

Environment, Food and Rural Affairs Committee

Oral evidence: Work of the Food Standards Agency, HC 2119

Wednesday 24 April 2019

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Members present: Neil Parish (Chair); Alan Brown; John Grogan; Dr Caroline Johnson; Sandy Martin; Kerry McCarthy; Mrs Sheryll Murray; David Simpson; Angela Smith; Julian Sturdy.

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Witness

Heather Hancock, Chair, Food Standards Agency.

Examination of Witness

Witness: Heather Hancock.

Q1 **Chair:** We really appreciate you coming this morning. Would you like to introduce yourself for the record please?

Heather Hancock: I am Heather Hancock and I chair the Food Standards Agency.

Q2 **Chair:** Thank you very much. Right, Heather, we will get straight into business. As a first question, are you satisfied with the FSA's relationship with and independence from Defra?

Heather Hancock: Yes, I am. In fact, over the last three years I have noticed a real, material improvement in the mutual understanding of us and Defra about our roles and responsibilities and how we work together. The work we have had to collaborate on on EU exit has really helped with that. I used to see a lot of George Eustice. I still see John Gardiner and now David Rutley. I have also had the chance of meeting with the Secretary of State. I also see quite a lot of Defra officials engaging with officials in the FSA, and see a really constructive and positive relationship there. I did notice that George Eustice said something on the Floor of the House not so long ago.

Q3 **Chair:** Yes. You can comment if you like.

Heather Hancock: He was suggesting that there was either a lack of respect or poor relationships between our Departments. I cannot comment on whether that was history or not, because I have been here for three and a bit years, but I can absolutely say that is not what I hear, see or observe on either side, in the way we work together.

Q4 **Chair:** I think what George said was that the FSA board sometimes does not recognise Defra's expertise, and makes unfair assumptions about Defra's motives in advancing issues of concern on particular policy areas. You say you are not really aware of that.

Heather Hancock: I would not really say I was. I think he might have referenced the horsemeat issue there. There is nobody left on the FSA board who was there in those days, or even in the couple of years afterwards. We have had a wholesale turnover of the board. The board's opinions are developed by what it is doing in the moment and what it is observing in the moment. No, I really do not pick any of that up.

Q5 **Chair:** There is always a potential for a slight strain in the relationship because the FSA, rightly, was set up to be independent after the BSE crisis, to make sure it was not too close to Defra, or MAFF as it was then. I suppose the question to you is whether it is close enough. Are you too divorced from Defra?



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Heather Hancock: It is a difficult judgment, is it not? We work best when we are as sighted as possible on the work of other relevant Government Departments, be it Defra, Department of Health or, increasingly, Department for International Trade, and of course the relevant Departments in Wales and Northern Ireland. We have to have really good relationships with all of them, but we also have to stand up for ourselves.

You make better regulatory decisions, the better insight and information you have. I was asked in a House of Lords Committee almost a year ago whether I had ever been lent on by Ministers to take a particular decision one way or the other. I assured them then that that is not the case. In fact, I really understand my role, as chair of the FSA, as protecting its independence. That serves the consumer best. You just have to make it work in a way that is properly accountable and delivers for the consumer.

Q6 **Chair:** Naturally, Defra would be responsible and feel that it needs to, in some respects quite rightly, promote agricultural food and product. Do you get, on occasions, tensions when Defra feels perhaps that the Food Standards Agency is not as supportive as it would like?

Heather Hancock: Genuinely not. I do see occasions when perhaps a new policy team—not just in Defra; it might be in the Department of Health—that has not engaged with us before does not understand what a non-ministerial Department is. It can take some civil servants a while to get to grips with that. As a result, they might make some inappropriate suggestions. We are quite quick to explain to them why it is an inappropriate suggestion, why the point may be valid but the suggestion is not.

Q7 **Chair:** Thank you for that. Taking the fact that the Department of Health and Social Care sponsors you, the Food Standards Agency, and appoints most of your board, beyond this, do you receive enough support from the Department of Health and Social Care? Are you able to maintain your independence? I suppose it is sort of a two-way street on a day-to-day level.

Heather Hancock: Actually, the Department of Health and Social Care does not sponsor us. We are directly funded by the Treasury and that is a really important point. Perhaps that is another of those points where every new Public Health Minister who might not have had to work with a non-ministerial Department before might start in that position. We need to understand what our real status is.

It is a good relationship. I had a good relationship with Steve Brine and his two predecessors. I am now on my fourth Public Health Minister in England. That makes it more difficult to keep a level of insight and information flowing both ways. I completely understand that Public Health Ministers, and Health Ministers generally, have a great deal on their plate, and we only tend to get attention when there is a problem. Where they make judgments without a broader understanding, just on



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the basis of a problem, it can be a little challenging. I have always felt we can get a message into DHSC, but there is still work to do in improving that relationship.

Q8 Chair: God forbid there is a food scare, but, if there is, naturally the Food Standards Agency is in the firing line, because you are controlling food safety. I am sure you are more than capable of dealing with it. In the horsegate situation most Ministers ran for cover, if I remember rightly. Who should actually come out, ministerially?

Heather Hancock: It would depend on the scale of the problem. If I think about the last three major incidents we had, 2 Sisters Food Group, fipronil in eggs and then the Russell Hume incident, which is still under investigation, we fronted all of that, and quite rightly. Where things perhaps have a higher public health risk, a Health Minister might want to get involved. Where it is on the authenticity side, and horsegate was largely an authenticity issue, that is Defra's policy responsibility and it might want to get involved.

We have observed that, in very big incidents, fipronil in eggs being a good example, you tend to be at risk of being overwhelmed by the Government communication regime, which wants to rewrite the announcement many times. We know that the clearer, quicker, simpler message to consumers is the best way of giving them confidence about safety issues. That is where the point of tension probably practically arises, but, back to your point about independence, we put our press notice out.

Q9 Chair: You are independently funded, but the Secretary of State you would ultimately not necessarily be answerable to, but who would be responsible for you in many respects governmentally, would be the Health Secretary of State.

Heather Hancock: Yes, the Health Secretary of State here. On the Floor of the House, we are directly accountable to you. That is why I am here, directly accountable, without a Minister with me. That really is critically important. I would like us to find more ways of having that scrutiny and accountability visible and challenged, because that is absolutely important, back to consumer and business confidence. For business on the Floor of the House, it would be Health Ministers, and Health Ministers took forward all our statutory instruments for EU exit, for example, or almost all of them. Some were about our more complex responsibilities in Northern Ireland and in Wales. That fell into Defra's bag.

Q10 Chair: As I have said to the Committee before, I went, probably six months to a year ago now, to ask some questions on the Food Standards Agency at health questions in Parliament. Others asking questions thought I was coming from a different planet. I am not entirely sure whether many people in Parliament realise the Food Standards Agency is dealt with by the Health Department. Is that a problem, or do you actually feel that means you are independent?



Heather Hancock: Scrutiny from parliamentarians really matters. Trying to navigate people through the arcane reporting lines or whatever they might be is a different matter. The interest of this Committee is really important. There is a really strong interest from the House of Lords and we have plenty of appearances there. We have plenty of opportunities for informal gatherings with MPs for challenging contribution. We have an annual reception for parliamentarians. I have not appeared in front of the Health Select Committee, apart from when you had a joint hearing on my appointment, but I write to Sarah Wollaston every year, asking, "Would you like us to come for anything?" She always writes back going, "I know you are there but you are not a high enough priority". That probably means things are okay.

Q11 **Chair:** Yes, in some ways it is better with the Food Standards Agency when you are not really heard of. It means that hopefully the food is safe and you are doing your job. If there is a major crisis, naturally you come out into the headlights then, do you not?

Heather Hancock: We do. If you are a regulator, any crisis is always the regulator's fault, not the industry's fault. I learnt that very quickly. Also, we have noticed that any crisis increases public trust in us as a regulator, so there are ups and downs in that.

Q12 **David Simpson:** You are very welcome, Heather. It is good to see you again. Compared to now, can you explain to us what the FSA's role will be once, if or when Brexit happens?

Heather Hancock: We planned from the start for a role that assumed a no-deal Brexit. We were not making a judgment on the negotiations.

Chair: I would not make a judgment on any negotiation if I was you. Just carry on with the process.

Heather Hancock: Just to be clear, we were not making a judgment. We did that because, no matter what our future relationships are going to be, we had to recreate an entire regulatory regime almost from scratch. This has been a huge undertaking. Where we will be after exit is operating as a central competent authority for the three countries in which we operate and, I hope, maintaining still a very close working relationship with Scotland. We think it is in the interests of consumers for this to be as cohesive as possible in areas of food safety, feed safety and standards.

We will be doing a great deal more surveillance. You might want to talk about this later, the moves we have made in improving our surveillance capacity. We will be doing the risk analysis, so understanding what the science is about any food or feed safety risk. We will be doing the risk management advice, including doing that in a way that we hope includes England, Wales and Northern Ireland in coming to a common view, ideally Scotland as well, and we will be presenting advice to Ministers on risk management decisions.



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Ministers have made a commitment in due course to delegate the vast majority of very technical and straightforward decisions in risk management to the FSA, but we do not yet know what the triggers for that will be and we do not yet have the power to make those decisions. There are big, complex risk management decisions that are much bigger issues of public policy: the famous chlorine-washed chicken or hormones in beef. I cannot imagine that decision ever resting with the FSA. It has much bigger implications. Something like the 200 or so reauthorisations a year for additives in feed are the kinds of things we think could rest with us.

Q13 David Simpson: What are the risks to introducing the new system?

Heather Hancock: A risk is that it has not been tried and tested. Some of it has. For example, we are already running our new approach to incidents and have been running it since the beginning of February. It is already generating a better set of outcomes than it was previously. We know how to do the science. We know how to do risk management, but there is a volume and scale that is different.

The thing that is most untested is being under a level of scrutiny and perhaps industry and political challenge that we have never been under before. We have been doing this and very influential in Europe doing it. We have been one of the leading voices in Europe, but there is a protection there and a remoteness. That has not been landing right at our door. Our own confidence, resilience and certainty about the science and evidence is the challenge we have to learn to cope with.

Q14 David Simpson: You have touched on this last part I am going to ask. What would the impact be if we had a no-deal Brexit in October? What would the impact be?

Heather Hancock: For us, that is what we are ready for. We have built everything we need. We have trialled it, tested it and most of it is up and running, some of it on a shadow basis obviously, but we have not yet tested it at the volume that might affect us. There are still some uncertainties, for example about the exact export support role we might play in support of Defra. There are some things we are not sure about.

One of the things I would be really clear about, though, because we hear a lot of this in the media and commentary, is the issue about an immediate change to the risk in food safety. Our judgment, because we operate on the basis of risk judgments, is there is no reason why there would be any immediate change to the risk of food entering this country.

Although over time that may change, depending on changing trade flows, other incidents and whatever else it might be, there is no immediate need for any anxiety among the public or anyone else about how we cope with that. We know how to cope with it. We have resourced additionally in case there are pressure points for it. We have supported port health authorities and we have, I suppose, a sort of SWAT team to deploy if



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there were particular hotspots where we needed to. Generally, there is no particular reason why the food would be riskier.

- Q15 **David Simpson:** Finally, when it comes to imports of food, does the Food Standards Agency have any role with the inspecting of factories? You and I discussed issues about Brazilian factories before, where we found there were major issues. Will there be a role in the future for the Food Standards Agency to inspect those factories if it thinks there is an issue with some of the imported products?

Heather Hancock: That whole approach is being led by Defra. From a Government point of view, that is a Defra policy, but we are fully involved in shaping that policy direction. My expectation is that, yes, we will be called upon to provide personnel for some of those functions.

- Q16 **Chair:** Following up on that one, for instance, if the Chinese are going to import a pork product or whatever from us, they will very often come over here. They will inspect our slaughterhouses and processing. There are two parts to my question. What would your involvement be with that? Also, likewise, if we are then importing from third countries, the point that David is making, why should we not then go out to Brazil or wherever and see what they are doing before we import it? I am not convinced we are going to do that. There are two slightly connected questions, but perhaps you would answer them.

Heather Hancock: When pork is being exported to China, we are very closely involved in that. We are part of what the Chinese authorities come and inspect. They inspect us. They inspect our controls. They inspect what is happening in a particular plant. It might not only be the plant from which they are going to choose to take pork imports. They might want to go elsewhere.

- Q17 **Chair:** That will be in conjunction with the chief vet and Defra, would it?

Heather Hancock: With the chief vet, Defra and APHA, the Animal and Plant Health Agency.

- Q18 **Chair:** How is that done physically? Is there a team in which you co-operate, because you cannot act as two separate bodies?

Heather Hancock: No, it is a co-ordinated function. We provide our expertise into it. Coming back to your point about independence, in international trade an independent regulator in food is a very good thing to have, so demonstrating what we are, why we are different and how we fit in is important. It is important it does not look like we are part of Defra, but we are working together with Defra as one team to deliver that support.

- Q19 **Chair:** Then there is this issue of the future. I know it is difficult to know what the future entails just at the moment. If we were to be importing from Brazil, Argentina or wherever, say, beef—or it could be poultry meat from Brazil, a lot of poultry meat—do we do any inspections in other



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countries of what we import now?

Heather Hancock: At the moment, we do not. We, the UK, do not. The EU does that, and the EU has a significant function that goes out and audits the food safety and standards regimes in other countries that wish to have an export relationship into the EU, so we rely on that. I know there has been discussion in Defra about having that in place.

Q20 **Chair:** Therefore, in a no-deal situation, that position would not exist.

Heather Hancock: That falls away.

Q21 **Chair:** We would need to set up something, perhaps not as substantial, but something similar, in a way, to go and inspect, would we?

Heather Hancock: Yes, that is the work Defra is leading. That needs to be done, and clearly there will be components of trade agreements that influence that. There will be our own work on safety, risk analysis, the surveillance we are doing about where particular controls might be needed. It is a combined effort.

Q22 **Chair:** I suppose it is a bit early stage yet, but are you aware of whether Defra has plans to do that?

Heather Hancock: I know we are working with them on what those options are. I do not know how far Defra Ministers have got with their thinking.

Chair: Perhaps you could find out a little more about that and give us that in writing.

Q23 **Julian Sturdy:** I was going to go on that point, because this is a really important area. As you rightly say, Heather, the EU does all the inspections at the moment, so it is what happens beyond that. Following on from what the Chair said, in future, when the Government are looking to strike new trade agreements, will they come to you for any specific advice going forward?

Heather Hancock: At the moment, they come to us via Defra. We are working with the Department for International Trade, back to the independent Department point, to say, "You can come to us directly". I think the Department for International Trade is absolutely seized of the value we can add in that area. It is also seized of the value of being an independent regulator from the two-way trade element it is trying to pursue. Yes, we would be fully involved in that. We are not an economic regulator of course, but in a way that reinforces the value we add.

Q24 **Julian Sturdy:** My question is really whether they are coming to you to ask about standards.

Heather Hancock: They are, yes. In fact, my chief executive had a meeting with the Department for International Trade only last week to talk them through how the system works, how we look at standards. There is a hierarchy: is this country a country in which we are confident



about its regime; is the food product one that requires additional controls because it presents additional risk; and do we have any intelligence or surveillance information about a particular emerging issue or a periodic risk that we need to control? There are three levels.

Q25 Julian Sturdy: On the no-deal planning you have spoken about already, if we go into a no-deal scenario how do you envisage your working relationship with your EU counterparts going forward?

Heather Hancock: We have invested really heavily in relationships in the EU. We have had a very strong impact there, as I have already mentioned, because of the quality of our science and the perhaps more pragmatic risk-based approach we have taken to regulation. It has been very influential, so we leave the EU with a lot of respect for what we have contributed. We have to invest in those personal relationships then.

There is a grouping at the European level of the heads of agencies like ours. That is not a Commission function, so there is every prospect of a good working relationship carrying on there. The European Food Safety Authority is the science part of our function in the UK. There is not any precedent for us being a full member of that when we have left the EU, but it operates in concentric circles, so there is still the opportunity to be connected with it in some way. The head of that agency has been very clear that he would like to see as much UK participation as possible.

We have really good bilateral relationships. For example, the work that we have led on food crime, collaborating with the Netherlands, has been a really strong relationship. Some of the work we have done in innovation has pulled France in. We have a good relationship with some of the Nordic states. There is a lot of interest in Europe for what is seen as a more agile and innovative approach that is being taken here. We know that our colleagues in those countries want to stay connected with us, but of course we will not be part of the formal mechanism for those things to happen.

Could I add something about our wider international presence? That is a really important compensatory factor if we need one. Currently, one of our senior directors is vice-chairman of Codex. That is Codex Alimentarius. It is the global standard-setting body. The chairmanship of Codex becomes available next year. We very much hope we might have a chance of securing the chairmanship of Codex, which would be a really important step for the UK. That is a competitive process, but the fact that a UK person is a very effective vice-chair there is a good investment of time and money by us, as well as by Steve Wearne, who is the person doing it.

We have done a similar thing with INFOSAN, which is a network a little like RASFF, which you might want to come on to. That is the Rapid Alert System for Food and Feed in the EU. It is a bit like that, but it is broader: 180 countries are part of that. We have built a stronger relationship there. We are seconding somebody in there from this June to work on



developing alert systems and intelligence-sharing systems. We have been trying to do that and we have been building our presence on global stages as well, with a lot of positive response, not least from the US, Canada, Australia and New Zealand, which, outside the EU, would be seen as the leaders of new thinking and direction, alongside us of course.

Chair: Thank you for that. They were good points.

Q26 Julian Sturdy: That is useful information. You launched your Regulating Our Future programme or report in 2016, after the vote to leave the EU., Post the EU regulatory system, how will the report or programme you are looking at, as the FSA, impact on food businesses?

Heather Hancock: We actually started that programme four months before EU exit. We might not have started it in quite the same way if the vote had come first.

Q27 Julian Sturdy: You were going to do it anyway, whatever the vote.

Heather Hancock: We were going to do it anyway, but EU exit caused us to reprioritise within it. The heart of this proposition is that the global food system is ever more complex. There is the use of data and technology, new foods, new consumer expectations. We have an out-of-date regulatory regime. Changing an entire regulatory regime is a big, chunky thing to do, because it still has to operate while you are changing it.

We were starting with the very visible sides of things, food hygiene and moving into food standards, and moving that way up. EU exit caused us to start at the top and move down. Starting at the top, what we have built from EU exit is probably the most transparent and open food safety regime there will be in the world when we have left. We have really challenged ourselves about how we do things, the way we use data, how agile we are as a Department—not words you often use in the Civil Service—looking at whether we are up to it, whether we are going to be on our front foot in this new and potentially, in the short term, more challenging environment.

Although that has meant we have lost a bit of momentum on some of the building blocks we had first set out for the more local-level reform programme, it has really set the direction. We have done that to ourselves. Now, how do we apply the same challenge at the more local level? We have worked through looking at building a digital registration system. For the first time as of the end of March, we now have a picture of every food business in England, Wales and Northern Ireland. When I arrived at the FSA, we did not have that. You could not press a button and get a list of every food business. That has been a massive exercise in data reconciliation, so we now have that unified view.

We are now looking at how we improve and use data, including from third-party assurance schemes, to make better-risk based judgments at the local level. For an EHO looking at the raft of places they might go and



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inspect, what is the best set of data they can have to judge what they are looking for and what they are prioritising when they go out there?

The EHO side of things, the environmental health and hygiene inspection, has had a lot more airtime than the standards component. Actually, the anxiety we have is much stronger in standards than it is in environmental health. Both have seen reductions in resources, both have the same challenge of complexity, data and all the rest of it, but in environmental health we still have over 90% of authorities meeting over 90% of their targets on risk assessment. That is a good outcome, not perfect, but a good outcome. There has been no increase in foodborne disease that we are aware of and business compliance has increased.

Q28 Julian Sturdy: On the business compliance side, how are you interacting? Any new system is going to be slightly more bureaucratic for businesses in the short term, potentially. It might not be in the longer term, but any new system is going to be. A lot of food businesses are SMEs, so how are you working with them to help them through the process?

Heather Hancock: It absolutely ought not to be more bureaucratic. In fact, the new registration system takes 10 minutes. The first person to register was somebody doing domestic catering from her kitchen. It took her 10 minutes on her phone to register her food business.

Julian Sturdy: They have found it easy then.

Heather Hancock: They have found it easy. I am sure we will discover other teething problems as we roll it out into more and more authorities, but it is hitting the right note. There is no point it being too complex. It would dissuade business from doing the right thing and registering.

Julian Sturdy: Yes, particularly small businesses.

Heather Hancock: We want to know they are there. What it also does, which is really important to your point, is to immediately put them in the right category for the information they need, the contacts they need and how to do it right. Our interest is getting it right from the start.

For local authorities, there is no change in what they are asking business for. We are trying to build—it all gets very jargony—a really big data engine, as we now collect all this data about risk and draw in what we are satisfied we can use from third-party assurance to improve our risk judgments. Then, over time, and it will take time to build up enough data, to have enough evidence to see that this works properly, that will generate better information for local authorities about where they might go and prioritise. Is it a kind of establishment? Is it a kind of food? Is it a particular geography? Then they can make better judgments. Standards is a more difficult area to do this in, because there is much less data available in food standards.

Q29 Julian Sturdy: You said the initial feedback has been good from



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businesses. Have you conducted any wider consultation with businesses since this has been implemented?

Heather Hancock: We have done this through open policymaking from the start, which adds an awful lot of time to the process but is really worthwhile. We have had businesses on working groups. We have had consumers on working groups. We have had local authorities on working groups. We are continuing with that model as new things move forward. The detailed redesign of trading standards in relation to food, which we are now looking at, we are doing with the profession. We are doing it with the local authority representatives, so we are all working together on how to make this a more effective system.

Q30 Julian Sturdy: On the basis of that, have you made changes and tweaks as things have moved on, on the back of those reports?

Heather Hancock: We have. One of the important changes perhaps comes back to Mr Simpson's question about what will be different after EU exit. We have to be better able to evidence that we are holding the whole regime to account, and I do not think we were good enough at evidencing that. The data was a bit out of date and we were very sympathetic about local authority underperformance. Now, we are still sympathetic about local authority lack of resources and we understand why they would not necessarily prioritise food inspections over social care issues, but we still have to evidence that this regime works and we have the performance data to prove it.

For example, we have created a new regulatory compliance division. We have built a balanced scorecard, which allows us to monitor in much more real time how local authorities are doing. Already, that is prompting interventions from the chief executive to the chief exec of major local authorities, saying, "That is not good enough. We need an action plan. You need to put that right" and, if we do not get a satisfactory answer, escalating that. It is already delivering us benefits, but there is still some way to go. What we have learned to do has meant the whole Department putting its shoulder to the wheel. Now we are ready in shadow form for EU exit, we need that shoulder to the wheel of wider regulatory reform to get the momentum back up there.

Q31 Julian Sturdy: You said earlier on, Heather, that you are funded through the Treasury, so not the Department for Health. With this new system and the Regulating Our Future programme that was launched in 2016, did you receive any extra funding for that through the Treasury?

Heather Hancock: No, we did not. We have received extra funding for EU exit, but we have had no additional funding for regulatory reform.

Q32 Julian Sturdy: Has some of that extra funding for EU exit been able to be used within this programme?

Heather Hancock: That funding has helped us with the digital registration system, but we have also had to put £3.5 million of our own



resources into EU exit, so there has been a net decrease in what we might otherwise have had available to spend.

Q33 Julian Sturdy: When you say a net decrease in what you might have been able to spend elsewhere, what implications has that had?

Heather Hancock: That has mainly affected the speed at which we have been able to progress the wider regulatory reform agenda. I want to be really fair about this, because I feel we have been well supported by the Treasury. We got all the resources we asked for. Even if they had given us another £3.5 million, there simply would not have been the senior leadership capacity in the FSA in the last 12 months to do anything other than maintain business as usual and drive forward EU exit. There is a leadership component to this as well, which is important to register.

Q34 Chair: We have been doing pre-legislative scrutiny on the environment Bill and we are talking about the Office of Environmental Protection and it having enough funding. I want a general reassurance from you, as you are funded by the Treasury. There is a way to control any independent body, to a degree, if you control its spending and squeeze its funding. While there will be certain pressures, you do not find there is too much pressure and you believe you have your independence, do you?

Heather Hancock: I believe that. Of course, we are going to be coming up to another spending review, so I might want to reserve my position about the outcome of that. There are two things. For this year, the Treasury has absolutely honoured the baseline increase we have incurred because of EU exit. That has been met for us, so that is a good sign. We have other big risks coming up on the horizon and we also have the issue that local authorities are not well enough resourced. We would be on a hiding to nothing if we just went and said, "We need more money". We have to evidence that we have a fit-for-purpose value-for-money regime, but at some point it has to be paid for, and that is going to be the challenge.

Q35 Chair: You would accept that, if you are set up as an independent body—I am just talking about the principle now—you have to be absolutely certain you will be able to get enough resources. Otherwise, to a degree you will be controlled.

Heather Hancock: Yes, there is a bit of a benefit here that comes from being an entirely open and transparent body. That debate will happen in public. If we cannot do what we need to do, we will say so in public. That was one of our tests for EU exit. We said, if we felt we could not deliver what was needed because of time or money, we would say so publicly. I do not want that to sound like a threat, but it is a fact.

Chair: Normally the political powers react quite well to that type of—it is not a threat—observation.

Q36 Angela Smith: Very quickly, Heather, you mentioned the fact, because it is a fact, that the local authorities generally do not have enough



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resources to deliver the services they are statutorily required to deliver. Has the agency assessed the risk to its regulatory strategy for the future from the fact that local authorities may not be able to do their job effectively? They are a key partner here, are they not? Have you assessed the risk?

Heather Hancock: They are absolutely essential. We cannot run this system, and we cannot deliver public protection, without local authorities. There is no question about it. Yes, we have looked at that risk. It comes back to this point: yes, let us make this as good a system as possible, and it has to be paid for, so how do you then make the paying for it happen?

There is a general principle in Government that business should pay the cost of regulation. The FSA has been there twice in the meat industry in the last seven or eight years, and failed both times because of a lack of political support for charging. We are not willing to do that by ourselves again. If we are going to do all the work to make the case to pursue the principle, we cannot get it centrally, local authorities do not have it and there is no support for it being a charge, we are going to be in a quandary about that. We will have to say what the risk is if it cannot be funded properly.

Q37 **Chair:** It is the independence and transparency that gives you that ability to put pressure on Government, is it not?

Heather Hancock: It also links back to your point about the Treasury and the spending review. If the response we get to the spending review is, "You need to recover more of those costs from industry", our response will be, "Are you going to help us with that, or are we going to be sent down a trail for which there will not be political support?" I understand why there might not be political support, the burden on business, but eventually it has to come from somewhere.

Q38 **Chair:** We will give you an offer of some support. If you are getting problems like that, if you write to us or let us know, through me or whoever, we will endeavour to do our bit in the Select Committee role to help you. If we are going to have proper food safety, it is essential that it goes all the way down the line. Like you say, if the industry is to pay more, you need some political support. I can understand. My farmers will say, "We do not want to pay too much more and it will affect the price of what we get", but how much should industry pay directly? We have to live up to that responsibility.

Heather Hancock: I do not want to be misunderstood, though. I am not saying that is our answer, that it must come from industry, but it must come from somewhere. It has to come from somewhere.

Q39 **Chair:** It is like when you are trying to build a new school. Can some of that money come from development? The Treasury is always very good at finding ways in which other people should fund it, but they do not necessarily give you any help as to how that fund is going to be raised,



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so I accept your point.

Last month, Lord Gardiner told us that FSA capacity and capability is being strengthened in case the UK does not have access to the Rapid Alert System for Food and Feed. What exactly have you put in place? I imagine this is imported feed for livestock. Potentially, quite a lot of checks and balances need to be put in place.

Heather Hancock: It is basically the same system of food and feed capacity. I think Lord Gardiner might have been particularly talking in terms of incidents, access to alert systems and things like that. That might have been the area of focus. In the part of the FSA that deals with that area, we have increased the staff by 30%. Remember, this is not something we are not used to doing. We deal with about 2,000 incidents a year anyway, so we are always dealing with incidents, thankfully mostly very small.

That team has built a new triage system to be more on the front foot about where incident risk might be coming from. They are using industry sources. They are using the rapid alert system that we have access to. They are using the huge amount of work we have been doing in surveillance, building a different kind of surveillance capability, looking at international trends in food safety risk. They are looking at recall data and root cause analysis. That triage is putting us in a much stronger position to identify incidents and therefore, once we know they are coming, to be able to respond to them more effectively.

As a good example of this, you might recall last year there was an issue with strawberries in Australia having needles inserted in them. That came through the INFOSAN alert system, so not through the European one, and then obviously it was in the media. We knew two days before any of those alerts were provided because of the new triage system we had built, with intelligence, industry mutterings, all those sorts of things being fed in and building it. By the time that news broke, we had already established the facts with the Australian authorities and established that none of those strawberries were in the UK. That is a good example of us using EU exit to put ourselves in a much stronger position as a regulator for the future.

The surveillance activity we have done has been to use mostly open datasets and mostly cloud-based systems, so not building big clunky things of our own, and to use those to do more predictive modelling of where risks might come from, so, for example, aflatoxin risk, which is a very serious public health risk. We built the model on the basis of Turkish figs, which have spikes in aflatoxin risks. We have now applied it across a whole range of food products.

It showed us that we, within the EU, control the import of Brazil nuts from Brazil because of aflatoxin risks. They are under specific official controls. If you apply what causes the aflatoxin risk in Brazil on a wider model, you will see exactly that same risk applies in Brazil nuts coming



from Bolivia, but there are no official controls on Brazil nuts from Bolivia. Of course, we have now been able to understand how we then impose any additional checks and controls on that. The reason for the difference is that the regime that has been in existence before is reactive. Someone has to see something wrong with a product and then the incident management kicks off from there. We are trying to predict where there might be something happening and be on the front foot about it.

We have done some early work on mass balance in the pork supply chain. How do we know what is in storage or somewhere else unidentified in the supply chain, and what kind of risk might that be indicating to us? We have done other climate change predictive modelling as well. We are now looking for industry to start to participate and make its data and intelligence available to help us improve that. This is all open as well. Some commercial companies do this on a commercial basis. We are doing this on an open, publicly available basis, very replicable. I have to say, some of the most developed food nations in the world are hotfooting it to our door to find out how we do it. This is world-leading stuff.

Q40 Chair: I am particularly interested in the feed issue, because animal feed is one of those things where you can get corrupted feed. There were problems in Belgium for a few years with animal feed. Will you be sighted enough on animal feed in particular?

Heather Hancock: We will be. I think I am right in saying that the feed import patterns are not particularly significantly affected by EU exit because the volume of feed imports from third countries is already so significant.

Chair: A lot of it will come from South America, a lot from the States.

Heather Hancock: There will be an issue if something is transiting the EU without being opened and checked in the EU, so that might be an additional volume we need to check, but we will be alert to and on top of that. We are going to be reviewing our feed controls generally. It is a bit of an unloved public issue, but critically important. We are looking at that more generally in June.

Q41 Chair: I lived all through the BSE crisis as a dairy farmer and of course that was down to feed, and meat and bone meal. Therefore, it is something that I think we are all quite concerned about. The Rapid Alert System for Food and Feed is a European system, I take it, but I suppose it is probably just as much in their interest to co-operate with us and vice versa when we leave, is it not?

Heather Hancock: It is. Even if you are a third country, if you are affected by an EU rapid alert notification, you will get that notification, so we will get those anyway. There are about 700 a year out of the 3,000 or so that are raised at the EU level that affect the UK. We will still get those. What we will not get as quickly is the sight into the general



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intelligence picture that is going on about other countries and other alerts.

- Q42 **Chair:** That is why you are developing our own intelligence system. Intelligence systems on this sort of thing are virtually the only way of dealing with it, really. By its very nature, if something goes into feed accidentally you can understand that to a degree and that may be more difficult, but there are times when people are putting things in that should not be in there and they are doing it wilfully.

Heather Hancock: We have to be vigilant.

- Q43 **Chair:** That needs to be rooted out, really. You are confident you have that under control.

Heather Hancock: I am confident we have it under control. Never say never. You would not believe me if I said we have eradicated any risk.

Chair: No, that is right. That is possibly a slightly unfair question, but it is something you have to be aware of.

- Q44 **David Simpson:** As the Committee recommended in our report on 2 Sisters, have the FSA and accreditation companies embedded data sharing and intelligence to identify failings? If not, why not?

Heather Hancock: In 2 Sisters, yes, and we now have 80% of the meat industry either participating in that enhanced assurance initiative or on the verge of participating. Any additional push you are able to give would be very welcome. It is really wide data. It is third-party audits. It is whistleblower data. It is customer complaints. It is their own hygiene sampling, their pest control records, microbiological sampling, returns data, mystery worker data, all that, going into the system. That is an awful lot to go in, but it is a bit like the wider issue on regulatory form and data. We need it all to go in to work out which indicators are of value, and therefore what we need on an ongoing basis to be able to improve the regulatory outcomes.

- Q45 **David Simpson:** You have sort of answered the second part of the question, as regards actions and the result of inspections. With the new system that is going to be put into place, will the Food Standards Agency be increasing its unannounced visits, or will it maintain the numbers it does currently?

Heather Hancock: We have been adjusting that balance over time anyway and that has been in favour of inspections and unannounced visits. Audit is important. It is really important to have the formal audit function, because it is the historical record, not just the point in time on the day component. We have to keep them in balance but, yes, we have been increasing that, and I would expect that to continue.

We have also been looking at quite a lot of additional measures after 2 Sisters, and the specific actions we took there and the leadership your Committee showed. We then commissioned a much wider review of



controls in cutting plants and cold stores. As ever in any part of Government, that threw up complicated roles and responsibilities, lack of clarity, areas for improvement. We have an 18-month improvement programme there going on as well. Some of it is for the industry to do; some of it is for us and Food Standards Scotland to do, and some of it we are doing together. We will be reporting on the first six months of that in June. Again, that has helped industry move forward with that data sharing. The more data we have, the better we can target unannounced inspections on to the real issues where there seem to be consistent problems: non-compliance, underperformance.

- Q46 **David Simpson:** On the non-compliance, we accept that no organisation, whether it be political, a food-cutting plant or whatever, is 100% at any given point in time of the day, human nature being what it is. You said you had the 18-month review. What other penalties are there for companies that do not come up to the standard, maybe not the first time but if they breach it a second time? What penalties are there for those companies?

Heather Hancock: There are regulatory actions that we can take and we do close down facilities. The Russell Hume example is one where we closed that particular site down from a Friday afternoon to a Monday morning, so very quickly. We have also seen, in the last couple of years, the impact of the changes we negotiated with the Sentencing Council on penalties where we are moving into much more severe sanctions and penalties. Only in the last month, we had a fine of over £250,000 for non-compliance in a meat facility. That sends a very clear signal.

- Q47 **Chair:** Not giving ourselves too much credit, what we achieved through the 2 Sisters inquiry was a real spotlight on what was going on. When I visited site D in the Midlands, they had done a lot of work. They had put CCTV cameras in. They really were following the production line. The facility was good. The labour relationships were much better. They had really put a lot in place because of the publicity caused, in a way, by the problems they had originally and what we did.

It is very difficult to get to these sites unannounced. They are massive sites. You have huge security. It took me 20 to 25 minutes to get through security so, if you arrive there as the Food Standards Agency, all right, they cannot redo the factory but they would have half an hour to an hour even with an unannounced one. It is important that you do that, but I have to give them credit for what they have done there.

On the poultry industry in particular, and the processors, it is a hugely competitive industry. It is very little, something like 4%, that they make through the processing plants, because the retailers have massive clout. You really need to keep a strong grip on it. There is always that tendency to occasionally cut a corner. "We can save a little bit of money". It is a very tight operation. That is a plea I would make to you.

I am not singling out 2 Sisters, because, in fairness, I have a plant in Willand. I have been round that. It is well run. They have pulled their



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socks up very well. They needed to, but other parts of the industry do as well. Are you confident, building on what happened at 2 Sisters, that not only 2 Sisters but the rest of the industry is pulling itself up? As you know, there are just a few really big key players, in poultry in particular.

Heather Hancock: There are and, in other parts of the industry, it is much more fragmented. The fact that we have the British Meat Producers Association jointly chairing the working group to implement the recommendations from the wide review is one signal of that and we have several industry bodies participating in that. We have called for industry to look to implement CCTV. It is a really good management protection and it is a solution to the problem of getting in somewhere, which takes you at least half an hour, mainly because of the regulations that we have set about hygiene, quite properly. CCTV is a very good way of giving you assurance about what was happening before we got on the factory floor. "Just play the last half hour back for me; that would be really useful". It is a whole series of measures.

At the heart of it is the culture in that business. Is there a food safety culture? That is not only about the meat industry. That is across anybody who is involved in food and feed. Is there a food safety culture at the top of the business? It is very, very hard to identify what the indicators of a good culture are. We are working on how we might do that.

Q48 **Chair:** With 2 Sisters, it is about not only the hygiene but the staff training and the attitude towards staff. Many languages are spoken on the floor of these factories. That can be an issue as well. All of these things have to be dealt with. The plea I would make to you is that I think 2 Sisters is doing a good job. They have pulled their socks up, but an eye needs to be kept not only on 2 Sisters but on the whole industry.

Heather Hancock: We got the industry in after 2 Sisters and pointed out to them that, every time this happens, it is the whole industry that suffers. We always get a spike in whistleblowing reports after the first incident has happened. "Well, where were you in telling us all of those things beforehand?" There is a joint responsibility here. You are absolutely right.

Chair: From the day that the chickens are raised on the farms, they need to be reared under good welfare conditions. They need to be brought there hygienically and they need to be processed both humanely and cleanly, so we are absolutely confident in the chicken that we eat. That is so important. I do not have to tell you that, I am sure. Thank you for that.

Q49 **Kerry McCarthy:** Can I ask about the journeys to the slaughterhouses and then when the FSA takes over its responsibility? You have the APHA, which monitors the welfare of animals that go in for slaughter; the FSA does the slaughterhouses. Is that a seamless transition or does the fact that two agencies are involved cause problems?



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Heather Hancock: I am not sure it causes a problem because we also have local authorities with non-farm responsibilities in some cases. When an animal arrives in the slaughterhouse, our vets do an initial conditions assessment and check the welfare of the animal. We have become more effective at sharing that information back to APHA, and back to local authorities and individual farms where possible. We have done a blockchain trial to be able to do that with cattle. We have also been working with APHA on how to address some of the issues that we have seen with transport. Animal welfare is not our policy responsibility. We deliver the controls for Defra in slaughterhouses but, because we are there, we are gathering and seeing data and information.

I can think of a particular example, where our vets were recording a series of issues around the transport of poultry and worked with the hauliers and with APHA to improve just some of the mechanisms, techniques and structures that were being used, to reduce the incidence of welfare risk to poultry in transport. In the cases where that happens, short of having somebody checking the animals on to a lorry or on the lorry itself, that is the best we can do. It seems to me that the flow of information is working well back into APHA. We cannot be responsible for whether APHA acts on it but we have examples of where it definitely has.

Q50 **Kerry McCarthy:** You do not feel that there is any muddling of roles. It seems that, although, as you say, it is not your responsibility to look at the welfare issues, you are quite happy to report that.

Heather Hancock: That practical division of labour works very well.

Q51 **Kerry McCarthy:** We now have CCTV in slaughterhouses. Again, is that seamless? You have a system where it is animal welfare until the animal is slaughtered and becomes food, which is when you step in. I am a bit confused as to who looks at the slaughtering process, though. That is you, is it?

Heather Hancock: That is us.

Q52 **Kerry McCarthy:** Does that mean the animal welfare side of things is involved?

Heather Hancock: Our vets are looking at the slaughter but it is an animal welfare issue for Defra.

Q53 **Chair:** The stunning and all that would be FSA.

Heather Hancock: It is Defra to the point of death, but it is still our official vets who are doing that survey. The CCTV provisions go all the way through the process from the arrival of animals.

Q54 **Kerry McCarthy:** In terms of monitoring that, where do you step in? That is primarily a welfare issue, is it not?

Heather Hancock: It is a welfare issue. CCTV is also primarily a management tool. We have access to CCTV. Our vets have access to it



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and will spend some time every day reviewing CCTV, but they have other functions to do. They are not sitting there watching the CCTV all the time, not least because they are out there looking at animals and concluding their other duties. It is really important. Sometimes people talk about CCTV as if it is a regulatory tool. It is an addition to our regulatory toolbox but it has to be embraced by management. They have to want to use it, to make sure the right things are being done in the right way.

Q55 Kerry McCarthy: A lot of slaughterhouses, especially the bigger ones that supply supermarkets, had it already, but since it was introduced have you used it to pick up food safety issues as well or is it really about welfare?

Heather Hancock: It would be on the continuum of welfare through to proper practice in a plant, so compliance with hygiene regulations. It is only in the last couple of months that it has been fully implemented. Now all 235 slaughterhouses in England have compliant CCTV systems in place. We will start now to build up a track record and a body of evidence.

Q56 Kerry McCarthy: Is it too soon to say that that has flagged up more cases?

Heather Hancock: It is a bit too soon.

Kerry McCarthy: That is interesting.

Q57 Chair: To be absolutely clear, when the animals come to the slaughterhouse, when they are in the lairage, they are still the responsibility of Defra and the Chief Vet; is that the case? Your vets are in the slaughterhouse itself, so the stunning and the slaughter process would be FSA. Correct me if I am wrong.

Heather Hancock: All of that is the food business's responsibility, but the regulatory oversight is Defra and then FSA.

Q58 Chair: Yes, I know. I am just trying to get this absolutely clear. The Food Standards Agency employs the vets in the slaughterhouses, so they will be responsible for overseeing proper stunning, if stunning takes place, or if it is halal or shechita, all these systems have to be monitored. That would be your vets doing that.

Heather Hancock: Yes.

Q59 Chair: When the animal is in the lairage, so you have the CCTV, this is where there could be a possible gap. I do not know. I understand that is still the responsibility of Defra.

Heather Hancock: No. Our vets are inspecting animals on arrival into the lairage.

Q60 Chair: Once the animal arrives to the slaughterhouse, that is all FSA.



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Heather Hancock: Yes. When a truck arrives, whether it is a horsebox with one cow in or a great big vehicle, the vet will go and supervise, watch the unloading of stock from that transport into the lairage, look at them on condition in the lairage and then keep an eye on them in the lairage until they are moving through to the slaughter process.

Q61 **Kerry McCarthy:** That is not what I thought you said in reply to me. I thought you said that the APHA had the role right up to slaughter and there was an overlap at the slaughter. But you are not saying that now.

Heather Hancock: The transport is the APHA's responsibility.

Q62 **Kerry McCarthy:** Once the slaughterhouse doors close, which is probably metaphorical, it is that. It is once they are inside the slaughterhouse premises.

Heather Hancock: Once they are stepping out of the truck.

Q63 **Chair:** They need to be contained before slaughter. Therefore, your vets have to be involved in the animal welfare side, do they not?

Heather Hancock: Yes, they absolutely are involved.

Q64 **Kerry McCarthy:** From what you were saying, it sounded like it was something you were doing as an extra, nice thing to do. The Chair is saying now that it should be part of—

Heather Hancock: It is part of what we fulfil on behalf of Defra.

Q65 **Kerry McCarthy:** It is not officially your role. That is the problem, is it not? It is not officially your role but, if you were not doing it, the APHA would have ceased, so there would be a gap.

Heather Hancock: It makes sense only to have only Department's staff in the slaughterhouse rather than two.

Q66 **Kerry McCarthy:** It should be somebody's role. That is the question, is it not? At the moment it is not, but you are doing it.

Heather Hancock: It is our role to do it. We have agreed that it is our role. It is not our policy but we have agreed to do it.

Kerry McCarthy: It is a role you carry out but it is not officially your remit. Is that right?

Q67 **Chair:** Surely the contract you have with the vets must include the animal welfare side of it as well.

Heather Hancock: Yes.

Q68 **Chair:** It was just a bit unclear, as Kerry said, when we were talking about it originally, and this is why I want to be absolutely clear. The CCTV monitoring in the slaughterhouses of the lairage, the stunning and the slaughter itself would all be the responsibility of your vets on the site of the slaughterhouse and the slaughterhouses themselves. I accept they have responsibility. I am not trying to say they have not. Your vets must



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be acting as the inspectors, basically, from an animal welfare point of view.

Heather Hancock: Our vets are acting as the animal welfare inspectors in the slaughterhouse.

Q69 **Kerry McCarthy:** If they discover an animal welfare issue, so say, when the animals come off the trucks, they think there is an issue with the transportation, they would report it back to the APHA or the people doing the transportation.

Heather Hancock: Yes.

Q70 **Kerry McCarthy:** If there is an animal welfare issue they discover in the slaughterhouse, where does that go to?

Heather Hancock: That would be part of our enforcement procedures against the slaughterhouse.

Q71 **Chair:** It sounds strange but the animal would be unfit for slaughter, would it not, if it came there in poor condition?

Heather Hancock: Yes.

Q72 **Chair:** We certainly talked about it, but are cameras now in all slaughterhouses?

Heather Hancock: All slaughterhouses in England. It is not compulsory in Wales and Northern Ireland at the moment. Northern Ireland is a bit different. There is a very small number of slaughterhouses and the vast majority of throughput there is covered on a voluntary basis.

Q73 **Chair:** What about Scotland?

Heather Hancock: I do not know about Scotland; I am sorry. I will have to let you know about Scotland.

Q74 **Chair:** It is not your responsibility, anyway, is it? It is for FSA Scotland. You have responsibility for Wales and Northern Ireland.

Heather Hancock: Yes.

Chair: Correct me.

Heather Hancock: It is the same thing. In Northern Ireland, it is not delivered in the same way, just to be a bit more complicated. DAERA delivers it there.

Q75 **Chair:** The Northern Irish have to be different. It is naturally something that we, as a Committee, and the public are all very interested in, making sure that there is proper animal welfare all the way through the process. The cameras are involved. Is it compulsory for those cameras to be running?

Heather Hancock: There are set places that they have to be. In a small number of slaughterhouses, the positioning was quite problematic



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because of the design. That is why we had a little bit of leeway with two or three of them, to make sure we could get them in the right places.

- Q76 **Chair:** The vet would have to concentrate a lot on the slaughter process itself, but if they get concerned there might be a problem in the lairage, they can go back over the CCTV.

Heather Hancock: They can go back. There is a time it has to be kept for.

- Q77 **Chair:** There are cameras in the lairage as well as in the slaughter itself.

Heather Hancock: Yes.

Chair: It is something we want to be clear on, for the record.

- Q78 **Angela Smith:** On the CCTV, am I right in thinking that the cameras are free for inspection at any time?

Heather Hancock: Yes.

- Q79 **Angela Smith:** Who has the right to look at the footage on demand?

Heather Hancock: The official veterinarian.

Angela Smith: I wanted to be clear on that because it is a really important point.

Chair: That is important, because I very much support the idea that cameras have to be there all the time and running, but it is being careful, from the industry's point of view, about exactly who monitors them.

- Q80 **Angela Smith:** Heather, you made a very interesting reference to the blockchain trial. I just wondered if you could give us a little more information on that, because blockchain technology has huge potential to introduce traceability into our food system. There is great potential in terms of labelling in the future. Perhaps you could take us through this. Is it the live information programme?

Heather Hancock: No, we have been part of the livestock information programme as well but this is a separate trial we did on blockchain for cattle. I will quickly get lost in the scientific, technological jargon of this. Basically, what we showed was a value that could be added. You can attach a blockchain reference to an individual cow, and you can use that to track its progress all the way through the slaughter process, gather condition report information and be able to send that in a much more effective way on an individual stock basis to the farm.

From the trial that we saw, that was enabling farmers to start to track where problems that they had had with cattle were coming from in terms of their own sourcing. It was starting to give them a pattern of whether there was a particular supplier, a particular breeder, a particular point at which they were acquiring these cattle for fattening or whatever, that might point to where there was a condition, welfare or health issue there. I can really happily send you some more detail about that trial.



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Chair: Yes, that would be really good.

Q81 **Angela Smith:** I know there are some challenges with the technology in this context, but in the long term it could promise us traceability right through to the product on the shelf.

Heather Hancock: It could, but you are right; as soon as the carcass starts to be cut up, it becomes more difficult.

Chair: We want to see it in processed food, do we not?

Q82 **Angela Smith:** Yes, it has the potential, perhaps.

Heather Hancock: It is like a lot of these things. That is why the trials are so important. The potential feels like that, but how do you make it really useable and add value? That is where the discipline needs to come in terms of testing and trialling. What data, what content, what process and does it have a use?

Angela Smith: That is fascinating.

Q83 **Julian Sturdy:** Leading on from that to processed food and talking about food crime, we had the horsemeat scandal in 2013. What do you see as the highest concern now regarding potential food crime going forward? What is on the radar?

Heather Hancock: I would say it is still complex fraud issues, particularly around adulteration and mislabelling, possibly where those involve international markets.

Q84 **Julian Sturdy:** Does that cover the processed food market and traceability?

Heather Hancock: Yes, traceability and the meat sector.

Q85 **Julian Sturdy:** Are there any specific areas you are homing in on? You might have to be careful.

Heather Hancock: We have two major fraud investigations underway at the moment. One is Russell Hume, which you are aware of. It has been going on for 12 months. We will be able to present a case quite soon on that. We have another one underway at the moment. We are supporting three local authorities or police forces with other complex food fraud investigations.

The other thing that I would put on to the list is the sale of products that are not food but are being consumed as food, sometimes in the well-being category, so DNP, that awful bleach, basically, that people are being sold on the internet because it is supposed to have bodybuilding advantages. It does not. It is a poison; it will kill you and it does kill you. There is a growth in that problem of people consuming things that are not a medicine and are not controlled under anything else. They are falling into the category of food because they are being eaten but none of us would think they were a food, in general everyday language. That is a really big issue for the NFCU because of the scale of risk to the public.



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Q86 **Julian Sturdy:** Does that still fall under your remit then, or is it a grey area?

Heather Hancock: It is a grey area. It is a grey area across Government and it is one that we are really engaged in. You will have seen the debate recently about cannabinoid oil and the connection of that to other parts of Government, in terms of other matters to do with cannabis and the availability of medical cannabis. There are a lot of grey areas in this area. There are a lot of products being put on to the market, quite often online, which we would not necessarily think of as food but are becoming treated as novel foods because they do not fall under any other criteria and people are eating them.

Q87 **Julian Sturdy:** From what you have said, are the online marketing internet products becoming a bigger concern?

Heather Hancock: Products that are doing harm to people are becoming a bigger concern, yes.

Q88 **Julian Sturdy:** Having said that, I imagine that would mean a serious amount of monitoring will have to take place. Is that becoming a bigger resource issue?

Heather Hancock: We have secured from the National Food Crime Unit a significant increase in resources as we have moved it from phase 1 into phase 2. You will recall that phase 1 was only about gathering intelligence. We have done very well at the gathering of intelligence and delivered 500 intelligence packages in the last 12 months to local authorities or police forces, for them to act on. When we are talking about these sorts of cases, they are complex and specialist. Fraud is not a very attractive thing for local authorities to devote a lot of resources to. You will know that police forces are not particularly keen on investing a lot of resource in the length of time that a fraud case takes. Some of the manslaughter cases are also very, very time consuming and need specialist support. There is a resource issue there, but we have been supported to grow the food crime unit to 80 personnel, which is a significant increase.

Q89 **Julian Sturdy:** What was it before then?

Heather Hancock: It was below 20.

Q90 **Julian Sturdy:** Was it below 20 when the horsemeat scandal happened?

Heather Hancock: It was non-existent.

Q91 **Julian Sturdy:** It came out of it, sorry.

Heather Hancock: Yes.

Q92 **Julian Sturdy:** When it started after the horsemeat scandal, it was started at 20.

Heather Hancock: We built to 18 by the time we completed phase 1.



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Q93 **Julian Sturdy:** It is good news that it is growing, but then is there a resource and skill issue around here because of the technical nature that you talked about?

Heather Hancock: There is. It is a really good point. Say, for example, we are seeing an increase in allergy-related cases. Being an expert witness in an allergy case involves really complex science, really complex public health issues, as well as the complexity of proving criminal intent, et cetera. In that particular case—so that would not be in the food crime unit—we will find ourselves more and more stretched. We have one superb expert witness for allergies but she cannot spend all her time being an expert witness.

It is a good example of where the pressure is. It might be in the National Food Crime Unit because we may find more and more cases to pursue, but it might also be in supporting functions within the FSA.

Q94 **Chair:** I know over the years the crime unit has taken a while to get going, and you have had some concerns over the support you have had for it, but are you happy now with the way it is working? Is there more that needs to be done across Government to make it work better?

Heather Hancock: We were really pleased to get cross-Government support for moving to phase 2. That was a really important step. The Government saw it as part of an EU exit preparation. That is absolutely right. The controls, tariffs, different regimes create an opportunity for crime and for fraud. That is really good. We have been fully supportive with the business case to build it to the scale that we want to. The final bit of the jigsaw is that we need time in the legislative programme for some investigative powers for the food crime unit. They will be powers under the Police and Criminal Evidence Act. We do not want powers of arrest, but they are about the ability to pursue investigations.

Q95 **Chair:** Would that be dealt with by secondary legislation?

Heather Hancock: No, that would have to be in primary legislation.

Q96 **Chair:** Yes. We had better keep an eye on that and see which Bill that can be. It probably needs to be attached to a Bill.

Heather Hancock: It just needs to be attached to something. In the short term, we have agreed a protocol with the National Police Chiefs Council for forces to support us in these cases with the powers that we do not have. They are akin to some of the powers that the Gangmasters and Labour Abuse Authority or HMRC might have. We are really glad that they have agreed to support us but we are still talking about fraud cases and the appetite of police forces to divert very much resource into fraud cases.

Q97 **Chair:** Finally, when we did horsemeat, there were very complex systems and a lot of meat travels a lot. First, are you confident that you can follow that? Secondly, on the fish side, sometimes they reckon that a lot of



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white fish is not cod or cod is not white fish. Do you follow the fish side of it fairly well as to what is happening?

Heather Hancock: We do up to a point. There is a limit to your ability to sample every food for every potential adulteration or authentication challenge. The industry is good at a lot of that, so more intelligence coming back from the food intelligence network, with which we now also have a formal co-operation agreement in place, is a really positive step. Those are all really important components.

Q98 **Chair:** It is not always a food safety issue, but it is a provenance issue. In one of these cases in Scotland now, they were still supplying beef but it was supposed to be high-quality, locally sourced beef and it was South American beef. Those cases are more difficult because you have to trace back where it has come from, not necessarily what it is.

Heather Hancock: Yes, and then there is the extent of the individual consumer harm from that. They did not notice. It was a very small financial harm to the extent that they did notice. On the other hand, that could be a systematic criminal and fraudulent activity. Just because the point of harm is very small, it does not mean it is not an important criminal thing for us to pursue, and it does not mean there is not the possibility of a food safety risk in there as well. As with all police and crime activity, you always have to choose where to draw a line as to how far you can pursue a particular issue.

Q99 **Chair:** It is like with the horsemeat scandal. Yes, it was not necessarily a food safety issue. It was about provenance, because you were getting horsemeat and not beef, but some of that horsemeat may not have been particularly fit for human consumption, and that could have been an issue then.

Heather Hancock: That is right. We have also, in the last 18 months, set ourselves a series of public outcome targets that we are trying to work towards. The first of those is public trust in food. Public trust in food is not only our responsibility. We are well aware of that. We are not even the biggest influence on public trust in food, but somebody needs to be championing public trust in food. The kind of fraud and authentication issues you are talking about really affect public trust in food. That is not in any of our interests.

Q100 **Chair:** The big retailers are also concerned because it is their reputation as well, is it not?

Heather Hancock: It is, and persuading them to share intelligence is a challenge.

Q101 **Chair:** Is that still a challenge?

Heather Hancock: It is getting better.

Q102 **Chair:** That was one of our findings when we looked at the horsemeat scandal.



Heather Hancock: That is why this agreement we have reached with the Food Industry Intelligence Network is so important. We have now overcome their resistance and their anxiety that, if they shared intelligence with us, in some way it would set off a train of events that would cause them some reputational damage.

Q103 **Chair:** It is not an industry that has a lot of daylight in, is it, really? You probably do not want to comment on that.

Heather Hancock: I would really happily comment on it, because I firmly believe that the consumer and the industry would be better served by more transparency. The more transparency, the better.

Chair: I agree with you.

Heather Hancock: People are grown-ups. They can make an informed decision.

Chair: But you need to have that intelligence.

Heather Hancock: You need to have the information.

Q104 **Angela Smith:** This is very much related to the need for transparency. The Government and Food Standards Agency will be making a decision soon following the consultation on making proposed changes to allergen labelling requirements in the context of the terrible tragic death of the teenager some time ago. When will the Government or yourselves, Heather, be making the announcement on this?

Heather Hancock: We are having a public board meeting on 8 May to discuss allergens including the consultation response, after which we will be making our formal recommendations to the Secretary of State. I am not quite sure after that what his timescale is for an announcement, but I am seeing him and David Rutley next week. The discussion that we are having in two weeks' time is about the whole allergen strategy. This is simply one component of it. Whatever the right measure is to take in response to this particular labelling issue, it has to be in the context of how we continue to move forward in protecting food-allergic and hypersensitive people, in a way that does not also cause them to have less choice and freedom in relation to food. We want to move the whole thing forward.

Q105 **Angela Smith:** The context to this is the need to balance the provision of information, so extending transparency, with reducing red tape for small food businesses. Labels are very often small and crowded. If all allergens are listed, will something else drop off the list such as nutritional information or welfare standards, if it is meat? How will the FSA balance all this? I just want an indication.

Heather Hancock: Labelling policy more generally is shared across various parts of Government in England. We would, unsurprisingly, be very noisy advocates for food safety coming first in terms of labelling. In terms of the right outcome on this particular issue, I do not want to



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prejudice. I have not seen all the consultation responses yet. We are acutely aware, not only of the issues you mention, but of the unintended consequences of getting this wrong. If we take a step that everybody thinks is going to be a silver bullet solution to the problem of what is in a sandwich that you buy off a shelf, it might encourage people not to take the other measures that they need to, to protect their health. We know from the allergy charities and the anaphylaxis charities that asking is still really important.

There have been some unintended consequences to the level of media attention there has been, which has had lots of positives but also the increase in the general disclaimer on the shelf as you go into a shop. I met with industry a couple of weeks ago to talk about this. I understand why they are doing it and I heard a real genuine commitment to want to get this right, but there is a lot of anxiety about unintended consequences. There is a lot of anxiety about reducing choice for food-allergic people.

Also one of the lenses we are going to have to look at this really carefully through is 16 to 24 year-olds. Those are the people who are disproportionately at risk because of food allergies. That is partly a behavioural thing. You are a teenager; you start to take risk. It is partly that you are out of home for the first time. You are making your own food choices. That is why we ran a big campaign in September and October last year for freshers' weeks, and we reran it on Valentine's day, targeted at that age group, encouraging them to ask. "You have to ask. It is easy to ask. This business should know. They will know. Ask somebody. If you are not happy with the answer, do not eat the food. Tell your mates. Go somewhere else". We understand why young people are reluctant to ask. You do not want to stand out. You do not want to make a fuss. You have some new mates. It is a fitting-in thing.

One of the questions for us is whether, on this particular issue, we should prioritise the 16 to 24-year-old interest in the response to it or look at the impacts across the whole food-allergic and hypersensitive community. We should remember that, since 2014, life has got a lot better for people with food allergies and intolerances when eating out. I know this from personal experience. It is a lot better. I do not want to go back to wandering up and down a high street trying to find somewhere I can have something to eat.

Q106 Angela Smith: Michael Gove has said that food businesses do not need to wait for the law to change in order to do the right thing. Have you noticed any changes as a consequence of that statement in the way that businesses are labelling their food products?

Heather Hancock: I would not necessarily say we have noticed a big change in labelling. Pret a Manger, which was the place where the particular case that prompted this review occurred, is trialling full ingredient labelling in some of its stores. We have noticed an increase in precautionary labelling notices.



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We have noticed anecdotally an increase in people being asked, when they are ordering food, "Do you have an allergy?" Some food-allergic people like that. Some are finding it intrusive, but also, in a strange way, it reduces their level of confidence. "I always used to eat here, and it was fine. Now I am being asked and being told about all the risk. Perhaps I will not eat here any more". That is all very anecdotal at the moment.

Q107 Angela Smith: On the labelling, we were talking about blockchain technology earlier, which may in the long term offer the opportunity to use scanners or phones to find the information that one needs, whether it is nutrition, food safety, welfare or provenance. I think we will transition to that kind of system in the long term, but I am hearing from you, Heather, that we will have to do that very carefully, I assume, because it is a cultural change.

Heather Hancock: You are absolutely right. What we will be discussing in May is a five to 10-year strategy to make things better, which will feel really frustrating to an external audience, but there is not enough science. We do not know enough about the health impacts. We do not know enough about the lifestyle or age triggers that are making a difference to sensitivity to allergens. There seem to be some. We do not know enough about adult-onset allergy. That is not just us; that is the whole medical profession. We will have to move in a piecemeal way.

I cannot ever see this not being a multi-layered protection. If you have a food allergy, you know nobody can ever take away your personal responsibility to keep yourself safe. We just have to get better at sources of information. If you have a food allergy, you have to use them. There are really good apps already telling you about notifications of recalls. We have one. The charities have really good apps. They are not wholeheartedly used and signed up to, even by the members of those charities who have the allergies. There is something quite interesting about behaviour that we need to get to the bottom of, on a nudge theory basis, perhaps. What do we do to encourage people to keep themselves safe?

Q108 Angela Smith: I think people with allergies generally like to believe that perhaps they can be like everybody else, and there is perhaps sometimes a sense of denial and a need to just be like everybody else and not to check things.

Heather Hancock: I was away just before Easter. I have celiac disease. It is not an allergy but it is a severe intolerance. It makes me very ill. At the end of these lovely few days away, we were sitting in a pub. I opened yet another menu and I thought, "I am so sick of opening a menu and thinking, 'What can I have?' rather than, 'What do I want?'". I am 53 years old and perfectly able to look after myself. It is not surprising, if you are 16, 18 or early twenties, that you sometimes go, "Oh, for goodness's sake, I will just have that". I would hate to sound like we are, in any way, not being understanding of why people behave the way they do. We just want to help them manage that behaviour.



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Q109 **Chair:** To check, as the law stands at the moment, if you go in and buy a biscuit or whatever it is, it might state that it has nuts in it or whatever. But is it the responsibility of the person selling you the biscuit or is it your responsibility as an individual to check what it contains? There comes a limit. Angela is right; perhaps with an app, with a phone, with a barcode, you might be able to find it all, but you cannot physically label everything. If somebody has a very unusual allergy, it may not be on the biscuit that it contains the particular thing that they are allergic to. Who is responsible then?

Heather Hancock: The person responsible for knowing what is in the food is the person running that food business. There needs to be somebody in that food business. Obviously, someone on a supermarket aisle is not going to know but, if this is fresh and wrapped food, there needs to be somebody in that business who can provide you with that information.

Q110 **Chair:** Does it have to be provided on a label at the moment?

Heather Hancock: It really does depend. If it is a tray of chocolate chip cookies, you are saying, "Can I have one of those?", and they are picking it up and putting it in a bag, there ought to be sign saying, "Ask about allergies". There could well be a decision to put a contents label at the front of the tray, and/or—because it could be any combination of these—there has to be written information on the premises that you could show the person who is asking the question.

Q111 **Chair:** Naturally, if you have a particular allergy, you go into a shop and the person is not clear and does not know whether it is in there, the best advice is, "Do not eat it".

Heather Hancock: Do not eat it and report it to your local authority.

Q112 **Chair:** Michael Gove talks about changes in the law. What changes are being proposed?

Heather Hancock: This is what the consultation is about: we are in that same sandwich shop and, in the morning, someone has gone in. They always sell 15 cheese and ham sandwiches every lunchtime, so they have made them up, wrapped them and put them on the shelf with a label, "cheese and ham sandwiches", and a price on. They are prepacked on the premises for direct sale. Those are the things that do not have to have a label of ingredients on the individual product. At the moment, it is the same kind of rule. There has to be information available, someone you can ask, signage to say "ask", and you may choose to put a sign in front of the product with the ingredients, or the allergen information, on it.

Q113 **Angela Smith:** I am just thinking on from that. If I do buy sandwiches from shops, I prefer to go to outlets that make them up on the premises like our local butcher does. He sells freshly made sandwiches. They slice the bread and they put all the various fillings in. Is the law for these outlets exactly the same as for Pret a Manger?



Heather Hancock: Yes.

Q114 **Angela Smith:** It is exactly the same.

Heather Hancock: Yes.

Q115 **Angela Smith:** These tend to be quite small businesses, sandwich bars and things like that.

Heather Hancock: Yes. That is where your starting question is absolutely right on the complexity of making the rule. If there is a change in the rule, how do we make it work? Will the consequence be more labels with "cannot tell you", or "may contain" labels on everything, because it is too difficult. For example, your butcher has run out of salad cream and, instead of going to the wholesaler, he has gone to the supermarket round the corner to buy some more salad cream to put in the sandwich. The ingredients will be different.

Q116 **Angela Smith:** That is very interesting.

Heather Hancock: Keeping on top of that from a labelling point of view is quite complex. We want to be really sure that whatever is proposed is capable of working and not giving false assurance about it working.

Chair: I thought Caroline would be stimulated into a question.

Q117 **Dr Johnson:** I was going to ask exactly what you just said, which is how you avoid making it so complicated or so legally risky for a company to put these things on the label. Even though they have made them up, they have put their ham and their cheese in the sandwich, and they have watched themselves do it, they wonder: what if there was a little bit of contamination from a biscuit that was on the table before? Then they just put, "may contain everything" or "may contain any allergen" over everything and make it very difficult for people to shop at all.

Heather Hancock: There is a rule about the "may contain" labelling. We would need to enforce that, but it is a very complicated thing to enforce at the local level. Some of what you have talked about would be general good hygiene practice. If you are making a sandwich and there is a biscuit, have you cleaned up after the biscuit before you have made the sandwich? It goes to the heart of what the challenge will be in getting the right outcome to this particular labelling issue. The options that have been consulted on are just to go for shared best practice, to have stickers that say just what the allergens are in a product, to have stickers that say "ask about allergens", to have an allergen labelling list and to have full ingredient labelling. There are four options being consulted on.

Q118 **Dr Johnson:** Do you have a preference?

Heather Hancock: We have not had our board discussion yet, so I will wait until I see all the evidence. We do want some other things to happen. We want there to be better reporting. It is very hard to gather data about when there has been an allergen incident. It is very slow to gather information. Even a business does not necessarily know there has



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been an allergen incident in relation to food it has prepared and sold. That needs to be improved. We are doing some work in Greater Manchester with the NHS there on how we can improve the level of reporting and awareness there is, so we are getting better data about allergen incidents.

Q119 Dr Johnson: Some people spend a lot of time working out what it is that they are allergic to, do they not? If you had full labelling, it might speed up the process of working out what people are allergic to.

Heather Hancock: Yes, it might. It might. We also have, slightly clouding this, a body of people who, for other reasons about their personal well-being, are choosing to avoid food products but they are not allergic. It is a very confused conversation out there, and being clear about exactly what issue we are trying to tackle is quite important.

Q120 Chair: There are religious beliefs and all sorts of things for food, and the way the food has been prepared. It is a minefield. As the Food Standards Agency, you are an enforcer. To what degree can you give advice as well? Thinking about these sandwich-makers and others, I would be terrified to commercially make a sandwich for anybody now, because I would be so worried as to what may or may not be in it.

Heather Hancock: One of the things I have been really heartened by is the willingness of industry, large and small—whether it is the British Sandwich Association, UKHospitality, up to the big players—to want to gather around and tackle this together, and to share what they are doing between businesses. You would think that was quite obvious, perhaps, but it is not necessarily, even in food safety areas, what traditionally happens in food businesses. The level of sharing of systems, processes and reporting arrangements is improving significantly.

We will now be aiming to pull together, twice a year, all those industry players to share that good practice, to help us with our research, including what they are seeing on the ground, and to help us shape our research priorities. We will be having the allergy and anaphylaxis charities in there as well. I have seen that everybody wants to make it better. They do want to make it better. We need to harness that wish to make it better and get real cross-stakeholder group leadership on this, but it is a long haul.

Chair: We need to avoid the tragic consequences of what happened, but we also need to make sure that people can go out and buy what they want to buy. That one is not an easy one for you, but we wish you well with it. Thank you for answering our questions so directly this morning. We have had members coming and going. We have had a good level of questioning and some very good answers from you. Thank you very much.

Heather Hancock: Thank you very much for your interest.



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Chair: We look forward to you furthering your role in the future. Thank you very much.