

ANGUS COUNCIL

ENVIRONMENTAL AND CONSUMER PROTECTION COMMITTEE - 7 NOVEMBER 2000

THE FOOD STANDARDS AGENCY'S APPROACH TO OPENNESS AND RISK

REPORT BY DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION

Abstract

Consultation documents have been received from the Food Standards Agency regarding its suggested approach to openness and risk.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (a) note the contents of this report, and,
- (b) approve the contents of the report as the Council's response to the consultation documents.

2. INTRODUCTION

The two draft documents produced by the Food Standards Agency will be at the heart of its work if it is to successfully protect the interests of the consumer. The documents are entitled as follows:

- The Code of Practice on Openness.
- The Food Standards Agency's Approach to Risk.

The main objective of the Agency is "to protect public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) and otherwise to protect the interests of consumers in relation to food".

Given this strategic object the interaction of the Agency with consumers, industry interests, enforcement organisations and Government is critical to its success. The consultation on the contents of these documents is therefore crucial to the future effectiveness of the Agency.

3. THE FOOD STANDARDS AGENCY'S APPROACH TO RISK

This document describes in some detail the Agency's approach to dealing with risks associated with the food chain from the time it becomes aware of the risks through to the decision-making process and the enforcement stages.

The document identifies the following principles which the Agency will aim to apply across all of its work:

- take a precautionary approach.
- make decisions and take action in proportion to its best judgement of the risks.
- act quickly when necessary.
- aim for consistency of approach.
- aim to give everyone the information they need.
- aim to meet the needs and concerns of consumers.
- aim to learn from the experience of others.

The main points contained in this document are summarised below:

3.1 When a potential problem appears.

The Agency notes that it may become aware of a potential food safety problem in a number of ways eg report from an enforcement officer, research, manufacturer etc. It will be the Agency's aim to assess the risk, making use of scientific advice, and then taking a decision on the best course of

action. The public will be informed as early as possible of the Agency's view and its intended actions.

3.2 Assessing the Risk

The Agency will aim to identify the extent of the food safety problem through a process of risk management assessment. This process will evaluate the harm that may be caused, the probability of the harm occurring and the groups in the general population that will be affected.

The process is to be conducted in an open manner with the work of the Committees involved to be published on the Agency's website.

3.3 When the Risks are not Clear

When the risks are uncertain then the Agency will adopt a precautionary approach. The absence of scientific proof will not act as a barrier to the Agency taking action if in the organisation's opinion there is serious risk to public health.

3.4 Managing Risks and Deciding What to Do

Upon receiving scientific advice, the Agency will give consideration to all possible actions and where possible, consult affected parties. The aim will be for all decisions to be made in a consistent and fair manner having weighed up the costs and benefits of the case. The greatest weight will be attached to protecting the interests of the consumer.

3.5 Keeping Everyone Informed

The Agency is committed to open lines of communication and that all decisions and the reasoning behind them are made public other than where this is not practicable eg due to legislation. The aim is to have an open, frank and public debate with all those affected. Time permitting, major issues will be subject to full scale public consultation.

4. FOOD STANDARDS AGENCY'S CODE OF PRACTICE ON OPENNESS

Since openness is one of the core values of the Agency and also the key role which openness will play in the Risk Assessment process the Agency formulated a draft Code of Practice on Openness.

The main issues covered by the draft document are summarised below:

4.1 The Food Standards Agency's Policy on Openness

Disclosure of information will be the norm. The Agency aims to publish any information or advice it provides to others.

The records of decisions taken will be made available to consumers and other stakeholders. However, the Agency will not usually publish or release copies of internal correspondence. They will however, publish any substantive advice given to Government Departments.

For practical and legal reasons, there will be a small number of well defined circumstances which may prevent the release of advice or information such as:

- Disclosure is contrary to law.
- Disclosure is on balance not in the public interest.
- Where the public interest is outweighed by considerations of confidentiality.
- The advice is of a legal nature.
- The information is incomplete and potentially misleading.

4.2 How the Food Standards Agency will Deliver its Policy on Openness

Subject to the above exceptions the Agency will provide, on request, information on their decisions and the evidence and analysis on which they were based. These decisions will be taken on the

basis of responses received to consultation. The responses will be made public however the Agency will consider consultees request for confidentiality regarding their responses.

The Board of the Food Standards Agency will hold its decision making meetings in public.

The Agency will encourage their advisory committees to be open at all stages of the risk assessment process. The Committees will also be encouraged to find ways of being as open as possible when there are commercial confidentiality constraints.

4.3 How you can obtain Information from the Food Standards Agency

The document describes various ways of obtaining information from the Agency eg Internet access, by post and by fax.

Copies of responses to our consultation exercise will be lodged in their libraries. Contact addresses for the various libraries are included in the document.

4.4 How you may use information provided by the Food Standards Agency

The information and advice that the Agency provides will not have restrictions placed on them. If there are restrictions eg copyright this will be made clear to the enquirer regarding the information.

4.5 How the Food Standards Agency will Monitor its Performance

This final part of the document defines the objectives of the Agency with regard to enquiries. For example requests for information or advice will be answered within twenty working days.

If however, the Agency fails to attain this objective the document provides advice to enable the complaint to be dealt with in an expedient manner.

However, if the enquirer is still unhappy with the service provided by the Agency the draft document contains advice on how to complain to the Parliamentary Commissioner for Administration.

5. CONCLUSION

It is evident from reading these draft documents that the Food Standards Agency is endeavouring to attain its objective to protect the public health. The documents are therefore, an attempt to clarify the role of the Agency as it endeavours to act in the public's best interest in what has become the political mine field of food safety. Clearly this would be a difficult task for any organisation to undertake let alone one which has only been in existence since 1 April 2000.

The draft documents interact with each other. Without the Code of Practice on openness it would be difficult for the Agency to undertake adequate risk assessments. These documents are to be welcomed however, it will be how the Agency fulfills its role of protecting the consumer rather than words contained in two documents which will demonstrate whether it has attained its Strategic Objective contained in the introduction to this report.

It is therefore, recommended that the Council support this latest initiative by the Agency in the hope that the documents will assist its staff in the future to protect the public interest with an open decision making process in food safety issues.

6. FINANCIAL IMPLICATIONS

There are no financial implications in responding to this consultation exercise.

7. CONSULTATION

The Chief Executive, Director of Law and Administration and Director of Finance have been consulted on the contents of this report.

S R Heggie
Director of Environmental and Consumer Protection

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.