

Health, Wellbeing and Local Government Committee

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Food standards Agency Submission to the Health, Wellbeing and Local Government Committee - 24 June 2010

Creation of a Food Hygiene Delivery Programme Board

The Food Standards Agency's (FSA) Board discussed the Report of the Public Inquiry into the E.coli O157 outbreak in April 2009 and gave agreement to the creation of a Food Hygiene Delivery Programme (FHDP) Board. The purpose of the Programme Board is to minimise the level of foodborne disease through:

improved awareness and control of food safety hazards by food businesses, food law enforcers and consumers,

reliable assurance that compliance with legal standards is maintained, using timely, effective and proportionate enforcement where necessary.

Updates on the activity of the FHDP are provided to the FSA Board at its open meetings. The next update will be presented on 20 July 2010.

Work has started on evaluation of the FHDP and the Policy Studies Institute (PSI) has been engaged to provide support on this. The first phase of evaluation is to assess the extent to which the FHDP is likely to achieve the desired outcomes of the programme. A report on the findings from this phase of evaluation will be available in autumn 2010.

Food Business Operator (FBO) Guidance

The FSA reviewed its guidance on cross contamination between January and April with specific reference to control of "E. coli" O157 and will shortly be consulting on necessary control measures applicable to all sizes of food business. The consultation will also include proposals on appropriate standards for disinfectants and their effective use. In preparing for this consultation exercise the FSA has jointly considered the position alongside the Health and Safety Executive (HSE).

In addition to the highest achievable standards of separation, the strict implementation of hand washing procedures is essential between handling of raw and ready-to-eat foods. The Agency does not propose to change its advice on hand washing but it will be essential that food business operators appreciate that standards of general hygiene need to be very high and that any lapse in cross contamination control should be treated as a potentially serious incident.

Food Business Culture

The FSA's Social Science Research Unit has commissioned a review of evidence to investigate the culture and behaviours in businesses and enforcement bodies, and the communication between individuals in these two groups. The overall aim of the work is to understand 'what works' to secure regulatory compliance particularly, though not exclusively, in relation to food safety. The contractors for the work are the Institute of Employment Studies and the Cardiff Work Environment Research Centre. Specialist expertise has also been provided by Professor Stephen Palmer, Professor of Epidemiology and Public Health at Cardiff University.

The contractors have sought input from across the agency and from external organisations, including the HSE, the Chartered Institute of Environmental Health (CIEH) and the Local Authorities Coordinators of Regulatory Services (LACORS). The final report will be considered by the Board later this year.

Legal Compliance

The FSA is developing a strategy for securing consistent, high levels of compliance across all businesses and food sectors in the UK (a key aspect of the FSA Strategic Plan 2010-2015). The strategy will cover a broad range of approaches including incentivising voluntary compliance by businesses through to the enforcement actions taken to address non-compliance. The strategy will give FSA staff and partners within the enforcement community a clear lead on taking a more risk-based and proportionate approach, plus the UK-wide priorities for securing compliance with animal feed and food law. It is the intention to have a first draft of the strategy ready by the autumn for consultation.

Funding for an external review and report on the current legal powers available to authorised officers and their use has been approved by the Evidence & Research Priorities Board. A draft outline research specification has been prepared and detailed specification leading to research tender will be completed with a view to the research being commissioned later in the summer.

FSA procedures for review and suspension/withdrawal of meat plant approvals have been reviewed, redrafted and implemented on 01 June following public consultation.

Some specific actions which have been taken to address issues about the audit by authorised officers of FBOs' food safety management procedures are described below:

A number of the recommendations reflect recommended practice as set out in existing framework documentation, such as the Food Law Code of Practice for local authorities, which provides the basis on which all local authority (LA) food law enforcement activity is carried out, and the Manual of Official Controls used by FSA Operations Group staff in approved meat plants.

The Agency wrote to all local authorities in May 2009 to highlight the recommendations and to reinforce the underlying messages about how inspections of food businesses should be carried out.

The Agency published 'Making every Inspection Count' in December 2009. This contains practical advice on internal monitoring for managers of local authority food and feed law enforcement services.

The Code of Practice is currently undergoing a fundamental review. Due to the comprehensive nature of the review of the Code, which is a statutory document, it is not scheduled to be completed until end 2012. In the meantime, Agency officials will be writing to all local authorities in summer 2010 to outline the process for the review of the Code and to take the opportunity to make further reference to the recommendations in the Pennington Report.

The Agency has also met with the Local Better Regulation Office (LBRO) and discussed the apparent uncertainty around when it is appropriate to take formal action. The LBRO have agreed to lead on addressing Public Inquiry Recommendation 7 and will receive FSA support as appropriate.

Training of Enforcement Officers

In relation to training specific to addressing issues identified by the Inquiry, the following actions have been taken:

In autumn 2009, an Effective Evaluation of Food Safety Management Systems training course was developed for local authority officers, supplementing the existing Hazard Analysis and Critical Control Point (HACCP) training for local authorities provided by the Agency. Between November 2009 and end March 2010, a total of 49 courses (including 2 pilots) were held in England, with over 1,000 officers attending. In Wales 11 courses held between January and March were attended by 225 Officers.

The courses were designed to specifically address the issues highlighted by the Pennington Report, including those in relation to an audit-based approach to inspection of HACCP plans (and food safety management systems), evidence based decision making and a basic understanding of food safety culture.

The wider local authority training programme for 2010/2011 is currently being developed and opportunities for reinforcing key messages from the Pennington Report in relevant training courses will be identified as part of the procurement process.

Similarly, a training course on evaluation of HACCP in meat plants has been delivered to relevant FSA staff to confirm our expectations in relation to HACCP in these premises, clarify what constitutes a non-compliance and provide for clear and consistent enforcement. The training was rolled-out by the end of April 2010 and is being supplemented by a post-course e-learning package for all officials.

Department of Agriculture and Rural Development officers who deliver official controls in approved meat plants in Northern Ireland have also received training in this area with a series of auditing food safety management systems and HACCP assessment courses.

FSA Audit and Monitoring of Local Authorities

Following review and revision of the Agency's LA Audit arrangements there has been greater emphasis on the food business outcomes resulting from LA service activities; more checks of LA procedures and activity/action records and FSA audit 'reality checks' at high-risk businesses.

Recent audit programmes in England have focused on business compliance with HACCP requirements and related LA interventions to achieve this and LA arrangements for self assessment, peer review and inter-authority auditing. This programme was undertaken in liaison with LBRO to inform central policy and support for robust local LA self monitoring schemes. Recent audit activity in Wales has focused on official controls in approved premises and also included an assessment of HACCP and reality checks of food premises.

Individual LA audit reports are published and, where appropriate, summary reports of key programme findings, trends and identified LA good practice are published at the conclusion of the audit programmes. The 10 audits comprising the 2009/10 Wales audit programme will be available on the FSA website and a summary report will be published shortly. Bridgend CBC was one of the LAs included in the audit programme and the report is available at:

<http://www.food.gov.uk/multimedia/pdfs/enforcement/bridgendaudit2010.pdf>

The Wales audits demonstrate that LA interventions include essential audit elements of FBO HACCP plans and Officer interviews also confirm that an appropriate review of file information is taking place in advance of each visit. Further, LA records provide evidence that the approaches taken by LAs support the principles in the Food Law Code of Practice and policies and procedures show that both announced and unannounced interventions are considered.

The FHDP Audit project group is now looking more broadly at UK audit to identify any additional developments in audit policy and practice that could further improve the process.

The outcome-focused data collected by the Agency through the new LA enforcement monitoring system (LAEMS), which now delivers comprehensive information on business compliance levels in addition to LA enforcement activity, will better inform audit processes in

terms of prioritising LAs for audit, providing an effective means of tracking LA service and business standards, with the potential to enable a 'smarter' approach to monitoring and audit functions.

National Scores on the Doors/Food Hygiene Rating Scheme

The scheme is designed to provide consumers with information about hygiene in food premises and thus to allow informed choices about where to buy or eat food. It is not intended to punish non-compliance or to be an additional enforcement tool for LAs as there are a wide range of other more appropriate enforcement options available. All LAs in Wales have indicated that they will become early adopters of the national FSA scheme and have agreed an incremental launch beginning in October 2010.

The FSA Board has given careful consideration to the mandatory display of food hygiene ratings. In a public consultation exercise local authorities supported mandatory display but this view was not shared by industry. Mandatory display would require a change to legislation and the FSA does not believe it would be in line with the principles of better regulation. It is believed that as awareness of the national scheme grows, consumers will make their own judgements about a business failing to display its score and this will encourage businesses to display them.

Stakeholder Engagement

The FSA worked closely with other agencies (including LAs) throughout the outbreak. This liaison continued throughout the Public Inquiry and is ongoing. Similar dialogue has been established with Sharon Mills and the team at Consumer Focus Wales (CFW), and the Agency has accepted an invitation from CFW to attend a meeting with Professor Pennington on 24 June.

The FSA is establishing a stakeholder panel to provide external scrutiny of the Food Hygiene Delivery Programme and maximise the scope for building effective partnerships. The panel will include representation from all the stakeholder groups. It is also planned to hold a conference on the challenges in delivering food hygiene, reflecting on the scientific underpinning of food hygiene, the challenges for enforcers and industry and the role of consumers. We will have a range of speakers drawing on international as well as UK experience and aim to bring together the wide range of stakeholders with an interest in this issue. It is anticipated that the conference will be held in Cardiff in early 2011.

Food Standards Agency
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