

COMPLAINTS RECEIVED BY THE FSA IN 2004 - 2005

Introduction

1. The FSA's complaints procedure covers any written or oral expression of dissatisfaction with the *service* that we provide to our customers. These do not have to be 'formal' complaints. They will generally cover instances where the FSA may have failed administratively or taken inappropriate action. The complaints process does not cover disagreements that our stakeholders may have about the Agency's policies.
2. The FSA's complaints procedure is published on the FSA website (www.food.gov.uk). Initially, the relevant FSA Division will try to resolve any complaint against them. If the complainant remains dissatisfied with the response, they may lodge a complaint with the FSA's Complaints Co-ordinator. If the Complaints Co-ordinator fails to satisfy them, the complainant can ask for their complaint to be referred to the Chief Executive. If they are still dissatisfied following reply by the Chief Executive, the complainant may ask any MP to refer the issue to the UK Parliamentary Commissioner for Administration (the Ombudsman).

Complaints received during the year

3. The total number of recorded complaints received by the FSA during the year 2004/05 was **54**. Of these, 40 were resolved internally by Divisions, 11 were dealt with by the FSA's Complaints Co-ordinator, 2 were referred to the Chief Executive and 1 was referred to the Parliamentary Commissioner for Administration (the Ombudsman). The **54** recorded complaints originated from a range of sources. There were 5 from industry/businesses, 2 from local authorities, 1 from the media, 3 from MPs and 43 from members of the public
4. A significant proportion – 32 of 54 complaints – related to the Sudan I incident in February 2005. They were all from members of the public, in most cases complaining about either the difficulty in accessing the Sudan I product lists on the FSA website or the presentation and format of the lists themselves. The problems mainly arose as a result of the unprecedented numbers of visitors to the website looking for Sudan I information and the speed with which the lists had to be prepared and updated to keep the public informed. It is worth noting here that the FSA acted to publicise information about affected food products as soon as practical advice was available to offer to consumers. The food industry

supplied information about affected products on the evening of 17 February and the FSA published an initial list of over 350 affected products the following morning on the FSA website. Lists of additional affected products were added on as soon as they became available. During the Sudan I incident, the FSA website received its highest ever number of visitors - 67.5 million hits between 18 and 24 February. Within 24 hours of the first product list going live, the site was getting more than 50% of all UK online health and medical sector traffic, up from 0.2% the day before. So, whilst the site was not at all times as responsive as it could have been, it is a notable achievement that it was reasonably stable and never crashed as a result of the unprecedented activity. All complaints were dealt with swiftly and lessons learnt were cascaded to relevant staff.

5. Categorising the **54** recorded complaints results in the following breakdown:

Category A: No fault, where complaint turned out to be unfounded. **23 cases in total;** all of these were successfully resolved after corresponding with the individual complainants.

Category B: Minor oversights and processing delays. **10 cases in total;** all were resolved after full explanations were given.

Category C: Complex and novel issues, which caused a delay or other problem. **1 case;** this was a complaint regarding a disagreement with the FSA over shellfish bed classification (details below).

Category D: Complaints made in respect of diversity issues. **1 case;** this was a complaint regarding the use of subtitles in the FSA's 'Sid the Slug' advertising, as televised in Wales (details below).

Category E: Other, such as inappropriate or inadequate actions taken by the Agency. **19 cases;** these were all successfully resolved after corresponding directly with the complainants in question. All were resolved at Divisional level bar two complaints, which were resolved after being progressed to the Chief Executive (details below).

6. The above categories do not include any requests for internal reviews of decisions made in light of information requests under Freedom of Information (FOI) or Environmental Information Regulation (EIR) legislation. Internal review requests will be recorded in the Executive's annual report to the Board in respect of FOI and EIR, with the first such report due to be considered by the Board at the open meeting in July 2005.
7. Four individual cases are worth highlighting. The first case referred to the Chief Executive concerned a complainant who requested an electronic copy of the Expert Group on Vitamins and Minerals (EGVM) preliminary risk assessment for fluoride from the EGVM secretariat. The secretariat provided some information, but not exactly that which was requested. The problem was compounded by failing to cover a person's emails while they were on extended absence. The Chief Executive ensured that the information requested was provided quickly.
8. The second case referred to the Chief Executive concerned a radio station that complained about an initiative devised in Northern Ireland. It comprised a teaser communication trailing the salt campaign start date with salt applied to the page. Sender details were not given, though a web address being used to pre-promote the campaign was included. As the substance was not identified as salt rather than something potentially dangerous, it triggered a security alert. The Chief Executive apologised to the complainant.
9. The third case concerned a shellfish business, which considered that the FSA and its predecessors had under implemented an EC Directive relating to shellfish hygiene. The complainant alleged this under implementation had adversely affected his business. The complainant obtained the support of his local MP to refer the matter to the Ombudsman, even though the FSA complaints process had not been exhausted. The FSA has assisted the Ombudsman with his investigations, which are still ongoing.
10. The fourth case concerned a complaint made by a member of the public, regarding the use of subtitles in the FSA 'Sid the Slug' TV advertisements. The complainant felt that the use of subtitles did not treat English and Welsh equally, as is required by the FSA Welsh Language Scheme. The FSA advised the

complainant that the animation would not have successfully supported dubbing and so subtitles were used. However, the FSA did accept that it had failed to comply with advertising conduct, as set by the Welsh Language Board, and would be mindful of these requirements for future advertising campaigns.

11. Complaints figures for previous years are given in Annex A

Annex A: Complaints figures for previous years.

	2000/01	2001/02	2002/03	2003/04
Total	19	15	12	19
Category				
A	3	6	6	8
B	8	7	5	9
C	3	1	0	0
D	2	1	1	0
E	3	0	0	2

Key to Categories; 2000/2003

- A** No fault, where the complaint has turned out to be unfounded.
- B** Minor oversights and processing delays.
- C** Complex and novel issues, which have resulted in delays or inconsistencies.
- D** Inappropriate/inadequate actions.
- E** Other.

Key to categories; 2003/04 – 2004/05

- A** No fault, where the complaint has turned out to be unfounded.
- B** Minor oversights and processing delays.
- C** Complex and novel issues, which have resulted in delays or inconsistencies.
- D** Complaints made in respect of diversity issues
- E** Other. Such as inappropriate/inadequate actions.