

# Local Authority Recovery Plan Assurance Assessment (tranche 2): summary report (England)

Maes o ddiddordeb ymchwil: [Research projects](#)

Cwblhau arfaethedig: 31 Mawrth 2023

Statws y prosiect: Wedi'i gwblhau

Awduron: Food Standards Agency

Cynhaliwyd gan: Food Standards Agency

Dyddiad cyhoeddi: 22 Mehefin 2023

## Key findings

Between January and March 2023, the FSA Regulatory Audit team delivered a second programme of assessments of local authorities (LAs) performance against the requirements of the COVID-19 Recovery Plan (the Recovery Plan). A representative sample of seven LAs in England participated in the assurance assessments which were undertaken both onsite and remotely.

The key findings of the assurance assessments within the participating LAs were:

- as with LAs assessed in the [first tranche of assessments \[summary report\]](#), LAs had experienced different levels of impact due to Covid-19, which was in turn reflected in how Services were being delivered at the beginning of the Recovery Plan period. Whilst some LAs entered this period in a “business as usual” manner, others continued to face ongoing challenges from the pandemic, including reduced resources and service delivery.
- most LAs benefitted from the additional COVID-19 funding made available by central government, which allowed them to employ additional staff.
- LAs demonstrated some excellent examples of collaborative working with other council teams and external public health teams, enforcement agencies and emergency services. This enabled them to share intelligence on local food businesses which was used during the planning of interventions and triage of new businesses.
- LAs demonstrated they had met Phase 1 of the Recovery Plan, namely the carrying out a prioritisation process to triage new food businesses for a first intervention and planning their intervention programme adopting a risk-based approach.
- the majority of LAs were able to meet the Phase 2 milestones. Where this had not been possible it was due to reasons beyond the LAs control, such as businesses being closed and not re-opening.
- most LAs were able to fully meet the additional ongoing expectations throughout Phases 1 and 2 of the Recovery Plan, such as delivering controls involving product specific legislation.
- the LAs assessed were generally set up to gradually return to delivering services in accordance with the FLCOP at the end of the Recovery Plan period, subject to any existing resource a significant increase in demands placed on Services was reported by LAs during the pandemic, such as having to undertake increased activities associated with the issuing of Export Health Certificates following the exit from the EU (European Union).

- most LAs had adopted a risk-based approach to the delivery of their services and used their existing Management Information Systems (MIS) to help record and deliver the Recovery Plan requirements.
- LAs ensured that the Food Hygiene Rating Scheme continued to be delivered appropriately.
- whilst the Plan was generally well received and understood by LAs, some suggestions were made by LAs on how it could have been improved. In addition, LAs took the opportunity to feedback their views concerning other areas of FSA policy, such as officer qualification requirements and the Competency Framework. This feedback has been shared with relevant FSA policy teams.
- some areas of improvement were identified to further strengthen service delivery, such as the re-introduction of risk based internal monitoring to ensure the consistency and effectiveness of delivery of official controls

## 1. Introduction

1.1 In June 2021, the Food Standards Agency (FSA) provided local authorities (LAs) in England, Wales and Northern Ireland (NI) with the [COVID-19 Local Authority Recovery Plan: guidance and advice to local authorities \(the Recovery Plan\)](#). The Recovery Plan and associated questions and answers (Q&A) set out the FSA's guidance and advice to local authorities for delivering Food Hygiene and Food Standards services during the pandemic. The Recovery Plan applied in each of the three countries until the end of March 2023.

1.2 To provide assurance on LA implementation of the Recovery Plan milestones, the FSA delivered an initial programme of assessments between April and July 2022 in England, Wales and NI. A second programme of assessments (tranche 2) between January and March 2023 was also completed in England.

1.3 This report summarises the findings and outcomes of the second tranche of assessments. The seven LAs that participated in the programme are listed in Annex 2 of this report. Whilst adopting a risk-based approach and ensuring a representative sample of LAs were included in the programme, participating LAs were selected based on their geographical locations, service delivery responsibilities and responses to LA temperature check surveys.

1.4 These assessments have examined how LAs across England have implemented the LA Recovery Plan. In particular, the arrangements made in relation to the requirements of Phase 1 and the relevant elements of Phase 2 at the time of the assessment. This also included an assessment of forward planning for the roll out of remaining elements of Phase 2 and to gain insight into LA food service delivery beyond March 2023, the end of the Recovery Plan period. Furthermore, assessors looked to verify that the responses to the FSA Temperature Check surveys were accurate.

1.5 The key phases and milestones of the Recovery Plan are shown in Figure 1 below:

### **Figure 1: Illustration of the key milestone within the FSA's Recovery Plan**

1.6 There are two phases to the Recovery Plan:

- **Phase 1** – 1 July to 30 September 2021
- **Phase 2** – 1 October 2021 to March 2023

1.7 **Phase 1** required LAs to undertake a prioritisation exercise for interventions at new businesses and to start planning a suitable intervention programme for the beginning of Phase 2.

1.8 **Phase 2** set five milestones for LAs in relation to the undertaking of onsite interventions at food businesses. The first milestone of Phase 2 required LAs to have completed an onsite intervention at all businesses risk rated category A for food hygiene by the end of March 2022. The second milestone required LAs to have completed onsite interventions at all businesses risk rated category B for food hygiene, and category A for food standards by the end of June 2022. Milestones three to five set out future requirements for onsite intervention by LAs, particularly concerning lower risk category businesses for food hygiene and food standards.

1.9 In relation to food standards, during phase 2 LAs also needed to prioritise interventions at Category B and C rated premises if they were considered a priority for intervention due to the impact on the establishment of the new requirements on allergen labelling for products prepacked for direct sale (PPDS).

1.10 Throughout Phase 1 and Phase 2, LAs were also expected to deliver the following:

- official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that are undertaken to support trade and enable export
- reactive work including, enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- sampling in accordance with the local authority sampling programme or as required in the context of assessing food business compliance, and any follow-up necessary in relation to the FSA Surveillance Sampling Programme
- ongoing proactive surveillance to obtain an accurate picture of the local business landscape and to identify open/closed/recently re-opened/new businesses; as well as businesses where there has been a change of operation, activities or FBO
- for 'new businesses', consideration of registration information and intelligence with appropriate onsite interventions carried out where there are concerns around public

health/consumer protection

- for 'new businesses' where consideration of registration information and intelligence indicates lower risk, initial visits should be prioritised and undertaken in accordance with the Codes of Practice and Practice Guidance taking account of the flexibilities provided
- implementing planned intervention programmes for high-risk category and non-compliant establishments in accordance with the timeline in figure 1
- implementing an intelligence/information-based approach for lower risk category establishments
- responding to Food Hygiene Rating Scheme (FHRS) requested re-visits in line with the timelines specified in the FHRS Brand Standard for England or the statutory guidance in Wales and Northern Ireland

1.11 The objectives of the assessment programme were to:

- gain assurance that LAs in England, Wales and NI have implemented the guidance in the Recovery Plan and delivered official controls in accordance with legislation and statutory guidance
- identify any areas of innovation or good practice
- establish how LAs had interpreted the Recovery Plan and to gather feedback
- highlight any emerging issues or concerns to inform any future amendments or changes to the Recovery Plan

1.12 To reduce the impact on LAs, the assessments were carried out by asking participating LAs to submit a pre-assessment supporting information request on their official food control activities during the recovery period. This data was analysed by the assessment team in England, who then organised interviews with the LA senior managers and lead officers. During the assessments a small sample of records were also reviewed and assessed to verify the information provided.

1.13 Most of these interviews were carried out remotely (with one onsite visit). Feedback received from LAs on how these assessments were conducted was generally positive. LAs said that they felt the assessment process was a positive experience and allowed them time to review their own processes and ask specific questions about the Recovery Plan.

## **2. Managing the impact of the COVID-19 pandemic within LA Food Teams**

2.1 Generally, the pandemic had a significant impact on most LAs until national restrictions were lifted. LAs reported they had been able to restart delivery of their official food controls and begin their journey to recovery during the phases 1 and 2 of the Plan.

2.2 It was established that:

- prior to the release of the Recovery Plan in 2021 and subject to Covid-19 restrictions, where possible LAs had continued to deliver their programme of food hygiene and food standards interventions on a targeted, risk basis.  
most LAs (5/7) entered the recovery period in July 2021 with some food officers still diverted to enforcement of the COVID-19 regulations and dealing with local outbreaks. However, at the time of the assessments, all officers had returned to food law enforcement work activities, and LAs reported no diversion of resources to other workstreams.  
one LA reported having a significant increase in officer workloads during the recovery period, because of undertaking increased activities associated with the issuing of Export Health Certificates following the exit from the EU (European Union). The LA confirmed this was a new demand on the Service that had put a significant strain on existing staff.

71% of LAs were able to access the Containment Outbreak Management Fund (COMF) from central government. This was used to obtain additional resources and employ temporary staff to deliver a backlog of work resulting from the pandemic. 29% of LAs (2/7) did not apply for COMF funding as they were able to secure other funding or used their existing budget to deliver the Service.

29% (2/7) of LAs reported COMF was still essential to deliver their services with additional bids submitted or approved for the start of the new financial year.

all LAs managed the pressures of the pandemic positively largely due to their well-established and experienced teams. LAs ensured there was sufficient officer cover to deal with any reactive food safety issues and communication channels with members of the public remained open.

throughout the pandemic LAs continued to use their Management Information Systems (MIS) which were also used as part of the intervention planning process in Phase 1.

LAs continued to risk assess food business in line with the Food Law Code of Practice (FLCoP), for both food hygiene and food standards. One of seven LAs reported that it had used the LACORS scoring system for food standards up until January 2021 when it aligned its process with that of the scoring contained in the FLCoP

### **3. Delivery against expectations**

#### **3.1 Phases 1 and 2**

3.1.1 In response to the first milestone in Phase 1, all LAs taking part in the assessments were able to show they had prioritised new food businesses for interventions based on risk and had started planning their intervention programmes for Phase 2 of the Recovery Plan from 1 October 2021 onwards.

3.1.2 Whilst 71% of LAs used the FSA funding available for prioritisation of new businesses, 29% of LAs did not apply for such funding and undertook this work within existing resources.

3.1.3 Regarding Phase 2 of the Recovery Plan, 57% (4/7) of LAs taking part in the assessments were able to meet all milestones for onsite interventions. In particular:

- 100% of LAs had completed all interventions due at food hygiene category A rated food businesses by March 2022
- 60% of LAs had completed all interventions due at food hygiene category B rated food businesses by June 2022
- 100% of LAs had completed all interventions due at food standards category A rated food businesses by June 2022
- 60% of LAs had completed all interventions due at less than broadly compliant food hygiene category C rated food businesses by September 2022
- 80% of LAs had completed all interventions due at less than broadly compliant food hygiene category D rated food businesses by December 2022

3.1.4 Where earlier milestones were missed, the LA cited reasons beyond their control such as a MIS error, or businesses closed for maintenance works. 86% (6/7) of LAs had completed all their interventions by the time of the assessments and the remaining 14% (1/7) of LAs with a continued backlog of interventions said that this was due to businesses still being closed due to maintenance works.

3.1.5 Regarding the broadly compliant food hygiene Category C food businesses (the last Recovery Plan milestone), 20% (1/5) of LAs had already completed all their interventions and the remaining 80% (4/5) were on target to achieve the milestone by end of March 2023.

3.1.6 All the LAs assessed reported an increase in the levels of FBO non-compliance during the recovery period, reportedly due to high staff turnover and staff recruitment issues for some businesses and the impact of the cost of living crisis. LAs also suspected other reasons for the decrease in compliance levels including a lack of FBO knowledge and the extended time between interventions at some businesses.

3.1.7 The FHRs scheme continued to operate effectively in the LAs that took part in the assessments, with food businesses receiving appropriate ratings based on officers' findings. 80% of LAs highlighted they had experienced an increase of re-ratings requests during the recovery period. LAs reported a significant increase in re-rating requests due to the online aggregator platforms requiring a minimum FHRs rating of "3". LAs reported that financial incentives for businesses linked to the use of online food sales platforms were proving to be a significant driver to improve food hygiene compliance levels for some relevant businesses.

3.1.8 LAs generally took a risk-based approach to delivery of official controls at food businesses impacted by the new requirements on allergen labelling for products prepacked for direct sale (PPDS). LAs targeted high risk FBOs who had been identified by officers, to advise businesses on any new legislative requirements

## **3.2 Areas of Faster Progress**

3.2.1 The Recovery Plan encouraged LAs where possible to move at a faster pace to achieve the Recovery Plan milestones (Figure 1), and to realign their services with the intervention frequencies and other provisions set out in the FLCoP.

3.2.2 All LAs were able to move at a faster pace and achieve further milestones in Phase 2 (in some cases, well in advance to the deadlines). In addition, all LAs had delivered other interventions outside the Recovery Plan requirements (at food hygiene categories D and E and food standards categories B and C rated food businesses).

3.2.3 Most LAs (71%) were able to progress with the Recovery Plan at a faster pace due to the use of COMF funding that enabled them to backfill and employ additional staff to deliver the Service. The capability and commitment shown by experienced officers and management to protect the public in relation to food safety also contributed to LAs moving at a faster pace. Two LAs (29%) reported other contributory factors such as having a small geographical area and small numbers of high-risk food businesses.

## **3.3 Ongoing expectations: Sector specific controls and other official control activities**

3.3.1 Throughout Phase 1 and Phase 2 of the Recovery Plan, there were ongoing additional delivery expectations for LAs as outlined in 1.10 above.

### **Sector specific controls**

3.3.2 Where applicable, all LAs assessed were able to carry out official controls prescribed in specific legislation and/or recommended by FSA guidance to support trade and enable export e.g. approval activities under Retained Regulation (EC) No 853/2004, and official controls relating to shellfish and water sampling. Minor inconsistencies with the approvals guidance regarding timescales for the approval process were noted in three of five (60%) LAs, however full approval had been finally issued in the three instances.

### **Reactive work – enforcement in the case of non-compliance**

3.3.3 All LAs assessed were able to manage their reactive work on a risk priority basis and maintained the ability to take enforcement action where required. Several examples of effective and appropriate formal enforcement actions were noted during the assessments, achieving business compliance and increasing consumer protection.

### **Reactive work – managing food incidents, food hazards and complaints**

3.3.4 LAs were found to have taken a risk-based approach to how they managed and responded to food incidents, food hazards and complaints, dealing appropriately with any high risk issues that emerged during the recovery period. No significant issues were found relating to the management of food incidents, food hazards and complaints.

### **Food sampling**

3.3.5 During the pandemic and the recovery period, all LAs had maintained their ability to conduct reactive food sampling in response to service requests, food safety complaints and incidents.

3.3.6 By the time of these assessments, all LAs had returned to delivering proactive food sampling activities in accordance with their LA sampling programme or as part of the process for assessing business compliance levels. One of the seven (14%) LAs reported that proactive sampling had been paused during the pandemic and during the initial stages of the recovery period but it had now returned to a proactive sampling programme.

### **Ongoing proactive surveillance**

3.3.7 All LAs demonstrated a wide range of proactive surveillance activities used during the Recovery period to obtain an accurate picture of the local business landscape. Examples of these activities included:

- information sharing with other departments and partner organisations for example, licensing, police, other LAs
- monitoring social media channels for new food businesses
- using alternative enforcement strategies to identify closed/new businesses
- triaging complaints and new food business registrations

## **3.4 Additional Points**

3.4.1 Other key areas discussed during the assessments included:

### **Internal monitoring**

3.4.2 During the assessments the LA internal monitoring arrangements were also considered. Internal monitoring is essential to ensure that official food controls and other official activities are carried out consistently and in accordance with the FLCoP. 43% of LAs (3/7) were found to be fully implementing their internal monitoring procedures, with the majority of the remaining 57% (4/7) of LAs showing at least partial implementation.

### **Service Planning**

3.4.3 Appropriately approved and effectively implemented service plans are vital to service delivery, allowing LAs to demonstrate the demands placed upon services, how resources will be allocated, and how work will be prioritised throughout the year. They also provide an effective means of highlighting any emerging issues and/or risks to delivery of key services.

3.4.4 Expectations of local authorities for documented and approved service plans during the recovery period were updated in March 2022. The Recovery Plan advised LAs to start working towards having an approved service plan for 2022/23 in place by the end of June 2022. At the time of the assessments, all LAs were found to have appropriate service plans in place, however one of the seven LAs (14%) was in the process of updating its five-year service plan in readiness for the new financial year.

### **Use of Remote Interventions**

3.4.5 72% of LAs used remote interventions occasionally (or attempted to deliver them) as described in the Recovery Plan Guidance to LAs, with 28% of LAs not using them at all. Where remote interventions were used, LAs adopted a risk-based approach and in most cases, they were only carried out for low-risk verification checks, at low-risk businesses or to provide advice to businesses prior to any on-site interventions. One LA had conducted some remote interventions at the height of the pandemic at care homes and hospitals to protect vulnerable people.

3.4.6 LAs reported that they generally preferred onsite interventions to verify FBO compliance levels rather than remote. LAs said that remote interventions introduced additional steps in the process and did not improve the efficiency of the delivery of onsite inspections. This highlights that there were some misconceptions amongst some LAs concerning the intended use and purpose of remote interventions during the pandemic. Under the Plan, remote interventions were intended to help and supplement the delivery of official controls, but were not considered to be a formal intervention in their own right

### **Training of authorised officers**

3.4.7 During the pandemic, food core training continued at all LAs and was carried out by officers mostly online. One LA reported that it was reliant on FSA to deliver training on sector specific controls.

## **3.5 Positive examples of how LAs dealt with Service Delivery during the pandemic and recovery period**

3.5.1 In addition to the examples provided in [point 3.5 of the summary report for the initial programme of assessments](#), other examples of positive service delivery include:

- the use of and automated digital service (questionnaires and tailored business advice) with the triage and prioritisation of new food registrations
- the formation of an effective partnership with neighbouring LAs to deliver food law enforcement services in a consistent manner. The partnership identified joint working priorities (such as an annual work programme on food allergens to raise awareness on PPDS legislative changes), and the delivery of local and regional training sessions

## **4. Conclusions**

4.1 Following the completion of the Recovery Plan assessments it was established that:

- the Recovery Plan had generally been well received by LAs, enabling them to take a risk-based approach and target their resources to their highest risk premises. LAs have continued to operate the Food Hygiene Rating Scheme (FHRS). the majority LAs were able to meet or exceed the Recovery Plan milestones, helping to maintain consumer confidence and protect consumers wider interests in relation to food

safety. This work protects consumers by ensuring that food is safe and what it says it is, which in turn contributes to the FSAs strategy for 2022 to 2027.

where an LA had not met a milestone deadline for onsite interventions, it was for reasons beyond their control.

assessors were able to verify that the LAs responses to the FSA Temperature Check surveys were accurate.

where LAs have raised questions and queries, these will be fed back into the relevant policy teams within the FSA.

## 5. Observations for LAs

5.1 During the assessment process some LAs were provided with observations in the following areas:

- Service Plans – where these had been delayed, LAs were reminded of the importance of documenting their service plans and getting appropriate approval to help ensure that food teams are adequately resourced to deliver in line with the Recovery Plan and beyond. It is important that plans contain details of the resource required to deliver services effectively including the resources required to implement a suitable risk based internal monitoring regime.
- Internal Monitoring – some LAs were advised to review their documented internal monitoring procedures and to re-introduce appropriate risk based internal monitoring for all their service activities
- Food Sampling – where proactive sampling was still conducted at reduced levels, LAs were advised to return to the full implementation of their sampling policies and sampling programmes as soon as possible
- Sector Specific Controls (including Approved Establishments) – some LAs were advised to ensure approval processes are conducted within statutory and/or guidance timescales
- training of authorised officers – one LA was advised to keep searching for any new training opportunities that may arise, to keep officer training requirements up to date. LAs are encouraged to consider and explore a range of appropriate training methods and techniques, not just formal training packages.
- documented policies/procedures – some LAs were advised to review and update documented policies and procedures to make sure that they contained up to date legal references and reflected current working practices, including any changes due to the impact of the pandemic. This is important to provide food officers with guidance to carry out their duties appropriately and effectively.

## 6. Feedback to FSA

6.1 The majority of LAs thought that the Recovery Plan was easy to understand and gave clear guidance on FSA expectations concerning LAs delivery. LAs felt the Recovery Plan milestones and expectations were reasonable and achievable.

6.2 43% (3/7) of LAs reported that the Recovery Plan helped them to target resources efficiently where needed, in particular with regards to tackling and keeping up to date with the number of new food businesses registrations. However, one LA said the Recovery Plan would have benefited from including more guidance about how to conduct prioritisation of new food businesses.

6.3 Whilst the Recovery Plan was generally welcomed by LAs, one LA felt it was focused primarily on food hygiene matters and limited recognition was given to the delivery of food standards controls.

6.4 One LA reported that the FSA temperature check surveys encouraged them to carry out more frequent reviews of the Service delivery. It was said this simplified way of reporting was appreciated and much preferred to the former LAEMS system. Another LA highlighted that whilst the guidance to complete the surveys has improved with time, surveys have not always been consistent in what they ask for, which makes the process to complete them cumbersome.

6.5 From April 2023 onwards LAs reported they will enter the new financial year with significant numbers of overdue low risk food hygiene and medium and low risk food standards interventions as a result of the pandemic. LAs would have welcomed further information within the Recovery Plan concerning the expectation surrounding these overdue interventions.

6.6 Other comments from LAs which will be fed back into relevant policy teams were:

- Officer Qualifications: it was reported that staff recruitment to date had been a significant challenge at some LAs. It was said that a further FSA review of the competency and qualification barriers to assist recruitment would be welcomed.
- new Competency Framework: . It was said the competency framework impacted heavily on the management capacity of LA services and may result in additional costs. In addition, it was highlighted that the format of the FSA Competency matrix spreadsheet was highly resource intensive and not user friendly; particularly regarding primary authority requirements. It was also said the tool did not really allow gaps in skills and experience to be captured effectively.

## **Annex 1 Assessors**

The assessors conducting this assessment programme were:

- Andrew Webb, Senior Official Controls Auditor
- Aranzazu Sanchez, Senior Official Controls Auditor
- Philip Shea, Senior Official Controls Auditor
- Andrew Gangakhedkar, Head of Regulatory Audit

## **Annex 2 Participating Local Authorities**

The FSA is grateful for the cooperation and assistance provided by the following LAs who took part in the assessment exercise:

- London Borough of Barnet
- Peterborough City Council and Rutland County Council
- Newcastle City Council
- Hartlepool Borough Council
- Leicestershire County Council
- Staffordshire County Council
- Borough Council of King's Lynn and West Norfolk.