

**Directors of
Public Protection Wales**



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Safe Food for Wales, Safe Food from Wales

- ***The Future of Food Law Enforcement in Wales***



The Directors of Public Protection Wales (DPPW) is the collective organisation of officers heading up public health protection services within local authorities, with the following Mission Statement:

'To protect personal, environmental, economic and social well-being through policy, regulation and education. By these means to create a safe living and working environment for the communities we serve.'

Public Protection services include all aspects of licensing, environmental health and trading standards. DPPW has two constituent Heads of Service groups - Wales Heads of Environmental Health and Wales Heads of Trading Standards. Under these groups, there are a selection of specialist/expert panels, and groups focusing on generic aspects of delivery such as training, enforcement, and performance management. We also have representation on an extensive range of fora, advisory groups and steering committees.

Food Law Enforcement in Wales

The Directors of Public Protection Wales underpinning principles for future food and feed regulation are to:

1. **Protect consumers and public health as its first priority.**
2. **Protect the integrity of the food chain “from farm to fork”.**
3. **Further strengthen and promote the independently regulated Food Hygiene Rating Scheme in Wales.**
4. **Further strengthen and promote the food sector in Wales as a national strategic priority.**
5. **Deliver a regulatory system that is in the best interests of consumers and businesses in Wales – reflecting Wales’ specific needs, priorities, culture and wider delivery arrangements.**

Directors of Public Protection Wales call for:

1. **A devolved independent food body for Wales, replacing the current arrangements delivered by the Food Standards Agency headquarters in London.**
2. **A Wales specific approach to future food and feed law regulation.**
3. **A new strategic approach to food policy in Wales that protects and promotes the health of the nation, encompassing food safety, standards (including allergens and labelling), fraud, animal feed, nutrition, obesity, etc.**
4. **The food sector in Wales to remain supported by independent Local Authority regulation.**
5. **Continued support for the Wales Food Hygiene Rating Scheme.**
6. **Changes to the Food Law Code of Practice to improve effectiveness and efficiency through a more risk-based, better targeted and more flexible approach.**
7. **Local Government in Wales to further build upon the excellent work with food businesses to forge stronger partnership and support arrangements to help businesses establish and grow.**
8. **Improved registration arrangements, including development of a new approval or licensing scheme, to help food businesses get it right from the start and provide the assurances the public expect in relation to food safety.**

The underpinning principles for future food and feed regulation are to:

1. Protect consumers and public health as its first priority.

Trust and confidence in the food we eat is fundamental to our society. Wales cannot accept any proposal which puts the public, particularly the most vulnerable, at greater risk from threats such as *E. coli* O157. Public protection must, unequivocally, be the key policy driver for food regulation.

2. To protect the integrity of the food chain from “farm to fork”.

By taking a whole system approach from “farm to fork” so that consumers can trust that food is what it claims to be. Food fraud and criminal behaviour that targets the human food chain can undermine the integrity of food that is produced in or originates from Wales. Consumers must have faith that the food they consume is what it claims to be. Consumers do not want to be duped into purchasing and consuming fraudulent products such as cheap horse meat labelled as beef and, importantly, do not want unfit and harmful foods entering the food chain. Good businesses do not want their reputations damaged by unscrupulous traders.

Integrated, effective, independent regulation is vital to safeguard consumers, good businesses and the economy of Wales.

3. To further strengthen and promote the independently regulated Food Hygiene Rating Scheme in Wales.

The Welsh Government’s Food Hygiene Rating Scheme (FHRS) is seen as exemplar that has delivered the public informed choice and helped good businesses market themselves. It has also helped drive up standards of food safety: In October 2012 37% of food businesses in Wales had a rating of 5; by July 2016 this had risen to 61%.

The success of the FHRS in Wales (and importantly the public’s confidence in it) is underpinned by three key things: **independent** local authority inspection, sufficient **frequency** of inspection to give confidence in it and, **consistency** achieved through effective national liaison and training arrangements. Any proposals to change future regulation cannot undermine this.

4. To further strengthen and promote the food sector in Wales as a national strategic priority.

Independent and robust regulation provides other countries with the assurance they require to establish and maintain trade. Particularly in light of Brexit it may become more important than ever for Wales to be able to demonstrate to other countries that it has a robust approach to regulation that provides independent (of business) assurance that the standards required of food businesses are being met.

We believe that this is best achieved by a modern, competent local government workforce, working truly independently and unfettered by profit driven goals. This is a two-pronged approach, with local authorities working closely with businesses in their communities to promote economic growth This includes promoting tourism, and Wales as a first rate food destination. We see this as a vital component of our work.

5. To deliver a regulatory system that is in the best interests of consumers and businesses in Wales - taking care to reflect the specific needs, priorities, culture and wider delivery arrangements.

Current arrangements mean that policy decisions are made at the FSA London headquarters, having insufficient regard to the needs of Wales whilst unduly influenced by policy drivers, delivery systems, performance and experiences in England. Wales has a different delivery system. It is well-served by its Unitary Authorities, delivering their responsibilities consistently well and achieving year on year improvement in business compliance. Importantly, food regulation in Wales is devolved. It sits within a wider regulatory and public health delivery system that is different to England; requiring food regulation to be considered within a wider policy context that is relevant to Wales and its devolution journey.

Directors of Public Protection Wales call for:

1. A devolved independent food body for Wales, replacing the current arrangements delivered by the Food Standards Agency headquarters in London.

To deliver an approach that is appropriate for Wales and its devolution journey, we need to ensure that policy decisions can be taken independently in Wales. The case for this is clear. Welsh Government must establish a new body to deliver strategic oversight of food regulation in Wales. The new body must work effectively and co-productively WITH its local authority partners and other stakeholders to deliver effective policy that recognises the Welsh context for delivery. This will ensure that policy direction addresses Wales-specific issues, culture, needs and priorities, the wider regulatory and public health delivery system, the devolved legal context (including the Wellbeing of Future Generations (Wales) Act) and is better informed by Welsh businesses and consumers..

DPPW are therefore calling for a devolved Food body that is responsible for developing and delivering fully integrated food policy for Wales. Such a body should behave in the best interests of Wales; ensuring that all relevant stakeholders have input into new policy development.

2. A Wales specific approach to future Food and Feed law regulation.

DPPW's paper "*In Safe Hands*", demonstrates that in the context of the current delivery framework, Wales is delivering well. Therefore, DPPW does not support major changes to the regulatory delivery mechanism; DPPW does however assert that regulation must continue to be delivered independently by local authority officers.

Any future policy improvements need to reflect the wider context of food delivery in Wales. We need a "farm to fork" approach; one that recognises Wales-specific issues, needs and priorities. A Wales based, intelligence led, cross-agency, whole system approach is necessary if Welsh Government's ambitions for the primary food production sector in Wales are to be delivered. We need an approach that recognises food regulation is part of a wider (devolved) regulatory and public health delivery system; a policy approach that is better informed by the views of consumers, businesses and regulators in Wales. We note that Scotland is developing its own approach to regulating food safety and we are keen to assess what we can learn from their approach.

We would stress that in calling for a Wales-specific approach, we are not necessarily advocating that businesses in Wales meet different “standards” of food safety – we recognise that may not be particularly desirable. What we are advocating is a different approach to providing the necessary assurance that those (same) standards are being met and a different way of working with our businesses to help them achieve success.

3. A new strategic approach to food policy in Wales that protects and promotes the health of the nation, encompassing food safety, standards (including allergens and labelling), fraud, animal feed, nutrition, obesity, etc.

A new strategic approach to Food Policy should be developed to protect and promote the long term well-being of present and future generations. Such a policy should be integrated to include food safety, food standards, food fraud, nutrition and obesity, animal movement, feed controls, primary production. A national strategic policy will benefit business and consumers. We call for a joined up approach, strong on prevention, which recognises Wales’ devolution journey and its wider policy and public protection delivery system. This is because we recognise and wish to enhance the social, economic, environmental, and cultural value of food in Wales. Such an approach must be developed co-productively

4. The food sector in Wales remains supported by independent Local Authority regulation.

By all key measures local authorities in Wales are delivering their responsibilities to expectations: programmed interventions are being delivered to high levels, business compliance levels are the highest in the UK and are improving year on year and more business in Wales (61%) have a 5 food hygiene rating than ever before. Local authorities in Wales work hard to support local businesses to establish and grow and are developing effective partnership and support arrangements. In Wales, local authority food law delivery is a component of a much wider public health delivery system delivered in partnership with others and it is vital that is not undermined. Confidence in food we trust needs to be higher than ever and the case for ensuring our highly successful and independent local authority approach continues.

5. Continued support for the Wales Food Hygiene Rating Scheme.

The Welsh Government’s FHRS is a great success and we are committed to ensuring it remains so. Any proposals for food law delivery in Wales need to ensure that consumers and businesses can continue to have confidence in the Scheme. In our view this is best achieved through continued delivery by local authorities in Wales delivering:

- a) truly independent assessment;
- b) inspection frequencies sufficient to give confidence in the currency of the rating and
- c) a consistent approach to delivery based on well-established liaison arrangements.

6. Changes to the Food Law Code of Practice to improve effectiveness and efficiency through a more risk-based, better targeted and more flexible approach.

Whilst we are delivering well against key success measures, changes can be made to further improve the efficiency and effectiveness of food law delivery in Wales. We want a delivery approach that is risk-based, targeted, proportionate, transparent, responsive, fair

and consistent. The current Food Law Code of Practice is out-dated. We have developed a paper that outlines the key changes required to deliver against these requirements.

7. Local Government in Wales to further build upon the excellent work with food businesses to forge stronger partnership and support arrangements to help businesses establish and grow.

Supporting economic growth is a key strategic aim of every Unitary Authority in Wales. The skills, knowledge and experience of local authority officers are of tremendous value to businesses that are starting up or seeking to grow. Local authorities in Wales are developing their business support arrangements to provide increasingly varied ways to provide businesses with the support they need.

The Primary Authority Scheme enables businesses who wish to do so to enter into a statutory partnership with one local authority. They then provide robust and reliable advice for other local regulators to take into account when carrying out inspections or addressing non-compliances. The company can access “assured advice” and even develop “inspection plans” that other regulators must have regard to.

We have recently established a Wales Primary Authority Group and are working actively with our business partners to strengthen the services and support we can offer. We see value in a strategic partnership with businesses in Wales to further improve dialogue and mutual understanding.

8. Improved registration arrangements, including development of a new approval or licensing scheme, to help food businesses get it right from the start and provide the assurances the public expect in relation to food safety.

The current system of food business registration is not fit for purpose and we are calling for the system to be revised. We are also calling for a revised “approval” system or “licensing” system. The current approval system applies only to a subset of food businesses, largely those dealing with products of animal origin. Under existing arrangements, most businesses can start producing food without having to demonstrate that they can do so safely. This is unhelpful and not what the public’s expectation is.

Surveys clearly show that the public’s expectation is that the local authority carries out a check first. Such an approach is also not in the best interest of businesses as invariably businesses that do not have contact with local authority officers prior to trading end up with a poor food hygiene rating on first inspection. We need an approach that can better support businesses that wish to start up, grow or diversify.

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