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**MINUTES OF THE FSA BOARD MEETING HELD ON 23 NOVEMBER 2016 AT  
MERCURE HOTEL, CARDIFF FROM 09:00-12:30**

**Present:**

Heather Hancock, Chair; Tim Bennett, Deputy Chair; David Brooks; Ram Gidoomal; Rosie Glazebrook; Ruth Hussey; Stewart Houston; Colm McKenna; Heather Peck; Jim Smart; Paul Williams

**Officials attending:**

Catherine Brown, FSA Chief Executive  
Rod Ainsworth, FSA Director of Regulatory and Legal Strategy  
Javier Dominguez, FSA Veterinary Director and Head of Science, Evidence and Research (for paper FSA 16/11/05)  
Nicky Elliston, FSA Head of Private Office  
Jason Feeney, FSA Chief Operating Officer  
Chris Hitchen, FSA Director of Finance and Strategic Planning  
Maria Jennings, FSA Director of Northern Ireland and Organisational Development  
Patrick Miller, FSA Joint Head, Chief Scientific Adviser's Team (for papers FSA 16/11/04 and FSA 16/11/07)  
Julie Pierce, FSA Director of Openness, Data and Digital  
Professor Guy Poppy, FSA Chief Scientific Adviser  
Nina Purcell, FSA Director of Wales and Regulatory Delivery Division  
Steve Wearne, FSA Director of Policy

**Guest:**

David Kenworthy, Chair the of independent steering group of the review of the National Food Crime Unit (for paper FSA 16/11/06)

**WELCOME AND ANNOUNCEMENTS**

1. The Chair welcomed everyone in the room and online to the meeting. There were no apologies for absence received.
2. Ruth Hussey declared she had been appointed Chair of the review of health and social care in Wales commissioned by the Welsh Assembly Government. The Chair congratulated her on this important appointment.

**MINUTES OF MEETING HELD ON 21 SEPTEMBER 2016 (FSA 16/11/01)**

3. The minutes were agreed as an accurate record of the 21 September 2016 meeting.

**ACTIONS ARISING (FSA 16/11/02)**

4. The actions were noted without comment.

**CHAIR'S REPORT**

5. Since the September 2016 Board meeting, the Chair said she had met, amongst others, with: Lord Prior of Brampton, Parliamentary Under-Secretary at the

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Department of Health (DH); The Rt. Hon. David Jones MP, Minister at the Department for Exiting the EU; George Eustice MP, Minister at the Department for Environment, Food and Rural Affairs (Defra); the Chair and Chief Executive of Food Standards Scotland (FSS); and Neil Parish MP, Chair of the Environment, Food and Rural Affairs (EFRA) Select Committee.

6. The Chair said she had hosted three stakeholder roundtables for big business, small and medium-sized enterprises (SMEs), and Local Authorities to discuss the implications for the regulation of the food sector of Britain exiting the EU.
7. In October, the Board had participated in a Walk the Chain event organised by IGD in conjunction with Morrisons in Yorkshire, which had been useful, and the Chair recorded her thanks and that of the Board to the organisers.
8. The Chair said she had met with the British Egg Industry Council and, along with the Deputy Chair, representatives of the meat industry to discuss regulation. With the Chief Scientific Adviser and others, the Chair had met with the EAT Foundation, and she had met with Tim Lang, Professor of Food Policy, Centre for Food Policy.
9. The Chair said she had also done a number of media interviews: You and Yours and Farming Today on Radio 4; The Grocer; and two of the meat trade journals.

#### **CHIEF EXECUTIVE'S REPORT (FSA 16/11/03)**

10. The Chief Executive (CE) highlighted two items from her written report. Firstly, the latest figures for 2016 which indicated that the reporting rate for Campylobacter remained low. This needed to be viewed with caution as the reductions needed to be sustained over time but the trend was encouraging. Secondly, the headline results from the 2016 Civil Service People Survey which the Business Committee would discuss in detail at its March 2017 meeting.
11. The FSA's engagement index was 58%, slightly down on the 60% achieved in 2015 but the Executive team were committed to ensuring it was a "blip" in a strongly positive overall trend. Our response rate was 89.4%, well above the overall Civil Service response rate of 65%. This showed FSA staff took the survey seriously; they also had a high level of confidence that their feedback would be taken on board so the Executive team felt a responsibility to live up to that expectation with effective action planning.
12. In response to a question on the Campylobacter campaign from a Board member, the CE said all the major retailers had now taken steps to reduce the risk in their supply chain and only Sainsbury's had not signed up to the pledge to reduce campylobacter in chicken to the point that it no longer constituted a material threat to human health.
13. In response to a question on Ministerial support for mandatory display of Food Hygiene Ratings Scheme (FHRS) ratings in England the Chair said while we had not yet invited a view from Ministers, they understood our intention to present them with the business case for it.

14. The Deputy Chair noted the incident involving Salmonella in eggs, and how such incidents continued to occur every year. Yet, the vaccination of laying flocks under the Lion scheme over the last 20 years had proved successful in protecting consumers from Salmonella. He said vaccination should become standard practice across Britain and beyond. The FSA's Director of Policy agreed - 97% of egg production in Britain did come under the Lion scheme but, as there was no legislative requirement to vaccinate flocks, the risk of Salmonella from eggs from non-vaccinated flocks in Britain, and from eggs imported from outside Britain, remained.
15. A Board member noted the publication of the UK VARSS (Veterinary Antimicrobial Resistance and Sale Surveillance) 2015 report on 17 November which showed a reduction in the use of antibiotics in food producing animals. The Chair said since the last Board meeting, she had held discussions with senior officials and ministers in both DH and Defra: all had confirmed that they welcomed the role the FSA had identified it could play in efforts to reduce AMR.
16. On Local Authority enforcement data, a Board member noted that the 2015/16 data indicated that the total number of establishments subject to enforcement actions had increased by 5.4% from 2014/15. The CE said progress was being made to reduce the amount of enforcement action that needed to be taken by improving compliance in the meat industry and in food service outlets, demonstrated in the quarterly report provided to the Business Committee. The implementation of the Food Information Regulations and new requirements on allergen information were a possible explanation for the increase in enforcement action. We had invested a lot in advising industry on these areas and so it was appropriate where that support had failed to take enforcement action.
17. The Chair welcomed the 5<sup>th</sup> report from the FSA's Chief Scientific Adviser, focusing on food allergy and intolerance, which had been published on 4 November and said the Board looked forward to discussing the topic at their March Board meeting.
18. During discussion on Regulating our Future (RoF), the CE said the Board would have an update on progress at their January 2017 Retreat and a substantive discussion at the March 2017 Board meeting.

**ACTION: Board Secretariat to add RoF to March 2017 agenda**

**FSA SCIENCE: RETROSPECTIVE UPDATE AND PROSPECTIVE PRIORITIES  
(FSA 16/11/04)**

19. The Chair welcomed Patrick Miller, FSA Joint Head Chief Scientific Adviser's Team, to the table and invited Professor Guy Poppy, the FSA's Chief Scientific Adviser, to introduce the paper.
20. Professor Poppy said over the last year we had been working to better understand and to target the different types of science carried out in the FSA in order to get maximum impact from our investment. We had identified three types of science: core; investment; and strategic, and the paper showed the amounts of money currently spent on each of these.

21. He said the data pyramid, as detailed in the paper, illustrated the process by which we would determine which data to collect and how we applied expertise and analysis to translate it into information, knowledge and insight which would allow us to achieve impact and to enable the Board to make informed decisions.
22. The changing regulatory landscape under RoF presented us with a unique opportunity to ask whether what was core business now would still be core in the future. And by integrating science into FSA business, as was the case with the RoF programme, we would potentially be able to move resource from core science, which was broadly statutory and more reactive work, to investment science targeted proactively at the FSA's current and future priorities. Moving resource from core towards strategic and investment science would need the Board to consider and refine their risk appetite as part of this process.
23. The Chair of the Northern Ireland Food Advisory Committee (NIFAC) said the Committee was interested in: examples of what within core science could be cut back to allow for increased investment in responsive science; how much was spent internally by the FSA on science; and information on science work and spend specific to each country.
24. Professor Poppy said decisions on what to cut back in core science would not be taken lightly and it was too early to give examples. The approach detailed in the paper presented an objective and transparent way of informing interested parties of how we made our decisions. Patrick Miller said moving towards investment science from core science would require us to examine what we did within core science and how we did it, which would include identifying ways to do it better. We could also look at delivering the outcomes in more proactive and targeted ways, which would give the work more of the character of investment.
25. The FSA's Director of Policy said the FSA spent approximately £3million internally on its science capability which was essentially its science staff of which a small part was devoted to managing the externally commissioned science programmes. This resource also delivered a wide range of other activity including carrying out day to day risk assessments; supporting incidents; and providing economic, statistical and other analysis to support corporate priorities.
26. The CE confirmed in answer to a question that we did already consider and assess budget leverage as part of maximising the impact of our science investment. Professor Poppy agreed with the Chair that we should not become funding or leverage led as this could divert us from our strategic priorities, but we should exploit it wherever interests aligned. His role was to facilitate partnerships with other organisations on the basis of the wider impact of our work on society.
27. A Board member supported continuing to invest in science at around 15-20% of the FSA's budget but suggested that figure be revisited each year.
28. During discussion on Key Performance Indicators (KPIs), Professor Poppy agreed they were important to establish value for money and the impact of our investments

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and that we were doing the right kind of science work. We were developing science specific KPIs which, with peer review which indicated scientific quality, could indicate the use and impact of the science work.

29. In answer to a question Professor Poppy acknowledged the importance of measuring the impact of our science work beyond the boundaries of the FSA itself.
30. Professor Poppy agreed with the Board that after 3 years or so we would evaluate our approach to identify what had worked and fed into policy making, and what had not worked. Trying to predict what would work, for example in terms of behavioural 'nudge' was not an exact science. Patrick Miller said we would increasingly look to review science as an integral part of the definition and review of the wider FSA programmes of work the science was intended to support, such as RoF, rather than separately.
31. The Chair agreed that the approach in the paper signalled a shift in how the Board thought about its risk appetite. We were moving from doing what had always been done, even if we had only got marginal added value from it, to trying things with potentially significant impact for the FSA's strategic goals, but which might have a higher risk of failure.
32. The Chair of the Welsh Food Advisory Committee (WFAC) said the Committee welcomed the clarity of the approach set out in the paper. She said partnerships were not just about money; since most issues were cross-cutting, partnerships helped us to benefit from others thinking and implementation capabilities too. KPIs were also relevant for partnerships.
33. In response to questions from a Board member, Professor Poppy said the role of the Science Council in this approach was: to challenge us on the proportion of spend on the different types of science; to benchmark us with other scientific bodies; and to provide us with a source of knowledge on cutting edge science.
34. In concluding the Chair said the Board:
  - Agreed with the recommendations in the paper.
  - Would now be able to take an overarching strategic look at the shift across the three areas of scientific spend.
  - Agreed the partnership approach of sharing data and working across issues and organisational boundaries was fundamental to the way the FSA did business.
  - Wanted the new approach to enable the Board to set priorities and monitor outcomes at a strategic level, and cause the whole FSA to judge the wider contribution of science rather than working on a project by project basis.
  - Now had a better line of sight on science priorities in the Agency.
  - Would like a note on the science work and spend specific to England, Wales and Northern Ireland to be circulated

**ACTION: Chief Scientific Adviser's Team to circulate a note to the Board on the science work and spend specific to each country.**

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**FOOD AND FEED SURVEILLANCE (FSA 16/11/05)**

35. The Chair welcomed Javier Dominguez, FSA Veterinary Director and Head of Science, Evidence and Research, to the table and invited Steve Wearne, FSA Director of Policy, to introduce the paper.
36. The FSA's Director of Policy said this paper followed on nicely from the previous paper as surveillance was an important example of the science done in the FSA. There was a growing realisation of the importance of surveillance to the work of the FSA. Surveillance would support the RoF programme to drive action to protect consumers on the basis of knowledge and insight into risks. The re-design of our approach to surveillance was an example of the application of the data pyramid and the new system would be more systematic and more data driven.
37. Surveillance was a process that: took knowledge of emerging risks, horizon scanning and intelligence; framed questions; collected data to answer these questions; and provided insights that led to actions. It included a range of different activities: our ongoing collection of information on TSE non-compliance and breaches; the ongoing food and feed sampling programmes conducted by local authorities; and a new programme of surveillance of AMR in food which would address the gaps identified by our systematic review due to be published that week.
38. There were three key characteristics of the new surveillance system:
- Collaboration – all stakeholders contributed and all benefited. The knowledge and insights gained from surveillance were a public good. We oversaw the system but we did not hold all the information. This was a call to industry to share its data to support surveillance.
  - Drawing on data more widely, for example trends in commodity costs – not just traditional sampling and analysis for contaminants or standards.
  - A dynamic system – we would re-shape and retain surveillance programmes as priorities changed over time.
39. The FSA's Director of Policy gave a brief description of current surveillance activities including work on the infrastructure for the new programme of surveillance of AMR in food. There was to be a workshop the following week to start the conversation with stakeholders on priorities for surveillance, and to seek out sources of data for us to use.
40. The Board were being asked to consider and endorse the new approach to surveillance, and the initial activities. They were also being asked to agree the points in the cycle at which they would be involved in decisions relating to surveillance: agreeing surveillance priorities, and how much to spend on them, on an annual basis; and receiving reports on material risk management interventions, identified through surveillance, taken to protect consumers.

41. The Chair of WFAC said the Committee welcomed the approach set out in the paper and asked how we could be sure of being leaders in assuring the quality of the data we used.
42. The FSA's Director of Policy said we would use scales, such as that developed by Professor Spiegelhalter, to assess and make transparent the robustness of our evidence. In this way the Board would know how robust different elements of evidence were, which would help them make decisions based on it. The FSA's Director of Openness, Data and Digital said we would not rely on a single data source; rather we would triangulate data sources to correlate findings or establish differences.
43. A Board member said she welcomed the new approach to surveillance as set out in the paper and asked why AMR had been chosen as the first area to which it would apply. The FSA's Director of Policy said it had been a pragmatic decision. Our systematic review had identified gaps in the surveillance of AMR in food which addressed the first two or three steps in the new approach meaning we were ready to progress with it further.
44. A Board member noted that considerations of statistical power had to be balanced with those of cost and return on investment and welcomed the establishment of a reference group of external experts to provide assurance regarding the statistical power of surveillance programmes.
45. The FSA's Director of Policy said surveillance on fewer, more focused, priorities would enable a more significant degree of confidence in the programmes being conducted. Professor Poppy said the Board would need a risk appetite. It could be expensive to get the strongest statistical power; if the required level of power was relaxed then it would save money. This would be a judgement call. It would also be possible to conduct a sensitivity analysis. This would identify which of a number of things being surveyed was the most sensitive in helping us identify that which we were trying to find. This could help decide what to spend money on.
46. During discussion on when to stop programmes of surveillance, the FSA's Director of Policy said previously the Board had been asked on a piece-meal basis whether or not to scale back surveillance programmes. The new approach gave the Board a framework through which they could look across programmes to make such decisions. Javier Dominguez said the upcoming workshop with stakeholders would help us identify what we needed to do, and what we could stop. This dynamic partnership approach would enable new priorities to be identified and would sense check what we were doing.
47. The Chair said we could never cover all the risks in the food system but this approach gave us a basis on which to explain why we were doing what we were doing, or not doing, which was a step forward from where we were currently.
48. The Chair of NIFAC said the Committee were concerned to hear that industry was still often reluctant to share data with the FSA. It was suggested that there was a good example of data sharing to be found in work done by the Northern Ireland Grain Trade

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Association in Northern Ireland where it had been demonstrated that the public good and commercial benefit were not mutually exclusive.

49. Javier Dominguez acknowledged that there were thousands of data sets out there from which we, and consumers, could be benefiting. We had to persuade industry that they too would benefit from sharing their data with us. The FSA's Director of Openness, Data and Digital and the Chair agreed that from talks we were already having with industry, they were interested in sharing their data with us; it was more a question of how to start getting them involved in doing that.
50. In concluding, the Chair said that the Board:
- Welcomed the paper as another example of solid analysis.
  - Agreed the new strategic approach to surveillance going forward.
  - Reinforced that this new systematic approach to surveillance was absolutely essential to regulatory reform and supporting delivery of RoF.
  - Agreed with the recommendations in the paper as to when the Board would routinely make decisions relating to surveillance.

#### **REVIEW OF THE NATIONAL FOOD CRIME UNIT (FSA 16/11/06)**

51. The Chair welcomed David Kenworthy, Chair of the independent steering group of the Review of the National Food Crime Unit (NFCU), to the table, and invited Rod Ainsworth, FSA Director Regulatory and Legal Strategy, to introduce the paper.
52. The FSA's Director Regulatory and Legal Strategy said the independent Review had addressed: what the function of the NFCU should be; and where the NFCU should sit. The Review had come to firm conclusions which were now for the Board to consider.
53. He said the Review had been carried out to a tight time frame but he was certain that doing more work would not enhance the conclusions of the Review. The composition of the Steering Group had been put together to offer challenge and a breadth of expertise and competence across consumer interests, industry and the law enforcement community.
54. David Kenworthy said he had been grateful for the opportunity to take part in the Review and would comment on the findings as Chair of the Steering Group as well as from his professional point of view. The unanimity among the three members of the Steering Group, despite their diverse backgrounds, had been unexpected but had strengthened when presented with the evidence. There had been strong support among all stakeholders for the NFCU to have an investigative arm.
55. From his professional point of view, the NFCU was preparing intelligence packages which needed to be actioned but the process was falling down because Local Authorities (LA) were under so much pressure. Dealing with serious criminality would take up all their time and LAs did not have the time, resource or training to do it. Hence the gaps in the process which were frustrating all involved.

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56. There was an issue to address around who took the lead on cases which cut across LA boundaries, not to mention cases which crossed borders, and international borders.
  57. David Kenworthy said that he considered it highly likely that some of those engaged in food crime were involved in other organised criminal activities. Criminals exploited their channel of importation, whether that be for people, money, drugs or food, and he could see no reason why, given how much money the food industry was worth, food crime would not involve organised criminal activity.
  58. The Chair then read out an email she had received, since the Board papers had been published online, from Professor Chris Elliott, who had carried out the original review which led to the creation of the NFCU. Professor Elliott gave his full support to the recommendations of the Review. The Chair said she had also heard from Lord Harris, Chair of the National Trading Standards Board, which fully supported the work of the NFCU and made additional observations on the potential role of the Trading Standards community, input that the Chair said we should reflect in our next steps.
  59. The FSA's Director Regulatory and Legal Strategy said he had received a letter from Paul Willgoss, one of the members of the independent steering group of the Review of the NFCU, in his guise as Chair of the Food Industry Intelligence Network (FIIN). The FIIN was of the view that the establishment of effective protocols for data sharing and a clear "Chinese wall" between NFCU and regulatory functions, such as Food Standards Scotland had put in place, were an essential pre-requisite to the food industry sharing intelligence with the Food Crime Unit.
  60. The Chair advised that the Board would first discuss whether the NFCU should have an investigative capacity, and secondly how the NFCU should be set up. She said any decisions the Board took as a result of the discussions would not be final. We still had to speak to other government departments and stakeholders across England, Wales and Northern Ireland. It was clear that FSA could not afford to do more with our current resources; we would have to talk to central government about funding, and there was a food crime Ministerial group with which to engage.
  61. The Chair said it would be risky to commit to action which we then could not follow through: the department needed to avoid creating the impression it would or could do more on food crime without additional powers or resources. The Board did not have to commit to a preferred option; rather it could make recommendations for further action.
  62. During discussion on powers, the FSA's Director Regulatory and Legal Strategy clarified that much could be achieved with current powers, and the changes to powers that would be required to enable the establishment of an effective investigatory capability could be achieved in his view without primary legislation.
  63. The Chair agreed that the business case for an NFCU with investigative capacity would explicitly address the need, or otherwise, for additional powers and the route to their acquisition.

64. The Board expressed concern at the risk to the FSA's reputation, and the future of the existing NFCU, in trying to deliver an NFCU with investigative capacity without adequate funding. The Chair reminded the Board that we had accelerated the Review of the NFCU due to the reputational risk to the FSA from the current situation where consumers and others thought we were able to do more than we currently had committed to or were able to do.
65. The Deputy Chair said he was persuaded of the case for the NFCU to have investigative capacity but with the caveat that it be fully funded, because without appropriate funding there would have to be a reduction in the FSA's work in other areas to the detriment of consumer protection.
66. The Chair of NIFAC said the Committee were supportive of the recommendations in the Review. The FSA could not take forward the Review's recommendations on its own and it was suggested that looking to the collaborative model, which existed in the Republic of Ireland, may be informative for how such a Unit could operate effectively in NI.
67. The Chair of WFAC said the Committee supported an NFCU with investigative capacity because much of the work of the NFCU currently was wasted because there was no investigative capability to match the intelligence function. The Committee recommended that there was much to learn from the approach currently taken in Wales by the Welsh Food Fraud Coordination Unit (WFFCU) and that this should inform the business case for any new national model.
68. The Board were pleased to hear that the National Trading Standards Board was supportive of the NFCU, and that the FI Network believed cooperation from industry was possible. The Board supported the development of a business case to deliver an NFCU with investigative capacity.
69. The Chair said the case had been made for an NFCU for investigative capacity but we would not be able to proceed to that second stage if we did not get the funding so it was critical now to identify the appetite for investment in this area across Government.
70. In response to questions and comments from the Board, David Kenworthy said the FSA was currently getting good value for money from the NFCU but additional funding was required to ensure that this continued to be the case. NFCU staff were frustrated at the lack of police buy-in and he believed that was why the FSA needed to take the lead on coordinating investigations. This was not a takeover bid for territory as no one body could do this work in isolation.
71. As other countries adopted similar models we were in danger of being left exposed, in his view, given the global nature of the food supply chain. The business case would necessarily look at costs/benefits and part of those costs would be to safeguard staff working out on the frontline. However, benefits would include a reduction in risks to consumers from the food chain, as well as economic losses and issues of public confidence.

72. The CE clarified that the business case would include a consideration of the costs, benefits and risks associated with:
- do minimum - of which there were two versions:
    - the status quo;
    - scaling back on current NFCU work to concentrate on the intelligence gathering and analysis elements;
    - the creation of an investigatory function and its establishment as an Arm's Length Body (ALB), or such other mechanism as could meet the objectives identified in the Review.
73. The Chair emphasised the importance of clarity about the role and limitations of the Unit in each scenario in the business case.
74. During discussion on governance, a Board member said while an ALB may be appropriate for an NFCU with investigative capacity, he did not necessarily agree with the Review's recommendation that the NFCU Chair sit on the FSA Board as that gave the NFCU oversight of the FSA, rather than the Board oversight of the NFCU. Another Board member said the best governance arrangement was the one that made it easiest for industry to share intelligence with us.
75. The Board discussed the fact while creating an ALB gave a degree of independence to the NFCU from the FSA, if the NFCU were still funded by the FSA, this would have to be addressed in communications about independence to stakeholders. Given the risk of food crime to the reputation, and survival, of FBOs, the Board were interested in considering financial contributions from industry to an NFCU with investigative capabilities. Board members generally saw the logic and delivery advantages of an arm's length solution.
76. The CE said there was a risk in becoming fixed on the one option of an ALB at this stage; what mattered was that the governance arrangements worked and were cost effective. The scale of an enhanced NFCU would be important in determining governance arrangements and this would emerge from the business case. There had been cultural benefits from embedding the NFCU within the FSA, and ways of continuing this useful "cross fertilisation" should be considered, as well as learnings from previous FSA experience of having run an ALB in the form of the Meat Hygiene Service.
77. The Chair said there was evidence across government that ALBs could work well and emphasised the importance of the FSA as a whole not being distracted or losing pace on delivering RoF by 2020. If we did get support for an enhanced NFCU from across government, there would be an expectation on us to move quickly to deliver it.
78. David Kenworthy explained the Review had recommended an ALB to separate an investigative NFCU from the FSA as the regulator in order to persuade partners to collaborate because any intelligence they shared with the NFCU would be safely and securely handled. The National Intelligence Model as used by the NFCU currently was a business model which should drive the NFCU, but not the FSA.

79. The Chair welcomed David Kenworthy's praise for Kate Todd who had authored the report of the Review. The Chair also thanked David Kenworthy, for chairing the steering group and for attending the meeting in person, and Richard Lloyd and Paul Willgoss for their contributions.
80. In concluding the Chair said that the Board:
- Agreed that the Executive should carry out further work on the business case for establishing an NFCU with investigative capacity.
  - Had not seen evidence from the Review of any other Agency stepping up to take on this responsibility.
  - Understood that if more was to be done in this area, it would be for the FSA to do it.
  - Understood that next steps would involve Ministers and other government departments with whom we would have to socialise our conclusions thus far.
  - Agreed that a small group of Board members should then support the Executive in looking at the underpinning evidence for the business case. This short term group would include the Chair, the member for Wales, the member for NI and two other Board members – to be confirmed.
  - Agreed that the business case would include two 'do minimum' options: to revert back to the original NFCU; or to sustain its current stretch.
  - Agreed that the FSA would not take on additional responsibility without adequate resources.
  - Agreed that an NFCU with investigative capacity would not work if industry was not willing to work with us.
  - Agreed to receive a report on final recommendations and decisions in due course.

#### **DEVELOPING PROPORTIONATE CONTROLS FOR RISKY FOODS (FSA 16/11/07)**

81. The Chair welcomed Patrick Miller, FSA Joint Head Chief Scientific Adviser's Team, to the table and invited and invited Steve Wearne, FSA Director of Policy, to introduce the paper.
82. The FSA's Director of Policy said that following the previous discussions the Board had had about the principles underpinning the work, and the emerging thinking, the framework at Annex 1 of this paper was being presented as the final product.
83. The purpose of this discussion was to sense check that this framework which was essentially a detailed handbook for risk managers in the FSA met what the Board had said it needed: a framework to deliver soundly-based, consistent and transparent decisions on identifying and managing risky foods.

84. We had recognised that it was difficult to see how the framework would be used in the abstract which was why we had performed an indicative screen of emerging issues identified by EFSA's emerging risks exchange network (EREN) in 2015. This was included at Annex 2 of the paper.
85. The Chair of WFAC said the Committee welcomed the paper and had made the following points: that the framework could be more explicit in relation to transmissibility and to cases of secondary infection, and the risks in relation to transmissibility could usefully be quantified; the importance of ensuring that types of foods which might be considered under the framework were kept under periodic review; and clarity around the triggers which would initiate a review.
86. It had been confirmed for the Committee that the serving of burgers less than thoroughly cooked fell into the amber group. Stakeholders present at the WFAC meeting had shared the practical difficulties they were experiencing when enforcement officers visited premises which served burgers served less than thoroughly cooked. It had been confirmed for the Committee that there would need to be some new information to initiate a review under the framework of the position of burgers less than thoroughly cooked.
87. Patrick Miller thanked the members of the ad hoc Working Group and the co-opted experts who had shared their expertise to help develop the framework. He said transmissibility was highlighted as an issue to consider in the assessments of risk and of acceptability under the framework; its importance and treatment in individual cases would depend on the specifics of that case, but all assessments would need to consider whether and how it was relevant. Triggers were also a key part of the process which could lead to a review. The need for review and the basis on which it would be triggered and made would be looked at on a case by case basis, but this would be done with reference to the four dimensions of evidence set out by the framework.
88. The four dimensions of evidence which we needed to consider in deciding which foods and risks fell within which of the three categories (broadly acceptable, unacceptable unless, and unacceptable) were:
- the nature of the risks and who these affected and how;
  - any benefits from consumption of the food;
  - the effectiveness of controls; and
  - the acceptability of the risks and of the controls, to FSA and to citizens, businesses, enforcement bodies and others.
89. The Chair of NIFAC said the Committee welcomed the paper and the red, amber green system of the framework. The framework offered protection for consumers, whilst giving them an element of choice.

90. The FSA's Director of Policy said that some new foods coming on to the market would be considered under novel foods, rather than risky foods. He said Annex 2 of the paper gave examples of crops or fresh produce with risks that could lead to a review under the framework if a trigger was activated.
91. Professor Poppy said the framework offered a logical pathway to show why and how we made decisions. This enabled us to address challenges from specific sectors as to why we were reviewing certain foods or had classified them as risky.
92. A Board member said it was important that we, rather than industry, decided what a risky food was. Nevertheless, in deciding on controls, it would be important for us to talk to industry about what controls they were actually able to put in place.
93. In concluding, the Chair said the Board warmly welcomed the framework and commended all three science papers which they had considered at the meeting.

**ENHANCING THE CONTRIBUTION OF THE FACTS TO FSA INSIGHT AND DECISION MAKING (FSA 16/11/08)**

94. The Chair introduced this paper by saying that it followed on from the consumer engagement paper the Board had received at its September 2016 Board meeting. It also reflected the fact that in recently seeking to recruit the Chairs of the Food Advisory Committees, we had tweaked their job descriptions to charge them with moving the Committees beyond simply offering advice on the devolved aspects of the Board's core business.
95. This paper was to put on record that the Chairs of the Northern Ireland and Welsh Food Advisory Committees were looking at refreshing their Committees' input to the FSA as a whole. The Committees would continue to provide and strengthen the specific country issues brought for discussion to Board meetings. In addition, the Board would look on the Committees as an additional resource from which to gain input on ad hoc specific issues.
96. The Chair of WFAC said the Committee welcomed the clarity of expectation and would take time to consider how the Committee could work collaboratively with stakeholders on existing programmes of work. The Committee would undertake engagement with purpose and planned to address the issue at their next meeting.
97. The Chair of NIFAC said the Committee had discussed the issue in a closed session following their open meeting the previous week. The Committee would also be holding a strategy session in January. The Committee would look to work with the NI Consumer Council and other stakeholders who reached out to elderly and young consumers in particular. NIFAC would also feed in to consultations by the NI Government on its new programme of work where it had relevance for the FSA, for example on the new Health strategy.

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**REPORT FROM THE CHAIR OF THE WELSH FOOD ADVISORY COMMITTEE  
(FSA 16/11/09)**

98. The Chair invited Dr Ruth Hussey, Chair of the Welsh Food Advisory Committee (WFAC), to present her paper.
99. The Chair of WFAC said her written report discussed issues pertinent to WFAC since the Board last met in Wales in January 2015. As this was her first report since having been appointed in July of this year, she had consulted with her predecessor Dr Roland Salmon.
100. The Chair of WFAC reminded the Board that WFAC worked by considering Board papers at WFAC meetings held in the run up to Board meetings. WFAC's advice was reflected in a letter which the Chair of WFAC wrote to the Board Chair immediately following the WFAC meeting. The Chair of WFAC then drew upon this advice and input it into discussions during the Board meeting. This system seemed to work well but any observations on the process from Board members were welcome.
101. WFAC provided a point of view on the policy and strategy decisions before the Board, and offered any country-specific evidence or dimensions that the Board would wish to take into account in reaching its decisions. For example, the Committee had had a positive opportunity to explore RoF principles with engaged stakeholders in Wales.
102. The Committee was gathering evidence to better inform its forward agenda. For example what did it already know about consumers in Wales and what did it learn from going to events across Wales that differentiated Wales from England and NI and could have a material impact on policy making. Work was being done to tease out devolved-specific information from FSA consumer insight work and to learn about Welsh consumer interests from Food and You.
103. The Wellbeing of Future Generations (Wales) Act 2015 had seven overarching goals including making people healthier which the FSA, even though not a named body in the Act, would have to take into account to meet the Act's principles of sustainable governance.
104. The Chair of WFAC thanked her predecessor Dr Salmon for all his hard work; her WFAC colleagues for helping her settle in with their depth of knowledge; the FSA Executive team for presenting their papers to the Committee; the Board and the Chair for helping her to continue to put forward a strong voice for Wales at the Board table. She also thanked Helen George and her team in FSA Wales for all their support.
105. The Chair said the Board had held a successful dinner with stakeholders in Cardiff the evening before which had allowed for much discussion about Welsh stakeholders' interests and priorities.
106. In response to a question from a Board member, the Chair of WFAC said that the Committee was working on getting a better understanding of population distribution and composition across Wales to ensure it took into account the voices of all consumers.

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**FSA IN WALES: DIRECTOR'S UPDATE (FSA 16/11/10)**

107. The Chair invited Nina Purcell, FSA Director of Wales and Regulatory Delivery Division, to present her paper.
108. The FSA's Director of Wales and Regulatory Delivery Division said the paper updated the Board on progress on the delivery of the introduction of a new model to deliver animal feed official controls, and the Food Hygiene Rating Scheme in Wales.
109. Priorities for the future would centre on collaboration as that was the key to how the FSA in Wales worked with partners and achieved so much. During upcoming changes ahead, the FSA in Wales would seek to maintain strong working relations with LAs and with Welsh Government.
110. In response to a question from a Board member the FSA's Director of Wales and Regulatory Delivery Division confirmed that the FSA had produced guidance to enable the industry to move into legal production of smoked skin on sheep meat.
111. A Board member congratulated the FSA in Wales for its theatre in education workshop "The Ghastly Gravy on the Starship Gastromo" which some of the Board members had been to see in a local primary school the previous day. The workshop taught young people the importance of food hygiene and kitchen safety and had earned the FSA in Wales and Performance in Education (PiE) the Gold Award for Innovation at the recent prestigious EVCOM Clarion Awards. The Board member encouraged the FSA in NI to consider delivering similar workshops.
112. The Chair commended the FSA's Director of Wales and Regulatory Delivery Division thorough report, and the wide range of activities undertaken by the FSA in Wales.

**REPORT FROM THE CHAIR OF THE AUDIT AND RISK ASSURANCE COMMITTEE (ORAL REPORT)**

113. The Chair invited Jim Smart, the Chair of the Audit and Risk Assurance Committee (ARAC), to present his oral report.
114. The Chair of ARAC gave a summary of items discussed by the Committee at its meeting the previous day.
115. There was nothing that had concerned the Committee in relation to the NAO's Audit Strategy to year end. The transfer of the FSA's finance and procurement systems to the Single Operating Platform had gone well. The controls in place were at least as good as the previous ones and in some cases even better. Any teething problems were expected to be resolved by the end of the year. The Committee would look at the cost benefit analysis of the move to the FSA and the Government next year.
116. ARAC had looked at the risk map which sat behind the FSA's corporate risk register. There had been no major movements since the Board last looked at the risk register. ARAC thought there were two areas worth probing which they would raise the next

time the Board looked at the risk register. In terms of the self-assessment process for the FSA's controls assurance framework, this was the second time it had been done and the framework was working well. The results of the self-assessment would be used to inform the audit strategy.

117. The internal audit progress report showed that we were on track. Next year's audit programme would be influenced by: the controls assurance framework; the risk register; and the FSA strategy. The internal audit deep dive had shown that management was in line with the timetable to progress recommendations.
118. The Committee had discussed the HMT ARAC Handbook and decided that the Committee was broadly in line with the requirements and with best practice. There were two areas which the Committee would include in its upcoming programme of work.
119. The Chair thanked the Committee for its work.

#### **REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 16/11/01–02)**

120. The Chair of NIFAC said he had brought the points made by the Committee out during discussion of each paper on the agenda and had nothing further to add.
121. The Chair of WFAC said she too had brought the points made by the Committee out during discussion of each paper on the agenda. She drew attention to the detail in her report of the observations made by stakeholders at the meeting.

#### **ANY OTHER BUSINESS**

122. The Chair advised that there was no other business and closed the Board meeting.

#### **DATE OF NEXT MEETING**

123. The next meeting of the FSA Board would take place on Wednesday 15 March 2017 in London.

**MINUTES OF THE FSA BUSINESS COMMITTEE MEETING HELD ON 23  
NOVEMBER 2016 IN MERCURE HOTEL, CARDIFF FROM 12:45 to 1:05pm**

**Present:**

Heather Hancock, Chair  
Tim Bennett, Deputy Chair  
Rod Ainsworth, Director of Legal and Regulatory Strategy  
David Brooks  
Catherine Brown, Chief Executive  
Jason Feeney, Chief Operating Officer  
Ram Gidoomal  
Rosie Glazebrook  
Chris Hitchen, Director of Finance and Strategic Planning  
Stewart Houston  
Ruth Hussey  
Maria Jennings, Director FSA Northern Ireland and Organisational Development  
Colm McKenna  
Heather Peck  
Julie Pierce, Director of Openness, Data and Digital  
Guy Poppy, Chief Scientific Adviser  
Nina Purcell, Director FSA Wales and Regulatory Delivery  
Jim Smart  
Steve Wearne, Director of Policy  
Paul Williams

**In attendance:**

Nicky Elliston, Head of FSA Executive Office & Board Secretariat  
Richard McLean, Head of Planning, Performance and Change  
Simon Dawson, Head of Operations Assurance

**WELCOME AND ANNOUNCEMENTS**

1. The Chair welcomed everyone to the meeting.

**MINUTES OF BUSINESS COMMITTEE MEETING HELD ON 21 SEPTEMBER  
(FSA 16/11/11)**

2. There were no amendments to the minutes and these were accepted as an accurate record of the 21 September Business Committee meeting.

**ACTIONS ARISING (FSA 16/11/12)**

3. There were no comments on the Actions Arising.

**PERFORMANCE AND RESOURCES UPDATE (FSA 16/11/13)**

4. The Chair invited Richard McLean, Head of Planning, Performance and Change, to present the paper.

5. Richard said the paper addressed two issues: the performance of the food system as a whole in terms of protecting consumers' interests; and the effectiveness and efficiency of the FSA. During some recent work we had completed with the National Audit Office (NAO) on performance management, they had been complimentary about this approach and had recognised the position we were in as a regulator of trying to achieve outcomes in the food system with limited means at our disposal to do so directly.
6. The second part of the paper had information on the outputs for which the FSA was directly responsible, and whether we were achieving our milestones. The first part of the paper focused on the wider food system. For example our collaborative work with industry on tackling *Campylobacter*; improvements in Food Hygiene Ratings Scheme (FHRS) ratings; and increasing levels of meat Food Business Operators (FBOs) achieving a good compliance level with regulations. These successes were all having a positive effect on public health, and should be noted against a backdrop of a decreasing level of financial resources.
7. David Brooks noted the increase in operational non-compliances in poultry. Jason Feeney said we were working to address issues higher up the supply chain by identifying the hauliers and drivers involved in non-compliances to enable Defra to take action against them. We had also increased our attention to cutting and stunning parameters in abattoirs which had resulted in an increase in non-compliances reported. Our ambition was to improve compliance and reduce enforcement action.
8. In response to a question from the Chair, Jason confirmed that amongst those meat FBOs with compliance levels of urgent improvement necessary and improvement necessary, there were repeat offenders for whom the challenge was to not only achieve but then sustain good levels of compliance. Charging for repeat risk-based audits, in line with the Regulating our Future (RoF) principles guiding the transformation of the meat charging system, was one way of addressing the management culture in meat FBOs who had historically had a tendency to lapse repeatedly.
9. Catherine Brown noted the challenge of carrying out the Efficacy of Recalls project while dealing with an increasing number of incidents and agreed the Committee would receive an update on the project as of May 2017.

**ACTION: Board Secretariat to add update on the Efficacy of Recalls project to the Committee's forward agenda**

10. Julie Pierce said while we were currently behind the curve of publishing 95% of all our datasets by March 2017, we were still optimistic of achieving it. In terms of tracking those who accessed the data we published, we would take a light touch approach and seek feedback from those who accessed it as to how useful they had found it.
11. Catherine Brown assured the Committee that we undertook constant benchmarking to validate the work we did and the targets we set to measure our efficiency and effectiveness. For example we worked with the Chartered Institute

of Public Finance and Accounting (CIPFA), and we compared back office costs with other government departments. Catherine agreed to share with Committee members the report the NAO had written on the meat charging system which had informed the Stow 1 and Stow 2 projects as part of the RoF programme as although it is now rather old it provides helpful overall context.

12. Chris Hitchen said the NAO had recognised the challenge we had in achieving outcomes through joint collaborative working, and the difficulty this posed for setting targets. This was why we had separate targets for achieving outcomes in the food system, and outputs for which we were directly responsible.

**ACTION: Board Secretariat to circulate the NAO report on meat charging to Committee members**

#### **ANY OTHER BUSINESS**

13. The Chair said there were no items for consideration under Any Other Business and concluded the open session of the Business Committee.

#### **DATE OF NEXT MEETING**

14. The next meeting of the open Business Committee would take place on Wednesday 15 March 2017 in London.