

MINUTES OF THE FSA BOARD MEETING HELD ON 6 DECEMBER AVIATION HOUSE, LONDON – 09:00 – 15:15

Present:

Heather Hancock (Chair), Laura Sandys (Deputy Chair), Dave Brooks, Ram Gidoomal, Rosie Glazebrook, Ruth Hussey, Stewart Houston, Colm McKenna, Mary Quicke, Stuart Reid, Paul Williams

Officials Attending:

Jason Feeney (Chief Executive)
Rod Ainsworth (Director of Regulatory and Legal Strategy)
Chris Hitchen (Director of Finance and Performance)
Maria Jennings (Director of Northern Ireland and Organisational Design)
Richard McLean (Director of Strategy)
Julie Pierce (Director of Digital, Data and Openness)
Nina Purcell (Director of Wales and Regulatory Delivery Division)
Guy Poppy (Chief Scientific Adviser)
Colin Sullivan (Chief Operating Officer)
Michael Wight (Interim Director of Policy and Science, deputising for Steve Wearne)
Andy Morling (Head of the National Food Crime Unit)
Michael Jackson (Head of Standards and Assurance)
Dr Paul Cook (Head of Microbiological Risk Assessment)
Steven Knight (Surveillance Programme Manager)
Michelle Patel (Head of Social Science Transformation)
Vanna Aldin (Head of Analytics and Chief Economist)
Richard Hoskin (Head of Incidents and Resilience Unit)
Philip Randles (Head of Incidents)

Other Attendees

Sandy Thomas (Chair of the FSA Science Council)

Apologies

Steve Wearne (Director of Science Policy)

1. WELCOME AND ANNOUNCEMENTS

1.1 The Chair welcomed everyone in the room and online to the meeting and welcomed Stuart Reid to his first Board meeting.

1.2 Apologies were received by Steve Wearne and the Chair welcomed Michael Wight – representing as his Deputy. The Chair made the Board aware that Professor Sandy Thomas, Chair of the FSA Science Council Board, would join at the table from 12:30 for three items.

1.3 The Chair reminded Board members to declare any conflicts of interest prior to each discussion.

1.4 There were no items received for Any Other Business.

2. MINUTES OF MEETING HELD ON 20TH SEPTEMBER

2.1 There were no amendments to the minutes and these were agreed as an accurate record of the 20th September 2017 meeting.

3. ACTIONS ARISING

3.1 Dave Brooks reflected on the seemingly vague terminology used in the September minutes relating to actions concerning the FSA's Social Science, and asked for greater clarity. The Chair noted that the Board will discuss a *Food and You* survey update paper in 2018, with a Social Science update to be discussed during today's meeting.

ACTION 1: Board Secretariat to update the Board Forward Look

ACTION 2: Michelle Patel to bring *Food and You* back to the Board in 2018

3.2 No other updates or comments were received.

4. CHAIR'S REPORT

4.1 The Chair noted that a full list of engagements she had undertaken since the last Board meeting were available on the FSA website.

4.2 At the Department of Health, the Chair met with Steve Brine, the new Parliamentary Under Secretary of State for Public Health for a constructive conversation on regulatory reform and EU Exit.

4.3 In the Welsh Government, the Chair and Welsh Food Advisory Committee Chair, Ruth Hussey, met Rebecca Evans, the then Minister for Social Care and Public Health. The Chair noted that this portfolio had since been handed to Vaughn Gething and that she hoped to meet him as soon as possible. The Chair noted that she and Ruth Hussey also met with the wider Welsh Ministerial Group to discuss EU Exit. In the absence of Ministers in Northern Ireland, the Chair met Richard Pengelly, the Northern Ireland Permanent Secretary for Health, as she had done previously.

4.4 The Chair, with assent from a number of Board members, reported that the annual Parliamentary Reception had been a success and was well attended by both Parliamentarians, stakeholders and FSA officials. She commented that she had had the opportunity to discuss some specifics of the Regulating Our Future (RoF) Programme with Parliamentarians, and all present had noted enhanced levels of interest in the FSA's work. The Chair also noted that she also met the Chairs of the Environment, Food and Rural Affairs (EFRA) and Local Government Select Committees.

4.5 The Chair reported that she and the CE had visited the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) in Weymouth. The Chair and CE had also had their regular update with Food Standards Scotland (FSS) and found the meeting constructive to share ideas, direction and reinforce good relationships.

4.6 The Chair had accompanied her own Local Authority on an Environmental Health visit to a new start-up food business, as well as attending the Warburtons Factory. She remarked that these visits had highlighted for her the important contribution of family owned businesses.

4.7 The Chair and Guy Poppy, the Chief Scientific Adviser (CSA) had visited the Lloyds Register, which promotes engineering and technology responses and spoke about a focus on educating the public on health safety. It was noted the FSA intend to continue to work with Lloyds in the future.

4.8 Lastly, the Chair noted that she had invited Laura Sandys, the Deputy Chair, and the Welsh (Ruth Hussey) and Northern Ireland (Colm McKenna) Chairs to review the Food Advisory Committees (FACs), given that the last review was in 2010. She noted that the FSA is now in a good position to examine the statutory components and how the FAC role can be enhanced. Ahead of the next Board meeting in March, she remarked that the Terms of Reference would be published and circulated to Board members for comment, and that her focus would be to look at the FAC impact, decision making capability, their purpose, advice and impact on relationships in each country and how extra value can be added. She also noted that the review should be mindful of the developing landscape in England and should fully reflect any changes.

5. CHIEF EXECUTIVE'S REPORT TO THE BOARD MEETING

5.1 The CE opened his report by explaining at this Board meeting he would present two reports - with strategic updates announced at the Board meeting, and operational updates at the Business Committee later that afternoon.

5.2 The CE noted that he and the Chair had focused on relationship building since the last Board meeting; the Chair at a political level, and the CE at an official level. The CE commented that much of his work had been focused on the FSA's international work, and noted that he had made a conscious decision to devote more of his role to enable the FSA to be more influencing and involved and overall have a greater impact. In particular, he noted the work he and Steve Wearne, FSA Director for Science Policy, had conducted with Codex Alimentarius for International Food Standards (Codex) and with senior members of the Global Food Safety Initiative (GFSI). He advised that they will both attend a conference in 2018 as panel members.

5.3 The CE invited questions from the Board about his report. In response to Ram Gidoomal's question the extent the FSA's strategy will work on diplomatic work objectives overseas, the CE clarified that when making visits in other countries (e.g. the US), he has taken time to visit the UK Embassy to have conversations about trade and some food related issues and challenges. He noted that the FSA will be able to do more engagement work in this area post-2019. The CSA added that there is a strong science network in the Foreign Office, and the FSA co-leads on food advice for the Foreign Office with Professor Ian Boyd, the Chief Scientific Adviser in the Department for Environment, Food and Rural Affairs.

5.4 Colm McKenna queried senior appointments in the FSA and the CE confirmed that the FSA had been under-resourced at Deputy Director level. He reported that in order to assure the Board of the FSA's capacity to deliver EU Exit related priorities, the organisation had expanded significantly. The CE commented that the FSA has had two successful HM Treasury bids to secure funding for the 2017-2018 financial year, and is now preparing 2018-2019 bids. He noted in the 2018-2019 bids, the FSA would be adding capability to ensure the right senior leaders are in place to be able to confidently deliver to strategic goals, and the FSA will also be assessing the market to consider options regarding very competitive staff areas, such as policy, which has previously presented a specific challenge for the FSA.

6. UPDATE FROM THE NATIONAL FOOD CRIME UNIT

6.1 The Chair thanked the CE for his report and welcomed Andy Morling, Head of Food Crime, to the table. The Chair asked Colin Sullivan, the Chief Operating Officer, to introduce the paper.

6.2 Colin stated that this paper would clarify recommendations set out in the Kenworthy Report, as well as highlight international engagement. It was noted that the recommendations from the Kenworthy Report could be realised if the National Food Crime Unit (NFCU) is granted full investigatory capability and moved into Phase Two of its development.

6.3 Andy emphasized the three main aims of this paper; to provide a general update on the achievements and challenges of the NFCU – including the potential impact of Britain's exit from the EU on food crime; the provision of the next level of granularity on what Phase Two might look like if funding becomes available; and to seek Board approval on plans to enhance data sharing with the food industry.

6.4 Andy explained that the unit processes information coming from informants, from its own resources, from closed sources across Government and from the industry. The NFCU is uniquely placed to understand and explore suspicions about food crime, and it has a growing relationship with the Food Industry Intelligence Network. He noted that in its Phase One status, the work of the unit's analytical activity; with staff examining, comparing and contrasting data, looking for trends and themes to add value. He commented that as criminal intelligence is a circular rather than a linear process, Phase Two would allow the NFCU to complete the intelligence cycle.

6.5 Before opening the discussion for Board questions, the Chair clarified that yesterday she, the CE and Andy had attended a cross-Governmental meeting chaired by George Eustice, the Minister of State for Agriculture, Fisheries and Food at Defra to seek Ministerial approval for the NFCU to move into Phase Two, with the extra funding that is required. She confirmed that conclusions from the meeting were anticipated by mid-January 2018 and the Board would be kept up-to-date on progress.

6.6 In response to Rosie Glazebrook's question on how the NFCU can provide the most assurance to partners, Andy stated that building relationships is the first and most important part of the process. He noted that improving relationships would increase the value of shared data and drive opportunities, as the NFCU is separate to the food industry.

6.7 Paul Williams commented that the NFCU position seemed paradoxical - as gaining Government accession to Phase Two will encourage the food industry to share data but at present the outcome of that intelligence sharing is difficult to envisage. Andy agreed that this problem applies to all sources who provide information to the NFCU - often at great personal risk. He noted that all informants need to be able to see the end result from the first moment they engage with the NFCU, and securing Phase Two will help to demonstrate the value of their engagement.

6.8 Mary Quicke queried how the NFCU remains obligated to the FSA's commitment to openness, especially when responding to Freedom of Information (FOI) requests. Andy responded that whilst the NFCU will always comply with openness requirements and FOI requests, there are exemptions that the NFCU may apply with regards to protecting sensitive data.

6.9 Ruth Hussey requested further elaboration on how the NFCU will work with Local Authorities (LAs) in Phase Two, and also queried how the NFCU will work with the Welsh

Fraud Unit. In response, Andy noted that at present relationships with LAs are generally good although there are challenges. The work of the NFCU is focussed on fraud offending to which LAs are generally unaccustomed. As recommended in the Kenworthy Report, Andy anticipated that if the NFCU moved to Phase Two, the NFCU would help to train LAs in-fraud awareness and maintain good relationships with them. With regards to the question on Wales, Andy confirmed that the NFCU has a good working relationship with the Welsh Food Fraud Coordination Unit.

6.10 The Deputy Chair noted her interest in this area and asked what commitments other law enforcements and Government Departments had made to enhance intelligence and collaboration, and additionally queried when a business case would be put to the Board. Andy commented that other agencies are fully engaged in the Government Agency Intelligence Network (GAIN) which facilitates intelligence sharing across government agencies and the police service. In addition, he noted that the NFCU had recently signed an agreement with Her Majesty's Revenue and Customs (HMRC) to share further intelligence.

6.11 He also noted that if the NFCU were to advance into Phase Two, the aim would be for it to be operational by 1st April 2019. The Chair clarified that although the NFCU has engaged in some planning to prepare for Phase Two, it will not begin Phase Two preparations until additional funding is confirmed by HMT.

6.12 Andy acknowledged that the NFCU does not have much interaction with the big data world or new data revolution, in response to a question from the CSA, who had referred back to the Lloyds Registry visit he conducted with the Chair. The Lloyds registry use a 'big data approach' to share and spread risk across agencies. Andy noted a difference between 'intelligence' and 'data' when considering securing and sharing a range of information with other sources, and commented that this at present lies outside of the NFCU's remit. Julie Pierce, Director for Data, Digital and Openness, confirmed that the NFCU have previously been customers of the FSA's Surveillance Programme. She added that future work for the Programme includes investigating big data opportunities, including tools, insights and analytics that may well be useful to the NFCU.

6.13 In response to Ram Gidoomal's question about risks the Board might face having given assurance of the Food Industry Intelligence Network (FIIN), Andy noted that, although improbable, the NFCU could be asked by a Court to identify those who have provided intelligence to the unit. It was agreed that these risks are described on the risk register, and would progress through the FSA's Audit and Risk Assessment Committee (ARAC) to give assurances to the Board. Rod Ainsworth, the Director for Regulatory and Legal Strategy, further clarified that the Risk Register currently names the FSA as owner of risks on food crime, and completion of Phase Two for the NFCU would be an exercise in risk management and mitigation.

6.14 Colm McKenna asked if the NFCU had been clear regarding what it wanted from other Government Departments, and the Chair commented the FSA has asked for Ministerial backing, and that continuation into Phase Two is the only way forward for the NFCU. If it is granted, the Chair noted that a timeline will be put together that will form the basis of discussions with the Treasury and other Government Departments.

6.15 In her summary of the discussion, the Chair welcomed the NFCU's achievements in gathering and contextualising food crime intelligence data, its life-saving work on Dinitrophenol reduction, and its work on building international relationships. She recognised that the NFCU's limited remit has resulted in some challenges but confirmed that the Board was content to agree protocols and will look to promote these principles. Looking forward, the Chair noted that the FSA is now looking for the food industry to continue to play its part in tackling food

crime, and she anticipates increased movement from them in future. She noted that the Board recognised that Phase Two of the NFCU presents many opportunities, but cannot be implemented or fully realised without full Ministerial support and funding.

7. REGULATING OUR FUTURE (RoF) – THE FSA AS A SUPPORTING REGULATOR UNDER PRIMARY AUTHORITY

7.1 The Chair welcomed Michael Jackson, Head of Local Authority Policy and Delivery, to the table and invited Nina Purcell, the Director of Wales and Regulatory Delivery to introduce the paper. The Chair acknowledged that the Board were provided with a background brief on the Primary Authority in October, ahead of this meeting.

7.2 Nina explained that the FSA has been involved in Primary Authority (PA) as part of the changes under the Enterprise Act 2016. PA is administered by Regulatory Delivery (RD) at the Department of Business, Energy and Industrial Strategy (BEIS) on behalf of the Secretary of State. In 2016, PA was extended and BEIS introduced the Supporting Regulator (SR) role. As a SR, the FSA could provide a wide range of services to PA partnerships - from advice on specific, discrete issues to the provision or facilitation of more generalised advice.

7.3 Nina noted that the paper provides background for how the FSA might carry out this role and overall makes two recommendations;

1. The FSA considers requests for support on a case-by-case basis and limits its supporting regulator role to acting as a facilitator in exceptional circumstances (where, a.) no published guidance currently exists and b.) where specific scientific determination is requested and where relevant advice doesn't already exist)
2. The FSA reviews its supporting regulator policy in two years

7.4 Opening the discussion, Paul Williams noted this new role will ask the FSA to be a SR in situations where there is currently no guidance or scientific advice, and questioned how helpful this advice might be to one specific company, or whether the role will have breadth and be applicable to many companies. Nina responded that she didn't anticipate for the SR role to be one of 'business as usual' because it needs to provide for existing spaces in the sector. She clarified that PA is a one-to-one relationship that sees the FSA provide advice which is paid for.

7.5 In response to Rosie Glazebrook's question about whether PA should be reviewed sooner than the two years as suggested in the paper, Michael agreed that once the FSA's position is determined and requests for advice are received and evaluated, the FSA could test and review earlier.

7.6 Ruth Hussey commented that PA remains static in Wales, and advised that governance assurance processes must be explicit and strong so that the FSA's responses can be tailored and developments can be acknowledged. Both Nina and Michael acknowledged these comments.

7.7 In response to Stewart Houston's enquiry about the workload impact on the FSA if partnerships were to increase from 17,000 - 250,000 by 2020 (as suggested in Annex 1 of the paper), Michael noted that food world law is well developed and that the FSA has been aware of those who want PA relationships for some time. He noted that it would be difficult to envisage that the expansion of PA would change this in the food world, but that the ambition to build the total number was shared by BEIS.

7.8 Mary Quicke declared an interest as a specialist cheese maker in Cornwall, and queried whether PA would attend to multiple food businesses that manufactured similar products and how the FSA would ensure consistency in its guidance across the sector. Michael responded that across such a diverse landscape there are many different types of partnerships.

7.9 Summarising the discussion, the Chair noted that the Board would be happy to endorse this role if they could be kept updated on progress - and regular updates on this role might come to the Business Committee at future meetings.

8. RoF – DEVELOPMENT OF THE ASSURANCE FRAMEWORK FOR THE TARGET OPERATING MODEL

8.1 Michael introduced the second RoF paper and noted that it showcased some of the work of the last year, but also required the Board's direction on the Certified Regulatory Auditor (CRA) concept. He reminded the Board that in previous meetings, papers on the CRA concept had been exploratory, and now a decision was required on how to proceed.

8.2 Michael briefly summarised the paper; there is a clear relationship between "regulated private assurance" and "official controls"; and a set principles by which businesses might be eligible for regulated private assurance schemes have been identified; LA expectations can be greatly reduced if assurance can go through the national inspection strategy; the CRA concept is in a slightly difference space than expected and may be able to fulfil the role of official controls in future.

8.3 The Chair opened the discussion by querying the FSA's opportunity to continue to drive third party assurance schemes that already exist. In response, Michael clarified that whilst there are opportunities to drive improvements, this scheme focuses beyond what already exists and will evolve to explore a business's culture, and commitment to food safety so that checks go beyond whether the business can deliver on the day of an inspection. The CE added that the FSA is working with a number of international agencies (the International Organization for Standardization, the Global Food Safety Initiative, and Codex) to create international standards for business inspection.

8.4 Ruth Hussey's comment regarding potential implications of this scheme - especially in Wales, where FHRS is already a statutory requirement and should not be compromised – was noted.

8.5 In response to Ram's question on the costs and charges this scheme might impose on small businesses, Michael noted the FSA is currently working on a strategy that should be with the Board during 2018 on a sustainable funding template for how the scheme would work across the three countries. Nina added that the FSA is a member of the Cabinet Office's Regulatory Futures Delivery Board and has received confirmation that both the Cabinet Office and Treasury are content with the direction of travel.

ACTION 3: Michael and Nina to update the Board in June 2018 on the sustainable funding model.

8.6 Colm McKenna commented that the LAs are in the 'self-regulation' industry, and queried how capabilities of LAs would be sustained in the UK. Michael confirmed that through consultation, the FSA has established that some LAs have become more aware and understand how better to manage efforts. He noted that this was especially apparent regarding the availability of skills - whilst there are over one hundred newly qualified individuals who are CRA accredited every year, there is a lack of training opportunities. He confirmed that the FSA is introducing ways to train Environmental Health officers (who are confident) to practice.

8.7 The Deputy Chair commented that she had recently spoken at a Novel Foods event, and queried how the FSA can develop its expertise in new areas that it will require a specialist understanding of. Michael responded that there is currently a competence gap in the market when it comes to complex areas, but that there are people who can bridge such a gap. The Chair added that before the FSA steps in to more complex areas of the food world, such as novel foods, it is essential that other specialist areas or areas vulnerable as a result of skills gaps, are not forgotten.

8.8 Dave Brooks noted his fear that the CRA role might over-stretch the FSA and its priority must remain to establish organised segmentation across the varied industry. He commented that the FSA must focus on its operating model and providing advice in a space that is severely lacking in terms of knowledge and expertise. Michael noted his comments, and added that there are some specialist individuals operating in this area already, and this issues around incompetency aren't too high. The CSA added that the CRA role would be a big challenge but that the FSA should nonetheless explore ways to offer general competence advice which could be expanded to meet the infrastructure needs in this area.

8.9 In response to Ruth Hussey's comment about developing a sustainable funding model for CRA work and ensuring registered graduates have access to practicing posts, Michael agreed that sustainable funding was crucial, and clarified that the FSA is working with LAs who have funded departments to take on new graduates.

8.10 Stewart Houston asked whether the FSA places enough emphasis on measuring corporate governance and stressed the importance of it being at the top of a lot cases. Michael responded that the assurance industry is aware it needs to bring in more governance into this complex area. He noted that he would be able to offer more on this in 2018 in his subsequent update to the Board. Ram Gidoomal added that the risk of non-compliance is very clear, and that the FSA should ensure the FBOs recognise the seriousness of compliance issues. The CE commented that all FBOs are aware of significant penalties that can be implemented in issues of non-compliance and Michael added that historically sanctions imposed by Courts have been significant and this has increased in recent years.

8.11 Colm McKenna asked if there was a 'resource of shared resources' in the LA community, and Michael clarified that he is aware of this in some LAs but that the FSA has not actively encouraged this so far. Further work would be needed to establish how best to encourage it.

8.12 In summary, the Chair confirmed that the Board endorsed the consequence on FBOs regarding non-compliance. She also confirmed that the Board endorsed the paper's direction of travel regarding assurance, but establishing a sustainable funding model alongside the workstream demands equal priority as the current system has not been sustainable. She noted that the next level of detail would be useful to the Board when this issue returned to the Board for discussion in 2018.

9. ORAL REPORT BY THE CHAIR OF ARAC

9.1 The Chair invited Colm McKenna, the Chair of the Audit and Risk Assessment Committee (ARAC), to present his report.

9.2 Colm began by noting that the Committee had met the previous day and agreed the FSA's Accounts Strategy. He noted that the National Audit Office (NAO) were in attendance - in particular, the new Director of Regulators, Darren Stewart. Colm confirmed that the NAO were content with the FSA's position and progress.

9.3 Colm reported that the Committee had considered UK Food Law enforcement and recommended that the FSA needs to escalate issues where needed in sensitive and supportive way to add value to LAs, some of which are having difficulty recruiting Environment Health Officers in some big cities.

9.4 The Committee's second recommendation, after a full briefing and discussion on risk management, was for the FSA to ensure that FSA owned risks are managed on the Corporate Risk Register through this period of significant change. It was also noted that the FSA should maintain good understanding of complex risks related to, but outside of the FSA's remit, and keep a broad understanding of how they might affect the FSA.

Colm reminded the Board that they would have their Annual Risk Workshop in January 2018. He also noted that the Committee had again considered Raw Drinking Milk (RDM), as it was an issue of growing concern. He noted that the RDM team would bring the issue for further discussion to the Board in March 2018, with a set of management actions.

ACTION 4: *Simon Dawson and Colin Sullivan to bring RDM to the Board in March 2018.*

9.5 Lastly, Colm reported that the Committee had considered the Internal Audit Progress Report, which showed progress is broadly on track, the Committee had asked for more detail and clarity in the reports, to reflect how progress is tracked.

10. UPDATE ON THE FSA'S ACTIVITIES CONCERNING ANTIMICROBIAL RESISTANCE (AMR)

10.1 The Chair asked the CSA to introduce the paper, before welcoming Professor Sandy Thomas to the table. The CSA welcomed Dr Paul Cook, Head of Microbiological Risk Assessment to join the discussion, and noted that two additional members of the Science Council - Mark Rolfe and John O'Brien - were in the audience.

10.2 The CSA outlined the paper and reminded the Board that following Lord O'Neil's review, the FSA's contribution to the AMR story has been to focus on levels found in retail products, as an evidence gap in this area had been highlighted. He noted that a lack of clarity remained over how much AMR is present in farm produce, and that the FSA would continue to work with other Government Departments on this. Vets across Europe are also engaged in ongoing work to drive down the use of antibiotics.

10.3 The CSA, in response to Stewart Houston's question about industry involvement in this area, noted that industry had provided information to the Advisory Committee for the Microbiological Safety of Food (ACMSF) Task and Finish Group on AMR. He cited that understanding how industry have been changing their antimicrobial usage and management practices over time, will help better understand the relationship between what has been done and the levels of AMR being seen.

10.4 Mary Quicke again disclosed her interest as a cheese farmer, and queried to what extent this paper applies to the dairy and meat industries - as dairy farmers can often apply a very instant measure for controlling bacteria. The CSA clarified that any time delay for measuring AMR is not related to animal slaughter - and studies suggest resistance can arise relatively quickly but once the pressure of antimicrobial usage is removed, the levels of AMR may take a long time to decline.

10.5 Ruth Hussey welcomed the recognition of AMR reduction being a global issue, and asked what connection it had to fish, seafood, soil and the environment. Paul commented that these areas are interrelated, and noted that the FSA's systematic review included fish and seafood

and that the Environment Agency was taking an active interest in the environmental aspects of AMR. Mary Quicke asked about dairy, and Paul indicated that dairy products was another gap although the current retail survey was looking at pork and chicken which were identified as particularly important gaps. A dairy is sector plan is included in the Responsible Use of Medicines in Agriculture Alliance (RUMA) Targets Task Force.

10.6 Ram Gidoomal asked if antibiotic burgers were appearing in the UK yet, and what consumer advice the FSA was offering them. The Chair clarified that this raised two separate issues - authenticity and consumer issues, both of which needed to be protected - and reminded the Board that whilst labelling is a Trading Standards issue, the FSA could request extra information on what is being done to address the issue.

ACTION 5: *Guy Poppy and Colin Sullivan to ask Trading Standards for additional information on labelling antibiotic free burgers to share with the Board.*

10.7 Rosie Glazebrook affirmed that the Codex work in this area was positive and very helpful, and asked whether the FSA had any concerns over the task groups. In response, Paul Cook noted that two electronic working groups (code of practice, surveillance) had been set up by the Codex Task Force with the UK (VMD) as a co-Chair on the code of practice group and the UK will aim to play a full role in the activities going forward.

10.8 Stewart Houston commented that there is very little consumer appetite for antibiotic free meat in the UK, but some are produced for export. In response to Paul Williams's add-on query as to whether AMR is being found in meat at retail level, and the extent of information the FSA has on this in other countries, Guy noted that FSA now has a new, co-funded research Council Fellow at the Quadrum Institute. They will be using whole-genome sequencing to establish where organisms are coming from and he noted that this would expand the knowledge gap relating to other countries. The CE added that the FSA is very committed to meeting specific export and import standards, and in response to Paul Williams's further question about using this research to assist with imports, the Chair clarified that the Board needed to be clear on the FSA's contributions to AMR before it can address further expansion of work. She noted that filling the knowledge gap is crucial to understanding AMR from a public health point-of-view, but that it would be re-visited in the future.

10.9 Colm McKenna noted that in the NIFAC meeting the previous week, a member had asked how closely the FSA was working with vets prescribing antibiotics. Both the CSA and Paul Cook responded that the FSA is working with other departments as part of the cross governmental AMR strategy which includes both health and agriculture bodies and the devolved administrations.

10.10 In response to Stuart Reid's question about additional factors that enter into the food chain leading to a spread of AMR (page 13, box 3 of paper), the CSA advised that this area would be informed by the ACMSF Task and Finish Group on AMR which was finalising its report for the ACMSF meeting in January. He also noted that the FSA sits on a high-level steering group directed by the Department of Health, alongside PHE, VMD and other government departments and agencies to enable a joint approach to tackling this question.

10.11 In conclusion, the Chair noted that this paper was a welcome addition and that the Board was particularly pleased that the FSA continues to fill the evidence gap and adds its own unique addition to the AMR story. She also noted that using tailored contributions in international and national engagements helps to integrate the level of research going on in this area, which was incredibly helpful.

11. SURVEILLANCE REPORT

11.1 The Chair welcome Steven Knight, Surveillance Programme Manager, to the table, and invited Julie Pierce to introduce the paper.

11.2 Julie explained that she had recently taken over as Senior Responsible Owner for this programme in light of Steve Wearne's absence from the FSA, and noted that the paper had been authored (Steven Knight), Dr Andrew Damant, Head of Surveillance, Methods and Laboratory Policy and Dr Javier Dominguez-Orive, Veterinary Director and Head of Science, Evidence and Research.

11.3 Julie commented that this paper serves as an update for the Board on how the Surveillance Programme has transformed and advanced since they last agreed the proposals in. She noted that the Surveillance team have produced a high-level model outlining how the programme should operate and have completed a number of pilot studies in this area. She added that the Surveillance Programme had recently provided two 'proof of concept' pieces, using real data, including on olive oil adulteration and one on fipronil in shellfish. Both have provided useful insights for further development. Looking ahead, she noted that the Surveillance Programme would now consider its overall capability, and requirements of the programme in light of EU Exit. It would also be continuing to look to develop cost effective solutions to the issues the FSA is facing, and engaging across the sector.

11.4 Julie responded to the Deputy Chair's question regarding attracting the appropriate skills and analysis expertise for this area, and the importance of the FSA being at the forefront of surveillance in relation to food. She noted that the FSA's Surveillance Programme is on the international stage. Separately, she reported that the FSA is working on a Blockchain initiative, with the team having conversations both internationally and across other Government Departments to give end-to-end visibility in this important area. She acknowledged that attracting skills and scientists in this area is a growing concern that the FSA is actively tackling.

11.5 Ruth Hussey asked if there were exploratory ways of linking data as an opportunity to influence standards. Julie responded that the FSA is driving awareness of data standards but needs to continue gathering meta data in order to understand it better. She noted that the Surveillance team are working with the EU and global partners to agree on toxicology data to underpin its value. Regarding the laboratories review, Julie explained that the Surveillance Programme needs to examine the context of this work to review the roles and address any challenges.

11.6 The Chair noted that the Elliott Review raised concerns regarding the capacity of laboratories and that the FSA will continue to work with partners across Government and industry on this work. The Chair also noted that there had been many questions on this paper from members of the public, as the FSA is proposing a review [subsequently decided by EMT that the review should be cross-governmental and not necessarily FSA led] - including one from Dr Duncan Campbell, who would receive a written response on funding, and one from Dr Michael Walker, who requested that the FSA expand on the recommendations made in the Elliott Review. The CE noted that this indicated a need for a systematic review, as Surveillance presents a number of challenges - chiefly that there is no single ownership of the laboratories, which can lead to limited progress. He confirmed that the FSA would continue to work on this. The CSA added that predicting data is always difficult, but if the FSA continues to understand the quantity and quality of data to make decisions on risk appetite, it will be able to provide simpler analysis of issues.

11.7 Mary Quicke noted the North East Farm Platform's ambition to make data anonymous in open sources across the world. Julie responded that she was not aware of the platform and

confirmed that generally the FSA is reaching out to understand the wider ecosystem of Surveillance data.

11.8 The Chair summarised the discussion and reinforced the significance of the Surveillance Programme being fundamental to the FSA's contemporary and future work ambitions. She confirmed that the Board agreed that investigating official laboratories in a systematic review was an important priority and were keen to see updates on this in the future.

12. SOCIAL SCIENCE REPORT

12.1 Following invitation from the Chair, Julie Pierce introduced this paper and was joined by Michelle Patel, Acting Director of Communications and Head of Social Science Transformation, and Vanna Aldin, Head of Analytics and Chief Economist.

12.2 Michelle reminded the Board that their annual Social Science update is normally a combined effort from the Communications and Social Science teams, but following the guidance produced in the CSA's Social Science review, the teams have now been combined within the Analytics team. She highlighted that this reorganisation will allow Social Science to continue its strong, internationally recognised position. She also briefly outlined the role of the new Social Science Committee, the work of which will raise the impact and influence of social science across the FSA and allow us to be in strong position to be able to support the FSA's work in relation to EU Exit.

12.3 The Chair invited comments from the Board on the paper, and in response to a question from Rosie Glazebrook about the new Social Science Committee, Michelle confirmed that the Committee will expand on the work of existing registered experts and work alongside the Communications team, as well as potentially forming working groups for specific projects. The Chair clarified that the Board would like to see the social science team visible in every issue that comes to the Board, so the FSA can be clear that it is maintaining the public's trust in food. Michelle agreed, and noted in addition that the team will use a data-driven approach and harness insights from social media in their work. She explained that once established in the new year, the team would ensure that work was planned to deliver against the FSA's strategic priorities and that success would be measurable.

12.4 Stewart Houston asked how the social science work will focus on consumers, and Michelle responded that the upcoming work will include projects on RoF and EU Exit as well as ongoing work to track and understand the views and concerns of consumers. Vanna Aldin added that the FSA is currently working at multiple levels with the business sector to engage insights across industry.

12.5 Dave Brooks commented that he felt there a need for Communications and social science to work simultaneously so that FSA messages and priorities are communicated to the consumer in the best way possible. This was met with agreement from around the table.

12.6 Ruth Hussey referenced the rare burger campaign and highlighted the need for a clear insight driving the strategy and tactics behind a campaign. Michelle clarified how, for example, the social science insights behind the rare burger campaign had enabled the communications team to pinpoint the most effective time and place for messaging. The CSA added that the FSA's approach to social science is to offer a broad insight across multiple areas, and noted that the rare burger campaign was a good example of this. He reminded the Board that one of the aims of bringing together the two teams was to combine pace and delivery focus alongside scientific rigour.

12.7 The Deputy Chair reported that she had attended and enjoyed the Festival of Social Science in November where she felt the FSA's presentation of work had been a clear success, in particular the work done to understand trust in food and the regulator. She queried, now the social science and Surveillance teams are running alongside one another, whether the Board would be able to see social science in relation to other aspects of the FSA's work. Michelle affirmed that the social science angle or aspect will now be more evident in other Board papers. She also noted that with regard to consumers' trust in food, the FSA has commissioned further research work to explore the drivers of trust among consumers and will also build this into trackers for businesses. This work will report in late 2018.

12.8 The Chair thanked Michelle, Vanna and Julie for their work on the paper and the Board for their questions and comments. She confirmed that the Board are happy with the direction of travel for social science and looked forward to seeing it become more prevalent in everything the FSA does.

13. FAC REPORTS

13.1 The Chair invited the Chairs for NIFAC, Colm McKenna, and WFAC, Ruth Hussey, to highlight any comments from their own reports, as written and published following the WFAC and NIFAC Committee meetings.

13.2 Colm noted that he had nothing to add.

13.3 Ruth similarly had no additional comments, but made the Board aware that she had received a submission from the Directors of Public Protection in Wales (DPPW) which included some concerns about the ROF Programme. She noted that the WFAC Committee were aware of the report but had not yet had time to look at and consider a response.

13.4 The Chair added that she had also received the submission from the DPPW and clarified that her response was currently being considered.

**MINUTES OF THE FSA BUSINESS COMMITTEE MEETING HELD ON
6 DECEMBER
AVIATION HOUSE, LONDON – 09:00 – 15:15**

Present:

Heather Hancock (Chair), Laura Sandys (Deputy Chair), Dave Brooks, Ram Gidoomal, Rosie Glazebrook, Ruth Hussey, Stewart Houston, Colm McKenna, Mary Quicke, Stuart Reid, Paul Williams

Officials Attending:

Jason Feeney (Chief Executive)
Rod Ainsworth (Director of Regulatory and Legal Strategy)
Chris Hitchen (Director of Finance and Performance)
Maria Jennings (Director of Northern Ireland and Organisational Design)
Richard McLean (Director of Strategy)
Julie Pierce (Director of Digital, Data and Openness)
Nina Purcell (Director of Wales and Regulatory Delivery Division)
Guy Poppy (Chief Scientific Adviser)
Colin Sullivan (Chief Operating Officer)
Michael Wight (Interim Director of Policy and Science, deputising for Steve Wearne)
Andy Morling (Head of the National Food Crime Unit)
Michael Jackson (Head of Standards and Assurance)
Dr Paul Cook (Head of Microbiological Risk Assessment)
Steven Knight (Surveillance Programme Manager)
Michelle Patel (Head of Social Science Transformation)
Vanna Aldin (Head of Analytics and Chief Economist)
Richard Hoskin (Head of Incidents and Resilience Unit)
Philip Randles (Head of Incidents)
Patrick Miller (Head of Science Strategy and Governance)

Other Attendees

Sandy Thomas (Chair of the FSA Science Council)

Apologies

Steve Wearne (Director of Science Policy)

1 INTRODUCTION

1.1 The Chair welcomed everyone in the room and online back to the meeting and noted that the Board would now consider operational matters at the Business Committee meeting.

1.2 Before accepting the September 2017 Minutes as an accurate record of the meeting, Stuart Reid pointed out that his apologies had not been stated on the record and asked for them to be edited to reflect his absence. No further amendments were requested, and no other business was declared.

ACTION 6: *Board Secretariat to edit the minutes of the September meeting to include apologies from Stuart Reid.*

1.3 The only comment on Actions Arising came from Dave Brooks, who reminded the Executive that the Board had requested an update on the Recalls paper - Item 31 on the Actions Arising table, regarding to feedback from a Food Standards Scotland meeting.

ACTION 7: *Richard Hoskin to follow up with the Incidents Team and ensure the Board are updated in 2018.*

2. CE REPORT TO BUSINESS COMMITTEE

2.1 The Chair invited the CE to present his second report to the Board, which will focus on operational updates. The CE highlighted the ongoing investigation into the incident at the 2 Sisters plant, and stated that the FSA will be providing an official response to the EFRA Committee by the end of February 2018. The CE reported the results of the FSA People Survey, which he noted had shown a marked improvement from last year's survey, and even those areas that remained 'less good' in terms of scoring (for example, pay and benefits), they were still 'good' when considered comparatively across government.

2.2 In response to a question from a Board Member about the impact of the 2 Sisters incident on ROF, the CE clarified that the EFRA Committee remained supportive of the direction of travel, with no need for changes to be made to the programme. However he and the Chair both agreed that the FSA now needed to ensure that the ROF Programme has a diverse and balanced environment and that businesses that are compliant with the programme will benefit from a lighter touch from the FSA.

2.3 The Chair gave a brief update on the FSA's York office move, and highlighted that the refurbishment had been completed ahead of schedule and on budget. She added that the FSA's London office would be going ahead at the end of January, and that final aspects of the project were now focusing on ensuring the purpose of the organisation across the three countries is clear in the building's branding. She commended the Director of Finance and Performance for his work leading the Foss House project.

3. Q2 PERFORMANCE AND RESOURCES REPORT

3.1 The Chair invited Chris Hitchen to lead and introduce the Q2 Performance and Resources Report, with input and assistance from other Directors.

3.2 Chris summarised that good progress had been made on the FSA's three priorities: planning for the EU Exit Programme, Regulatory reform (RoF) and doing the day job well. There'd been good progress made on reducing the number of poor performing Food Business Operators (FBOs). He noted that with EU Exit and RoF planning, more money had been invested in both programmes. He also highlighted the high number of vacancies and low number of appointments in the policy and science teams as a key concern that the team will be working to tackle throughout the next quarter. He concluded that the FSA is on track to meet all HM Treasury targets.

3.3 Paul Williams noted that whilst it is helpful for the Board to see information (slide 12) that the FSA is a 'great place to work', they would also benefit from data reporting that show it is a safe place to work and accidents and health and safety should be reported within the people data section. The CE agreed and noted that this features in the Operations Performance Pack that is tracked monthly and so will be included in future.

ACTION 8: *Colin and Chris to share health and safety information with the Business Committee.*

3.4 In response to Mary Quicke's question about whether the science and policy vacancies within the FSA are a long-term concern, Michael Wight stated that recently the FSA have been through a number of recruitment rounds for these positions with limited success. He cited market conditions and the attractiveness of larger Ministerial departments (especially DExEU) as reasons why candidates might not make the FSA their first choice. Nevertheless, he noted that work is currently being done to make important roles more attractive to external candidates.

3.5 Colm McKenna asked why other Government departments might seem more attractive than the FSA and whether the FSA would consider recruiting from outside the public sector. Michael Wight commented that as per Civil Service recruitment guidelines and requirements, the FSA must advertise posts internally through the Civil Service first and, if no appropriate candidates can be recruited via this route, only then can opportunities be advertised to external candidates. However, once external recruitment was in place he agreed it was important to seek candidates from as wide a field as possible.

4. ANNUAL INCIDENTS REPORT

4.1 Following invitation from the Chair, Colin Sullivan introduced the paper - noting that it covered the changing landscape and nature of recent incidents – and he welcomed Philip Randles and Richard Hoskin to the table, both from the Incidents and Resilience Unit.

4.2 Philip summarised the paper. He noted that over the last year, the main objective for the Incidents Team has been to remove unsafe products from shelves. With the help of new technology, that had not been available 18 months ago, the FSA is now better placed to identify potential problems, which has led to an increase in the number of incidents over the last year. He also highlighted some of the main workstreams in this area – changes in consumer trends and new risks; and working with stakeholders to review recall systems - and he cited the non-routine incident on fipronil in eggs in Summer 2017 as an example of decisive action from the FSA. Finally, he expanded on the team's new priorities for the next 12 months; doing the day job well; continuing the build capacity and develop incident prevention techniques; and supporting the ROF programme.

4.3 The Chair invited questions, and in response to Rosie Glazebrook's question about why mycotoxin related incidents had doubled in 2017, Philip explained that FSA analysis shows that better reporting has resulted in a greater number of incidents being recorded. However, he clarified that the FSA is currently investigating this further to better understand the area.

4.4 Dave Brooks asked two questions - how the fipronil incident would have played out if we were not in the EU, and if the Board could see what the 'insufficient controls' were that the FSA had identified (as highlighted in the paper). With regard to EU Exit impact on incidents, Rod Ainsworth and Richard Hoskin both commented that the FSA has another well-established workstream on this to ensure that the regulatory regime (in future) will be able to offer a proper response in the event of the occurrence of a similar incident. Richard also noted that as per the timeline the Board saw at the September 2017 Board meeting, the FSA envisions having guidance outlining respective roles and responsibilities initiated and in place before the end of 2018. The CE also commented that much of the FSA's role in this area is dependent on the nature of the exit agreement, and so current preparatory work includes working with the EU Commission to ensure arrangements and priorities are in place.

4.5 In response to a question from Ruth Hussey about whether the lessons learnt from different incidents drives change and improvements, Philip responded that the FSA can normally only gather circumstantial information on the cause of incidents. In future he noted that the team will be conducting root cause analysis, to identify the depth in the causal chain where intervention could reasonably be implemented to change industry performance and prevent further incidents of the same type.

4.6 The Chair thanked everyone for their questions and commended the team for the continued hard work and success.

5. SCIENCE ASSURANCE UPDATE

5.1 The CSA and Patrick Miller introduced the paper and highlighted that it had two objectives: to provide analysis on the FSA's science spend, which had shown a decrease in recent years. It also aimed to give the Board a picture on how science reporting would continue in the future - with science being discussed once in the spring (a more strategic look, including the work of the Science Council) and again in the winter (focusing more on performance and reporting on how the budget has been spent). The CSA reminded the Board that reporting on science spend had recently been developed to allocate spend into three broad categories – core, investment and strategic; whilst the largest share of spend had been core, including statutory work, the expectation is to shift increasing proportion of spend to investment and strategic which is directed by FSA to addressing its current and future priorities..

5.2 In response to Rosie Glazebrook's question about how the FSA can extend the visibility of its advisory committees and attract high level advice, the CSA explained that the market supply of suitably qualified experts in some key areas for FSA at present is low. He and Patrick confirmed, however, that recruitment for the Science Council had been successful, but across other Committees the FSA has sometimes struggled to recruit members. In addition, the Deputy Chair raised a concern that if the FSA doesn't get key internal and external science posts filled, it will struggle to deliver its high-end priorities - especially its contributions to EU Exit. Chris Hitchen confirmed that the FSA has recognised this trend and is working to address the issues. The Deputy Chair also asked about the public's perception of the *Food and You Survey* and the Chair confirmed new proposals to update it would return to the Board the following year.

5.3 Mary Quicke queried the decline in the FSA's science spend as a proportion of total spend from 18% - 12% spending, as illustrated in the paper, and noted that in her own dairy production work she had noticed a shortage of capable and engaged individuals. Patrick and the Chair confirmed that the FSA's spend on science had been focused in recent years which will have eliminated some spend with a weaker link to FSA priorities. The CSA expanded on this and noted that the return on strategic science can be high – for example many industry groups have modern day tools based on new technologies or their applications that have not yet been brought into the food sector - and the FSA would continue to encourage expansion.

5.4 Paul Williams asked for more information on the CSA's response to using the Science Council to provide expert advice across the FSA and requested clarity on how this would be utilised going forward. The Chair and CSA responded that the Science Council provide reports that the FSA considers and overlays with questions (in a similar way to how the independent advice on the NFCU had been handled) and therefore adding a degree of confidence in the FSA's work. Chris added that more information on this would be returning to the Board in the Budget approval paper in 2018.

5.5 Dave Brooks commented that it would be helpful for the Board to have the background information on the gaps from the negative impact this might have had on the FSA, which Chris confirmed they could make available.

5.6 Stewart Houston also voiced his concern over the decreased percentage of the budget FSA science had received. The CSA clarified that the budget alterations would move the FSA towards having a Science portfolio delivers good value for money, with the advice from the Science Council adding assurance that the FSA's approach and use of science was sound. The CE reminded the Board that the FSA previously declared an underspend in science and spending 20% less in this area did not indicate that the science spend provides 20% less value. He noted that the FSA now has a solid platform to deliver EU Exit and is appropriately prioritising its resources.

5.7 The Chair summarised the discussion and emphasised that the Board was happy with the direction of travel. She noted that the science updates to the Board made up a series of papers that the Board would continue to look forward to receiving so they can understand how science is visible and important.