSA 19/09/18)
Maria Jennings	-	Director of Regulatory Compliance, People & Northern Ireland (NI)
Rick Mumford	-	Director of Science, Evidence & Research
Iria Noguero	-	Animal Welfare Lead Veterinarian (for FSA 19/09/20)
Julie Pierce	-	Director of Openness, Data & Digital and Wales
Guy Poppy	-	Chief Scientific Adviser
Philip Randles	-	Head of Incidents (for FSA 19/09/17)
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer
Noel Sykes	-	FOI, Complaints & Transparency Manager (for FSA 19/09/21)

Apologies

Catherine Bowles	-	Acting Director of Strategy Legal & Governance
Steve Wearne	-	Director of Science

1. Welcome and announcements

- 1.1 The Chair welcomed everyone to the Business Committee meeting and noted apologies from Catherine Bowles, Acting Director of Strategy Legal & Governance and Steve Wearne, Director of Science.

2. Minutes of 19 June 2019 (FSA 19/09/14)

- 2.1 The Business Committee approved the minutes without comment.

3. Actions arising (FSA 19/09/15)

- 3.1 The Business Committee noted that all actions were complete.

4. CHIEF EXECUTIVE'S REPORT TO THE BUSINESS COMMITTEE (FSA 19/09/16)

- 4.1 The Chair invited the CE to introduce his report to the Business Committee.
- 4.2 With reference to the FSA's preparations for exiting the EU, the CE said planned recruitment and training had been continuing unabated and the Agency would be at full capacity when it wanted to be ahead of the UK's anticipated exit from the EU.
- 4.3 At short notice the FSA had received a request to respond to Treasury to secure next year's spending allocation. We had achieved a good result thanks to the finance team submitting high-quality and accurate information satisfactorily to Treasury about what we required. The FSA was as reasonably well resourced as could be expected for 2020/21 which was reassuring.
- 4.4 The Chair asked if, given the scale of recruitment, the team had learned anything about how to recruit in the most speedily and efficient way. Maria Jennings confirmed that instead of leaving the recruitment to managers, HR had offered centralised support which had worked well; not only in terms of attracting and recruiting but also in terms of an integrated learning and development approach to onboarding and induction which had enabled all new starters to hit the ground running.
- 4.5 In discussing the FSA's HMT settlement for 2019/20, Chris Hitchen said HMT insisted on departments being able to show a clear impact of their work, such as our work on allergens on public health. Going forward, quantifying new areas of work for the FSA in this way would be challenging.
- 4.6 Finally, the Chair asked if, given the willingness of the courts to hand out more severe sentences for animal welfare breaches, there was any anecdotal evidence of positive behaviour change within the industry. Colin Sullivan confirmed this was indeed the case.

5. INCIDENTS & RESILIENCE ANNUAL REPORT 2018/19 (FSA 19/09/15)

- 5.1 The Chair welcomed Philip Randles to the table and Colin Sullivan introduced the paper.
- 5.2 Colin said there had been increasing uptake among industry of the Root Cause Analysis (RCA) template tool developed as part of the Efficacy of Recalls project. The next stage was for the department to make the best use of the information this tool provided us with.
- 5.3 In terms of preparing to leave the EU, the FSA had stood up its Emergency Response capability since the beginning of September in preparation for the UK leaving the EU on 31 October 2019. Colin highlighted the Incident team's collaboration with industry through the Food Industry Liaison Group.

- 5.4 Colin highlighted that the team were working closely with colleagues in the FSA's Science, Evidence and Research Directorate to understand the underlying trends in incident statistics which signified a need for further investigation as opposed to being due to natural variation.
- 5.5 David Brooks said the risk to consumers from product recalls was best reduced by the prevention of recalls. To this end David asked: what kind of incidents had been captured by the RCA tool; how many businesses had used it; and if we had been sharing any lessons learned with industry?
- 5.6 Colin referred to Figure 3 in the paper relating to allergen alerts in England in 2018/19 and said 70% of those businesses had used the RCA tool. In terms of more recent figures including Wales and Northern Ireland, 90% of business involved in allergen alerts had used the RCA tool. The FSA now had to make the best use of the information this tool provided us with to allow us to have better conversations with industry about the preventable causes of incidents.
- 5.7 Philip said following the introduction of the e-learning tool officials were now seeing improved consistency in how the RCA tool was being completed and the FSA was offering support to businesses and local authorities to achieve this on a regular basis.
- 5.8 David asked about non-allergen alerts and if the FSA had gone back to industry on those. It was important to be open and transparent with all businesses as they could all benefit from the identification of key causes of recall incidents.
- 5.9 Philip agreed and said he had chosen to focus on allergen alerts in this paper, but the team did also receive notifications of microbiological incidents via the RCA tool. From the allergen report on use of the RCA tool the FSA could identify mitigating actions for industry. We had established a Best Practice guide which was on the FSA website and so available to industry and local authorities. The RCA tool hasn't yet been fully rolled out to all incidents yet, but we would have done so by the end of this year.
- 5.10 In response to Mary Quicke's enquiry about how the FSA communicated the existence of the RCA tool to smaller businesses, Rebecca Sudworth committed to ensuring that the soon-to-be published updated version of Safer Food Better Business included reference to the tool.

ACTION1 : Rebecca Sudworth to ensure that the Safer Food Better Business includes reference to the Root Cause Analysis tool.

- 5.11 In response to a question from the Chair about the flow of work from the Incidents team into the FSA's risk assessment and risk management processes, Philip explained that when the Incidents team identified trends which could indicate potential issues they took their concerns to their policy liaison team, so they could work together on whether there was a problem to be addressed.

- 5.12 The Chief Scientific Adviser (CSA) welcomed the introduction of the RCA tool and stressed that reflective learning by the FSA from engagement with industry would make the tool more powerful to pick up trends and movements in patterns. This would be even more important following the UK's exit from the EU when everyone would be looking at incidents and offering their own analysis. It would therefore be beneficial for the FSA to have looked at trends to add to the discourse.
- 5.13 Colin said businesses were encouraging their suppliers to use the RCA tool and the next stage would be to see how the data from the RCA tool impacted on triggers in food which required further action. The Chair agreed that the identification of trigger levels in food which necessitated further action would give the Board oversight and confidence in this area.
- 5.14 In terms of allergens alerts David encouraged the FSA to be proactive in communicating the existence of the RCA tool to all businesses. Most businesses were only ever involved in one or two alerts, so they had limited opportunity for development. The FSA had lots of experience of alerts, so it was incumbent on the Agency to share its knowledge with businesses big and small as well as with third party auditors to help reduce recalls.
- 5.15 Colin agreed that we needed to reflect on this as part of the Agency's wider allergens programme.
- 5.16 In response to the Chair's question as to the Incidents team's level of confidence in its resource capacity as the UK leaves the EU, Philip said we had the same procedures and processes in place now as we had back in March 2019 only now they were better because there had been extra time to embed them as business as usual. Philip believed that the Incidents team was resourced as well as it could be at this time with no major gaps. He could not be certain how the situation would be going forward but for now the team was adequately resourced.
- 5.17 The Chair expressed the Board's thanks for the continuing hard work of the Incidents team. She summed up the Committee's decisions:
- It was essential that learning from the RCA tool was shared openly with industry
 - There should be proactive dissemination of key messages around recalls to all businesses
 - The FSA would undertake further work on the development of trigger levels in food which would necessitate action as part of the Board's requirement for assurance in this area.

6. Local authority performance (FSA 19/09/18)

- 6.1 The Chair welcomed Michael Jackson to the table and invited him to introduce the paper.
- 6.2 Michael said looking at the data for 2018/19 local authority (LA) performance the picture overall was one of movement in the right direction with an increase

in broadly compliant businesses across the three countries. Some LAs were struggling to recruit and retain staff which highlighted the need for the Regulating our Future competency framework. The decrease in levels of sampling by LAs reinforced the need for the FSA to progress work on a strategy for sampling.

- 6.3 Michael stated that we had analysed the data for 2017/18 using the Balanced Scorecard (BSC) and had integrated the 2018/19 data into the BSC. This had enabled us to identify LAs with the greatest issues for concern and informed our LA performance management programme.
- 6.4 Moving forward Michael said we intended to build further data into the BSC such as the Food Hygiene Ratings Scheme (FHRS) and we would seek to establish Key Performance Indicators (KPIs) for the FHRS. We would be engaging with LAs to raise awareness of KPIs and to sense check them to ensure there were no unintended consequences which could incentivise perverse behaviours.
- 6.5 While it was not our role to look at the LA workforce supply chain, Ruth Hussey asked if we had an overall picture of training provision that could help us identify where to raise concerns. In Wales there was going to be some follow up work to try to get behind what was happening in terms of the issues of recruiting and retaining staff.
- 6.6 Michael replied that there were fundamental issues with the professions in the LA landscape. The professional qualifications required for Environmental Health Officers and Trading Standards Officers constrained LAs' ability to recruit staff as LAs could not afford to pay for the training. This linked to the work the FSA was doing on the competency framework. By focusing instead on the competencies required to undertake official controls work, this would widen the range of people who could carry out official controls and prevent current qualification requirements from being a barrier to the recruitment of staff.
- 6.7 Ruth asked how we went about raising our concerns for the future about the shortage of key staff and the lack of training. Maria Jennings confirmed that the Chartered Institute of Environmental Health was looking at the range of staff required across the enforcement community. The Institute was working with universities and looking at different routes of entry such as apprenticeships which would be helpful moving forward.
- 6.8 Ruth asked if following the transition this year to the BSC, the LAEMS report would discontinue as of 2020. Michael said the data flow for reporting LA performance would continue through the LAEMS system but the way we reported the data would look different next year.
- 6.9 The Chair said the Board wanted to see the BSC in place of the LAEMS report so as not to present a complicated picture externally. The Board agreed that it did not believe that continuing with the LAEMS data as official statistics was useful.

- 6.10 In response to David Brooks' suggestion that reporting of written warnings could be graduated given that one written warning covered all levels of contraventions, Michael said that differentiating between levels of written warnings, which would be resource intensive for LAs would not add value to the process overall.
- 6.11 Colm McKenna asked if we had all the enforcement tools we needed and if we were using them. Michael said that LAs had a comprehensive toolkit to use when businesses did not comply. The picture differed between Wales and Northern Ireland, and England as Remedial Action Notices were not as widely available in England. There was also growing interest in the use of civil sanctions such as fixed penalty notices which were available for use in Wales and Northern Ireland in relation to the statutory FHRs schemes. These were issues the FSA's review of sanctions was looking at. LAs were prepared to use the tools available to them but it was not clear if the tools were being used consistently.
- 6.12 The Chair said the Board would expect the KPIs for the FHRs to be brought to the Business Committee. The Chair also noted that the Board had not forgotten that they intend the BSC to be published.
- 6.13 Michael said officials' priority was getting the right data into the BSC, then they would look at the KPIs. Officials would review what it made sense to publish, to be of use to consumers and LAs for benchmarking.
- 6.14 The Chair cautioned against taking too linear an approach and said the Board wanted the BSC to be published even if it was not complete. It was an essential element of openness and transparency.
- 6.15 In response to Michael's earlier point, Ruth asked if it would be better to publish the whole data set because it would not be possible to interpret the data without all of it being available. Julie Pierce agreed with Ruth that the FSA could publish the raw data with suitable meta data and health warnings. Michael noted that the LAEMS data and the FHRs data were already published; the BSC was about packaging that data, not hiding it.
- 6.16 Colm asked when the FSA would see the BSC completed. Michael said there was an incremental approach to it, e.g. adding the FHRs data and then engaging with data colleagues to identify other data sets for inclusion to provide a more rounded picture.
- 6.17 The Chair said when the Committee or Board came to look at this subject again next year, it would be looking at the BSC. Board members were willing to see an imperfect pack of measures published, alongside which we could explain our judgements and next steps. Given the anxiety we had around future resourcing in LAs, it was important to get the evidence out there. That was why the BSC had to be published even if incomplete. The Board expected to see a timetable for publication.

ACTION 2: Business Committee to see a timetable for publication of the Balanced Scorecard.

- 6.18 In response to a question from Mary Quicke, Michael confirmed that officials did plan to develop metrics around Port Health Authorities going forward.
- 6.19 In concluding the Chair confirmed that in future the quarterly Performance and Resources Report to the Business Committee would include data on the basis for FSA interventions with LAs of concern.

ACTION 3: Performance and Resources Report to include data on the basis for FSA interventions with LAs of concern.

7. Science update 2019 (FSA 19/09/19)

- 7.1 The Chair invited Rick Mumford to introduce this paper.
- 7.2 Rick said the number of science papers at this meeting reflected the fact that science sat at the heart of the FSA. This paper referred to the work of the Science, Evidence and Research Directorate (SERD) and its four-part strategic plan for the next three years which proposed future priorities which would continue to improve the FSA's approach to the acquisition and use of science.
- 7.3 Rick noted the expansion of SERD staff by a third due to the increased role the FSA would play in delivering expert risk assessment post-Brexit. The new SERD structure included a new Head of Risk Assessment Unit and a new Head of Science Strategy, Capability and Research Unit. He also noted the increase in investment for SERD.
- 7.4 Rick said there was a lot of ongoing work on external partnerships for example building the use and impact of the CSA-led Strategic Evidence Fund (SEF) and through the CSA working jointly with Defra and DHSC to provide Governmental input into the proposed UK Research and Innovation Strategic Priorities Fund programme, "A Food Systems Approach for Healthy People and a Healthy Planet".
- 7.5 Rick concluded by highlighting the FSA's work on science assurance through the expansion of the Science Advisory Committees (SACs) with 35 new experts having been recruited across the Committees.
- 7.6 In response to a question from Stuart Reid Rick explained that FSA support spend on the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) was significantly larger than for the other SACs because of the increase in work the COT would undertake post-Brexit.
- 7.7 In response to a question from Colm McKenna Rick said some of the increase in investment had come from money for EU Exit, but the hope was that this funding would continue in the long term as the newly acquired risk assessment work would remain with the FSA. The CE confirmed this was true across the

Agency; increased investment due to EU Exit would not be a one off rather it would be ongoing as the FSA's baseline had increased.

- 7.8 Colin Sullivan said operations colleagues were excited about the CSA's project "The 21st Century Abattoir" funded via the SEF. The Board would get visibility of this as part of a briefing on the Operational Transformation Delivery Programme at their October Retreat.
- 7.9 The CSA added that following the sandpit exercise for this project in early October two or three ideas would emerge which the FSA and the Science and Technology Facilities Council Food Network+ would then spend up to six months developing.
- 7.10 The Chair concluded by saying the Board would look forward to hearing more about this project.

8. Animal welfare update(FSA 19/09/20)

- 8.1 The Chair welcomed Iria Nogueroles to the table and invited Colin Sullivan to introduce this paper.
- 8.2 Colin said mandatory CCTV in slaughterhouses in England with which there had been full compliance by February 2019 was already having an instrumental impact on helping us identify breaches of animal welfare and provide evidence for those identified otherwise.
- 8.3 Implementation of Annex II requirements was required by December 2019 and would proceed irrespective of the UK's relationship with the EU at that time as these had already been transferred to UK legislation. Colin stated that the latest field survey of compliance against the Annex II requirements carried out the previous week showed that expected compliance levels had gone up to 70% from the 30% in June as reported in the paper.
- 8.4 In response to a request from the Board at the last meeting Colin highlighted the inclusion of trend data in the Annexes to the paper.
- 8.5 David Brooks asked what sanctions the remaining 30% of non-compliant abattoirs would find themselves exposed to if they failed to become compliant by 9 December. He also asked how supportive we were being of smaller abattoirs who were struggling to meet the financial burden of electrical stunning equipment, noting that they had had years notice of this requirement.
- 8.6 Colin said we would continue to survey for compliance and to talk to those plants which were engaging with us. There were a small number of slaughterhouses which were not engaging with us. Unlike with the implementation of mandatory CCTV, with the requirements for Annex II there would be no transition period and enforcement activity would commence as of 9 December.

- 8.7 Iria said the latest survey showed that the number of plants not willing to comply was not significant and we were focusing our efforts on those small abattoirs who were willing to comply but were having problems understanding how they could do so. We were working with them to identify how they could be compliant when they could not afford to buy the latest technology and equipment particularly stunning equipment and on poultry lines.
- 8.8 Mary Quicke noted the increase in non-stun slaughtered sheep and whether when considering consumers' other interests in food, we should look to minimise this non-standard practice as it was possibly not how consumers expected the meat they consumed to have been slaughtered. Iria replied that this activity was allowed by the legislation and chosen as the method of operating by slaughterhouses. We could supervise the activity but as long as it was compliant with the legislation it was not for the Agency to discourage or determine the method of slaughter. In addition, Colin noted that the policy responsibility for animal welfare was held by Defra in England and the Welsh Government in Wales rather than the FSA.
- 8.9 The Chair concluded by welcoming the progress on mandatory CCTV in England as called for by the FSA Board. The Chair noted that the FSA had recently had a case of animal welfare breaches in a plant in Wales which did not have the legal requirement to have CCTV and urged the Welsh Government to make similar progress with mandatory CCTV in Wales. The Chair said the FSA had always envisaged CCTV as principally a management aid for businesses to help them meet animal welfare compliance levels but it was also of use to the FSA directly to help with identifying animal welfare breaches.

9. Annual report: freedom of information requests, external complaints and internal whistleblowing cases (FSA 19/09/21)

- 9.1 The Chair invited Noel Sykes to the table and asked him to introduce this paper.
- 9.2 Noel thanked colleagues across the Agency for their help in dealing with complaints at the local level and answering Freedom of Information (FOI) requests as without their collective efforts the department would not have produced the good performance as detailed in the paper.
- 9.3 Noel said the increase in FOI requests for the FSA was reflective of the 7% increase in FOI requests across government in 2018. The FSA already had in place a reviewed process for handling FOI requests and complaints within the Agency and the latter would be subject to an impact review in quarter four of this year.
- 9.4 In terms of whistleblowing and raising a concern our priority would remain building confidence levels among staff that when they reported an issue it would be dealt with appropriately. Although we had achieved a 5% uplift in this area year on year like all other government departments we had more to do. Our annual awareness campaign in this area was currently underway called

“Speak Up” and Noel thanked Communications colleagues for all their help with this.

- 9.5 Colm McKenna noted that Noel had a standing invitation to attend the Audit and Risk Assurance Committee and Noel agreed that although he did not attend often, but he did when he felt it necessary.
- 9.6 The Chair asked how the Board could support the third priority listed in the paper, which was to continue to encourage staff to speak up. Noel urged the Board to raise the topic with staff whenever the Board engaged with them.
- 9.7 In response to a question from the Chair, Noel said he did not think the increase in the number of FOI requests was attributable to Brexit. Although the FSA had received a number of Brexit requests in 2018, the general increase was perhaps reflective of an increased interest in government activity perhaps influenced by Brexit coverage.
- 9.8 The CE said the Executive Management Team (EMT) recognised the contribution Noel and his team played in dealing with these cases effectively and efficiently.

10. Performance & resources Q1 2019/2020 (FSA 19/09/22)

- 10.1 The Chair invited Chris Hitchen to present this report.
- 10.2 Chris said as had previously been discussed during the Board meeting and as the National Audit Office (NAO) had raised in its report, outcome-based reporting was difficult for a regulator to do. While the FSA was ahead in this area there was more to do.
- 10.3 In terms of using the Performance and Resources Report Chris explained that in areas where the FSA had a leading role but did not have full control, such as in reducing campylobacter levels, we referred to an ambition rather than a target. He also said that performance across a variety of areas was something that had been talked about a lot during the Board meeting and the figures in this report were just the headline metrics from across the Agency.
- 10.4 The Chair reinforced the point about the importance and difficulty of outcome-based reporting and how this report focused on the small set of ambitions and outcomes that had been set at Board level for the FSA overall. The Board had recognised that not all these outcomes were under the FSA’s control and that in some areas we had a leadership role, or we made an impact instead. It would be important as we looked at our next generation of strategic priorities to ensure that the measures, we used stayed aligned to them.
- 10.5 Ruth Hussey asked if having 14 Local Authorities (LAs) signed up to use the Register a Food Business (RAFB) was in keeping with our ambition for this financial year and if we were on track for the rest of the year. Maria Jennings agreed to provide the Board with information on our ambition for numbers of LAs to use RAFB this financial year in a weekly circulation email.

ACTION 4 - Maria Jennings to provide the Board with information on our ambition for numbers of LAs to use Register A Food Business this financial year in a weekly circulation email.

11. Any other business

11.1 No further business was raised, and the Chair closed the meeting. The next meeting of the FSA Business Committee would take place on Wednesday 4 December in London.