

Ein Cyf /Our Ref: ST/FSAHH
Eich Cyf /Your Ref:
Dyddiad /Date: 18th September 2018
Gofynnwch am/Please ask for: Steve Thomas
Llinell uniongyrchol/Direct line: 029 2046 8610
Ebost/Email: steve.thomas@wlga.gov.uk



Heather Hancock DL LVO
Chairman FSA Board

Sent by email
heather.hancock@foodstandards.gsi.gov.uk

Dear Heather,

The Association writes to you in relation to the Food Standards Agency Board meeting taking place in Wales on 19 September 2018, and in particular the paper your Board is considering, *Regulating our Future – Assurance Framework For Primary Authority National Inspection Strategies (NIS) and Next Steps on Regulated Private Assurance*.

We are aware of the recent submissions to the Wales Food Advisory Committee, by our Directors of Public Protection Wales (DPPW), and the Chartered Institute of Environmental Health (CIEH).

These submissions have alerted us to matters of significant concern in relation to future public protection activity in Wales.

It is not the intention to reiterate the points raised by both of the above, however it is our belief that the concerns are valid. As such, the Association draws your attention to a number of points, namely:

- The potential to seriously undermine the success and credibility of the statutory Food Hygiene Rating Scheme in Wales which requires on-site inspections by independent local authority officers to generate food hygiene ratings. The paper highlights the legislative barriers to implementing NIS in Northern Ireland and Scotland but does not sufficiently address the situation in Wales. The proposal that where there is a NIS in place it will reduce proactive inspections by local authorities and inform food hygiene ratings is in direct conflict with the legislative requirement in Wales for ratings to be generated from evidence gained during inspections at individual food establishments. Until this matter is resolved, the Association is of the view that the proposals are premature and should not be applied in Wales.

Steve Thomas CBE
Prif Weithredwr
Chief Executive

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**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.
Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.
Use of either language will not lead to a delay.

- The principles set out in the Welsh Ministers' joint statement of December 2016 which should be appreciated, respected and adhered to. The Ministers made it clear that Welsh Government's preference is for 'continued independent, consistent local authority food hygiene inspections to be prioritised and maintained at appropriate levels' and they 'would not wish to see consumer confidence in the FHRs undermined by infrequent inspections, or inspections carried out by auditors who are not independent of the food business, or those they supply. It would also be inappropriate for food businesses to receive FHRs inspections independent of intervention inspections.' The Association is not aware of any consultation that has taken place with Welsh Ministers, local authority Chief Executives or consumers in Wales about these proposals.
- The proposal in the paper for the Secretary of State to consent to a NIS controlling the number and frequency of food inspections by local authorities in Wales does not take account of the fact that food law is devolved and it is Welsh Ministers that should provide this consent in Wales.
- There is no evidence in the paper that the views of consumers in Wales (or England) have been sought on the proposals despite the fact that the FSA was set up to protect the public's health and consumer interests in relation to food.
- More detailed consideration of the potential impacts and unintended consequences of the proposals would be of benefit prior to the recommendations of the report being endorsed. The Association's view is that the wider (non-food) strategic implications of weakening the public protection system in Wales has not been considered.
- There is a suggestion in the paper that local authorities are not already targeting those establishments that pose the greatest risk. This simply is not the case. Local authorities in Wales have developed and are implementing a robust revisit policy which ensures the least compliant food businesses are prioritised for action and improvement. Wales has an excellent track record when it comes to enforcement and there are many examples of businesses that have primary authorities being prosecuted for failures at a local level.
- The concept of consultation by the FSA appears to have been nothing more than lip service on a number of occasions. Significant time and sustained efforts requiring considerable resource has been spent by local government in providing the FSA with information, with apparently little or no bearing on outcomes. The FSA continues to bombard local government with consultations and requests for information/assistance. This is not sustainable and is taking officers away from the front-line.

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- The apparent reliance on work (evidence) undertaken by the FSA, which although unpublished, is central to the ROF programme
- The business case for a move to NIS is not available nor is there a robust cost benefit analysis. Therefore, any agreement to introduce this new approach in Wales is at least premature, at worst reckless.

The Association has, we believe, the same objectives as the FSA, in that consumer protection and business compliance are at the heart of the work we do. The proposals in the paper are not well timed and our view is that FSA, and local authority resources would be better spent preparing for the UK's exit from the EU.

We would welcome political dialogue with you in Wales to ensure the future of our regulatory system remains fit for purpose, and can be collectively strengthened in future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Thomas'.

Steve Thomas CBE
Prif Weithredwr/Chief Executive

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