



Food  
Standards  
Agency  
food.gov.uk



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## Regulating our Future – building the case for change

- The Regulating our Future programme is how the FSA will build an effective, proportionate and sustainable system for ensuring businesses meet their responsibilities to produce food that is safe and what it says it is.
- The programme aims to ensure a tailored and proportionate approach to regulation that ensures business compliance.



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## Regulating our Future – working collaboratively with stakeholders

- Aims to ensure the smooth delivery of a new, sustainable regulatory model for food businesses in England, Wales and Northern Ireland by 2020.
- Food businesses and local enforcement professionals in England, Wales and Northern Ireland are key stakeholders in terms of helping us shape a new regulatory assurance system.



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## Our Principles

1. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of that information
2. FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses
3. The regulator should take into account all available sources of information
4. Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not
5. Businesses should meet the costs of regulation, which should be no more than they need to be



# From principles to an overarching future assurance framework

## Future model – overarching view

### Segmentation

#### Segmenting Big Business And SMEs

- Approach tailored to businesses' willingness/ability to provide us with information
- Our system should help businesses to be 'responsible food businesses' from the start
- Opportunities for coaching and development to be part of this business support regime

### Set-up

- Business clarity on regulatory expectations.
- Effective registration process.
- Business information is up to date.



### Assurance

#### Through Satisfactory Evidence

- This will be different for different businesses but always evidencing compliance with the standards the FSA has set.
- If the information we receive through this process is continuously satisfactory, the business will remain in this stage

### Event

- Intervention will take place with businesses not meeting standards.
- The assurance regime for businesses not meeting standards will be reviewed.
- Sanctions to tackle non-compliance will be revisited.

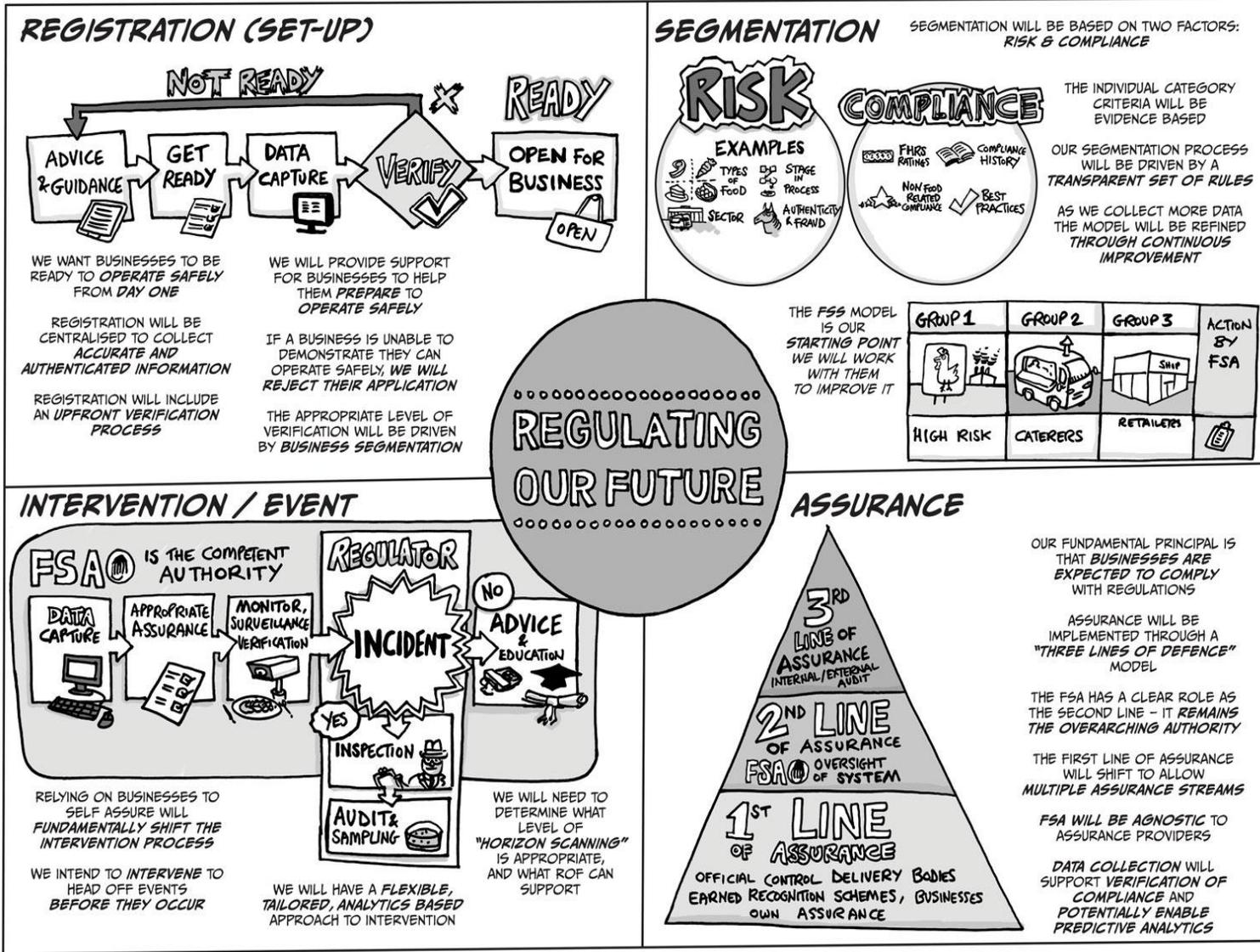
### Intervention

When Assurance Is Not Satisfactory

Monitoring & Evaluation

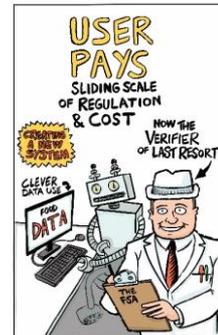
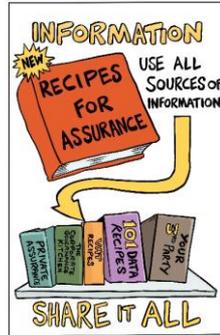
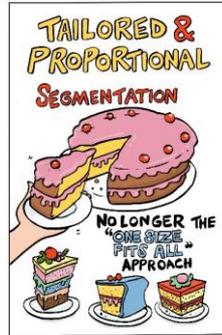
Spot Checks, Sampling & Surveillance

# Latest Iteration of Model



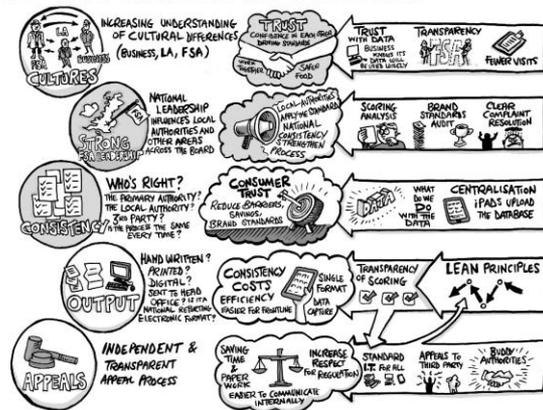
# Developing our Vision

## Dissemination of Principles



## Identification of Industry Pain Points

### ROF PAIN POINTS, BENEFITS & SOLUTIONS



## Launch of Pilots

Scope	Pain Points	Benefits
<b>In scope</b> <ul style="list-style-type: none"> <li>Proactive sharing of info for earned autonomy</li> <li>If LA have low risk assessment would we be able to use this / audit less?</li> <li>Agree an audit process that fits with LA</li> <li>Life inspection plan to the results of own audits and intervention</li> <li>Understand the LA assessment of specific premises (stress)</li> <li>Only on Tesco audits for assurance</li> <li>Sharing some audit data</li> <li>Code of practice risk rating</li> <li>"second party" audit into specific stores which haven't been inspected some time</li> <li>Primary authority inspection plan data</li> <li>Sharing relevant data</li> <li>Food safety only including hygiene and standards</li> <li>It's extracting data from different sources</li> <li>With regular and primary authority</li> <li>Engineered only</li> <li>Needs to include an understanding of what we did about it</li> <li>Do we pick one store and try? Number of stores / geography? TCF?</li> <li>Is a standard</li> <li>Not collusion</li> <li>Building on existing processes</li> <li>Sharing for benefit of both</li> <li>Identify saving potential</li> <li>Building trust through data sharing</li> <li>It's all going at it in same way</li> <li>Robust system of control for benefit of consumers</li> </ul>	<b>Out of scope</b> <ul style="list-style-type: none"> <li>'Not other data eg live safety</li> <li>Scalified out of scope</li> <li>'Not complaint data</li> <li>'Not including food sampling</li> </ul>	<b>Theme: Trust of Audit</b> <ul style="list-style-type: none"> <li>'Audit Effectiveness'</li> <li>FSA - LA</li> <li>LA - FBO</li> <li>Int. Assurance (2nd, 3rd, 4th level) - FBO/there is the real value</li> </ul> <ul style="list-style-type: none"> <li>Opportunity to share all data generated across all stakeholders?</li> <li>Intelligence emerging shared with LAs</li> </ul> <ul style="list-style-type: none"> <li>Do they (LAs) have to be there (in the business)</li> <li>Can we get assurance without on-site inspections?</li> <li>Allows LA to make informed decision about inspection</li> </ul> <ul style="list-style-type: none"> <li>Fragmented system - Local authority supermarket audit</li> <li>ERC</li> <li>Organic cert bodies</li> </ul> <ul style="list-style-type: none"> <li>Openness between businesses and regulators</li> <li>Lack of trust</li> </ul> <ul style="list-style-type: none"> <li>Don't take account of businesses own data / systems</li> </ul>
		<ul style="list-style-type: none"> <li>More data which is newer and more relevant to standards</li> <li>Intelligence emerging shared with LAs</li> <li>LAs can quickly identify areas to audit that are also of concern to business / retail from consumers</li> <li>Allows LA to make informed decision about inspection</li> <li>Reduced burden</li> <li>Focus up LA resource to focus on 'problem' businesses</li> <li>Audit results boosted</li> <li>LAs will gain better understanding of businesses' systems and assurance</li> <li>Improved trust between ER and Reg</li> <li>Build trust between regulator and business</li> <li>Consistent we all have same objectives</li> <li>Use businesses' own data / information to gain assurance</li> </ul>

# What the public and SMEs think about regulation?

**Strong status quo bias from public and FBOs, despite previous research outlining frustration with current system**

Driven by:

- Low public knowledge and assumption of more stringent practices
- Not feeling the 'pain' in current system – perceived need for change is limited due to lack of negative experiences
- Fragile public trust in businesses (both large and small)

Small food businesses feeling highly vulnerable to **costs**

Some public participants **sensitive** to changes to how regulation is funded

FBOs and public **uncomfortable** with self-certification, linked to trust in FBOs

The public were strongly against 'self-regulation' in the absence of inspections

*"It is too much based on trust, making the business send their own report."*  
(Wave 2, Manchester)



*"It doesn't bother me who is checking, as long as it is being checked."*  
(Wave 2, Manchester)

## Changes to the current system



Currently **SMEs and public not seeing the benefits** for them – these need to be emphasised (e.g. new system is bound up in other positive changes such as mandatory FHRS display, or improved advice and support at the point of registration)



Public highly **suspicious of replacing inspections** – considered a cornerstone of effective regulation



Some strong views that **private third parties will negatively impact safety** and change regulator relationship, and **fears of collusion** amongst FBOs and contractors means this will need management and oversight



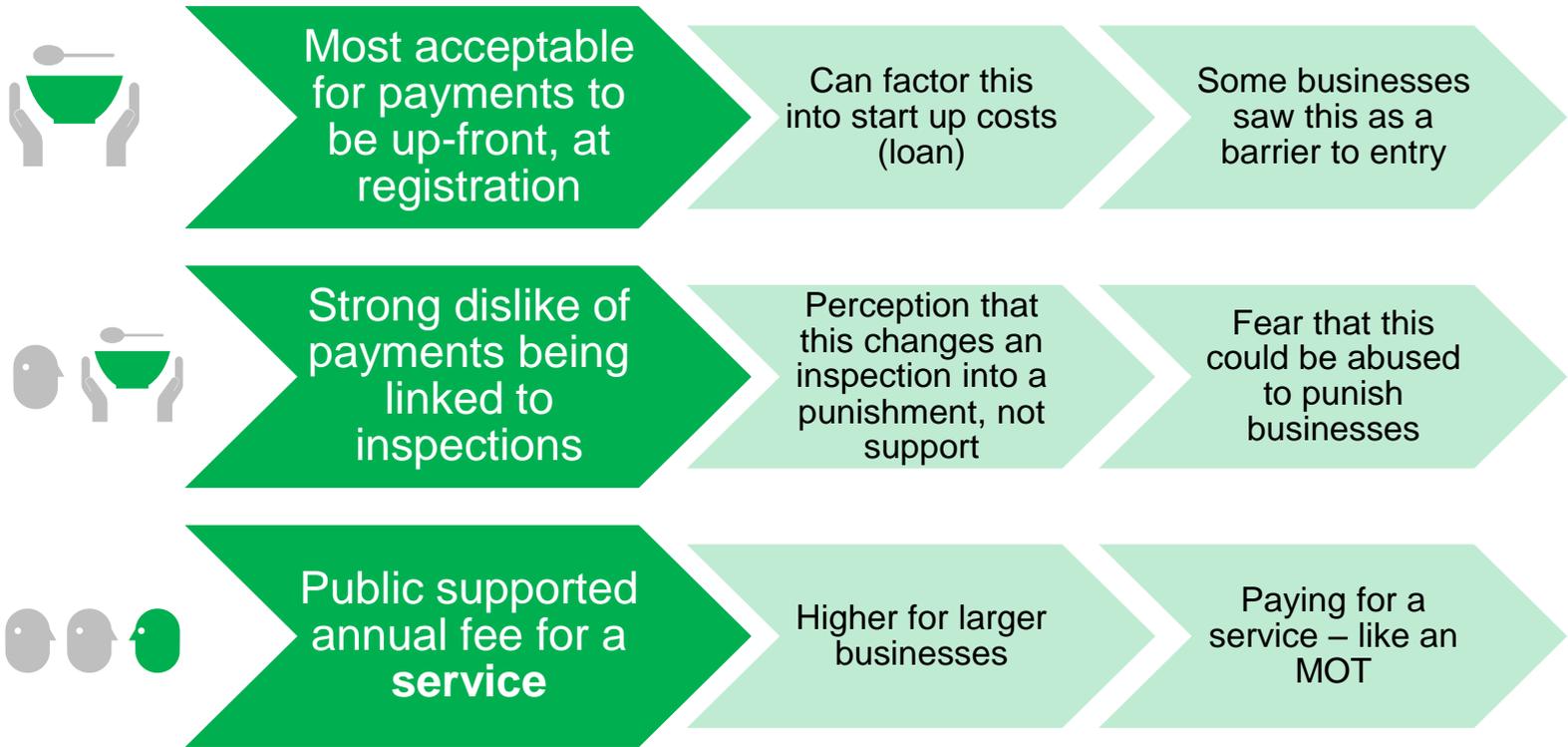
More appetite for **large businesses to lead** the way in digitising, sharing data, and paying for regulation – want to be fair to small businesses and introduce payments gradually

The public disagree with the principle of rewarding good businesses with very light touch intervention as they believe self-reporting encourages dishonesty and will ultimately drive down standards

Ultimately people wanted negligent and dangerous businesses to be sanctioned, but honest mistakes to be supported and learnt from rather than immediately penalised.



# What Should paying look like?



*“Oh gosh that would be unfair. You've got enough to pay out as it is... Possibly paying for that service would be okay because then you're getting something.”* (Café, Cardiff)

*“I suppose [a start up fee] would work because you have so much to pay out at the time that one extra fee isn't going to harm is it.”* (Café, Bexleyheath)

# Hot Housing events are highly facilitated collaborative events

## INPUTS

### SCOPE

- E.g.
- How to use data?
  - What is the benefit case?
  - How to manage risk?

### CURRENT STATE ANALYSIS

- E.g.
- Assurance
  - Standards
  - Intervention

### INSIGHTS

- E.g.
- Other regulatory models
  - Technology solutions

## HOT HOUSE



- 1 full day
- Creative environment
- Cross-disciplinary teams
- Agency and non-agency participants
- Series of highly facilitated workshops to build content together
- Clear view of what we aim to achieve
- Tangible outcomes
- Guided by the programme principles

## OUTCOMES



### FEASIBILITY PILOTS



### FURTHER INSIGHTS



### NEW OPERATIONAL MODEL ITERATION



### LESSONS LEARNED

## 2 Pilots Started

### **Pilot Scope**

How to benefit from smarter use of data by linking inspection plans to the results of business audit and intervention?

### **Outcome**

Improved food safety compliance  
Increased trust between businesses and regulator  
Reduction in number of inspections  
Reduced risk rating

### **Success Criteria**

Food safety measures  
Satisfaction score / survey  
No. of stores that decided not to inspect  
Improved Annex 5 Risk rating

### **Target completion date**

16/12/16

### **Pilot Scope**

How to achieve audit consistency in food hygiene through 1) sharing of audit data and 2) carrying out joint inspections

### **Outcome**

Reduction in range of 1st & 3rd party disparity  
Alignment in COP, policy, question set (assured advice)  
LA confidence increased in 1st & 3rd party audit

### **Success Criteria**

Aligned FHRS  
Major & minor non-compliance  
Risk weighting (desktop)  
COP risk rating score  
Confidence survey results

### **Target completion date**

16/12/16

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## How can others get involved

- We want to continue to listen to the views of those with an interest in food standards and safety and to capture the insights and knowledge that already exists in an open and transparent way.

[Here is link to first newsletter:](#)

<https://www.food.gov.uk/about-us/about-the-fsa/regulating-our-future/regulating-our-future-newsletter>

- Sign up for the RoF Newsletter at Food.gov.uk
- Continue the discussions by joining the conversation #foodregulation or email directly: [FutureDelivery@foodstandards.gis.gov.uk](mailto:FutureDelivery@foodstandards.gis.gov.uk)

