

Local Authority Enforcement Monitoring System

Frequently Asked Questions

Second Edition 2009

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PART ONE: KEY BASIC POINTS

1. LAEMS depends on accurate database management by LAs.
2. **Key papers and guidance** are available on the **LAEMS** section of the **FSA** website:
<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/>
General information (including the step by step guidance):
<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/generalinfo/>
Technical Information:
<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/technicalguidance/>
Monitoring categories:
<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/definitions/>
Data summaries:
<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/datasummaries/>

Operational Guidance
Details of how to make LAEMS work are set out in the set of Step-by-Step guidance documents published at the end of January 2009:
<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/generalinfo/>

A computer-based training programme is available at:
<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/laemsonlinetraining>
3. The key document is the **data requirement**, published in two versions:
 - * the full version was published in October 2007:
<http://www.food.gov.uk/multimedia/pdfs/laemxmlschemadescriptiondoc.pdf>
 - * a non-technical version was published in January 2008:
<http://www.food.gov.uk/multimedia/pdfs/enforcement/laemsdataguidance.pdf>
4. LAEMS is in **five parts**, dealing with:
 - food hygiene
 - food standards
 - imported food
 - animal feedingstuffs, and
 - primary production.
5. The **data requirement for food hygiene and food standards** is largely based on the previous dataset. But new areas include:
 - (i) for premises types, the categories of “retailers” and “restaurants and other caterers” have been sub-divided:
<http://www.food.gov.uk/multimedia/spreadsheets/laemsfhspremises.xls>
 - (ii) “reasons for an enforcement action” are now required for all enforcement actions, from written warnings upwards, not just for prosecutions;
 - (iii) the number of posts allocated to food safety work is now required – full-time equivalents.

(iv) in line with the new Code of Practice, approved premises are now back in both risk rating and the monitoring system.

6. For Food Standards and Food Hygiene, LAEMS asks that all interventions are recorded under one of five **intervention categories**:

- (i) inspections / partial inspections / audits;
- (ii) verification and surveillance;
- (iii) sampling visits;
- (iv) advice and education visits; and
- (v) information/intelligence gathering visits

The first three categories count as “official controls interventions”; the final two count as “other interventions”. LAs should choose whichever is the most relevant one for each visit.

Examples of how interventions fit to these five categories is given on the FSA website at <http://www.food.gov.uk/multimedia/spreadsheets/laemsfhfsinterventions.xls>

How these interventions may be applied to premises, based on the risk rating, can be found in the Code of Practice:

<http://www.food.gov.uk/enforcement/enforcework/foodlawcop/>

7. **Risk rating and the “Standing Score”**: Under the policy of Interventions, the risk rating scores can only be changed after a full or partial inspection, or an audit. If other types of intervention are used, the risk ratings from the last inspection continue, as the “standing scores”, for as long a period as elapses before the next full or partial inspection, or an audit.

8. **Assessments of service delivery by an LA**: This will be in two parts: the outcome measure and the performance indicator:

- the outcome measure is the proportion of establishments within the LA which are considered to be Broadly Compliant with food law (at 31 March). This will form 70% of the total assessment;
NB: There will be separate figures for Broadly Compliant for food hygiene and for food standards. So Unitary authorities will have two figures; and
- the performance indicator is the proportion of planned interventions for the year which the LA carried out (this is similar to previous practice). This will form 30% of the assessment.

LAEMS will also note the levels of sampling and of enforcement action.

The Agency will look at the totality of each LA’s position, and will want to take account of any specific factor which the individual LA reports (say, in the free text box).

LAEMS will pick up data for every intervention carried out during the year, even where there have been more than one at a given establishment.

For NI 184, in England, for food hygiene, the FSA will pass the relevant data to DCLG and the Audit Commission, based on the figures submitted by each LA to LAEMS.

9. **Which establishments are included in the Broadly Compliant figures:**

Unrated establishments (ie those awaiting their first inspection) are included in the calculations of Broadly Compliant.

This is because the focus of interest is on all the establishments within the LA. As they have not yet been seen, they have to be counted as “non-compliant” – for lack of evidence of compliance. The Code of Practice does require these establishments to be inspected within 28 days of registration (see Annex One for details of Code of Practice requirements).

Establishments which are outside the inspection programme, because of no or insufficient inspectable risk, are not included in the calculations of Broadly Compliant.

There is no reference in the Code of Practice to establishments outside the inspection programme, because of insufficient inspectable risk. However, this situation is mentioned in pages 4-4 and 4-5 of the Framework Agreement and in the LAEMS FAQs. The omission in the Code of Practice will be addressed.

If an LA decides that an establishment presents so low a risk that it should not be included in the inspection programme, then:

- a. the LA must carry out a first inspection to determine that there is insufficient inspectable risk;
- b. it must record its reasons for making that decision, for answering any future questions and
- c. it should not award a risk rating score.

There are separate lines with LAEMS for each of unrated and outside the programme. LAEMS will not expect risk rating data to be provided for those establishments which are either unrated or outside the inspection programme.

Specific guidance has been issued to cover the position of childminders.

10 **Target for Broadly Compliant:** There is no national target for the level of establishments to be found to be broadly compliant.

Several LA colleagues noted that there is a target in the current FSA Strategic Plan, that 75% of all businesses will be “fully compliant” with food safety management (FSM) systems. This does not apply to Broadly Compliant.

Work on the 75% target for FSM (such as Safer Food Better Business in England) has been linked to scores of 0-5 for Confidence in Management only. Broadly Compliant is calculated on a broader basis, of both current compliance scores as well as confidence in management. These different approaches will be addressed in the next paper to the FSA Board, on the monitoring data for 2008/09, the first set of data under LAEMS.

11. **Contact with the FSA Monitoring Team:** All LA colleagues are strongly urged to keep in contact with the Monitoring Team – particularly if there are problems to address.

- Michael Harding: tel 020 7276 8427
e-mail: michael.harding@foodstandards.gsi.gov.uk
- Akki Khan: tel 020 7276 8419
e-mail akki.khan@foodstandards.gsi.gov.uk
- Geoff Deville: tel: 020 7276 8412
e-mail: geoff.deville@foodstandards.gsi.gov.uk

PART TWO: OPERATIONAL ISSUES

A: ACCESSING THE SYSTEM

A1. Q: How can I access LAEMS?

A: You will need a login and password. A login and password was sent to all LAs in April 2008. From this initial login, further LA users may be created. See guidance on password management for further details:

<http://www.food.gov.uk/multimedia/pdfs/enforcement/laemspasswords.pdf>

LAEMS can be accessed at: <https://laems.foodapps.co.uk/>

If your Authority has not received a login and password to access the system (these would have been emailed to the monitoring contacts as listed on the monitoring return for 2006/07), please email the monitoring team at: laems@foodstandards.gsi.gov.uk

A2. Q. Can different blocks of LAEMS – eg. food hygiene and primary production – be submitted at different times?

A. Yes.

B: TESTING

B1. Q: Has the FSA met the IT companies, and tested their applications?

A: Yes. We have been in regular contact with all the IT suppliers, and have offered to test their applications before they are released.

B2. Q: So what do Local Authorities need to do?

A: You should ensure that you are recording the required data. Data cannot be exported from your system if you are not recording it. Please take the time to read the letter sent to all LAs in January 2008:

<http://www.food.gov.uk/multimedia/pdfs/enforcement/enfe08006.pdf> (England)

<http://www.food.gov.uk/multimedia/pdfs/enforcement/enfni08006.pdf> (Northern Ireland)

<http://www.food.gov.uk/multimedia/pdfs/enforcement/enfs08007.pdf> (Scotland)

<http://www.food.gov.uk/multimedia/pdfs/enforcement/enfw08005.pdf> (Wales)

Your software provider will have also issued guidance on how you should record data. Please take the time to read this. If you are not sure how to access this guidance or are not clear what you need to do, please contact the monitoring team (see point 11 for email addresses and telephone numbers) or your software provider, as appropriate.

B3. Q: What testing are LAs asked to do?

A: When LAEMS is released, and LAs have received the xml file application from their IT supplier, each LA is asked to:

- Extract data from the LA database to an xml file
- Upload these data to LAEMS
- Map to the required monitoring categories
- Review the results
- Feedback comments on the system to the FSA

The data uploaded during testing will not be used to assess LA performance.

B4. Q: How long will the database be open for LAs to test uploads, mapping etc?

A: LAs can use the LAEMS system for as much testing (eg. with partial data) as is necessary. This is because nothing is definitive until the data is signed-off by the Head of Service. Only then is it used by the Agency.

C: LA UPLOAD

- C1. Q: Does the xml file cover all responsibility areas (food hygiene, food standards, animal feed, primary production, imported food) – or is a separate xml file needed for each one?**

A: A separate file can be provided for each responsibility or single file containing all responsibilities can be provided. If a single file is used, the different responsibilities will need to be distinguished from each other.

- C2. Q: Who creates the xml file?**

A: The xml file is created by the Local Authority from data contained on their local system. The LA IT provider will supply an application to do this. You should contact your IT provider to get access to this application.

- C3. Q: The xml file needs to be compressed to a zip file. Who does the compressing to zip format?**

A: Your IT supplier's xml file application may do this for you automatically. If this isn't the case, guidance on this can be found at:
<http://www.food.gov.uk/multimedia/pdfs/enforcement/laemsdatadeliverymappingdoc.pdf>
(page 3 refers)

- C4. Q: If it is automatically logged out for time, will the LA lose any work already done?**

A: Any un-saved work will be lost if you are logged out for a prolonged period of inactivity (in excess of 15 minutes). We would recommend saving work at regular intervals to minimise this risk.

- C5. Q: Will the xml file pick up data on all premises, or only those which received an intervention during the year?**

A: The requirement is for data on all food premises, not just those that received an intervention during the year.

- C6. Q: Does LAEMS need names and addresses of individual food premises?**

A: Premises need to be distinguished from one another and this can be done by using either a premises id or details of the premises i.e. Owner, Name, Address, TownCity and Postcode. The individual LA may choose its preferred method.

NB there needs to be consistency in what is used to distinguish premises i.e. either premises id should be used for all premises or premises details (owner, name etc). Both id and details cannot be used, this is an either/or option.

- C7. Q: Can LAEMS be used to focus on individual establishments?**

A. No. It is not designed for that. And consequently LAEMS could not be used for freedom of Information requests about individual establishments.

C8. Q: If an LA sends a new version of the xml file, after making corrections to errors, will that overwrite the old file in LAEMS?

A: Yes. Any upload will overwrite the file previously uploaded. If separate uploads have been made for each responsibility e.g. FH, FS etc, then only the data for the responsibility in the new version of the xml will be overwritten.

C9. Q: Is there the facility to upload part way through the year to check the validity of the data?

A: We will look at offering this facility, possibly opening the database for upload for the month of September each year. However, it should be noted that this will not change the requirement for the upload of data for the full 12 months at the end of the financial year. This facility will allow LAs to check if their data contains any errors and rectify these before the year end.

C10. Q: How will the xml file be validated against the system at the initial stage?

A: That should be done automatically by your IT software company.

C11. Q: Are the tabs on LAEMS working?

A: Yes – but only once the xml file has been successfully uploaded.

C12. Q. Can the LA view the report before sending it to LAEMS?

A. The LA would need a facility from its IT supplier to run local level analyses on the data in the xml file.

D: E-MAIL NOTIFICATION

D1. Q: Who will receive the email notification?

A: The email notification will be sent to the email address of the user who uploaded the file. The user email address is specified when the LAEMS account is created.

D2. Q: Can the email notification be sent to multiple users?

A: LAEMS will only send the email to a single user email account. However, most email applications – Lotus Notes, Microsoft Outlook etc – have the facility for emails to be automatically forwarded to a number of email accounts. This will often require you to specify key words in the subject line of the email. All LAEMS notification emails will contain the following subject line: LAEMS - Submitted file upload (LA) report. Please speak to your IT people if you are unsure how to set this up.

D3. Q: Please give examples of “fatal” and “warning” errors in uploaded data.

A: A “fatal” error will be where something is missing or incorrect. Some examples of this would be:

- i) a food premises is recorded with a risk rating other than unrated or outside, but the details of the risk rating scoring are supplied,
- ii) an invalid score is used - for example, a score of 40 is used for Confidence in management/control systems
- iii) an invalid risk rating is used e.g. a Food Hygiene premises has a rating of G
- iv) an enforcement action is recorded, but no reasons for the action are supplied
- v) a sample is recorded, but the analysis type is not supplied

Where fatal errors are identified, the xml will be rejected by LAEMS and the data will not be uploaded. You will need to address the problem in your system, re-export data to an xml file and re-upload.

A “warning” error will usually be where there are unmapped data categories in your data. The data will upload and you will need to address the mapping within LAEMS. See guidance on mapping:

<http://www.food.gov.uk/multimedia/pdfs/enforcement/guidemapmonitoring.pdf>

D4. Q: Do you have any examples of common errors?

A: Examples of common errors have been included in the Step-by-Step guidance on the website.

D5. Q: Is it possible to have a great number of fatal errors at this stage?

A: Yes, if the LA has substantial gaps or errors in its data.

D6. Q: Will the notification email identify those premises where errors are occurring?

A: The error report will identify the premises – either by the premises ID number or the premises name (depending on which has been supplied in the xml file to distinguish premises).

D7. Q: Will all failure messages when an LA has attempted to upload the xml file include the specific premises ID? Initially, some did not.

A: Yes. The system has been amended to show the premises id/details when an error relates to a specific establishment. However, some errors will not relate to a specific establishment e.g. if the LA Code number has been omitted from the XML file.

D8. Q: Will LAEMS identify individual errors in data submissions?

A: Yes. It will identify the line where the error has been found.

D9. Q: Are all error messages clear? Or are they caught up in computer jargon?

A: We have tried to avoid jargon. But please contact us if any such problems remain.

D10. Q: Will LAEMS identify any premises where the next scheduled intervention date has not been recorded?

A: No. LAEMS does not collect the next scheduled intervention date.

D11. Q: If there is a “fatal error” at Data Upload, you cannot proceed?

A: Correct. If there are any fatal errors, the data will not be uploaded to LAEMS. You will need to address the issues in the Local Authority database, re-export data to an xml file and re-upload.

D12. Q: We have uploaded and received a number of fatal errors, but cannot identify the reasons for the errors. What should we do?

A: Contact the monitoring team at laems@foodstandards.gsi.gov.uk, sending a list of the errors and the xml file. We will then let you know the reason for the errors and what you need to do to rectify matters.

D13. Q: Is there a timescale for LAEMS reports to become available to LAs after data has been submitted?

A: You will only be able to view the data summaries and carry out the mapping once you have successfully uploaded data. You will receive an e-mail informing you of whether or not your upload has been successful within 24 hours of uploading your zipped xml file.

E: MAPPING

E1. Q: Under which premises type should abattoirs (eg. poultry under 10,000 premises) be recorded?

A: Under Manufacturers. See the full definitions at:

<http://www.food.gov.uk/multimedia/spreadsheets/laemsfhfspremises.xls>

E2. Q: Are there confusing multiple entries for different bakeries in the guidance on definitions of premises type?

A: The guidance says that bakeries, and bakeries selling through their own shops, count as Manufacturers. Only bakers' shops (which are retail only) count as Small Retailers. The guidance on the website has been updated to clarify this issue:

<http://www.food.gov.uk/multimedia/spreadsheets/laemsfhfspremises.xls>

E3. Q: Should primary production farms be recorded under the Primary Production area of responsibility within LAEMS, or under the Food Hygiene or Food Standards areas of responsibility?

A: LAEMS will allow a premises to be reported as a different premises type for each area of responsibility e.g. for FH a farm may be reported as a guest house, whereas for Primary Production it may be reported as a livestock farm.

E4. Q: Where are the definitions of the different premises categories?

A: These are on the website, at:

<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/definitions/>

E5. Q: Can the definitions of premises types be added to the LAEMS screen, as a "drop-down" feature?

A: This would make the screen too complicated and messy. We suggest LAs use the definitions on the website.

E6. Q: How should we record non-food premises e.g. head offices etc

A: These should be categorised against the main area of activity for the company e.g. the head office for a supermarket would be categorised as a supermarket. However, such premises should be risk rated as 'outside'.

E7. Q: Should a separate record be created for the Head Office activity if the premises is already rated for the staff canteen etc?

A: Yes. This will enable the interventions to be recorded specifically against the head office function rather than it appearing as though an inordinate amount of activity was occurring against a staff canteen.

E8. Q: Expanding the premises types for the divisions of retailers and of restaurants/caterers will be significant extra work for LAs. Do these changes have to be made immediately, or can they be done incrementally?

A: We suggest that a desk top check of the premises files in the LA's database should allow a substantial proportion of these premises to be allocated to their new premises type. Others may be allocated to the most probable, and final allocations made as and when the next intervention is carried out within the normal sequence of interventions. If it is not possible to assign the premises to the most appropriate category, then we would suggest assigning it to the relevant 'other' category until it is visited. We are not asking LAs to drop other work just to allocate the premises to premises types immediately.

E9. Q: Where should Dairy Farms be recorded?

A: Dairy farms should be recorded as primary producers.

E10. Q: Why have the premises types for retailers and restaurants been sub-divided?

A: The key point is to be consistent with information demands, and the underlying FSA policy interest, in the Food Premises Survey, and work on food safety management systems (eg. the Safer Food Better Business project in England). This sub-division will also allow us to identify the types of premises where there are concerns about levels of compliance and for which particular focus may be necessary.

E11. Q: If there has been a change of ownership at a premises, does that count as a "new premises"?

A: There will be a new registration. The old record will be closed and a new record created. If the fact is only discovered when an officer attends for a scheduled intervention for the previous owner, then he/she will then carry out the full inspection required for any new premises. The data reported to LAEMS will record the "old premises" as closed, and will pick up the inspection carried out as the first intervention against the 'new premises'.

However, we recognise that this approach is not always possible with the databases in operation at all LAs i.e. it would not be possible to shut a premises due to change of ownership as this would impact on several other work areas at the LA. If the approach used is that the existing premises record will continue to be used and the inspection will be recorded against this existing premises, then effectively the data supplied to LAEMS will reflect the same amount of activity. However, rather than the 'old premises' closing and the full inspection being reported against the 'new premises', the full inspection will be reported against the 'old premises'.

E12. Q: How will a new establishment be picked up by LAEMS?

A: You will record it under its premises type - eg. Supermarket, and, if this premises type has previously been mapped in LAEMS, the premises will be picked up by the existing mapping. If the premises is of a type which has not previously been supplied and mapped, then this will need to be mapped in LAEMS.

E13. Q: Do we map for each area of responsibility (eg. Food hygiene, food standards) separately?

A: Yes.

E14. Q: Will we need to carry out mapping for every individual premises?

A: No. You will only need to map the categories from your database to the monitoring categories. For example, when you have mapped the premises type 'Retailer-supermarket' to the monitoring category 'supermarket', LAEMS will recognise that all occurrences of the premises type 'Retailer-supermarket' should be used in the monitoring category 'supermarket'. NB. the premises type 'Retailer-supermarket' is used as an example of a premises type that may be used in an LA database. We are not suggesting that this is what should/must be used.

E15. Q: Are the monitoring categories for samples the same for both food hygiene and food standards?

A: Yes.

E16. Q: How should LAs record the "old OCD" actions against the five categories of intervention?

A: The existing interventions – inspections, re-visits, - will continue to be valid types of intervention. The guidance on categories of intervention shows how types of intervention should be mapped to the required monitoring categories:

<http://www.food.gov.uk/multimedia/spreadsheets/laemsfhfsinterventions.xls>

<http://www.food.gov.uk/multimedia/spreadsheets/laemsfeedinterventions.xls>

<http://www.food.gov.uk/multimedia/spreadsheets/laemsppeinterventions.xls>

E17. Q: Why not have mapping at the start of LAEMS?

A: During testing, it became clear that the most straightforward approach to mapping was for the data to be uploaded and for the system to identify the categories to which needed mapping. Mapping prior to upload was fraught with problems, including categories misspelled, capitalized, containing errant spaces etc, which led to the mapped categories not being recognised.

E18. Q: Where are the definitions of the reasons for enforcement actions?

A: The enforcement reasons are unchanged. A list of enforcement reasons and actions can be found in the Framework Agreements:

<http://www.food.gov.uk/multimedia/pdfs/frameworkjuly04.pdf> (pages 4-8 and 4-9 refer).

E19. Q: Can an LA do its mapping before submitting the xml file?

A. No. It is easier afterwards.

F: VIEW DATA SUMMARY

F1. Q: What do we need to record for full-time equivalents?

A: The figures required are the number of posts allocated to food law enforcement work and the number occupied in the year. These will need to be split between professional and administration posts separated into each responsibility i.e. Food Standards, Food Hygiene, Animal Feed and Primary Production.

For example: If five professional posts were allocated to Food Hygiene for the year and three of these posts were filled for the full twelve months, one for six months and a contractor was employed for 3 months, the figures reported should be as follows: FTE posts allocated=5, FTE posts occupied= 3.75 i.e. 3 filled for full twelve months + one filled for six months (0.5) + one contractor employed for three months (0.25).

We recognise that the figures supplied will often be 'educated estimates'.

F2. Q: Is sampling an intervention?

A: Yes. It is one of the five categories. The Code of Practice advises on how different intervention choices may be used for the different risk rating categories see:

<http://www.food.gov.uk/enforcement/enforcework/foodlawcop/>

F3. Q: Which interventions are considered official controls?

A: A list of those interventions considered as official controls can be found in paragraph 4.1.2 of the Code of Practice (see weblink above).

F4. Q: How will the number of due interventions outstanding be calculated?

A: For each premises, the number of interventions due in the year will be reported. LAEMS will subtract the number of interventions achieved from the number due to assess if any due interventions were not completed. The figure reported for due interventions should take account of any in-year changes e.g. if an A rated premises is re-rated to B at the first inspection, the number of interventions due reported would be one.

F5. Q: What if more interventions were achieved than were actually due under the risk rating frequency? For example if a premises receives an additional inspection following complaints.

A: If the number of interventions achieved exceeds the number due, then this will show no due interventions outstanding.

F6. Q: There may be interventions carried out to premises which cease trading during the year. Will these be picked up?

A: You are required to report data for premises which cease trading during the year, so actions carried out against these premises will be picked up. However, such premises will not be included in the calculation of the end of year premises profile.

F7. Q: For “interventions carried out”, will LAEMS distinguish between interventions scheduled under the risk rating system, and other interventions (such as revisits, or complaints visits)?

A: No. All the work you do at the premises will be recorded, and credit given for it.

F8. Q: Which premises could be “outside the programme”?

A: Any premises where the risk is considered to be so low that there is effectively no inspectable risk.

F9. Q: How will complaints data be recorded?

A: Complaints will be recorded against the relevant premises in one of two broad categories: Complaints about food or Complaints about the hygiene of premises.

F10. Q: At what point in time is the risk rating of an establishment to be reported for LAEMS?

A: The latest risk rating and elements of the risk scores as at the end of the year 31st March should be reported.

F11. Q: What is required for the risk rating at intervention?

The risk rating at intervention is the risk rating risk rating at which the intervention at the premises was carried out e.g. if a premises is rated A prior to the intervention and following intervention is re-rated to B, the risk rating at intervention would be A.

F12. Q: Will LAEMS provide data summaries for each sub-division of retailers and of restaurants, or only for the overall totals of each of these groups?

A: At present, only the overall totals for the whole group.

F13. Q: Where will the screen for complaints be? In FH/FS? Or separate area of responsibility?

A: The complaints will be shown for each responsibility.

F14. Q. If food hygiene and food standards work is done in a single visit, will the xml file for LAEMS pick up both parts?

A. That will require all the details to be included on the LA’s own database, separately identifying what was done in the two areas of work.

G: MAKING ADJUSTMENTS TO THE DATA SUMMARY

G1. Q: Why would an LA wish to amend the data summary?

A: If some of the data was missing from the totals, say because it had not been fully entered on its database. Experience has shown that this occurs.

G2. Q: Why are LAs given the choice of making corrections to the data summary either at the summary totals, or by going back to amend the base files in its own database?

A: The choice allows the LA to take what seems to it to be the best action at the time, taking account of whatever other pressures it faces. While going back to base files to make corrections would certainly be best practice, there may be occasions when time or resources pressures suggest the alternative.

G3. Q: Will FSA auditors ask to see details of how an LA has carried out its checking of, and, if necessary, adjustments to, the data summary?

A: Yes. The quality of data management is one of the areas FSA auditors may examine

G4. Q: If an LA makes adjustments, must it explain why?

A: No, not for the monitoring returns. And we do recognise that there will probably be many points of detail to sort out, particularly in the initial stages. However, in cases where there is an audit, the LA may be asked about its changes and the reasons for them.

G5. Q: If corrections are by adjustment to the data summaries, will earlier corrections to mapping be lost?

A: No. Mapping and adjustments are two separate and distinct processes.

G6. Q: Can an LA enter its data for prosecutions only at the adjustment level? Where this information is not held on its own database.

A: Yes.

G7. Q. Can an LA adjust the data summary to remove those establishments which have been registered but have not yet commenced operating?

A. Yes. See the answer to Question P6.

H: SIGN OFF

H1. **Q: The Head of Service may delegate his/her role as for “signing off”. Does he/she have to be the person at Security level 3?**

A: The most appropriate person to sign-off the data can be decided upon at the local level. This would be the person who would need level 3 access. A description of the security levels can be found in the password management guidance:
<http://www.food.gov.uk/multimedia/pdfs/enforcement/laemspasswords.pdf> (page 6 refers)

H2. **Q: How does the HoS sign-off?**

A: Once the HoS has reviewed the data, he/she should choose the “sign-off” option, and give his/her password. Guidance will be added to the FSA website shortly.

I: SECURITY

I1. Q: Can there be problems over security rules and the number of browsers of the database?

A: There should not – the FSA has tested for this. But LAs are encouraged to test this for themselves.

I2. Q: Has the FSA consulted LA IT departments?

A: No, unless the LA has an 'in-house' IT system. It is for each Food Department to maintain contact with its own IT colleagues, eg. to ensure that connection to LAEMS can be made via local firewalls etc.

I3. Q. Is LAEMS part of the Government's secure extranet?

A. No. But LAEMS uses Hypertext Transfer Protocol Secure (HTTPS). This involves the encryption of data uploaded to the site.

I4. Q. Passwords. Are they time restricted? Who can change them? How should "lock-outs" be resolved?

A. Passwords are not time-limited. Changes are for the LA to decided – check with the controlling officer. The level 4 (IT) user can unlock user accounts and reset passwords. Guidance on this is available on the FSA website at:

<http://www.food.gov.uk/multimedia/pdfs/enforcement/laemspasswords.pdf>

J: MISCELLANEOUS

J1. Q: To whom will FSA send its information e-mail messages?

A: To the email address specified when setting up the 'Key email contacts' (see guidance on managing password: <http://www.food.gov.uk/multimedia/pdfs/enforcement/laemspasswords.pdf> page 5 refers)

J2. Q: Will the FSA charge for the Computer Based Training package?

A: No.

J3. Q: Can an LA make a manual return instead of LAEMS?

A: All LAs are strongly encouraged to use LAEMS, for mutual benefits, and to meet general policy of e-government.

However, there is a fall-back provision for manual data submission, but only by agreement with the FSA. See the specific guidance on the fall back plan at: <http://www.food.gov.uk/multimedia/pdfs/enforcement/enfe09014> and <http://www.food.gov.uk/multimedia/pdfs/enforcement/laemsfallbackguidance.pdf>.

This might be appropriate, for example, where LA mergers are taking place, or where an LA is changing its main IT supplier.

J4. Q: Can an LA make manual entries for sampling data, if that is not recorded on its electronic database?

A: Yes. The figures could be added to LAEMS as "LA Adjustment" to the data summary.

J5. Q: How will the roll-out of LAEMS work?

A: LAs were sent an initial login and password at the end of April 2008. This user can then create subsequent accounts for additional LA users. If you have not received the login details for your LA, please contact the monitoring branch via email to: laems@foodstandards.gsi.gov.uk.

J6. Q: Are LAs still required to submit an annual programme of planned interventions? Will details of in-year changes be required?

A: No to both. However, LAs will still need to produce a programme for their own purposes and the requirement for each LA to have a service plan, as set out in the framework agreement, remains. In-year changes will no longer be required as these will be 'built-in' to the concept of 'due interventions'.

J7. Q: Why does the system not allow an LA to check its figures before submission to LAEMS?

A: To look at data on LAEMS, the data must first be uploaded to LAEMS. However, there is nothing to stop an LA running its own checks before uploading. But LAEMS will provide an automatic system to help LAs. LAs will not be penalised for making changes.

J8. Q: Does it matter if an individual LA has more than one IT supplier?

A: No.

J9. Q: Will there be a “help” server on LAEMS?

A: We can consider this.

J10. Q: Will there be a “common errors to avoid” file from the FSA?

A: Yes. A list of error messages and what they mean and common errors has been included in the Step-by-Step guidance on the FSA website.

J11. Q: Is policy on unitisation within multiple use premises changed or unchanged?

A: Unchanged.

The guidance is as follows: ‘we are aware that local authorities often risk assess units within supermarkets separately. However, for the purpose of the monitoring returns, establishments such as supermarkets, even where there are separate departments such as bakeries, can only be listed once – unless in separate ownership. Use the highest risk unit to dictate the inspection frequency of the establishment. If a supermarket has a coffee shop on-site under the control of a different food business operator such as a coffee shop chain such establishments will not be covered by the supermarket’s registration, and must be registered in its own right by its operator. Coffee shops, snack bars etc. operated by the supermarket itself would be covered as part of the supermarket’s registration’.

J12. Q: I have a question which is not covered in this document or the other available guidance. What should I do?

Please email any questions or feedback on the system, including any suggestions for improvements, to laems@foodstandards.gsi.gov.uk.

J13. Q: How can an authority report information not covered by one of the fields in LAEMS?

A. There is a free text box at the beginning of LAEMS. An LA may use this to alert the Agency to any relevant factor which it wishes to be considered in addition to the main LAEMS data.

J14. Q: What about LAs involved in mergers?

A. LAs in this position should keep in touch with the Monitoring Branch, to keep us abreast of the situation.. The Agency recognises that where several LAs and their IT systems (possibly with different software suppliers) are merged, there may well be initial difficulties. LAEMS can continue to receive data for the individual ‘pre-merger’ LAs until LAS are in a position to supply data for the new Unitary Authority, but we need to be informed of the situation to know what is required. These LAs are advised to submit “pre-merger data” for the individual parts ASAP.

J15. Q. Will LAs be able to continue to use their database after the end of a financial but before the LAEMS return for the previous year has been submitted?

A. Yes. That was part of the specification given to the IT software companies.

J16. Q. Because the registration form does not include premises type, it is not always possible to allocate unrated establishments to a type. Is this an error in LAEMS?

A. LAs are asked initially to place these premises in the most likely category, and to re-categorise when the intervention has taken place.

J17. Q. Can different versions of LAEMS data be saved?

A. Not via LAEMS, as it deals with current data. But an LA could save the xml file with all the individual establishments' data if it wished.

J18. Q. Does LAEMS recognise “premises” or “businesses”?

A. LAEMS refers to “establishments”, but will use whatever data the LA provides.

J19. Q. How should we report on mobile premises, or on special events such as annual shows or festivals, or occasional French markets?

A. If the mobile premises is registered with the LA, it can be risk rated and receive enforcement action in the usual way.

If the mobile premises is registered with another LA, the LA “being visited” could set up a registration outside the inspection programme, against which details of any interventions, samples and any enforcement action could be recorded, but omitting the risk rating.

For special events, we suggest that the entire event is registered and risk rated as a single establishment, and the LA can then take, and report, as many interventions against individual stalls etc within that event as it considers appropriate.

J20. Q. How should seasonal premises be reported?

A. There has been no change to existing guidance on seasonal premises. Unless the premises has ceased trading, it should remain in the system. LAs should schedule interventions to fall when the establishment is open for business. See section 4.1.5.2 of the Code of practice.

J21. Q. How should a complaint against a manufacturer, not a retail premises, be reported?

A. LAEMS focuses on the premises. Therefore all details of action taken over a complaint will need to be recorded against the premises at which the complaint arose, even if the problem lay with a supplier. This will help to reflect the work the LA needed to carry out.

But any analysis of complaints, local or national, will need to be aware that complaints against food purchased at a retail outlet does not always mean that the problem lay with that store.

K: SHORT TERM CHANGES FOR 2008/09, AND FSA EXPECTATIONS FOR 2008/09

K1. Q: If the LA has not recorded all the enforcement reasons in 2008/09, will LAEMS record that as “fatal errors”?

A: No. Not for 2008/09. That control has been removed for 2008/09, to help those LAs which have not recorded the reasons for all enforcement actions.

K2. Q. If the LA not recorded the sub-division of the two premises types of retailers and restaurants & caterers, will it get “fatal errors”?

A. For 2008/09, we advise such LAs to map those establishments within the retailers and restaurants & caterers categories that have not already be assigned to one of the new sub-divisions to the sub-division of “other”. Premises can then be allocated to their correct sub-division as and when they are next visited as part of the normal programme of action.

K3. Q. What is the deadline for 2008/09 data to be submitted to LAEMS?

A. By the end of June. If an LA has difficulties, it should contact the Agency, so that we can offer help as possible.

K4. Q: Realistically, what does the FSA expect from the 2008/09 returns?

A: We do ask all LAs to try to make the new system work. But we accept that there will be some teething troubles. So we ask that LAs contact us if they have problems. We need to know how many such LAs there are, so we can determine how best to offer help.

K5. Q. Will there be a fall back plan?

A. Yes. See the answer to Question J3.

PART THREE: POLICY ISSUES

L: Risk Rating scores

- L1. Q: If the risk scoring can only be changed at a full or partial inspection, or an audit, what risk scoring will be reported?**

A: The “standing scores” from the last inspection will continue until the LA chooses to make a change.

- L2. Q. For food standards, does the Code of Practice allow changes to the risk rating after any intervention except a sampling visit?**

A. That is not correct. The Code specifies that risk ratings may only be changed after a full or partial inspection or audit. Please see sections 4.1.3.1 and 4.1.5.2.5 of the Code, at: <http://www.food.gov.uk/enforcement/enforcework/foodlawcop/>.

- L3. Q. Can the risk rating be changed after an unplanned intervention, say arising from a complaint?**

A. Yes, if the unplanned intervention was a full or partial inspection or audit. Otherwise, no.

- L4. Q: If there is no change to the risk scoring after an intervention, will the IT system provide a new date for the next intervention?**

A: Yes, it should. That was the requirement in the FSA brief to your IT software company. If it does not, the LA may simply re-enter the previous risk rating scores to trigger provision of the next date. There is nothing in the Code of Practice to prevent an LA re-entering details.

- L5. Q: An LA might have dozens, even hundreds, of establishments in Hygiene category E, or in Standards category C, which have been under alternative Enforcement Strategy for some time, with no new risk rating scores.**

A: The establishment will have been inspected at some time, when the current risk rating was determined. Those scores are the “standing scores” until they are changed. If there are establishments without the full details on record, these will have to be assessed as not broadly compliant until such time as a risk scoring can be made. If that distorts the overall figures for broadly compliant, the LA should comment on this in the free text box.

- L6. Q. Some food standards LAs have many establishments still carrying detailed scores under the previous risk rating system. Similarly, some food standards authorities using the LACORS risk rating system do not have scores for individual factors. What to do?**

A. Both scenarios will generate fatal errors under LAEMS. Therefore:

Where an establishment has a score under the previous rating system, LAs should use the convergence table provided on the FSA website at <http://www.food.gov.uk/enforcement/auditandmonitoring/laems/definitions/>

If there are no scores for individual factors, LAs are recommended to carry out a desk-top exercise to allocate estimated scores, consistent with the overall score, until definitive scores can be awarded at the next inspection.

L7. Q. Approved premises are now included in the risk rating system. What should we do if our records do not contain scores for the individual factors?

A. Such a position will lead to a fatal error under LAEMS. We suggest a desk-top exercise to award estimated individual scores (consistent with the overall rating), and a detailed scoring at the next inspection.

L8. Q. For food standards, the first question in the Code of Practice has no scoring level for the bottom line.

A. This refers to annex 5, A5.4.1.1, of the Code of Practice. The bottom line does now have a score, of Zero.

L9. Q: Some LAs do not award a score for “confidence in management” at the first visit after opening, or change of ownership, as there is no track record on which to make an assessment?

A: If there is no CIM score, the LA will receive a fatal error message.

In the risk rating system, set out in Annex 5 of the Code of Practice, the sections on “confidence in management” list several factors which LAs should take into account, of which “track record” is only one. Therefore, LAs can and should award a score for this factor, even at the first inspection, using whatever information is available.

L10. Q. For food standards, under the LACORS risk rating system, which is the score to record?

A. There is a single score for both confidence in management systems and current compliance, but LAs should use the “local element” of this, which focuses specifically on food issues.

L11. Q. Will LAEMS identify risk ratings at start and end of year?

A. No. It will focus on the position at year end, automatically adjusting for any changes during the year. But it will identify interventions carried out by the risk rating category at the time of intervention. LAs should record on their database the risk rating category at the time of an intervention, and afterwards, to allow for changes.

L12. Q. The series of questions in the xml file for LAEMS does not match the sequence in the Code of Practice, which could confuse some LAs?

A. LAEMS does not require the individual elements of the risk scoring system to appear in the xml file in a specific order. If the xml file created from your system does not show the elements of the risk score in the order you would find most useful, you will need to raise this with your software supplier.

M: INTERVENTIONS

M1. Q: Does FSA monitoring focus on those interventions which are Official controls, or on all interventions?

A: On **all** interventions. Of the five intervention categories, the 'Inspections and audits', 'Verification and surveillance' and 'Sampling visits' are Official Controls. 'Advice and education' and 'Information/intelligence gathering' are "non-official control interventions". This can be found in the Code of Practice:

<http://www.food.gov.uk/enforcement/foodlaw/foodlawcop/>

Examples of the interventions in each category can be found at:

<http://www.food.gov.uk/multimedia/spreadsheets/laemsfhfsinterventions.xls>

M2. Q: From when are approved premises back in the risk rating system?

A: Formally, from the date of application of the new Code of Practice.

M3. Q: How should revisits be recorded?

A: Choose the most appropriate category of intervention – which could be a partial inspection, or a verification, or even an intelligence gathering visit.

M4. Q: How should multi-disciplinary visits, as part of a local project, be reported?

A. As an intelligence gathering visit. An example of a multi-disciplinary visit would be action through the Retail Enforcement Pilot project.

M5. Q. Are establishments in hygiene risk category E or in standards risk category C still part of the intervention programme?

A. Yes, most certainly so. The intervention programme will identify the need for an intervention; the LA can then choose an intervention or an alternative enforcement strategy.

M6. Q. Do alternative enforcement strategies count as interventions? If so, in which category? Surveillance?

A. Alternative enforcement strategies which do not involve visiting the establishment – eg. sending questionnaires by post, or holding training courses - do not count as interventions for monitoring purposes, and may not be recorded as such under LAEMS. However, the Agency does recognise the valuable role that events such as training courses can play. If they contribute to improved standards, those improvements should be reflected in improved levels of compliance.

M7. Q: So where can details of alternative enforcement strategy work be recorded in LAEMS?

A Details of alternative enforcement strategy work may be provided in the free text box.

If the data exported from your system to the xml file shows due interventions outstanding for premises where an alternative enforcement strategy, such as a questionnaire, has

been used, you should adjust the number of interventions outstanding accordingly. This will prevent distortion of the Performance Indicator.

M8. Q: Can LAs use an alternative enforcement strategy for the first intervention at what will probably be low risk establishments to meet the 28 day rule?

A: No, that is not allowed by the Code of Practice.

M9. Q. Will LAEMS identify whether a due intervention was or was not carried out within the 28 days required by the Code of Practice?

A. No. Only whether an intervention was carried out within the financial year.

M10. Q. what should be done about due interventions which are missed?

A. LAEMS will identify these as due interventions outstanding. They should then be added by the LA to its programme of interventions for the following year.

M11. Q. How will LAEMS identify which interventions are due in any one year?

A. The data exported from the LA system to the xml file will record the number of interventions due for the establishment, based on the number of due interventions in that financial year..

M12. Q. Can LAEMS identify due interventions which are outstanding, or will they get “lost” in the total data, and masked by additional unplanned interventions at other establishments?

A. The number of due interventions outstanding will be calculated for each individual establishment, so will not be lost within numbers of interventions for other establishments.

M12. Q. How will LAEMS cover unplanned interventions?

A. LAEMS will cover all interventions carried out, whether planned or unplanned. All will be included in the Performance Indicator statistics.

M13. Q: Can LAs use an alternative enforcement strategy for the first intervention at what will probably be low risk establishments to meet the 28 day rule?

A: No, that is not allowed by the Code of Practice.

M14. Q: How should an information gathering visit by an unqualified member of staff be recorded?

A: As an intelligence gathering visit.

N: SAMPLING**N1. Q. Can data on samples be entered manually is desired?**

A. Yes.

N2. Q. What if a sample is subject to several tests?

A. Each test should be reported. Multiple entries under LAEMS for the same sample are allowed.

N3. Q. How can samples sent to the LA's own laboratory be recorded?

A. LAEMS focuses on official samples, defined as those sent to an accredited laboratory. Only those samples sent to an accredited laboratory should be reported in the xml file. Any samples not sent to an accredited lab could be mentioned in the free text box.

N4. Q. Then how should an intervention which only took an "informal" sample be reported?

A. As an intelligence gathering visit

N5. Q. Do samples include swabs taken, eg. of surfaces?

A. Yes.

N6. Q. Should shellfish samples be included in LAEMS data?

A. Only if the samples are taken from supplies intended for sale to the public. Samples taken for the purpose to checking if a shellfish bed is safe for harvesting should not be included.

N7. Q. Could the same sample be reported twice – under food hygiene/standards sampling, and under imported food?

A. Yes. We accept that duality.

N8. Q: Will there be a link to the FSS (Food Surveillance System)? That would avoid double-reporting by LAs.

A: We are looking to develop one. However, for the time being, those LAs using FSS will have to separately report data to LAEMS.

O: ENFORCEMENT ACTIONS AND REASONS

O1. Q. What counts as an enforcement action?

A. Anything from a written warning upwards. Please note that a written warning is defined as anything which alerts the food business operator to an infringement or non-compliance. Therefore LAs should not include any written messages which do not contain such details, but, for example, simply confirm that an intervention visit was carried out, or which only mention good practice.

O2. Q: What are the enforcement reasons for enforcement actions? Will the Agency clarify the definitions for the types of enforcement reasons? There can be confusion between “hygiene” and “general hygiene”.

A: These are set out in the Code of Practice, and are the same as previously used for prosecutions. See the LAEMS guidance on definitions, at <http://www.food.gov.uk/multimedia/spreadsheets/laemsguidereasons.xls>

O3. Q. Can there be multiple enforcement actions from the same intervention (eg. written warning and an improvement notice)?

A. Yes. Report each one.

O4. Q. How should enforcement reasons be recorded?

A. The precise mechanism is for the IT software company to provide. But LAs are only asked to use the same six broad headings which have been used in the past for prosecutions.

O5. Q. What is meant by a “simple caution”?

A. This succeeds the term “formal caution” as used in England and Wales, under Home Office guidance, in place of a prosecution. This does not apply in Scotland. The term “simple caution” should not be used for anything else. The definitions of enforcement actions can be found on the FSA website at:

Enforcement actions and reasons

<http://www.food.gov.uk/multimedia/spreadsheets/laemsguideactions.xls>

P: BROADLY COMPLIANT AND THE PERFORMANCE INDICATOR

Broadly Compliant

P1. Q: How will the Performance Indicator be assessed?

A: LAEMS will pick up data on every intervention carried out at each establishment, including those where more than one occurred. It will also identify any establishments where a due intervention was outstanding at the end of the year.

P2. Q: How will the percentage of broadly compliant premises be calculated?

A: For Food Hygiene, a premises will be considered to be broadly compliant if a score of less than or equal to ten is achieved for each 'Level of (current) compliance (hygiene)', 'Level of (current) compliance (structural)' and 'Confidence in management/control systems'.

For Food Standards, when the Code of Practice scoring is used, a premises will be considered to be broadly compliant if a score of less than or equal to ten is achieved for each 'Level of (current) compliance' and 'Confidence in management/control systems'.

For Food Standards, when the OFT (formerly LACORS) risk rating system is used, a premises will be considered to be broadly compliant if a score of less than or equal to 10 for 'Confidence in Business' Control System (the Local Element)'.

The calculation for the percentage of broadly compliant premises is as follows:

$$\frac{\text{Number of broadly compliant premises}}{\text{Total food premises **}} \times 100$$

** Total food premises are defined as all (not just those which were subject to an intervention in the year) FH premises rated A, B, C, D, E or unrated or FS premises rated A, B, C or unrated.

For both FS and FH, the premises outside the inspection programme i.e. considered of no inspectable risk, are not included in the calculation.

For Food Hygiene, the figures for each English LA will be reported to DCLG for National Indicator 184. See:

<http://www.communities.gov.uk/documents/localgovernment/pdf/735143.pdf>

For Primary Production, Animal Feed and Imported Foods, a calculation of broadly compliant will not currently be used.

P3. Q: Isn't the Agency being unrealistic over its policy that all new registrations must be inspected within 28 days? Some establishments are clearly low risk. Some LAs have hundreds on new registrations each year. There needs to be some flexibility, such as desk top rating initially, to allow best use of resources.

A. No. The Code of Practice is clear that there has to be an initial inspection, within 28 days of registration. This is needed to establish the facts. The flexibilities available within the Code can then be deployed on a basis of fact. Within the Code, Annex 5, A5.2, paragraph viii (for food hygiene) and A5.5, paragraph viii (for food standards) confirm that an authority's programme of planned interventions for higher risk businesses must always take preference over that for lower risk businesses.

P4. Q: There are different practices between LAs over whether a change of ownership requires an establishment to be treated as a new record or not. As a new record means the establishment will automatically become not-compliant, as it has not been assessed, will that lead to inconsistencies in numbers of unrated premises (and thus non-compliant ones) between LAs?

A: That may occur. Different LAs take different policies on changes of ownership. But as "new establishments" with "new records", these establishments will be due for an inspection within 28 days.

P5. Q: How will LAEMS treat establishments that have submitted a registration and are, therefore, on the LA database but have not yet opened for business?

A: These establishments will be reported as 'unrated' in the XML file uploaded to LAEMS. You should either:

- use the adjustment facility in LAEMS to take account of such establishments, by removing these establishments from the LAEMS record, or
- report the number of such establishments in the free text box.

P6. Q. At 31 March, there may be some newly registered establishments which have not yet been inspected, but are still within their "28 days"?

A. LAEMS cannot allow for this position. It would have to be much too complicated. We accept that at 31 March there will always be a few establishments in this position, which will be recorded as "not broadly compliant". This was agreed in the LAEMS joint working groups. An LA may report details of such establishments in the free text box.

P7. Q. How will LAEMS deal with an establishment which has been inspected, and is on the database, but has not yet been registered?

A. If the premises is on the database, it will be picked up by the xml file, and included in the LAEMS totals

P8. Q. Does the Agency expect the "28 day" rule to apply to food standards as well as to food hygiene? Where is the risk to the public on food standards in low risk premises?

A. Yes. The public can still be misled on trading standards issues. And even low risk premises can get the basics wrong.

P9. Q. Nevertheless, it would help LAs if the FSA gave some guidance on what actions it expects to be taken over low risk establishments!

A. This point has been considered. The Agency does expect the initial inspection to be carried out within the 28 days, to establish the initial position. Thereafter, the Code of Practice does offer flexibility where appropriate.

P10. Q. Will LAEMS include data on premises which close during the year?

A. Closed premises will not be included in the calculation of how many premises are broadly compliant, as that is based on the position at 31 March each year i.e. the end of the year.

But, for the Performance Indicator, LAEMS will include data on any actions taken by the LA at a premises which subsequently closed – such as an intervention, samples taken, or formal enforcement action. There is a field for “ceased trading”.

P11. Q. What if an establishment closed and is no longer on the system?

A. Then no data on any actions carried out by the LA will be picked up by the xml file. The LA could either use the “data adjustment” facility, or the free text box.

P12. Q. What about temporary closures?

A. If the establishment has not ceased trading, but is still on the LA database, the xml file will include it. If it has had its records removed from the database, it can be reported in the free text box.

If an LA was unable to gain access to an establishment - or to the food business operator yet it was still in business, it could treat the establishment as temporarily closed.

The Performance Indicator

P13. Q: What will the FSA performance indicator cover?

A: This will include the % of broadly compliant premises and the % of due interventions achieved.

The calculation for the performance indicator will be as follows:

$\% \text{ of due interventions achieved} \times 0.3 + \% \text{ of broadly complaint premises} \times 0.7$

For example, if a local authority has 48% of premises which are broadly compliant and carries out 92% of due interventions, the performance indicator would be:

$(48 \times 0.7) + (92 \times 0.3) = 61.2$ out of a maximum score of 100

Please note: the figures in the above calculation are given as examples only.

P14. Q: Will there be any future changes to the levels of service delivery (produced by the monitoring system) at which an LA is identified for further attention from the FSA?

A: There are no plans to change the announced measures of percentage of premises which are broadly compliant, and the performance indicator of the proportion of due interventions outstanding at year end. In line with its established approach, the Agency will wish to discuss any potential changes with colleagues from LAs and LACORS in the established liaison and working groups.

P15. Q. Will the LA see the figures for its Performance Indicator?

A. Yes, at Head of Service sign-off stage.

Q: NATIONAL INDICATOR 184**Q1. Q: Will LAs see the Broadly Compliant figure for them which is passed to DCLG and the Audit Commission?**

A: Yes. The final data for sign-off by the Head of Service includes a screen which gives the number of broadly compliant establishments, and the number of total establishments. The relevant numbers will also be presented at the “view data summary” stage.

Q2. Q: How often will information for NI 184 be published?

A: Annually.

Q3. Q. is there a DCLG deadline for data to be received for NI 184?

A. No.

Q4. Q. Is there any link between Fully Compliant and National Indicator 182 (on customer satisfaction)?

A. No.

R: DATA TO BE PUBLISHED BY THE FSA**R1. Q: Will the FSA publish key data for every LA under LAEMS, as it has before?**

A: Yes. But the details of what to publish have not yet been fully worked out. LAs will be kept informed.

R2. Q: For the proportion of premises which are broadly compliant, will the FSA publish data for all establishments? Or only for those which are higher risk – as in the past?

A: This has yet to be decided. We may publish the proportion of premises which are broadly compliant for each risk rating category

R3. Q: Will the numbers of staff by FTE be published?

A: This has yet to be decided.

S: IMPORTED FOOD**S1. Q: Which LAs need to provide data on imported food?**

A. Any and all which take samples of imported food. This includes both points of entry – whether formally a PHA or not - and “inland LAs”. If samples are taken of imported foods, even at the retail point, a record should be made in the samples section of the imported food part of LAEMS.

S2. Q. What data is required on Imported Food?

A. There is a separate part of LAEMS for imported food, based very much on the separate questionnaire used in recent years. This part of LAEMS will not be filled automatically via the xml file. LAs are asked to enter this data manually.

S3. Q. How should “country of origin” be reported for a sample of imported food when that is not known?

A. There are three additional categories for country of origin – “EU”, “Non-EU” and “not easily identified” – you should use whichever of these is appropriate. For guidance, see: <http://www.food.gov.uk/multimedia/spreadsheets/laemxmlvaluelists.xls>

S4. Q. Do LAs which are also PHAs make two submissions to LAEMS?

A. Such LAs would send an xml file with their food hygiene and food standards data (and, in time any data on primary production and animal feed). They would also make a manual submission for the imported food area of LAEMS. If they held separate coding numbers as the LA and as the PHA, they should use the relevant allocated number for each submission.

S5. Q: Where do manifest checks by Port Health Authorities go?

A. There is a specific line for these in the Imported Food section.

S6. Q. Are PHAs expected to report checks on ships?

A. Specific guidance has been given to APHA on this.

S7. If the Imported Food section of LAEMS covers checks on the food stuffs, where should checks on the vessels be recorded?

A. Details of inspections or interventions of the vessel, any samples taken from the vessel (eg a swab of galley surfaces) or enforcement action against the vessel should be recorded in the food hygiene part of LAEMS. Specific guidance has been given on whether to treat the vessel or the dockyard as the “food establishment”.

The food hygiene part of LAEMS should also be used to report on any inspections or interventions, any samples taken or enforcement action against food outlets within the dockyard, such as dockside canteens or food facilities for passengers.

T: ANIMAL FEED AND PRIMARY PRODUCTION

T1. Q. Will these parts of the LAEMS system be part of the xml file in future? When will they published on the Agency website?

A. These sections will be part of the xml file uplift to LAEMS. They are currently being finalised by the Agency, and should be published on the Agency's website later this year.

T2. Q. What are the risk ratings for primary production?

A. Separate guidance on the inspection frequencies for primary production was issued in 2006, as part of the training package on primary production controls.

The inspection frequencies for primary production are not the same as the risk rating categories for food hygiene.

T3. Q: If the old excel animal feed return is to be used for 2008/09 after all, which codings should be used- the old or the new? Some LAs have already updated their system for LAEMS.

A: This has been passed to policy colleagues leading on animal feed for consideration.

T4. Q. Will the concept of Broadly Compliant be extended to Animal Feed and Primary Production controls?

A. This has yet to be considered. So no decision either way at the moment.

U: OTHER POLICY ISSUES

Scores on the Doors

U1. Q. What link is there be between LAEMS and Scores on the Doors (SotDs)?

A. Following the debate at the December 2008 meeting of the FSA Board, the Agency is currently working on projected details of a national SotDs scheme. Any link to LAEMS will be part of that work. LAs will be kept informed.

U2. Q. There is a need for more detailed descriptions for risk scoring steps in the code of Practice – not least to make SotDs work.

A. That point has been passed to colleagues working on SotDs.

Staff Numbers

U3. Q: How should posts and staff numbers by FTE be recorded?

A: Automatically (if the LA system can do so) or manually. LAEMS does ask for details both of posts and of the people filling them.

U4. Q. For what period should posts and staff numbers by FTE be reported?

A. For the average across the financial year. So, if a post was only filled for part of the year, please make a reasonable estimate. You can go to two decimal places – eg. a post filled for nine months = 0.75 FTE. You should include contract staff.

U5. Q. Do staffing details include support staff – trainers and administrators?

A. LAEMS asks LAs to report staff in two groups: professional and administrative. So all professionally qualified staff come under “professional”, including any involved in training. And all support staff for the food function should be reported under “administrative”.

U6. Q. For which areas of responsibility are details of staff numbers required?

A. Only for food hygiene and food standards. Not for imported food, primary production or animal feed.

Costs of introducing LAEMS

U7. Q. Has the Agency made any estimate of the costs (direct and indirect) to LAs of introducing LAEMS?

A. A small survey was carried out in 2005/06 on this, which produced figures in the Agency’s Simplification plan. However, the position will probably vary considerably between LAs. We would be grateful for any feedback on this.

Other issues**U8. Q. In Wales, is there any link between Broadly Compliant and the Welsh Performance indicator?**

A. Not at present. That issue rests with FSA Wales and the Welsh Assembly Data Unit.

U9. Q. LAEMS has no field to record whether the individual establishment is “satisfactory”?

A. An LA may want to record this for its own purposes. But LAEMS will focus on Broadly Compliant.

U10. Q. Do LAs need to submit a food law enforcement plan under LAEMS?

A. No.

U11. Q. Does the Agency have any plans for centralised national IT system?

A. No.

U12. Q. Will the Agency issue an improved version of LAEMS, building on lessons learned?

A. Probably, but not for a year or two (allowing for the time it takes to agree points of policy and then design and implement changes). We will be grateful to colleagues for feedback on ideas for improvements. It will be necessary to distinguish between updates to correct errors and ‘wish list’ items.

However, any problems/errors in the system identified during the use of LAEMS by LAs will be addressed more quickly.

U13. Q. There is no clear policy on food brokers, nor any suitable place for them on LAEMS.

A. This policy question is under consideration, but not as part of LAEMS.

ANNEX

CODE OF PRACTICE REQUIREMENTS FOR NEWLY REGISTERED ESTABLISHMENTS TO RECEIVE THEIR FIRST INSPECTION WITHIN 28 DAYS

The requirement that unrated, ie. new registered, premises should be inspected within 28 days of registration is not set out in a single clear point in the Code of Practice.

At present, it is necessary to read different points in the Code in conjunction with each other.

(1) section 1.5.5, fifth paragraph, says that once the premises is placed on the LA's database, the LA should consider carrying out an inspection as required under section 4.1.3.2;

(2) section 4.1.3.2, third paragraph, requires that the first intervention at the newly registered premises must be an inspection;

(3) section 4.1.5.2 requires the intervention (here, the inspection) to be carried out according to Annex 5;

(4) annex 5, section A5.5.2 ix, for food hygiene, and section A5.5.ix, for food standards, require interventions to be carried out within 28 days of the due date.

A5.5.does refer to planned interventions and the due date as determined by the intervention rating. In cases of the first visit to the newly registered premises, there is, as yet, no intervention rating on which a visit can be planned. However, the Agency believes that this final section applies equally to newly registered premises, and that they should, therefore, be seen within 28 days of registration. If that was not so, then there would be no provision in the Code specifying when these newly registered premises should receive their first visit, and one could argue that they could remain unrated indefinitely - which would clearly be a nonsense.