

MINUTES OF THE FSA BOARD MEETING ON 18 NOVEMBER 2020

Via Zoom from the Chair's Residence, Cambridge

Present:

Heather Hancock, Chair; Ruth Hussey, Deputy Chair; David Brooks; Margaret Gilmore; Colm McKenna; Peter Price; Timothy Riley; Mark Rolfe.

Attending

Emily Miles	-	Chief Executive
Jesus Alvarez-Pinera	-	Head of Data (For FSA 20/11/04)
Julie Hill	-	Deputy Chair of the Advisory Committee on Social Science (For FSA 20/11/06)
Chris Hitchen	-	Director of Finance and Performance
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland (NI)
Professor Robin May	-	Chief Scientific Adviser (CSA)
Paul Morrison	-	Director of Strategy, Legal, Communications and Governance
Rick Mumford	-	Deputy Director of Science
Julie Pierce	-	Director Openness, Data, Digital, Science and Wales
Steven Pollock	-	Director of Communications
Liz Stretton	-	Head of EU & International Strategy Team (For FSA 20/11/07)
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer

1. Welcome and Introductions

- 1.1 The Chair welcomed everyone to the meeting and noted no conflicts of interest nor matters for any other business. She invited Steven Pollock to read out the questions received ahead of the meeting. A full list of those questions as well as the answers would be published on the FSA website.

2. Minutes of 16 September 2020

- 2.1 The Chair noted the minutes had previously been circulated to Members informally; the Board indicated that they were content with the minutes of the September Board Meeting.

3. Actions Arising

- 3.1 The Chair noted that the Board were content with the Actions Arising.

4. Chair's Report (Oral Report)

- 4.1 The Chair said that a list of her engagements since the last Board meeting had been published on the FSA website. She reminded the Board that she would relinquish the Chairmanship of the FSA Board at the end of January 2021. She re-stated the FSA Board's concern at the lack of progress in advertising for her successor as well as for other roles on the Board. She assured Board Members that the FSA was doing everything possible to stress the urgency in filling these posts to Ministers. An FSA Board not at full strength would be of more consequence as consumers looked to the FSA more for independent assurance on food safety and standards following the end of the EU transition period and the challenges presented by COVID-19.

5. Chief Executive's Report to the Board (FSA 20/11/03)

- 5.1 The Chief Executive (CE) said that the report represented a look back at the whole of 2020 rather than just the last quarter. She noted the quality of work and effort made by FSA staff over the year and acknowledged that many were now tired, highlighting the need for a focus on their wellbeing, and expressed her thanks for their hard work.
- 5.2 The CE had hoped to include a forward look ahead to next year but acknowledged that the end of the EU transition period and the ongoing COVID-19 pandemic made this difficult. There had been a lot of good progress on the FSA's EU Exit work. The FSA's emergency response capability had now been stood up and had been considering winter planning, which meant a focus on COVID-19 and the end of the EU transition period. Seminars had been held, in preparation for the end of transition, on the FSA's Risk Analysis process and regulated products, which had been well attended by representatives from food businesses as well as other stakeholders.
- 5.3 The health and identification marks guidance had now been published with additional guidance on early application of ID marks due to be published that day with meetings planned with stakeholders to talk through the practicalities of the application of the guidance.
- 5.4 There had been a lot of progress on frameworks, particularly the one which the FSA led on food and feed, which would allow all four nations of the UK to work together. She acknowledged the risk carried in relation to Northern Ireland, noting that this was outlined in her report.
- 5.5 There had been recent discussions with Defra about export health certification for products of animal origin. She noted that Defra and the Animal and Plant Health Agency (APHA) led on this issue for Government and it was expected that private sector vets would provide the majority of the certification, but the FSA would offer support and expertise where possible.
- 5.6 While much had been done in preparation for the end of EU Transition, it was inevitable that there would be some issues that had not been thought of, and

some which lay beyond the FSA's control to fix. She also noted the possible opportunities that lay ahead for the FSA when outside of the EU regime, for example in being able to make it easier for businesses to do the right thing by consumers.

- 5.7 The Chair expressed the Board's support for the thanks that the CE had extended to FSA staff and invited questions and comments from Board Members. Timothy Riley noted the joint meeting referred to in the CE's report with representatives from Defra and the Rural Payments Agency (RPA) focussing on reducing the administrative burden on small abattoirs. He asked whether there had been any APHA involvement in that work. Colin Sullivan confirmed that a range of interested parties had been involved including those from APHA, primarily through policy colleagues in Defra
- 5.8 Timothy asked what the objectives and planned outcomes would be for that group. The CE explained that the FSA's main focus was on reduction of bureaucracy but there were other planned outcomes of interest to small abattoirs, which were not within the FSA's remit, such as economic support.
- 5.9 Timothy asked about the FSA's involvement in the Livestock Information Programme (LIP) for small abattoirs. The CE acknowledged the importance of LIP and noted that Julie Pierce sat on the Livestock Information Ltd Board, meaning that the FSA had good input.
- 5.10 Margaret Gilmore highlighted the importance of avoiding the impression that the small abattoirs' meeting represented simply a listening forum and that the discussions would not precipitate actions. The CE said it seemed that attendees did see that the discussions could precipitate action but possibly not as much as they would like. Colin Sullivan added that it was a very good forum for engagement but that not every request would be within the FSA's gift to grant or even progress
- 5.11 Colm McKenna asked about the delays to the Defra led, Import of Products, Animals, Food and Feed System (IPAFFS) noting that this would have particular implications for Northern Ireland. He mentioned that the Audit and Risk Assurance Committee (ARAC) had heard that border control posts would not be ready until the middle of 2021. He asked what contingencies could be put in place to mitigate issues that could arise from this in the first half of 2021. The CE said that she was hopeful that the EU-UK Joint Committee's discussions about the supermarket "trusted trader" scheme would result in a pragmatic approach that was easier to implement.
- 5.12 Colm asked about the difficulties with District Councils in Northern Ireland recruiting and training staff to undertake the inspection requirements. He asked what the FSA was doing to address this issue. Maria Jennings acknowledged that the Department for Agriculture, Environment and Rural Affairs (DAERA) had said that they would not have full capability before the middle of 2021. The FSA was working very closely with them to build contingencies which included the building of physical structures at Belfast, Larne and Warrenpoint to facilitate the tracking of goods. The FSA had been working closely with EU Commission

officials to ensure that their requirements were being met. She added that most of the people required to work at the ports had already been recruited and work was underway to ensure that they received the right training. The FSA had also provided the Councils with a derogation to the Food Law Code of Practice which allowed them to bring in staff who may not be fully qualified and train them on the job, introducing them to undertake inspection duties gradually and when ready.

- 5.13 Colm asked about the Trade and Agricultural Commission (TAC) and how it could be ensured that the FSA and the TAC were not issuing apparently contradictory messages, noting their recently published Terms of Reference which mentioned their responsibility to reflect consumer interests. The Chair said that she was scheduled to meet with Tim Smith, who chaired the TAC, adding that there was no proposal to give them any staff resource and their function would be different to the FSA's. The CE added that there had also been discussions with colleagues in the Department for International Trade (DIT) and Defra ensuring that there was no conflict between the remits of the FSA and the TAC. The TAC press release had mentioned the importance of working with the FSA and Food Standards Scotland (FSS). She added that Steve Wearne, the FSA's former Global Affairs Director had been seconded to DIT, meaning that the FSA had good links into that department.
- 5.14 Margaret said there could be confusion outside the FSA, particularly within Westminster and Whitehall about whether the FSA or the TAC was responsible for food safety and standards. She asked whether, if the TAC did not have staff, was there a risk of them funnelling issues toward the FSA. The CE said that the FSA was making it very clear in communications, particularly to other government departments, that food safety and standards were the FSA's responsibility. She added that the TAC had also made it clear that their role was not around food safety but around standards at the primary production stage. The CE noted, however, that the FSA would also have a role on production standards where there was an issue that involved the consumer interest.
- 5.15 Margaret also asked about the impacts of staff fatigue and what extra measures could be taken to counteract that through the pandemic. The CE said that some small measures and gestures had been made to show appreciation for frontline staff but that the message being received from inspectors was that a very important factor was health and safety and being protected on the front line. The FSA had been undertaking work around these issues to help protect frontline staff from COVID-19. Colin Sullivan acknowledged the toll taken on frontline staff by the requirements of working through a pandemic and said that the FSA was very concerned about staff mental health and wellbeing. There was a focus on addressing this, particularly around Christmas and for staff who live alone. There was a network of mental health well-being supporters to help with this and HR colleagues also used information from the mood tracker to monitor how staff were feeling.
- 5.16 David Brooks noted the salmonella outbreaks mentioned in the CE's report asking whether the cases could be linked back to a single producer or whether

there was a number of sources. David also asked about the salmonella cases relating to eggs, noting that this was an issue that had begun to emerge again and asking whether it was possible to say that the FSA had now got a hold of it. Colin said that some of the cases mentioned in the report were largely resolved with one of them, relating to eggs, still ongoing. He confirmed that the cases relating to raw breaded chicken products, such as nuggets, goujons, and kiev's had not affected a large number of different products.

- 5.17 Ruth Hussey asked about the FSA's new risk analysis process asking whether any feedback had been received from the webinars for how to take the work forwards. Rebecca Sudworth said that they were well attended events with attendees being very engaged and showing a close interest in the process and how it would work. She said there were questions about how the FSA would improve the process in certain aspects in the future. The CE added there were a range of views among the attendees including those who were accustomed to the European Food Safety Authority (EFSA) process and therefore appreciated what was familiar, to those who were looking for particular improvements in the process from the FSA once EU transition was completed.
- 5.18 The Chair returned to the issue of export health certificates and the need for veterinary involvement in them. She said that vets employed by the FSA were critical to the operation of meat plants and meeting consumers' expectations around animal welfare as well as wider public health. She said that there would need to be caution about compromising the standards the UK has in those areas for the sake of supporting the export market.

6. Annual Surveillance Report (FSA 20/11/04)

- 6.1 The Chair invited Julie Pierce and Jesus Alvarez-Pinera to introduce the Annual Surveillance Report. Julie stated that, as well as the services already operating to determine risk at the border, the Strategic Surveillance team were monitoring the situation at the border and in Northern Ireland to see whether anything else needed to be developed. The Chair said that the next paper on the agenda would cover issues relating to sampling so questions about that should be reserved for discussion of that paper.
- 6.2 Mark Rolfe asked a question about the figures noted in the report for the non-compliance hit ratio and whether this represented an improvement on previous figures or whether there was a low base to start from. Jesus said there was a significant increase. He explained that he did not have the full numbers to hand but that these could be provided. He acknowledged that the numbers that were generally received through sampling were not very high due to the costs involved in sampling.

Action 1 - Jesus Alvarez-Pinera to provide figures showing increase in non-compliance ratio noted at row 13 of the table on page 15, Annex A of the report.

- 6.3 Mark asked about the potential to share information with other bodies, in particular Local Authorities and the need for data governance around that. Jesus said that whilst the FSA had considerable expertise in managing data, they were facing the challenges of sharing information, and were engaged with FSA Legal and Information Management teams to ensure that this was done properly. He said that the data team were becoming increasingly adept in this regard.
- 6.4 Mark noted that the Risk Likelihood Dashboard was limited to imported foods, and whether there were plans to expand its function to cover domestically produced food as well. Jesus said that the focus on imports was part of the design of the dashboard to help with issues that could arise from EU Exit. He said it could, potentially, be expanded but it had not been planned for so far.
- 6.5 Mark asked about data validation in relation to the data being fed into the systems mentioned in the report. Jesus said that the FSA tended to be very critical about the quality of data it received and would not use data that was poor quality. He said there was a lot of time dedicated to cleansing and improving the data and eliminating errors. He added that none of the decisions driven by the data were automated and there was always human scrutiny of whether the data was plausible at every stage.
- 6.6 Mark noted the Achieving Business Compliance (ABC) segmentation and references to compliance being better in the top ten companies and data being sparse in other areas. He asked whether it was possible that there was a disproportionate burden being placed on smaller businesses or those in areas where data was less available. Julie Pierce said that segmentation was work in progress to better understand the whole of the business sector, segmenting them in various ways and checking against the data to consider whether that segmentation was valid. She said there was an awareness that there would be a need for caution to ensure that the segmentation would not favour one kind of business over another.
- 6.7 David Brooks noted the activities noted in the Annex and asked which had moved beyond pilot stages into business as usual. He also asked whether there had been any pilots that had failed. Jesus mentioned that there were a number of pieces of work, such as the Risk Likelihood and Signal Prioritisation dashboards that had moved beyond the pilot stage and were being used by Local Authorities to feedback useful information. He did not consider any of the pilots to be failures but acknowledged that some produced more useful information than others.
- 6.8 Robin May, the Chief Scientific Adviser (CSA) said that many of the dashboards being produced were very effective and were one of the key issues raised in discussions with other departments to show the value added by the FSA to communities and businesses. He noted the FSA's commitment to publishing data as a part of its data validation process, allowing people to scrutinise the data.

- 6.9 Peter Price asked whether there was a risk to the data from the FSA's commitment to transparency and whether this gave scope for bad actors to deliberately try to skew the data for gain. Julie said that the services themselves were protected through the standard IT system security regime. Then transparency was generally considered a protection against this as it allowed scrutiny from numerous perspectives. She said that much of the data used was from the public domain. The analytics tools used would also provide an element of validation about whether the data was credible.
- 6.10 The Chair concluded that the rate of development was impressive considering how unlikely it might have been considered four years ago that the FSA could achieve the things it had in this area.

7. FSA Sampling Framework: Our Future Approach to Sampling (FSA 20/11/05)

- 7.1 The Chair invited Rick Mumford to introduce the item on the FSA Sampling Framework and the Future Approach to Sampling. Rick gave a brief overview of the paper covering sampling's role in the integrated surveillance system; the importance of laboratories; and the cross-cutting nature of issues relating to sampling.
- 7.2 The Chair noted that points raised by Board Members during the Sampling Strategy update in 2019 had been covered in this paper and highlighted the specific point that the Board were being asked to agree around the publication of brand names. She asked the Board to indicate whether they had any objections to the proposals around brand name publication. No objections were raised, and the Chair noted the Board's approval.
- 7.3 Margaret Gilmore asked whether there would be capacity in a scenario such as occurred around horsemeat, and whether it would be necessary to send samples abroad and if that would be hampered by EU Exit. Rick said that the simple answer to whether or not there was sufficient capacity, would be that there was. The confidence derived from various evidence including the previous review that indicated that there was enough capacity and capability in the UK system. The right capacity could only be defined by the level of risk. He said there were some laboratories with very high levels of capacity, which existed in the private sector and, if it were necessary to use them, access could be paid for.
- 7.4 Margaret asked why, when a lot of the work around capacity was conducted in light of an identified need for capacity to increase following the horsemeat issue, the amount of overall sampling seemed to have reduced. Rick said that part of the challenge was the link between the sustainability of the lab capability and the number of samples passing through. This year the number of samples going to official control labs had fallen significantly due to COVID-19. The FSA had sought to address that with a £500,000 sampling programme linked to the disruption caused by COVID-19 and which sought to gain intelligence and understand risks associated with certain foods. This had the secondary benefit

of providing samples to the official control labs and thus helping to sustain capability.

- 7.5 Rick drew the distinction between lab capacity and lab capability where, if a lab ran one type of test, it was a relatively straightforward task to expand the number of the tests carried out (new capacity) but if it was necessary to develop new tests from scratch (a new capability), there would be a significant effort involved e.g. to gain accreditation and provide training.
- 7.6 David Brooks noted that Annex 1 said that there were 43,768 tests that were carried out in 2018/19 and asked how many should have been done. Rick said that the FSA was about to publish new internal sampling guidelines which had been updated and covered the use of statistics and how the statistics team within the FSA looked at sampling programmes. Sometimes a lot was better but sometimes a smaller number was preferable; it would be necessary to have advice from statisticians about the optimal solution.
- 7.7 David mentioned the impact of false negatives and false positives in hypoallergenic testing and asked what progress had been made in identifying and correcting these. Rick said that through cross-cutting bodies e.g. the Authenticity Steering Group, we had the ability to address issues like this with other government departments and this was an issue that would be investigated.
- 7.8 David said that food businesses and particularly the larger manufacturers did a large amount of testing. He asked what access was being granted to their data through the Food Industry Intelligence Network (FIIN). The CSA said that as a scientist, he considered the more sampling that could be carried out the better, but that was different to viewing things from an Official Controls standpoint. He mentioned new testing techniques and technologies that had been developed through the pandemic and the potential for these to feed into the FSA's wider surveillance. Julie Pierce added that there was agreement in principle that the FSA could access a slice of the FIIN data and see whether there was value in using it look at that for a wider purpose than was currently used, which was for food crime.
- 7.9 Mark Rolfe registered an interest in the subject as he managed an Official Control Laboratory. He noted the mention of market failure in the report, pointing out that suggestions about how to address that had been identified in Professor Elliott's report in relation to horsemeat. Mark asked whether those suggestions were being considered. Rick said there were two components to how this was being addressed. Firstly, through targeted risk-based sampling programmes and secondly through research to develop expertise and new methodologies. In part this included working closely with UK Research and Innovation (UKRI) to develop new joint R&D programmes.
- 7.10 Mark mentioned the standardisation of data and said that the sooner this could be done the better, noting some of the challenges that existed in making that happen. Mark also noted the distinction between referring matters to Local Authorities and referring matters to Trading Standards. Trading Standards

were a Local Authority service so if referring things to Local Authorities meant Environmental Services, it would be good if the report could be specific about that. Rick said that he would clarify in future reports that the distinction was between Trading standards Officers (TSOs) and Environmental Health Officers (EHOs), not Local Authorities.

- 7.11 Ruth Hussey noted the design for the National Institute for Health Protection, which was the successor body to Public Health England, and that reference laboratory capability was a key part of the objectives of that organisation. She asked if there was any assurance that the needs of the FSA were being factored into the design of the new body. Rick Mumford said there were conversations ongoing with Public Health England and Public Health Wales about the capability of National Reference Labs and the FSA's need for access.
- 7.12 The Chair noted the Board's endorsement of the direction taken on sampling priorities. The Board continued to be concerned about the critical dependency on lab capacity and capability as well as how this would be impacted by crises. She noted the Elliott review's observation that access could be prioritised when there was a need for a surge in sampling. She noted that the Board would always welcome more information about measures of effectiveness. The Board also welcomed the signals that FIIN data was being used and the ability to harness data business sampling programmes.

8. Annual Report from the Advisory Committee on Social Science (FSA 20/11/06)

- 8.1 The Chair invited Julie Hill, Deputy Chair of the Advisory Committee on Social Sciences, to introduce the report. Julie delivered a presentation, covering the Committee's current range of working groups and detailing their focus and progress.
- 8.2 The Chair mentioned the work of the Assurance Working Group, highlighting the importance of the work of the group in ensuring consumer and business confidence as well as giving assurance about new systems that would operate following the end of the transition period.
- 8.3 Timothy Riley asked about how research funding applications were evaluated. Julie explained that the Committee would not be involved in making those judgements but would provide a toolkit that would allow the teams to do that such as the evaluation framework which was currently being used by the Social Science team. She offered to share the framework with the Board for information.

Action 2 - FSA Social Science Team to share Research Evaluation Framework with Board Members for information.

- 8.4 Timothy asked about the size of the research capability in the review of research proposals and how an objective view of the value of the research could be maintained. Julie explained that this had not been considered by the

Committee yet, but a sample of the evaluation results and tenders would be taken and assessed. This could be looked at against resource at that time. Julie Pierce also gave reassurance that the large number of individuals on expert panels and providers in the marketplace would prevent bias emerging in tender exercises.

- 8.5 Colm McKenna asked about the delivery timescales for reports from the working groups for assurance and risk communication. Julie Hill explained that the Assurance Working Group would be doing a lot of its work in early 2021 and that the bulk of its work would likely be completed next year with an expectation of producing a toolkit and going into review capacity later in the year.
- 8.6 Colm asked whether the FSA was making as much use as it should of social science and, in particular, behavioural science. Julie Hill said the FSA was making very good use of social science through its Social Science team and the assistance it received from the Committee. On behavioural insight, she said that the Committee's Chair, Professor Susan Michie, was a very strong advocate of behavioural science and paid particular attention to where it could be applied. Julie Pierce added that there was now a much stronger pull in the FSA for the insight from these disciplines arising from issues such as businesses attitudes to EU Exit or the effects of the COVID-19 pandemic response.
- 8.7 Colm also asked for more information around the work of the Working Group for Kitchen Behaviours. Julie Hill explained that this was a long-run programme to observe behaviours to consider the gap between the practices that people said they performed, and the way food was actually treated in domestic kitchens. Rebecca Sudworth noted that a question had been received ahead of the meeting relating to why the FSA did not promote the use of meat thermometers in domestic settings. She said that meat thermometers were excellent tools but not every household had one. The key point of producing guidance was to ensure it was accessible and usable by all so the guidance focussed on ensuring that meat was cooked at the right temperature, all the way through.
- 8.8 The Chair said that the Board welcomed and endorsed the report, and noted there was a deep interest in the work and the way the Committee were adding value to the FSA's responsibilities.

9. EU and International Strategy: Update (FSA 20/11/07)

- 9.1 The Chair invited Paul Morrison and Liz Stretton to introduce this annual update, highlighting that it was slightly less than a year since the previous update due to the shifting of agendas in response to the 2019 General Election and COVID-19. Paul Morrison gave an overview of the paper covering the focus of the strategy; reputational maintenance; international collaboration; bi-lateral relationships; the four-country approach; and the partnership with FSS.

- 9.2 The Chair said that it would be difficult to answer questions around how it could be known to be working. She mentioned the World Economic Forum's interest in the work that the FSA was doing around Artificial Intelligence (AI) in respect of the international strategy and invited questions from the Board.
- 9.3 Colm McKenna noted that the CE had attended the biannual Heads of Food Safety Agencies meeting, which was for EU Member States and neighbouring countries. He asked whether the UK's position at these meetings would change following the end of the transition period. The CE explained that, as the UK had formally left the EU on 31 January 2020, the UK already attended these meetings in the capacity of a neighbouring country and that this would not change following the end of the transition period.
- 9.4 Colm noted the mention in the report of the FSA's secondee to the Food and Agriculture Organisation of the World Health Organisation (FAO/WHO). He asked whether the use of secondees in this way represented another opportunity for the FSA to strengthen its international relationships. Colin Sullivan highlighted the importance of this secondee for Infosan, which would become a more important body to the FSA with departure from the EU.
- 9.5 The Chair asked for more detail on the revised timetable for the appointment of the new Codex Chair. Liz explained that a meeting that had been scheduled for June 2020 had not taken place and the timetable had been delayed by a year with an expectation that the selection would be made in November 2021.
- 9.6 Peter Price asked whether there were any EU Candidates for the Codex Chair position. The CE explained that there were no EU candidates for the Codex Chair with most Member States expected to support the candidacy of Steve Wearne for the position.
- 10. Report from the Chair of the Audit and Risk Assurance Committee (ARAC) (INFO 20/11/01)**
- 10.1 The Chair invited Colm McKenna to give an update on recent meeting of ARAC. Colm gave a brief summary of key points covering discussions around risk management; the delays to delivering the Westminster and Consolidated accounts and the resolution of the London Pension Fund Authority issue; the Audit Assurance Planning report; the Government Internal Audit Agency (GIAA) report into best practice for ARACs; the provision of cyber security training for Board Members; and the possibility of ARAC undertaking Deep Dive meetings on topics of concern to the Board.
- 10.2 The Chair explained that the Deep Dive approach was one that she had an interest in to consider how the best use could be made of Board Members' time and considering the risk and control frameworks in specific areas. She said she had asked the Board Secretariat to include the cyber security training into the future Board training programme.

11. Any Other Business

11.1 The Chair said that no other business had been raised and that next Board meeting would take place on the 2 December and would also be held via Zoom.