House of Commons
Health Committee

The Appointment of the Chair of the Food Standards Agency

Seventh Report of Session 2008–09

Volume I

Report, together with formal minutes

Ordered by the House of Commons to be printed 6 July 2009
The Health Committee

The Health Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department of Health and its associated bodies.

Current membership

Rt Hon Kevin Barron MP (Labour, Rother Valley) (Chairman)
Charlotte Atkins MP (Labour, Staffordshire Moorlands)
Mr Peter Bone MP (Conservative, Wellingborough)
Jim Dowd MP (Labour, Lewisham West)
Sandra Gidley MP (Liberal Democrat, Romsey)
Stephen Hesford MP (Labour, Wirral West)
Dr Doug Naysmith MP (Labour, Bristol North West)
Mr Lee Scott MP (Conservative, Ilford North)
Dr Howard Stoate MP (Labour, Dartford)
Mr Robert Syms MP (Conservative, Poole)
Dr Richard Taylor MP (Independent, Wyre Forest)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/healthcom

Committee staff

The current staff of the Committee are Dr David Harrison (Clerk), Adrian Jenner (Second Clerk), David Turner (Committee Specialist), Frances Allingham (Senior Committee Assistant), Julie Storey (Committee Assistant) and Gabrielle Henderson (Committee Support Assistant).

Contacts

All correspondence should be addressed to the Clerk of the Health Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6182. The Committee’s email address is healthcom@parliament.uk.
Contents

Report

1 Introduction 3

2 The Chair of the Food Standards Agency 4
   The role of the Food Standards Agency 4
   The FSA Board 4
   Strategic Priorities 4
   Composition 5
   Finance 5
   The Chair 6
   Role and responsibilities 6
   Terms and conditions of service 7

3 The appointment process 8

4 The candidate 10
   Biographical information 10
   Questioning 10
   Recommendation 10

Appendix 1 11
   Letter from the Rt Hon Andy Burnham MP, Secretary of State for Health,
   to the Chairman of the Committee, 26 June 2009 11

Appendix 2 12
   Curriculum Vitae: The Rt Hon Lord Rooker 12

Formal Minutes 14

Witness 15

Written evidence 15

Reports from the Health Committee 16
1 Introduction

1. The Government put forward proposals about pre-appointment hearings in July 2007. It stated:

“… the Government believes the time is now right to go further and seek to involve Parliament in the appointment of key public officials … there are a number of positions in which Parliament has a particularly strong interest because the officeholder exercises statutory or other powers in relation to protecting the public’s rights and interests. Some of these appointments are not subject to oversight by the Commissioner for Public Appointments or other form of independent scrutiny.

The Government therefore believes that Parliament, through its select committees, should play this role. It therefore proposes that the Government nominee for key positions such as those listed below should be subject to a pre-appointment hearing with the relevant select committee. The hearing would be non-binding, but in the light of the report from the committee, Ministers would decide whether to proceed. The hearings would cover issues such as the candidate’s suitability for the role, his or her key priorities, and the process used in selection …”

The Liaison Committee welcomed the proposals, but stressed that in addition to professional competence, Committees should examine the independence of candidates. It stated:

We share the Government’s aim to create a process that can “both enhance the role of Parliament in scrutinising public appointments and maintain an appointments process which is proportionate and continues to attract high quality candidates.” To this end, we have prepared a set of guidelines which we believe should ensure that any hearing is conducted appropriately.

2. On 6 July 2009, the Health Committee held a pre-appointment hearing in respect of Lord Rooker, the candidate for Chair of the Food Standards Agency (FSA). We are grateful to Lord Rooker for making himself available to give oral evidence at short notice.

3. The Report looks first at the FSA and the role of the chair. The next chapter looks at the appointment process. Finally we consider the suitability of the candidate.

---

1 Ministry of Justice, The Governance of Britain, 2007, paras 74–76, 80
2 Liaison Committee, First Report of Session 2007–08, Pre-appointment hearings by select committees, HC 384
2 The Chair of the Food Standards Agency

The role of the Food Standards Agency

5. The Department states that the

“Food Standards Agency (FSA) is a non-Ministerial Government Department set up by an Act of Parliament in 2000 to protect the public’s health and consumer interests in relation to food. The Agency’s vision is “safe food and healthy eating for all”, and it is committed to delivering this through its core values:

• putting the consumer first;
• openness and independence; and
• science and evidence-based.

FSA is a UK wide body that operates in a devolved policy area. It has offices in London, Aberdeen, Cardiff and Belfast, and the Meat Hygiene Service is based in York.

The FSA has a wide remit that includes protecting public health, providing information and advice, ensuring food law is effective and enforced, co-ordinating research and development, food surveillance and monitoring, developing policy, and representing the UK on food matters in Europe. It is responsible for the Meat Hygiene Service, a delivery organisation charged with meat inspection throughout the UK.”

The FSA Board

6. The FSA Board members are appointed to act collectively in the public interest, not represent specific sectors. Members are responsible for overall strategic direction, ensuring the Agency fulfils its legal obligations so that its decisions or action take proper account of scientific advice, the interests of the consumer and other relevant factors. Open meetings of the FSA Board give the public an opportunity to see how the Board goes about discussing the Agency’s policies and reviewing its work. The Board holds meetings in public, and publishes Board meeting agendas, papers and decisions.

Strategic Priorities

7. The Agency’s current Strategic Plan, which runs until March 2010, sets out key priorities for food safety, public information, labelling and choice, nutrition and diet and food law enforcement over a five year period. The Plan focuses on:

• Food safety
  • reducing foodborne disease further;
• deliver proportionate bovine spongiform encephalopathy (BSE) and transmissible spongiform encephalopathy (TSE) controls based on the latest scientific knowledge;
• building and maintaining the trust of stakeholders in our handling of food safety issues;
• Eating for health; and choice
  • enabling consumers to choose a healthier diet and help reduce diet-related disease;
  • enabling consumers to make informed choices; and to protect consumers from food fraud and illegal practices.

8. A review of the Agency’s Strategic Plan is currently underway, with a view to finalising and publishing an updated Plan in early 2010.

Composition

9. The Agency’s 700 staff are accountable through Tim Smith, its Chief Executive, to the Agency’s Board. The Board consists of a Chair, Deputy Chair and up to 12 other non-executive members. The Board is responsible for the FSA’s overall strategic direction, for ensuring that legal obligations are fulfilled, and for ensuring that decisions and actions take proper account of scientific advice as well as the interests of consumers and other stakeholders. The Board is accountable to Parliament through the Secretary of State for Health, to Health Ministers in Scotland and Wales, and to the Minister of Health, Social Services and Public Safety in Northern Ireland.

10. The Meat Hygiene Service (MHS) is an executive agency of the FSA, and operates under the supervision of the FSA Board. The aim of the MHS and its 1500 employees is to safeguard public health and animal welfare at slaughter through the effective enforcement of legislation. Its main functions are to provide a meat inspection service to all licensed meat plants, and to ensure that the standards required by the law for the hygienic production of meat and for the welfare of animals at slaughter are maintained.

Finance

11. The FSA’s UK-wide activities, together with those carried out in England only, are funded from its Westminster Vote. Activities in Wales, Scotland and Northern Ireland are funded directly by the administrations in those countries. Following the Comprehensive Spending Review of 2007, the FSA’s programme and administration budgets for 2008–2011 have declined in real terms. Most of the cuts will be borne by the Westminster headquarters; in contrast, in Scotland and Northern Ireland there are nominal increases in expenditure.
### FSA Budget

<table>
<thead>
<tr>
<th></th>
<th>2008/09 £m</th>
<th>2007/08 £m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westminster FSA headquarters</td>
<td>103.2</td>
<td>113</td>
</tr>
<tr>
<td>Meat Hygiene Service (MHS)</td>
<td>34.1</td>
<td>39.4</td>
</tr>
<tr>
<td>Total Westminster funded</td>
<td>137.3</td>
<td>152.4</td>
</tr>
<tr>
<td>FSA Scotland</td>
<td>10.4</td>
<td>10.2</td>
</tr>
<tr>
<td>FSA Wales</td>
<td>3.5</td>
<td>3.6</td>
</tr>
<tr>
<td>FSA Northern Ireland</td>
<td>8.9</td>
<td>8.6</td>
</tr>
<tr>
<td>TOTAL</td>
<td>160.1</td>
<td>175.4</td>
</tr>
</tbody>
</table>

### The Chair

#### Role and responsibilities

12. The Department informed us that the responsibilities of the Chair were:

- effective leadership and management of the FSA Board including chairing full board meetings according to the FSA’s corporate governance framework and policies and procedures;

- ensuring that the Chief Executive is held to account for the performance of the organisation, particularly with regard to his/her accounting officer role;

- effective management of the relations and interface between the Board and the executive;

- ensuring that the FSA remains a strongly evidence-based organisation, drawing on the highest quality of scientific and social research;

- maintaining the FSA’s reputation as an open and independent food regulator, which puts the interests of the public and consumers first;

- working closely to support Ministers and Government Departments across the UK on food and nutrition policy issues;

- building and maintaining good working relationships with a range of key stakeholders from the public, private and voluntary sectors; and

- with the Chief Executive, representing the UK Government in dealings internationally on various food issues, particularly in the European Union and other key parts of the global food chain.
13. It should be noted that scientific literacy and an appreciation of evidence-based policymaking are stated to be merely desirable, not essential, criteria for the post.

**Terms and conditions of service**

*Time commitment, remuneration and length of service*

14. The post of Chair was advertised with a remuneration of £60,000 per annum which is taxable under Schedule E and subject to Class I National Insurance contributions. It is not pensionable. The appointed candidate is eligible to claim allowances, at rates set centrally, for travel and subsistence costs necessarily incurred on FSA business. The time commitment is approximately eight days per month. The initial appointment will be for four years.
3 The appointment process

15. The Secretary of State wrote to the Chairman of the Health Committee about a pre-appointment hearing, as follows:

“I am writing in relation to the position of the Chair of the Food Standards Agency. My Department has been running an appointment process to recruit a new Chair for the FSA, following the decision of the current Chair, Dame Deirdre Hutton, not to seek reappointment for a further term. …

The selection panel for the appointment have recommended the Rt Hon Lord Rooker as their preferred candidate and the four Health Ministers have accepted their recommendation.

In accordance with parliamentary scrutiny of candidates for major public appointments, the Health Select Committee are invited to scrutinise this appointment.”

16. The Department informed us that:

“Given the UK-wide remit of the FSA, the Food Standards Act requires that the appointment to the Chair of the FSA be made jointly between the Secretary of State for Health and Health Ministers from the Devolved Administrations. The Ministers from each Administration leading on this appointment have been:

- Minister for Public Health and Sport (Scottish Executive)
- Deputy Minister for Social Services (Welsh Assembly Government)
- Minister for Health, Social Services and Public Safety (Northern Ireland Assembly).

17. The recruitment process, including the engagement of recruitment consultants, short listing and interviewing, was carried out by the Appointments Commission on behalf of the Department of Health. We were informed that the process run by the Appointments Commission was regulated by the Commissioner for Public Appointments and had been conducted in accordance with the Commissioner’s code, involving an Independent Assessor at all stages, including the shortlist and interview panel.

18. Members of the shortlist and interview panel were

- Professor David Harper in the Chair, Director General, Health Improvement and Protection and Chief Scientist (as the senior responsible official for the FSA). Dr Will Cavendish (Director of Health and Wellbeing) deputised for David at the short listing stage due to the swine flu outbreak
- Ann Lloyd, Regional Commissioner, Appointments Commission
- Helen Yarrow, Independent Public Appointments Assessor.
32 applications for the position were received; 5 candidates were shortlisted; and 4 were interviewed following one candidate withdrawing at short notice.

19. The Committee decided to hold a pre-appointment hearing on 6th July. The meeting was later than we had expected because it took some time following the interviews for the Secretary of State and Ministers from the devolved administrations to make a decision.

20. In holding the pre-appointment hearing, we were mindful of the Liaison Committee guidelines, namely that

The Chairman should ensure that Members are aware that their questions must remain relevant to the professional competence and personal independence of the candidate. Questions eliciting background information about the candidate’s past career and about the selection process for the post are also normally acceptable.

The candidate will need to be able to withstand parliamentary and public scrutiny should they take up the post, and the purpose of the session is to test this. Questioning may therefore be robust, and it may cover some areas that might not be appropriate at interview, such as party political allegiance. The Chairman should intervene, however, if questions are irrelevant, unduly personal, or discriminatory.

21. Immediately after the evidence session, in line with the guidelines the Committee met in private to agree a report to the House containing its views on the suitability of the candidate.
4 The candidate

Biographical information

22. Lord Rooker started his career as an engineer; from 1957 to 1971 he worked as an apprentice and production manager in the engineering industry. He became a lecturer in management in 1972 at the Lanchester Polytechnic. From 1974 to 2001 he was a member of the House of Commons (Birmingham Perry Bar) and from 2006 to 2008 he was Deputy Leader at the House of Lords. From 1997 to 2008 he was Minister of State in six Government Departments including Ministry of Agriculture, Fisheries and Food, the Home Office, and the Department for Environment, Food and Rural Affairs. His main Government roles have included Minister for Food Safety, Minister for Finance, Environment, Farming, Equality and Minister for Food and Farming.

23. As Minister of State at MAFF Lord Rooker oversaw the establishment of the FSA.

24. Lord Rooker’s CV is appended to the report.

Questioning

25. In oral evidence we asked Lord Rooker about:

- The selection process,
- His independence, both in relation to the government and to the food industry,
- His relevant expertise and experience,
- Priorities for the FSA, including the main challenges, the balance of its work between food safety and nutrition issues, attitudes to a mandatory traffic-light scheme and potential overlap with the CMO.

Recommendation

26. We have examined the role and duties of the Chair of the Food Standards Agency. Having carefully considered the information provided to us about Lord Rooker and having questioned him in the pre-appointment hearing on 6 July, we are satisfied that he has the professional competence and personal independence required for the post. We recommend the Secretary of State make the appointment.
Appendix 1

Letter from the Rt Hon Andy Burnham MP, Secretary of State for Health, to the Chairman of the Committee, 26 June 2009

Chair of the Food Standards Agency

I am writing in relation to the position of the Chair of the Food Standards Agency. My Department has been running an appointment process to recruit a new Chair for the FSA, following the decision of the current Chair, Dame Deirdre Hutton, not to seek reappointment for a further term.

The appointment to the Chair of the FSA is made jointly by the Secretary of State for Health with the Health Ministers in the Scottish Executive, Welsh Assembly and Northern Ireland Executive, as the FSA is a UK-wide body.

The selection panel for the appointment have recommended the Rt Hon Lord Rooker as their preferred candidate and the four Health Ministers have accepted their recommendation.

In accordance with parliamentary scrutiny of candidates for major public appointments, the Health Select Committee are invited to scrutinise this appointment.

If your Committee wishes to do so, Ministers would be grateful if this could take place prior to 11 July as Lord Rooker is taking holiday from that date.
Appendix 2

Curriculum Vitae: The Rt Hon Lord Rooker

Career history:
1997–2008  Minister of State in six Government Departments
2006–2008  Deputy Leader, House of Lords
1974–2001  Member of House of Commons (Birmingham Perry Barr)
1972–1974  Lecturer in Management – Lanchester Polytechnic
1957–1971  Apprentice and production manager in engineering industry

Details of Main Government Roles
2006–08   DEFRA   Minister for Food & Farming
2005–06   NIO     Minister for Finance, Environment, Farming, Equality
2002–05   ODPM    Minister for Housing, Planning, Regeneration
2001–02   HO      Minister for Immigration and Asylum
1999–01   DSS     Minister for Pensions
1997–99   MAFF    Minister for Food Safety

Degree Qualifications
Aston University: B.Sc (Eng) 1964
Warwick University: MA (Industrial Relations) 1972
Chartered Engineer
Fellow Institution of Engineering and Technology
Member Chartered Management Institute

Third Sector
Member of Birmingham Education Committee: 1972–1974
Lay Governor (and chair for 10 years), FE College: 1972–1997
Lay Governor, Aston University: 2008 – present
Service on various third sector bodies such as CAB, Age Concern, Institution of Production Engineers, Farming and Countryside Education.

Experience and Skills
Experienced and skilled at representational work within Parliament (including Cabinet Committees and Select Committees), the media, key senior stakeholders and the general public, on a wide variety of issues.

Roles in Government have included leadership and strategic decision making, including opening new organisations and areas of policy and closing down redundant operations.
Specific leadership given to projects as varied as the Food Standards Agency, British Cattle Movement Service, South East Growth Areas, Northern Pathfinders and the Rural Payments Agency. Direct involvement in supporting and challenging the early ‘Local Strategic Partnerships’ and ‘New Deal for Communities’ programmes around the country.

Extensive experience of chairing Whitehall Committees such as, Immigration Board, COBRA, Dairy Forum and Planning and regeneration working parties. External chairing such as Milton Keynes Regional Growth Stakeholders.

Used to assimilating varied briefs quickly and clearly. At ease working with ‘shop floor’ and ‘board room’. Integrity never challenged in 37 years of public life.
Formal Minutes

Monday 6 July 2009

Members present:

Mr Kevin Barron, in the Chair

Mr Peter Bone
Jim Dowd
Dr Doug Naysmith

Mr Robert Syms
Dr Richard Taylor

Draft Report (Appointment of the Chair of the Food Standards Agency), proposed by the Chairman, brought up and read.

Ordered, That the Chairman’s draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 25 read and agreed to.

Paragraph 26 read.

Question put, That the Paragraph stand part of the Report.

The Committee divided.

Ayes, 3
Jim Dowd
Dr Doug Naysmith
Mr Robert Syms

Noes, 2
Peter Bone
Richard Taylor

Two Papers were appended to the Report as Appendix 1 and 2.

Motion made and Question put, That the Report be the Seventh Report of the Committee to the House.

The Committee divided.

Ayes, 3
Jim Dowd
Dr Doug Naysmith
Mr Robert Syms

Noes, 2
Peter Bone
Richard Taylor

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Oral and written evidence were ordered to be reported to the House for printing with the Report.

[Adjourned till Thursday 9 July at 9.30 am.]
Witness

Monday 6 July 2009

The Rt Hon Lord Rooker, nominee as Chair of the Food Standards Agency

Written evidence

1 Memorandum by the Department of Health
Reports from the Health Committee

The following reports have been produced by the Committee in this Parliament. The reference number of the Government’s response to the Report is printed in brackets after the HC printing number.

**Session 2008–09**
- First Report: NHS Next Stage Review  
  Reference: HC 53 (Cm 7558)
- Second Report: Work of the Committee 2007–08  
  Reference: HC 193
- Third Report: Health Inequalities  
  Reference: HC 286 (Cm 7621)
- Fourth Report: Top-up fees  
  Reference: HC 194 (Cm 7649)
- Fifth Report: The use of management consultants by the NHS and the Department of Health  
  Reference: HC 28
- Sixth Report: Patient Safety  
  Reference: HC 151

**Session 2007–08**
- First Report: National Institute for Health and Clinical Excellence  
  Reference: HC 27 (Cm 7331)
  Reference: HC 337
- Third Report: Modernising Medical Careers  
  Reference: HC 25 (Cm 7338)
- Fourth Report: Appointment of the Chair of the Care Quality Commission  
  Reference: HC 545
- Fifth Report: Dental Services  
  Reference: HC 289 (Cm 7470)
- Sixth Report: Foundation trusts and Monitor  
  Reference: HC 833 (Cm 7528)
- First Special Report: National Institute for Health and Clinical Excellence: NICE Response to the Committee’s First Report  
  Reference: HC 550

**Session 2006–07**
- First Report: NHS Deficits  
  Reference: HC 73 (Cm 7028)
  Reference: HC 297
- Third Report: Patient and Public Involvement in the NHS  
  Reference: HC 278 (Cm 7128)
- Fourth Report: Workforce Planning  
  Reference: HC 171 (Cm 7085)
- Fifth Report: Audiology Services  
  Reference: HC 392 (Cm 7140)
- Sixth Report: The Electronic Patient Record  
  Reference: HC 422 (Cm 7264)

**Session 2005–06**
- First Report: Smoking in Public Places  
  Reference: HC 436 (Cm 6769)
- Second Report: Changes to Primary Care Trusts  
  Reference: HC 646 (Cm 6760)
- Third Report: NHS Charges  
  Reference: HC 815 (Cm 6922)
- Fourth Report: Independent Sector Treatment Centres  
  Reference: HC 934 (Cm 6930)