



Environment, Food and Rural Affairs Committee

Oral evidence: [Work of the Committee 2010–15](#),
HC 942

Wednesday 25 February 2015

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Members present: Miss Anne McIntosh (Chair); Richard Drax; Jim Fitzpatrick; Mrs Mary Glendon; Mrs Emma Lewell-Buck; Iain McKenzie; Sheryll Murray; Neil Parish; Ms Margaret Ritchie; Roger Williams

Questions 219–298

Witnesses: **Catherine Brown**, Chief Executive, **Tim Bennett**, Chair, and **Steve Wearne**, Director of Policy, Food Standards Agency (FSA), gave evidence.

Q219 Chair: Good afternoon and welcome, and thank you for accommodating a slightly earlier start. Thank you very much indeed for agreeing to be here to discuss the Work of the Committee inquiry, looking back over the work of the Committee over the last five years. I thought it would just be helpful, for the record, if you could each introduce yourselves in your own words.

Tim Bennett: I am Tim Bennett and I am acting Chair of the Food Standards Agency.

Catherine Brown: I am Catherine Brown. I am Chief Executive. I am afraid I am a little bit deaf, so I might have to ask you to speak up.

Steve Wearne: I am Steve Wearne. I am Director of Policy in the Food Standards Agency.

Chair: We will try to speak slowly and speak up, because these do not amplify; the microphones only record.

Jim Fitzpatrick: They do if you are wearing hearing aids, Chair. With our colleague over there with the loop system, I can amplify it up and down, so I am in an advantageous situation sometimes.

Chair: You probably know too much, so we will exclude you from the proceedings. Would you like an amplifier, Catherine?

Catherine Brown: Would it make it louder? I have not got a hearing aid, so it will not help. I will just listen extra hard.

Q220 Chair: First of all, how would you describe your main successes? I know you have not been there the whole five years, but how would you describe your main successes over the last five years? Mr Bennett.

Tim Bennett: In terms of the last five years, we would pick out that we continued to try to reduce the cost of food-borne disease. We have introduced the Food Hygiene Rating Scheme, which has been a significant smart regulation in terms of local authorities around the United Kingdom—in fact every local authority apart from Rutland in England—which gives consumers very key information about which restaurant to eat in, based on hygiene standards.

The other key point, which gets forgotten, is we are dealing with 1,500 incidents a year. Though we have a very safe and traceable food system, which the rest of the world looks at and comes to talk to us about, you should never get complacent, because the challenges are getting ever greater and we have identified that in our strategy for the next five years. We are dealing with incidents on a constant basis.

Q221 Chair: Do you think there was a sense of shock and almost outrage on the part of the public that many local authorities had not been doing testing on a regular basis?

Catherine Brown: That was of concern, but we all know the level of pressure on resource that local authorities are experiencing. There are currently 10 local authorities in our last survey that have not carried out any testing in the period we were looking at. We obviously look at that when we visit those local authorities. We consider that in the balance of their overall controls. Ultimately though, it is really important for the future that we look for a rational national surveillance programme, and that will not necessarily rely on every individual local authority testing everything or a random selection of things. We need to move towards a more rational and a more cost-effective surveillance approach, and we need to play a role in that as well.

Steve Wearne: Against that background, we should acknowledge the volume of tests that are currently being conducted by local authorities—some 75,000 in the last year for which we have records, which is 2013-14, which is a significant increase of about 14% on the year before. A fair proportion of those are for food authenticity and food composition, which we know were sparked by concern about the horsemeat incident. There is a significant volume being conducted, but there is patchiness between individual local authorities.

Q222 Chair: In terms of the centres of excellence that Professor Elliott has in mind in terms of testing, when do you see these being in place?

Steve Wearne: This is one of the key recommendations, as you know, of Professor Elliott's report, one that we are contributing to but Public Health England is leading. We have been party with them to a number of very constructive discussions with those local authorities in England that still have their own laboratories, and it is still completely open about what system we move to—anything from centres of excellence to a more headquarters-based sampling service.

Through doing that, Public Health England is in the lead, because they of course have the experience of amalgamating microbiological food, water and environmental testing within their one organisation, so it is right that they should lead. What we want is to see resolution quickly. For our part, we have a statutory duty to ensure that there is sufficient capacity for food and feed official controls in the UK, and we see this initiative certainly helping us deliver that assurance for years to come.

Q223 Chair: Do you think in terms of the number of food analysts going forward, which was another of Professor Elliott's concerns, that this has been sufficiently addressed?

Steve Wearne: There are a number of interests at play. Public analysts, which is a particular qualification—people who in the UK under domestic legislation certify the results of food analyses—those numbers in terms of those in the public sector are decreasing, but there is a mixed economy. There are both public and private laboratories. Our interest, I must admit, is not on the right mix of what public and private is, just that there is sufficient capacity that we can draw on and that we know, both in the normal course of running and in particular incidents, that is a robust and resilient system. That is what we will be looking to test, whatever the outcome of the PHE-led review is.

Q224 Chair: In terms of the main challenges that you faced over the last five years, what lessons do you think you have learned from those going forward?

Catherine Brown: The key challenges, as we see them and as we have identified them in our strategy, are very much the key challenges that you as a Committee have alluded to in your recent reports around food security and food access. In terms of the specific things we need to be worrying about, the pressure on the food chain because of the food security issues that you have identified does, as Professor Elliott and others have said, lead clearly to additional risks around fraud, contamination, etc, so that would be one of the big areas and challenges for us.

It is really important to be clear that, although we are taking a wider view on consumer interests in relation to food, food safety is not a done deal or a won battle at all. There are still a million cases a year of people getting ill from food-borne disease so, within that space, our work on *Campylobacter* will remain absolutely critical. It is probably another thing we would have as beginning to look like an achievement over the last few years. It is starting to actually see some progress on *Campylobacter* and there is some quite exciting news starting to come forward on that. We will need to keep working on Campy.

The allergy side of our work is important. It is really important that people are aware that between 5% and 7% of children now experience allergies, and 1% to 2% of adults, so it is a

really significant tranche of the population for whom allergies and intolerances are significantly impeding their quality of life. That remains very important to us.

It is great that we have managed through FHRS to drive up the actual quality of compliance in food outlets, so we have seen an improvement in compliance in restaurants and food outlets. That is good for consumers, but one of the things that we are looking to take forward is the board is very keen that we press for mandatory display in England, as we have achieved in Wales and hope to soon achieve in Northern Ireland. Where you do that, you get an even bigger improvement in compliance standards.

One of the other areas we are looking at and taking more interest in is the issue of antimicrobial resistance in the food chain, so we are doing a systematic review of the scientific evidence around that, just to check how sure everybody is about its relative importance and what the evidence base is for that. Clearly that, while it is not a classic food safety issue, absolutely goes to the interest of consumers in relation to food.

Then the last thing I would say that we are very concerned about and thinking about a lot, as we look into the future strategy period, is the sustainability of the local authority delivery model. You have alluded to the question around public analysts and laboratory infrastructure, but the question about the sustainability of consumer protection locally is much wider than that, relating to labs, and that is something that clearly we only effectively have an impact through our collegiate working with people on the ground locally, and how that is sustainable is another really important area for us going forward.

Q225 Chair: Could I just ask where you think we are on the whole issue of food safety as such? Do you think we are in a better place now than we were, say, five years ago? Do you think that an incident like “horsegate”, BSE or foot-and-mouth is less likely to happen now than, say, five years ago?

Catherine Brown: It is a very interesting question. Given what we know about the pressures on the food chain and the pressures on the food chain that are likely to increase, you would have to say that the overall risk in the food chain is not going down and is probably going up. We are stronger and more effective, and more able to deal with the things that we find, and we are probably increasingly more able to find things, but on the question of how quickly we are getting better, which is what we all try to do all the time, versus how quickly the situation is getting more difficult and challenging, I would not wish to be falsely reassuring. We are looking at a very challenging period of time and it is important. That is why we are placing so much emphasis in our strategy on working out how we can align incentives, how we can get other people on board, to try to address this increased risk in the system. That is why, ultimately, getting the right relationship with industry and persuading them to do the things that we need them to do is the critical determinant. Even then, even if everybody who was not a criminal did everything that they possibly could, there are significant risks in the system that we just have to be realistic about.

Q226 Jim Fitzpatrick: Good afternoon. Just in the few answers that you have given to the Chair, you have pretty much sketched out the complexity of responsibility from crime,

local authorities, trading standards, Public Health England and yourselves. Do you think there is an understanding among the public for the remit of the FSA? Do you think that is important or do you not think it is really important, because you know what you are doing and public understanding is not really that critical?

Tim Bennett: The consumer does not look at that complexity. The consumer wants to be reassured that their food is safe, that they can trust the authenticity and make sure that the allergens are labelled correctly. Interestingly, when we have done work looking at that, people understand the FSA and consumers trust the FSA because they see our semi-independent role as a non-ministerial Department. That has been part of the reason why consumers' trust in food over the last decade has increased.

A lot of consumers understand the role of the FSA, but they might not understand the roles of other Government Departments as well. The key measure for me, as Chair, is the outcomes for consumers. How do we improve the outcomes for consumers in relation to food? That is the challenge, in an ever more complex and difficult background, to continue to do that. The only way we are going to do that is to work within the FSA, but also to work with other Government Departments and other partners to do that.

In fact, one of the big challenges for us going forward is our intelligence has to be much better in this ever more complex world, and that is part of the strategy, and regulation is just one of the tools going forward in the toolbox. One of the messages to consumers, which we have in terms of our communication, is to make sure that we release the power of the consumers to improve business behaviour and to make food safer. It is not just about how much regulation or the role we play in that; it is how we make sure that consumers can use their power to make sure that they deal with businesses that are producing safe and trusted food.

Q227 Jim Fitzpatrick: As the Chair has clearly indicated by her questions and you by your answers, food safety is a very high priority for everybody out there. What is your relationship with the public then, given that they see the Food Standards Agency and that gives the impression that you are in charge, but there is a whole number of other bodies that are feeding into you? What is your relationship with the public in terms of complaints? Do you have a dialogue with them? Do they complain directly to you and you say, "No, you should refer to this body"? How does that actually work?

Tim Bennett: There is detail around some of the focus groups that Catherine will talk about. From my perspective and on behalf of the FSA board, we are the one Government Department under legislation that is put in place to protect their interests, and that is the image that we would want to create in terms of Food Standards Agency, but there is a lot of detailed work that we do with consumers.

Catherine Brown: Obviously our *raison d'être*, what is in the Act and what we said was our first pledge is to put consumers first. That means we have to spend a lot of time making sure we understand where consumers are. One of the things we are saying in this strategy period is we also need to move into a more sophisticated understanding of the diversity of different consumer experiences, because regionally, nationally, different age groups and different ethnic backgrounds have very different relationships with food, even from a safety point of view, let alone from some of the wider issues around food.

We do a lot of engagement with consumers, a lot of large-scale research projects, a lot of online stuff and also a lot of fora. A lot of people do raise concerns about food with us, even if they are not ours, but what we try to do is make sure that whoever raises it gets a satisfactory outcome. We will work closely with Defra, because some things will be Defra matters. We will work closely with local authorities. Sometimes people complain about local authorities and then we will work with our audit people. We try to be there for consumers to help them understand the food system and to be more powerful, and part of that is helping them when there is an issue that needs resolution.

Q228 Jim Fitzpatrick: Looking at it from a Government architecture point of view then, given the devolved responsibilities and that you have members of the devolved assemblies on your board, how do you manage to rationalise the relationship between Defra, the Department of Health and whoever else, as well as the devolved assemblies, as well as the relationship with local authorities? That must be a major piece of work for some of your staff to keep all those relationships in the air.

Catherine Brown: You are right. Having all those relationships—and those are only the relationships with different bits of Government—is a challenge and takes up lots of time, but that is the nature of the food system, is it not? If you were to put in all of the kind of industry and indeed the consumer stakeholders that we are engaging with, it is absolutely critical that we spend a good deal of time talking to and understanding the perspectives of all of those people, and understanding who can influence what aspects of the food system in the interest of consumers. I think that is okay.

Given the nature of the food system, which as you know goes everywhere—goes into planning, goes into tax, goes into everything—there would never be a way of having a structure that meant that we did not have to reach out and work across Government and much beyond, so we have to keep trying to get better and better at doing that.

Tim Bennett: In terms of working across the United Kingdom with devolved administrations, it is quite interesting for us, because every part of the UK wants the same outcomes for consumers and, if possible, to improve it. We have been able to do things in a slightly different way in different parts of the UK.

For example, already raised is that the Food Hygiene Rating Scheme in Wales is now mandatory, which has been quite interesting because we have been able to prove, that having taken place in Wales, that the outcomes for consumers are better there, because it improves business behaviour much more quickly. Frankly, if you have to put a 4 or 5 on the door, you are going to do it. If you have a 0, 1, 2 or 3, you are not going to do it unless you are told to do it and consumers then can march with their feet. The ability to achieve the same outcomes, but certainly working around the UK to use different methods to get to that, is quite interesting for us.

We have to be flexible. That is an important message for the next five years: it is not more of the same. In the world we are going into, we have to be much smarter about the way we achieve things.

Q229 Jim Fitzpatrick: My last question then, on the back of that, Mr Bennett, is whether there is an area of work that you need to focus on more. Forgive me; I am not trying to trip you up or ask a trick question. Is there an element of the architecture that you think we need to strengthen, a relationship with Cardiff, Belfast, Glasgow, with Defra or with trading standards, or do you think it is more of the same and let us keep going?

Tim Bennett: There are over 400 local authorities and we are obviously doing a lot more with less resource, but everyone is going to say that. Local authorities are under particular pressure there and with the model that has existed for some time, you can have a debate about the sustainability of that. We note that there are a lot of local authorities doing some really clever work in terms of joint working. What we would be concerned about is to make sure we work with our partners in local authorities to make sure that we can identify the best practice and the innovation. There is a lot of innovation going on around local authorities, because of the pressures. For me, because that is where most of the consumers, in terms of fast-food and retail outlets are present, that is going to be the big challenge for the next five years. My Chief Exec might disagree with me.

Catherine Brown: We will send you a copy of our boiled-down strategy. There are so many things that we need to act on, so that is absolutely critical. One of the things we are talking about now is, having started to see some traction on *Campylobacter*, I am quite excited about *Listeria*. If you were to look within the food-borne disease bit, it is worth now going after *Listeria*, because we have an ageing population and that is an illness that has a particularly heavy impact on older people. What we have to do is, within the resource we have, find the optimum mix of things to do the best we can for consumers, while acknowledging that we will not be able to do everything that would be beneficial.

Jim Fitzpatrick: For those of us who are getting older, I am very glad to hear that.

Q230 Neil Parish: Good afternoon. My question is particularly to Mr Bennett. The FSA is a non-ministerial Government Department and it is governed by a board, rather than directly by Ministers. You have been interim Chair sitting on the FSA since 2013 and, with a combination of hopefully good management and good luck, there have not been too many problems. You have had to pick up the situation after “horsegate” and what-have-you. Is there any indication of when a permanent appointment to the role will take place?

Tim Bennett: I am not going to comment on the process, because it is not my process. If it was a process around Deputy Chair or appointments to the board, that is a process that is held within the FSA, but the process to appoint the Chair is held by the Health Ministers of the United Kingdom, so it would be wrong for me to comment on that.

What I would like to reassure you is that I was Deputy Chair before; I stepped up as acting Chair. I know the agency very well. We have certainly maintained pace. I would like to think we have actually increased pace on some of the work we are doing. We have put in place the most complex and detailed strategy the agency has ever done, working with Catherine and her team, and also we are talking to more people about that strategy than ever before. We have put a governance review in place for the board, so we have much more modern governance, which has made the agency even more open and transparent, and we are already the most transparent Department in Government. We have also replaced three members of the board. In terms of the Chair’s role that has been done, and unfortunately I cannot comment on a process I have no control over.

Q231 Neil Parish: I would concur with what you are saying; I think you have done a good job when you have been interim Chair. That is not the point of my question. Do you find there are any drawbacks only being an interim Chairman, rather than being a Chairman? Does that hold you back in the management of the FSA? It does not sound like it does.

Tim Bennett: No. From the day I was asked to step up to be interim Chair, the only way you do this job is to assume you are the Chair and you do it. Over the 20-odd months now—it seems a long time—I have just done that and the track record will show that. My determination is to make sure the FSA has not suffered in any way, and hopefully there has been considerable progress made.

Q232 Chair: If we could turn to one of the areas you have most control, which is during the slaughter and killing of the animal, could you just explain to the Committee what would normally happen at an abattoir?

Catherine Brown: Yes. It is one of those “how long have you got?” kind of questions. The first thing probably to clarify is that of course policy on welfare is a Defra and devolved government issue, but we are the people who are in the abattoirs on a regular basis, so we have enforcement responsibilities and we also have the opportunity to have an insight into welfare on the ground and welfare at slaughter that others do not have.

Where there is slaughter going on, we have official veterinarians and meat hygiene inspectors. How many of those will depend on how much slaughter is going on at any establishment. They have responsibilities primarily for hygiene, so making sure that the controls around hygiene are in place and appropriate, but also for welfare. The meat hygiene inspectors generally stand on the line seeing the meat go past them and keeping a visual inspection, inspecting in line with the rules from Europe about what inspection has to happen on the line. The official veterinarian, or OV, moves around the abattoir more and spends some of their time on the lairage, which is where animals are arriving before they then go to be actually slaughtered on the line; they also do some checks post-mortem, as that tells you some things about the welfare status of the beast; and they also do some checks at the point of slaughter.

In the large majority of cases, animals are taken in from the lairage on to the line, stunned and then slaughtered, but of course in a small minority of cases they are taken on to the line, not stunned and slaughtered. The rules around those are slightly different. We have people there doing intermittent checks on all of those rules, not all the time at the point of slaughter. That is roughly what happens.

Q233 Chair: That is very helpful. While normally the FBO, the food business operator, the owner of the facility, would be responsible, they are not really meant to self-regulate, so you would expect them to have trained herdsmen even before they come into the slaughter to ensure that the animals are well looked after, before they go into the slaughterhouse.

Catherine Brown: The expectation is that the slaughterhouse operator is responsible for the welfare of the beast from the point at which they arrive with them to the end of the

process. It absolutely is their responsibility to make sure that they are appropriately looked after. Certainly when it comes to the line, the notion of trained herdsmen is perhaps more of a farming model, but they certainly have to have trained slaughtermen and it is certainly their responsibility to make sure that anyone who is handling animals in the lairage is competent to handle the live species that they are handling.

Q234 Chair: I know you cannot comment on the current investigation at Bowood, but was there anything that gave you any indication, prior to that incident this month, that herdsmen were not properly trained at herding the animals into the slaughter place?

Catherine Brown: No. There are two sets of things that we do around welfare. The fundamental thing is the thing I have just described to you of routinely being around and doing intermittent checks—well, three things. We also send in independent auditors on a regular basis, because obviously for people who are at the site all the time things become normal, so we also send in independent auditors on a fairly regular basis. The most recent independent audit of Bowood did not raise any welfare issues. It raised some hygiene issues, which were addressed, but it did not raise any welfare issues, so we had no reason, on the basis of our audit visit, to believe that there was a problem. We had no intelligence locally to say there was a problem.

Having said that, it is obviously very concerning to see the footage from there and other footage, and so what we are doing now is a targeted set of visits just checking welfare at every site around the country. We made the comparison to some recent issues relating to raw milk. I do not know if you will remember, but some children got ill from being given raw milk. Although there were only two cases, we said, “We want to check the controls in every producer of raw milk”, so we did that.

There are obviously a lot more abattoirs. There are about 300 abattoirs, but our sense is, looking at the two egregious cases that have come to light recently, that we want to make sure that we go into every one of those 300 and have a root-and-branch look at the welfare controls. To be fair, our welfare survey suggests that the very large proportion of businesses are compliant. 96% of the businesses were compliant in that survey, which was a week-long welfare-dedicated survey, but that still means 4% were not.

Q235 Chair: When are you expecting the results of the investigation of the Bowood abattoir incident?

Catherine Brown: The nature of the investigation is that it needs to take what it takes. The critically important thing is that we put in place controls immediately, so that whatever we find in the investigation there is nothing we could possibly regret from the day that we saw the footage. We now have, at the expense of the food business operator in that business, a dedicated extra person standing on the line at the point of slaughter, so there is significant supervision in that slaughterhouse to ensure that there can be no relapse while we complete the investigation. The slaughtermen of course are suspended.

Q236 Chair: With the greatest respect, you are possibly missing the point here. The point is that the cruelty took place in the lairage. If you put the additional inspection in, which I am not saying is the wrong thing to do, but if you put the additional inspection in at the point of slaughter, that is not going to prevent future incidents of cruelty, which is what the farming community and the consumers are so upset about. No one imagined that, for the farmers to leave their animals at the door of the slaughterhouse in a very good state, stress-free, very well reared to the highest level of animal welfare, then to be kicked and beaten about the head because the herdsman does not know how to handle them is not a good place to be in.

I am just slightly concerned that there is an element of complacency creeping in here. Those abattoirs that are meeting the high standards of animal welfare at the place of lairage should have nothing to worry about. Clearly Bowood abattoir should not have been allowed to get to this position. The cruelty that was being administered was grotesque.

Catherine Brown: Absolutely. I am sorry; my answer was misleading. It is about putting additional welfare-focused resource in so that, therefore, we have somebody who can be in the lairage. We have a whole extra person watching welfare. Nobody could be more affronted than me or my staff about the horrendous scenes.

Q237 Chair: The reason I followed that up is that you did actually say you are going to put an extra person in at the point of inspection of the slaughter. We would be very interested to know that you are going to put an extra person in there.

Catherine Brown: It is absolutely about reinforcing across the piece.

Q238 Chair: The other issues that were raised by this is that it has been put to the Committee, and was put in two debates in this place, that there is simply more halal being produced than is possibly being eaten by the Muslim community. We heard in the debate on Monday how difficult it is to trace and label once it leaves. There is the separate issue of stunning and non-stunning, but we seem to have got to this position over the last five years where—instead of having a very limited amount of animals and meat being slaughtered for religious purposes—halal meat is being produced, particularly I have to say in North Yorkshire, which is ending up potentially in the regular food trade. What are you doing to prevent that?

Catherine Brown: As I say, the policy lead on welfare and stun versus non-stun is Defra's, not ours. It is very important to differentiate between halal production, which really should be of no concern to consumers, and non-stun production. The two are diverse, because 80% of halal meat is stunned and, therefore, there should be no additional concern over that for consumers. The issues around the controls over non-stun are policy issues for Defra to discuss with you.

Q239 Chair: You have to police them. You are the enforcement agency. The public and we, who scrutinise you, are depending on that.

Catherine Brown: In this sense, we are the delivery agent and we police the rules as they are, not as we might wish that they were.

Q240 Chair: On Monday, this was the first we heard. In summing up the debate, the Minister George Eustice said, “I can confirm that today, following a number of incidents, the FSA has begun a series of unannounced inspections of GB slaughterhouses, and by the end of March all approved slaughterhouses will have been subject to an unannounced inspection.” It has to beg the question why that was not already happening.

Catherine Brown: That is what I was just telling you about. We have a set of controls in place just like we do in raw milk production. Where we see something that causes us to ask an extra question, we look at doing an additional check and that is exactly what we have decided to do here.

Q241 Mrs Lewell-Buck: Just a really quick question: you said you did regular checks anyway before this was uncovered. I am just curious; how regular were those checks? You said that there are about 300 abattoirs, so how often were you checking those abattoirs?

Catherine Brown: As I say, when there is slaughtering taking place, we have people there. They are in a position on a day-by-day basis.

Mrs Lewell-Buck: You have people there every day.

Catherine Brown: We have people there. Having said that, one of the issues here is that clearly some of the things that we have seen on the videos are not training issues. They are old-fashioned issues of right and wrong. It is naturally the case that, when people know they are being observed by our people, they are perhaps more likely to keep on the right side of right and wrong. Where there are training issues, then we are likely to pick them up, because they are likely to be occurring all the time. When there are issues of just egregious cruelty, just having people wandering around the slaughterhouses keeping an eye on things will not necessarily solve the problem. We have to think about that some more.

Q242 Mrs Lewell-Buck: I do not know if I am following, because you said there are people there every single day. How was this allowed to happen if there were people there checking every day? I do not know if I am missing something here.

Steve Wearne: No, not at all. If we can just try to summarise, effectively for animal welfare there are three levels of control now. Our staff are present in the slaughterhouse whenever they are killing and processing, not always at the point of slaughter, not always in the killing pen, because the official veterinarian roves about the slaughterhouse and has a range of responsibilities that relate to welfare and hygiene in the lairage at the point of killing and post-mortem.

In addition to that, there are routine audits of every slaughterhouse in GB at frequencies that range, from memory, from every five to every 12 months, and those are conducted by staff who are not there on a day-to-day basis. They bring a fresh set of eyes and a fresh perspective to the level of compliance. When we have concerns about particular issues that may cut across the whole industry, as we currently do for animal welfare in the light of the two abattoirs where there have been recent problems, we put in a range of spot

checks across the whole of the industry, across all 300 abattoirs. That is the programme that the Minister referred to in the Westminster Hall debate on Monday.

I think it is open to us to consider what additional controls there might be. One of the other issues raised in the Westminster Hall debate, and I know that one of your Members spoke about, was closed-circuit television. That again poses another level of scrutiny that you might apply which, if made available on an uninterrupted basis, to properly qualified inspectors might again help us further in making sure that those sorts of contraventions do not occur.

Catherine Brown: Basically, they do not kick the animals when we are there. If it is a training issue, then we will spot it. If it is an occasional cruel behaviour issue—

Mrs Lewell-Buck: Yet there is somebody there every day.

Catherine Brown: Yes, but it is a big place. I would be very happy to take you round an abattoir.

Q243 Mrs Lewell-Buck: I understand it is a big place. I just find it really hard that, if somebody was there, they could not spot something else was going wrong somewhere else. I just find that really hard to get my head around. I know it is a big place, but there are lots of big places and people do spot things that are going wrong elsewhere, where they are not particularly present. I am just not following how, if there were people here, they did not know this was going on.

Tim Bennett: It is interesting, this one. In the plants where we have detected this, we have put extra official veterinarians in, so you can effectively have someone in the kill area and in the lairage area. If you put someone in the kill area all the time, then we will have complaints about handling animals as they come off lorries, etc.

Q244 Mrs Lewell-Buck: Sorry, if you just pardon me, where I am coming from is, for the average person on the street, a member of the public, they will not be able to understand why, if there are people there every single day, this was allowed to happen. I am just after a really simple answer.

Catherine Brown: The simple answer is, if the vet is in the kill zone, which they sometimes need to be, and somebody is deliberately being cruel to animals in the lairage, they are not there; they are somewhere else. The other point you make, which is a very important one, which we are also thinking about, is one about culture and confidence in management. We are thinking about how we could try to place more emphasis on, and measure in a more evidence-based way, culture and confidence in management, because that is effectively what you need to have. The cost of having somebody in a position to look at every single moment that an animal is in a slaughterhouse would be prohibitive.

Q245 Mrs Lewell-Buck: Would CCTV be better then? Would that help?

Catherine Brown: Yes, I think CCTV would help.

Q246 Mrs Lewell-Buck: Would you say you are in favour of CCTV?

Tim Bennett: Yes, we are, providing that CCTV is available to us for enforcement purposes. There is no point in it just being available for the food business operator. Let me say that it is the food business operator's responsibility to do this properly. We must not get away from that. I have been around many meat plants in this role and the people who are shocked the most by these pictures are the people who are there trying to enforce this. Frankly, it is not just about CCTV. It is also about the enforcement tools that we have available to make sure that these things do not happen again. We do not want this at all. We want zero tolerance on welfare, in the same way we do on hygiene. Frankly, it is not just about CCTV; we also want to talk about whether we have enough enforcement available so that we can do this properly because, all too often, when we do try to withdraw licences, we end up going to court, then we lose and the licence is given back. It is about regulation as well and giving us the powers to enforce what we would like to enforce.

Q247 Neil Parish: Can I pursue the CCTV? If you were to have a CCTV both in the slaughterhouse and in the lairage, there would be no reason why you cannot have a screen in the slaughter area actually following what is happening in the lairage. Therefore, you could have a vet in there watching the slaughter going on and also occasionally looking up to see what is happening in the lairage. I think they should not only be compulsory, but it is compulsory that they are turned on and compulsory that they work. Very often, in all sorts of crimes and all sorts, very often they are not working. That has to be essential because, if whoever is handling those cattle, sheep, pigs or whatever, who is slaughtering them, if they know the cameras are on them then, I believe, not only will they do it properly, but they will have to do it properly. Are you pursuing this with Government to see that it happens?

Catherine Brown: I completely agree with your analysis, but I would also add that it needs to be available to us. Although 50% of slaughterhouses now have CCTV of some description, that actually covers vastly more than 50% of animals slaughtered, because they tend to be the larger slaughterhouses, even some of those that you would call very reputable businesses do not let us have access to that. The best practice for CCTV is that they are reviewing it on a regular basis, because it is a management control, so it is part of that confidence in management, culture and supervision issue, but that they make it freely available to us, so that we can look on a sample basis. I imagine that they might make some objection to what you are suggesting, on the basis that it might be more expensive, but clearly it would have some advantages to us. Our board is going to have a discussion on our take on welfare in the next few months, but this is something that we do talk robustly with colleagues about all the time.

Q248 Neil Parish: Before Mr Bennett comes in, can I also add, further to what the Chairman said about non-stun slaughter, are there necessarily cameras in non-stun slaughterhouses? Shechita will allow no stunning whatsoever, because they maintain that the way they wield the knife does the stunning. I do not necessarily agree with that. I think there is a real need for cameras to be there. The previous Minister of Agriculture Jim Paice made an impassioned speech this week about the length of time it takes, up to four or five minutes,

for a bovine to die, so there is an argument about post-cut stunning. I know it is a political issue that the FSA does not necessarily have to get involved in, but it would be essential that cameras are also there. Are there also veterinarians in the slaughterhouses where non-stun slaughter is taking place ?

Catherine Brown: Yes, when there is legal slaughter taking place there are OV's and our staff. Of course, one aspect of food crime is about illegal slaughter. Where there is illegal slaughter, no welfare controls are properly in place and nor are any hygiene controls properly in place, so that is another thing we have to be constantly alert to.

Neil Parish: That is particularly sheep, I imagine.

Catherine Brown: It would seem thus. So yes, there are vets there. I do think sometimes as well that we need to make sure we pay enough worry to mis-stuns, because at the moment in England there is no requirement to record the level of mis-stuns. If the level of mis-stuns is 1.5% or 2% that is a lot, and they do not even have the protections around keeping still after slaughter, because nobody knows they are not stunned. There are significant issues around stunned slaughter and missed stuns, as well as real concerns about non-stunned slaughter.

Q249 Neil Parish: Certainly those who argue for the maintaining of non-stun slaughter very often quote the mis-stunning. Therefore, it is an animal welfare issue to make sure that the mis-stunning is put right, not that we do not stun. That is really a relevant argument.

Catherine Brown: It is totally not an either/or. Both of them are absolutely critical issues to be addressed.

Steve Wearne: This is what we see as part of our role as the enforcement body: to make sure that food business operators are following the rules, whatever the method of slaughter of the animal. Where there are problems, where there are seen to be systemic problems, make Defra and the devolved administrations, as the policy bodies, responsible so that their policy decisions can be informed by what we experience in the real world, when our people in slaughterhouses enforce the rules.

Tim Bennett: As Catherine has said, we have got scheduled a debate on this. It is not our policy area, but it is of massive interest to consumers. Our role is in consumers' interest in relation to food, particularly about labelling as well, not just welfare at kill. We have a scheduled debate on this. What concerns me sometimes about the debate is that it is about welfare at kill and how we can improve that. To make sure that it is as good as it possibly can be, there is a number of things we can do. We have already discussed those, but everyone dives immediately off into religious slaughter. We have to take it into a much more holistic debate about improving welfare at kill. That is important. Consumers would expect that as well as better labelling.

Chair: And at lairage as well. You must not forget it is both.

Catherine Brown: When we refer to welfare at kill, we mean the moment it arrives through to the moment it leaves.

Q250 Jim Fitzpatrick: Just following on from Mr Parish's comments, there is a huge lack of understanding out there. Your point, Mrs Brown, was really important that 80% of halal meat is stunned. Most white people, non-Muslims, out there would look at halal and kosher and think, "This is non-stunned meat", which is why there is such a negative reaction. There will be some people who object to halal simply because there is somebody saying a prayer over the food, but that is a tiny minority and they are coming from a place that most of us would not want to be. Most people who object to halal object to it because they think it is non-stunned. The responsibility for labelling, in terms of stunned/non-stunned, which will drive the consumer to be able to make choices, is not with you; that is with Defra and with the European Commission. Do you engage in a discussion with Defra over this? It is a hugely emotive area and fraught with danger, if it is not handled very sensitively. As Neil says, it is the big animal welfare issue, whether animals are stunned or not.

Catherine Brown: We have discussions with them on policy aspects.

Tim Bennett: The FSA board some years ago discussed the labelling in terms of stun or non-stun, but it was some years ago now. I have no doubt that that will come up when we have that wider debate at the FSA board, about July time.

Steve Wearne: It comes back to our principal purpose, which is to put the interests of the consumers first. The research we do with consumers about their concerns in relation to food do highlight animal welfare, probably as a secondary issue, so below food hygiene and the amount of sugar, salt and fat in food, and so on, but it is there always as one of the issues that has a significant but secondary level of concern amongst consumers. That gives us a legitimacy to have the debate, if only to articulate better what it is that consumers are telling us they are concerned about.

Catherine Brown: There is a very interesting wider issue as well, which relates to that thing we were talking about earlier about the next few years and the challenges. I think it relates to what you said in your report around empowering consumers and having more transparency. One of the tensions is that consumers start to say to us that putting more and more things on to the label starts to make it impossible for them to use the label. It is very important that we are clear on what needs to go on to labels, but there also needs to be vastly more thought about transparency beyond the label, so that consumers who care about different things can access information that is perfectly legitimate for them to want to know, without it always being about whether it goes on the label.

One of the things that we are saying is that it is the responsibility of food business operators to ensure that they comply with the law. It is actually their responsibility to demonstrate that they do as well. Rather than the notion that the state is constantly going to take the responsibility of checking and demonstrating for them, we need to place more onus on them to demonstrate that they are doing it, to be transparent with the public and for us to be able to check against that, rather than thinking that we are going to do it.

Q251 Richard Drax: Mrs Brown, is it out of the question to ban the non-stunning killing of animals for food, in your view?

Catherine Brown: It is a policy issue.

Richard Drax: I am asking for your opinion.

Chair: Mrs Brown does not have a view.

Catherine Brown: He is a proper civil servant, so he will know whether I am allowed an opinion.

Chair: Mrs Brown does not have a view; she is an enforcer.

Catherine Brown: I am advised that I am not really allowed an opinion.

Tim Bennett: Some countries in the European Union have taken that decision.

Q252 Richard Drax: Exactly. I am just wondering whether that would solve it; it would create a problem, I am sure, but it would also make things an awful lot simpler, would it not?

Catherine Brown: It is really important to ask those questions, to address the issues that the BVA and others have raised, and to think about it possibly species by species, because there are some differences species by species that might be relevant. The kinds of things that enforcement people talk about when you say things like that are whether that will drive more illegal slaughter. If there is an irremediable consumer demand then, if you do drive a big chunk of that out of the regulated system, it will be worse for welfare and significantly worse for hygiene too, so you would need to be fairly confident of your enforcement capabilities, which comes back to that issue around the local government framework and how we all work together to get effective enforcement.

Steve Wearne: If we look at practice in other EU member states—this was the point made in the debate earlier on this week—it is not just a decision between whether slaughter without stunning should remain legal or become illegal. There is a range of interventions that are used elsewhere. I have already mentioned post-cut stunning, so it is a broad range of potential interventions that are in this policy space and, because it is a policy space, it is not for us.

Q253 Roger Williams: Many slaughterhouses and indeed livestock markets have one of their own staff designated to ensure that animal welfare is carried out. What relationship does the FSA have with that particular designated person? Do they have training? Do they have to report? What is the role?

Catherine Brown: We think that is a really positive thing that happens in Wales now, but not in England yet. Where that happens, they can provide a point of contact for us when we are doing our welfare audits, where we have a welfare concern, whether it be on site or as a result of an audit. It is a very positive feature of WATOK.

Tim Bennett: Can I just be clear? We are operating slightly different legislation in different parts of the UK. In Wales, Northern Ireland and Scotland, we are operating under the latest European directive of welfare to kill, which has not yet been laid in the Westminster Parliament in England. There is some significant difference to help our enforcement in the three devolved administrations. There is a legal requirement to record mis-stun under the new regulation and not the old, and there has to be a designated person in charge of welfare from the FBO. We are operating slightly different legislation in

different parts of the UK. I am sure that, once parliamentary time allows, we will be operating to the latest directive in England.

Q254 Iain McKenzie: I have a couple of questions on the animal welfare survey done in 2013. First of all, a year passed by between collecting the data and publishing the survey. Why was that? What have you learned from the survey? What changes do you intend to make?

Catherine Brown: What did we learn from the survey? I will take the easy bit first. There had been an improvement. This is a survey that we have historically done every two years and, compared to the 2011 survey, there had been a significant improvement in compliance. It is a survey that takes place over a week, where we do dedicated recording over a week. We learned that, in the week that we did it in 2013, things looked better in terms of welfare compliance than they looked in 2011. I would say that, in this day and age, even if we had produced it relatively quickly, that is not a terribly modern or transparent approach. It goes with our new emphasis on more and more transparency for consumers. One of the things that we will want to talk about at the board is how we can be much more regular, share feedback and outcomes on welfare by abattoirs much more regularly than two-yearly.

Q255 Iain McKenzie: Do you intend to increase the frequency of the survey?

Catherine Brown: Yes, we will. We are doing lots of checks all the time, so it is not conducive to our current approach—which is to put as much as we can, as timely as we can, into the public domain—to only produce a big single thing every two years. We have to look at how we do it best and the board will have to decide exactly how we do it, but we will be looking to move to something far more regular and frequent.

Tim Bennett: The board's view is to publish as much data as possible and be as transparent as possible. We publish the hygiene data in terms of abattoirs. I am sure the debate will flow out and we can find a way of publishing welfare.

Q256 Iain McKenzie: Why the year?

Catherine Brown: There is not really a good reason for why it took so long. It was not a sinister thing. It was just not a very elegant piece of prioritisation and it took longer than it should have taken.

Q257 Iain McKenzie: In future, how long will it take to turn around the surveys?

Catherine Brown: I do not think we should only be doing them two-yearly. I do not think it should take a year to produce the results of a survey. I would anticipate that we will move to something far more regular. Because we do put an amount of rigour into checking, which I think is right, and we like to do some proper statistical stuff, I do not think we will publish it on social media in real time the day after necessarily, but I would not have thought that it should take more than two or three months to spit something out at

the end of having done a piece of work. If we are going to do it regularly, by its nature, it is going to need to be much slicker.

Q258 Ms Ritchie: Moving on to the issue of food fraud, a number of recommendations were made following Professor Elliott's review. Has the Group on Food Integrity and Food Crime been set up?

Catherine Brown: Yes.

Q259 Ms Ritchie: What are its composition, role and remit?

Catherine Brown: Since you are on it, Chair, do you want to—

Tim Bennett: There were a number of recommendations from the Elliott report and some of the other reviews that took place post-horsemeat. A number of Departments, as discussed earlier, including the Department of Health and Public Health England, are looking at the lab capacity. We had specific recommendations, particularly the Crime Unit, which we undertook as part of the Government response. As part of that recommendation, there is a joint ministerial/Chair of the FSA working group to make sure that we are meeting at least twice a year, from memory, to co-ordinate all those actions. The first meeting has taken place. The next meeting is due immediately post-election.

We all reported on our individual work and challenged each other to make sure we are maintaining pace. George Eustice chaired the last meeting, as the Minister at Defra, but BIS is on that, the Department of Health, ourselves and indeed the Home Office as well, because we had a very good working relationship with the Home Office, particularly around serious crime, when developing the Crime Unit. That is put in place and the working groups to support that joint ministerial group are all in place.

Q260 Ms Ritchie: In the final review, Professor Elliott stated that the goal should be for the UK to re-establish itself as a world leader in food authenticity research. Has that group been set up on the Authenticity Assurance Network?

Catherine Brown: The group that manages the authenticity programme is the Defra-chaired authenticity steering group, rather than the ministerial oversight group on the Food Crime Unit, so they would be distinct and both important pieces of work. Absolutely the discussions are ongoing. I suppose it goes a little bit to the point I made at the beginning around testing and around the 75,000 tests that are happening, but also the hundreds of thousands of industry tests that are happening, which are about how we make sure that those are rationally put together and all of the information that can be taken to give us intelligence is taken.

Q261 Ms Ritchie: To clarify it and to be absolutely clear and specific, has the network been established?

Catherine Brown: What network?

Ms Ritchie: The Authenticity Assurance Network.

Steve Wearne: I think you might be referring to the network of laboratories and other institutions with an interest. Defra has consulted widely on that; we are waiting for them to bring forward proposals. There is a general appetite, it would seem to us, looking in from the outside, for the establishment of some key centres of expertise in academia and in laboratories across the UK that can help set robust standards for authenticity analysis and drive improvement and analysis.

Q262 Ms Ritchie: The Elliott review recommended the creation of a Food Crime Unit. Can you give us an update on that Food Crime Unit? I know there are further questions about the issue of budgets. Do you think your budget is sufficient to execute the work that is required to make this meaningful?

Catherine Brown: A really good question, and the Food Crime Unit is bang in ours, so that is a nice one for us. We have set up the Food Crime Unit. It is being funded within our existing resources, so we are looking at spending about £2 million a year in terms of the Food Crime Unit. It was established by the end of last year, which is what we said it would be. It is building on the intelligence hub that we had put in place coming out of the advice that we had had from Professor Pat Troop, who did our review way back when on responses to horsemeat.

The Food Crime Unit, in its phase one, which is what the Government agreed to do in response to Professor Elliott's report, put in place an intelligence-gathering unit Food Crime Unit, which is able to identify where there are cases for investigation and build the kind of network of relationships with other enforcement bodies that enables those investigations to be taken forward effectively. The very important role of the ministerial group that Tim is on, which we talked about just now, is that, should that look like it is not working, it gives us a place to draw that to the attention of Ministers. Obviously everybody is experiencing resource pressure. The worry is that if we put together packages for investigation that we think are important to consumers, but local police forces are focusing on historic sex abuse or whatever it is and we cannot get our food crime investigations prioritised, then we have the ability to raise that to Ministers and say, "How is that to be addressed?"

One of the things that Professor Elliott explored in the course of his work was whether a unit that effectively took more powers centrally into the Food Crime Unit was a better model. You are looking at the Dutch model, where they have a pseudo-policing role centrally. What we have said about that is there are some potential risks and problems with that model. One of the things we are already finding with the Food Crime Unit is that there is a lot of integration of food crime with other crime. Various of the arrests and custodial sentences that we have already been involved in relate to drugs as well as food. However, if we cannot get food cases sorted out for consumers through the wider policing network, then we will have to look at that. If we have to look at that, Professor Elliott's estimate is £36 million. That is not something we can do from where we are now.

Sitting suspended for a Division in the House.

On resuming—

Chair: Thank you very much for your patience. Can we resume from where we were? Margaret Ritchie.

Q263 Ms Ritchie: Thank you, Chair. At the end of your submission, in the answer before the Division bell rang, you mentioned about £36 million. Could you just clarify the £36 million figure? Is that the amount that you estimate would be required to run the Food Crime Unit?

Catherine Brown: No, that is the amount from Professor Elliott. Nobody has done a full costing exercise. That is an amount that Professor Elliott mentioned that he thought it might be, if we were to look at something similar to the Dutch model. What was agreed was that, for two years, we would do the kind of Food Crime Unit that we had put in place now, which is an intelligent hub plus.

Ms Ritchie: Out of your existing budget?

Catherine Brown: Exactly, and then towards the end of that two-year period we would do a review and say, “Is this delivering the benefits that we would want it to be delivering?” If it can be made to work, I really think it has the potential to be the best model, but we would have to see whether it works. If it does not work because we cannot get the cases investigated by the infrastructure for criminal investigation around the country, then we will have to look at a proposal to move to a model that puts significantly more enforcement powers centrally with us. At that point, we will do a full costing and then there will have to be a decision made.

Q264 Mrs Glindon: In relation to the Food Crime Unit, for the model developed at the moment, the £2 million, in the near future or until it gets to the kind of model you are talking about, the Dutch model, will the costs remain similar in years to come to the £2 million?

Catherine Brown: Of course, none of us ever know what our financial fate is, do we? If our budget remains as we currently are led to understand it will, there would be no reason why it would radically depart from the £2 million. Of course, all of the other things we are doing are absorbing the rest of our resources. The intention would be for it to run at that level for the two years, unless there is some heinous thing that happens to our budget as a whole, in which case we will have to review it along with everything else.

Q265 Mrs Glindon: How many staff are there involved in the Food Crime Unit?

Steve Wearne: Thirty-six is the full complement. Thirty of those are already in post and recruitment for the remainder is well underway.

Mrs Glindon: That would remain pretty constant as well.

Catherine Brown: Yes, but the really important thing is that this model relies on being able to leverage the relationship with everybody else. Clearly you cannot do much against a huge complex problem with 36 people. Some of them are out around the country; some of them are in Wales, in our Welsh Food Crime Unit. Some of them are in the regions of England, building relationships with other enforcement agencies. That is the critical thing. With this phase, it is all about whether we can get the police, the National Crime Agency and others to work with us on this because, if we cannot, we will have to look towards something more like phase two.

Q266 Mrs Glendon: What impact have the recommendations from the Elliott review had on the resources of the FSA? Obviously since the horsemeat scandal you have had your budget reduced by £22 million.

Catherine Brown: When we talked about the priorities and the risks at the beginning of this session, we talked about the complexity of the system and the risks of food fraud to authenticity, because of pressures on the system. That is a feature of the system that we are trying to regulate. It is broadly helpful that Professor Elliott has made that more transparent and clear to everyone but, as someone said at the beginning, we are dealing with something like 1,500 incidents a year anyway. The issue with resources is we could all leverage more benefits with more resources, but we have to leverage what we can with the resources that we have.

Q267 Chair: Can I just ask if we are still using the City of London fraud police to lead in the investigations?

Catherine Brown: It depends. The Food Crime Unit is building relations with police forces and the National Crime Agency all around the country. The City of London is one of them. The City of London has particular expertise within the different police forces in terms of fraud, not necessarily food fraud but fraud. We continue to have a relationship with the City of London police, but it is not all about the City of London police.

Q268 Chair: We were worried as a Committee that they are used to paper fraud; they are not used to meat fraud, more of which from Roger Williams.

Steve Wearne: It is fair to stress that the vast majority of the case work of the Food Crime Unit would be regulatory offences, rather than criminal ones, and we are already there getting good co-operation with local authorities, intelligence-led investigations in the north of England around cold stores and in the midlands around food labelling, so we are getting good traction with individual and groups of local authorities. Clearly there will be some more serious offences that we will want to refer on to police forces or even to the National Crime Agency, in the case of serious and organised, but it will always be that the bulk of the work of the Food Crime Unit will be regulatory offences and us working closely with the local authorities.

Q269 Roger Williams: Thank you very much, but some criminal offences are still taking place. One of your surveys found that in lamb products, I think quite a number—was it 40-odd out of 223 had substantial quantities of non-declared meat? That is criminal, as far as I am concerned. Actually Which? did a similar survey and found exactly the same thing. In following the recommendations from the Elliott review, how are you tackling that, which seems to me right at the core of it, with consumers and producers suffering?

Catherine Brown: It is a really key issue. In the Food Crime Unit, we have identified some key themes that we want to go after, because we know there are problems. Meat and fish substitution is one of them. Illicit alcohol is another. There are quite a lot of things going on, at the moment, around us seizing with colleagues bits of illicit alcohol as well, potentially quite a lot.

There are two sets of things going on. For example in takeaways, which are often small businesses, in some cases those takeaway proprietors are themselves the victims of somebody else's crime. They believe that they are buying one thing. That happens not so much necessarily in terms of the meat substitution, but certainly in terms of the nut substitution, which of course is something that we are very concerned about from a safety point of view. There is the stuff around making sure that you have appropriate controls in your supply chain, as potentially a small business, a takeaway, and then there is the stuff around wilful passing-off.

We can support, and we do quite a lot to support, businesses to understand how to protect themselves and how to meet their obligations. We should carry on working on that, because that is what protects the consumer and the small business. Where there are people who are deliberately criminally substituting one for the other, the kinds of things that we have to do are the intelligence sharing and gathering that we are doing, and that is why the regional presence for the Food Crime Unit is so important, but also some stuff around penalties and proportionate penalties.

One of the issues has been, where we find breaches, frankly the penalties are derisory. For local authorities that are cash-strapped, working with less experienced personnel, because a lot of the people who have left local authorities are the more experienced trading standards and environmental health officers, it is not attractive to take cases that you might not win and, if you do win, the penalties are derisory. We have been working on our submission to the Sentencing Council, trying to get into a position where, for example, the £5,000 limit for magistrate's courts is removed, so that they can make proportionate interventions.

We have seen some progress in recent months around sentencing, which looks a bit more at deterrents. There have been a number of custodial sentences recently, particularly from the food safety point of view, which is a very strong and positive message. A large pub chain was fined £1.5 million, as a result of poor systems, which led to a consumer dying as a result of poor hygiene controls. We are pressing very hard to get more deterrent sanctions, as well as to have more capability to find the thing in the first place, but there is always more to be done.

Q270 Roger Williams: Can't you see how the reputation of the Food Standards Agency is, if you say that the main work of the crime unit is going to be regulatory, like,

“Have you ticked the right boxes? Have you filled the right forms in?”, when actually, what the public anticipate and what the producers anticipate is you getting stuck into the criminality that is still existing in the food trade in this country.

Chair: In fact, there has not been one prosecution related to horsemeat.

Steve Wearne: I would not want to be misunderstood. When I say “regulatory offences”, they are still criminal offences, but they are enforced by local authorities rather than the police. The instances of substitution of lamb in takeaway meals you referred to are enforced by local authorities, but they are criminal offences. Let us be absolutely clear.

Catherine Brown: I just wanted to say as well that there are a lot of prosecutions going on, all the time. I think you make a good point, which is that we are not sufficiently extrovert about the level of prosecution and penalty that is being experienced. In our new regulatory strategy, we are saying that we need to move beyond focusing on the impact of an individual prosecution on the person we are prosecuting, and think of it far more about the impact on the wider community of potential perpetrators. There are 400 prosecutions a year. There have been 2% more prosecutions this year than last year, and 26% more seizures. Every day, people are being taken to court and prosecuted for breaches. We would anticipate that that will absolutely carry on.

Tim Bennett: I think Mr Williams made a very good point there, because consumers will judge success on, when they go into their takeaway or wherever else, that food in their local area is what it says it is. We have to be very mindful of that but, at the same time, we also have to put resource into this major horizon-scanning intelligence around the world to try to stop the international movement of illegal food, so horsemeat-type incidents, because that can spread so quickly through the food chain. We have to do both. We are having to ramp up our intelligence and horizon-scanning.

Indeed, we have to work with industry. Another recommendation in the Chris Elliott report, is how we share information with industry and how industry shares with us. We are working on that and it is much improved, but we still have a long way to go to make sure that we have a really good sharing of information to protect consumers at that level of what I would call cross-border crime. You are quite right; we will be judged, and so will trading standards and local authorities in general, about whether we can put a stop to this mislabelling with criminal intent at a local level. The one thing we have learned is food safety is vital, but consumers expect authenticity just as much as food safety. It is one of the lessons from horsemeat.

Q271 Richard Drax: Moving to Scotland, gentlemen and Mrs Brown, as of April 2015 they are going to set up their own standalone body, as you know. In your FSA strategy statement, you say, “There is real synergy and benefit for stakeholders for England, Northern Ireland and Wales to continue operating as a single entity”. Is it rather unhelpful that Scotland is going off on its own?

Catherine Brown: This is a devolved competency. It is absolutely right for the relevant Government to decide what system they think is going to work best in their area of responsibility.

Q272 Richard Drax: Have you had any dealings with them about the synergy, cohesion and all the other things?

Catherine Brown: Yes.

Q273 Richard Drax: What do they say to that?

Tim Bennett: Right from the moment that the Scottish Government announced that they wanted to do this, we have had a very close working relationship. We have built in a formal and agreed memorandum of understanding, and it has to be that of course we will remain the UK competent authority, and also negotiation in terms of food law. We will have to have a very close working relationship. I have met the prospective Chair on a number of occasions, and the Chief Executives are working closely. If we are going to make sure that consumers are protected, we have to make sure we do work closely. Of course, we will have to form a UK Government position, so we will have to work that out with Food Standards Scotland and other Departments in some areas, because we do form a UK Government position.

Richard Drax: Whatever you do, you will incorporate the new Scottish body in your planning.

Tim Bennett: Yes.

Q274 Richard Drax: It will have responsibility for nutrition, food labelling, food safety and standards. Is this a model that we should be following in England?

Tim Bennett: When you get into machinery of government discussions, I am aware that that is outside of our competence, but the one thing I will say is that the FSA board feels that there is some virtue in authenticity policy as it was coming back to the FSA, because it makes it a much clearer model. I am aware of the sensitivities in talking about machinery of government, but that is one area where the FSA board has made some comments.

Steve Wearne: We have different remits within the FSA, in different countries of the UK at present. The list of responsibilities of Food Standards Scotland is exactly the same as the Food Standards Agency currently has in Scotland, which is different from those in England and different again from those in Wales, so we are used to working in a system where, in different countries, we are asked to do different things by the different sets of Ministers. That is simply devolution at play.

Catherine Brown: It goes to the point I made earlier, which is that, whatever our theoretical boundary is, given the nature of consumers' interests in relation to food, we then need to work across those boundaries anyway.

Q275 Richard Drax: Am I just naïve in thinking that, if we are meant to be a United Kingdom, it might be easier to have one system for the United Kingdom, which makes it simpler to manage, simpler to monitor and simpler to do all kinds of things, does it not?

Catherine Brown: Those questions around devolution and the pros and cons of devolution are beyond my pay grade.

Q276 Richard Drax: I know you cannot talk about Government policy, but you are three very intelligent people; I am assuming you have views. I am just wondering whether this is making it more complicated. You have just said that some of the systems are the same and some are not. It just seems to be that, if we were all trying to achieve the same thing, would it not be simpler to have one system?

Catherine Brown: There are pros and cons. Any split of responsibility has pros and cons. There will be a little extra joining-up for us to do with Scotland but, because we have been running in the way Steve describes, with FSA Scotland responding to the issues that are distinct to Scotland about food, which there are some of, of course, for Scotland and food, just as there are for Wales.

Q277 Richard Drax: What are those? What is different from Scottish eating to English eating? I am sure we all eat food, do we not?

Catherine Brown: I would have to send you a briefing on the precise differences, but there are regional differences around what people eat, how they access what they eat, what the dietary status is and therefore the health impacts. In Scotland, where we have responsibility for nutrition now, the successor body will continue to have responsibility for nutrition, so it is not a massive change. Our Director for Scotland is becoming the first Chief Executive. That is very helpful, so there are a lot of established relationships.

There are things like we are going to have a practice exercise, because one of the areas where we are particularly concerned to make sure it works well is in a material incident. In a material incident, it is very important that we manage it for the benefit of the UK consumer and that we do not accidentally have Scotland go one way and everybody else go another, and the consumer go down the middle. We will involve Scottish stakeholders and the new Scottish body in that exercise programme, but really we would have done anyway. I do not think it is going to add hugely more complexity. It has been a bit of a fag producing a memorandum of understanding, but there will be upsides to having done that.

Tim Bennett: Scotland will be operated with slightly different powers and slightly better or more improved enforcement powers, because it is more modern legislation, so it is interesting for us to watch.

Q278 Richard Drax: It is more what sort of legislation?

Tim Bennett: There will be slightly different enforcement powers?

Q279 Richard Drax: Will they be stronger enforcement powers?

Tim Bennett: Yes, I would describe them as stronger enforcement powers.

Steve Wearne: For example, in Scotland currently and in the new food body, there is the power to serve remedial action notices, which are effectively “stop now” notices for breaches of hygiene legislation in registered businesses, as well as in approved businesses. That does not currently exist in England. There are a range of differences, now and in the future, about the powers we can draw on when acting as an enforcement body.

Q280 Richard Drax: Where something works, are you pushing the English Government to think about introducing this, following Scotland’s example?

Catherine Brown: Absolutely. The big example of that currently would be the compulsory displays of FHRS in Wales, so we can see that that is driving faster improvement in quality standards and compliance in Wales than we are getting in England, so we are absolutely engaging with Ministers and others about why we would not want that benefit for England too.

Q281 Iain McKenzie: First of all, I would say that I sincerely hope that that engagement and that link-up with the Scottish side of things continue beyond just exchanging Christmas cards. I recently had a meeting with SEPA in Scotland, and shall we say that I would have thought all things flooding were similar, but that is another story. On the subject of when Scotland gets these powers, all things that are devolved may naturally, in the process of time, take a different route, a different parting of the ways. How are you going to manage that? You touched upon nutrition information, etc. England and possibly Wales are just seeing the obesity epidemic, the heart conditions, the diabetes 2. We are in the midst of it, so we have taken in Scotland further steps to try to get that nutrition information and deal with that. In the future, as that changes, do you decide to follow us on other things? How are you going to manage that?

Catherine Brown: As you say, it is already happening. It has already happened with FHRS; it is already happening as we are. What we try to do is take the positive from that, which is that you can learn from the different things that happen in different places. We would think that we have improved the work that we have done in Northern Ireland on mandation, on the basis of what we have learned in Wales, but Wales has had the benefit earlier.

It absolutely is the case that there will be divergence. A lot of that divergence will be evidence-based and to do with public health issues that people are dealing with. Some of it will be due to different political perspectives and social and economic perspectives. This is the nature of devolution, and we will just try to consistently get the best for consumers, wherever we can.

Q282 Chair: Can I ask when you plan to impose or when the Government plan to implement the new EU regulations under the 2006 Animal Welfare Act? It is regulation 1099.

Catherine Brown: That would be WATOK.

Q283 Chair: Is it already applying in certain parts of the United Kingdom?
Catherine Brown: Yes.

Q284 Chair: Where is the block? Where is the barrier?
Tim Bennett: We do not own the policy on that. It is for Defra to lay.

Chair: It could be laid at any time.

Tim Bennett: It could at any time but, in Wales, Northern Ireland and Scotland, we have been operating that for some time.

Q285 Chair: Do they operate V restrainers on sheep?
Catherine Brown: There is not a consistent requirement for V restraint across the UK. There is an emphasis on systems that reduce the risk of animals experiencing suffering. One of the key differences between WATOK and WASK, which is the legislation that we are working with in England, is that with WASK we have to prove that an animal has suffered, rather than demonstrate that the system is such that it is likely that an animal suffers. The obvious place with that, where it is very germane, is if you have a waterbath for stunning and it is running at too low a voltage. There is an extremely high probability that birds that are coming out only semi-stunned are experiencing suffering. However, for us to prove that is extremely difficult to impossible, so there are a number of issues in which WATOK is a significant improvement over WASK.

Q286 Chair: Are you able to say what is the average time spent on paperwork that your inspectors would have to fill in, as opposed to the actual time that they are inspecting?

Catherine Brown: We would probably have to come back to you with the detail, but basically our meat and hygiene inspectors spend a large majority of their time physically on the line, so it will be the large majority of the time not to do with paperwork. Paperwork is extremely important. The right records of where we find contraventions are an essential part of enforcement capability, so we would always be anxious not to suggest that paperwork was necessarily a bad thing.

Q287 Chair: You have not had any evidence of intimidation at any slaughterhouse premises of your staff. You have not had any evidence or complaints of intimidation.

Catherine Brown: In terms of bullying and harassment of our staff?

Chair: Yes, of your staff and vet staff.

Catherine Brown: We constantly are mindful of the potential for intimidation, bullying and harassment.

Q288 Chair: What can you do if you find it?

Catherine Brown: We have done a lot. A few years go, we really did think that we had a significant problem with our staff being bullied and harassed, so we have done a huge amount of work and our staff do report that the situation is improving. The critical intervention that we have made in the last two years, which we did not do before, was that we pull out the service. If there are cases of bullying or harassment, we remove the OV and the meat hygiene inspectors, which means that production can no longer continue, which causes an economic detriment to the business, which focuses management on the need to eliminate the bullying and harassment.

Q289 Chair: They would not be able to continue slaughtering.

Catherine Brown: That is right. Having said that, we get a significant amount of resistance to that, not only from individual meat businesses, but from some of the trade associations. We do not do it willy-nilly. We have only done it seven times, but it is a very powerful message.

Tim Bennett: From an FSA board point of view, we have discussed this on a number of occasions and we have made it quite plain that we have a zero-tolerance approach to bullying.

Chair: I think the public would be quite shocked that there is intimidation and bullying going on.

Tim Bennett: We have it reported every quarter to the board, and we are fully supportive of the strong action that the Chief Executive takes on this. It is just not acceptable.

Q290 Chair: In the specific Bowood case, when did you become aware that the filming had taken place and had demonstrated what was shown and the actual removal of the slaughter licence, which was the action that the FSA took?

Catherine Brown: We received the notification and the evidence just as Jason Feeney the Food Standards Agency Chief Operating Officer was starting, so that was the first week of January. We suspended the slaughter licences very rapidly, so it would have been within 36 hours. That is when we knew and that is how quickly we acted.

Q291 Chair: If you saw a breach, if one of your inspectors or one of the vets saw that there had been a breach of animal welfare rules, you would equally close down the facility immediately.

Catherine Brown: You cannot always close down the facility immediately. In the other case that we have got live at the moment, we have been able to close down the facility immediately, but that was eased by the fact that they were also committing hygiene breaches potentially. Where there is a legal basis to stop operations, we will stop operations. In the Bowood case, we did not think that there was a legal basis under which we could prevent the whole operation happening, but what we have been able to do is impose a speed limit. One of the things that makes a big difference to animal welfare in the slaughterhouse environment is how fast they are trying to get them through, so we have imposed a speed limit, so we have slowed down, and we have put in that extra

supervision at lairage and point of kill, as we discussed earlier. It is not always possible to stop the work.

Q292 Chair: If I could just follow up something that I asked you about in your answer earlier, which regulation actually passes all responsibility to the food business operator? Is it the WATOK, the WASK or is it the Animal Welfare Act?

Steve Wearne: It is the provisions in general food law, so Regulation (EC) No 178/2002 puts the responsibility for compliance on food businesses.

Q293 Chair: In terms of mis-stunning, which has been a feature of your evidence today as well as Monday, what checks do you do to make sure that the individual slaughterer does not just have a proficiency in slaughtering, but is using implements that are sharp and fit for the purpose?

Catherine Brown: In terms of mis-stunning, the thing that places a specific requirement on food business operators to record mis-stunning is WATOK. There is not currently a requirement on food business operators in England to record incidents of mis-stunning. Where we see incidents of mis-stunning, we will keep a record of it, but we are now also doing—and this goes to the point around a more regular reporting framework—an ongoing study of levels of mis-stun, which we would want to look at being able to put into the public domain as we went along.

Q294 Iain McKenzie: Would not more regular reporting, if those reports go back to the farmers, effectively shut down these slaughterhouses if you have issues with them?

Chair: No, they do not have the regulations in place.

Iain McKenzie: If the farmers choose not to send their livestock in that direction that would effectively close them down, based upon a report coming back from yourselves.

Chair: Then you are damaging the farmer. I do not think we want to go there.

Catherine Brown: It maybe goes to the transparency point. We want to make absolutely sure that, as a regulator, we ensure that people comply with the rules, but there are a number of people who can also make choices, both the suppliers in but also the purchasers out. Clearly retailers can take a choice about what kind of slaughterhouse they use, and retailers of course have various checks that they make themselves, but it would be easier for everybody who contributes to the food chain to make better choices if people put more into the public domain.

Q295 Chair: Could I just ask as well? You were quite severely criticised in a couple of reports for perhaps not working closely enough with the local authorities and not working closely enough with your opposite numbers in European Union member states. Can you reassure us that you are back on track now with both of those?

Catherine Brown: Which reports are you thinking of?

Chair: The Troop report, the initial Elliott report, our first report and our second report. I think there were four.

Catherine Brown: Okay, so the horsemeat incidents. Quite a lot of the people who we worked with through horsemeat felt that we had worked with them reasonably well through horsemeat. However, as I said at the beginning, given the nature of the whole-system challenge, it is absolutely critical that we get better and better all the time. That is harder and harder as everybody has less and less time and resource. Yes, we can certainly assure you that we continue to work extremely closely. We have had some very positive impacts in Europe recently, which have been generally considered to indicate very effective work, both with European stakeholders, but also with colleagues from this country. Yes, it remains an extremely high priority for us. We are making progress, but there will always be more we need to do.

Q296 Chair: Finally, if I may, in five years' time you are back before the successor Parliament. What do you think you will be able to say that you have done in terms of food standards, animal welfare standards and hygiene standards in your role at the FSA?

Catherine Brown: We have not got time to tell you all of the things we will have achieved in five years' time, but I am very hopeful that we will be able to say that regarding the thing which has been making more people ill than anything else in this country, which is *Campylobacter*, we have moved from a position where everybody said it was impossible to do anything about it to a position where something has been done. We already see, in just the last few days, the first signs of a retailer cracking this issue and hitting the target. Given that 280,000 people a year get sick as a result of this bug, some of them with consequences for the rest of their lives, I am very excited.

Q297 Iain McKenzie: Are you going to come back and say you will increase the number of vegetarians across the country?

Catherine Brown: In terms of food security and sustainability arguments that would be good news too.

Chair: I think Mr McKenzie has a point. In the next Parliament Committee, there is a piece of work to be done. I would argue that the reason we are where we are, and there are fewer abattoirs now, is because of the way that the EU abattoir directive was implemented in the 1990s. That is something that perhaps should be kept under review.

Q298 Roger Williams: I understand that a report is going to be published tomorrow on the presence of *Campylobacter*. Can you give us some good news?

Catherine Brown: I cannot give you any good news about the official statistics, because they are official statistics. It is important to remember, when it comes to the official statistics, that they are cumulative. If you look at the six-month figures, you need not expect the nine-month figures to wildly fluctuate necessarily. However, what we are feeling very positive about is the case study that Marks & Spencer and 2 Sisters Food Group will be producing in the next few days, which talks about how they are now in a

position where they can see their production for the last three months coming under the 10% target for the most contaminated birds. That is something that we have been consistently told is impossible, and so the fact that one part of the food chain appears to be able to do it is going to give us very significant opportunities to ask the rest of the food chain to meet that standard too.

Chair: Can I thank all three of you, on behalf of the whole Committee, for appearing before us and being so generous and kind with your time and answering our questions? I know you are going to write in on one issue and perhaps others as well. Thank you very much for being with us as part of our inquiry.