

Local Authority Recovery Plan Assurance Assessment: Summary Report (England, Wales and Northern Ireland) February 2023

Area of research interest: [Research projects](#)

Study duration: 2022-04-01

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Local Authority Recovery Plan Assurance Assessment: Key Findings

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Between April and July 2022 the FSA LA audit teams delivered a programme of assessments of local authorities performance against the requirements of the COVID-19 Recovery Plan (the Recovery Plan). A representative group of 11 Local authorities from England, Wales and Northern Ireland were selected for assurance checks, which were undertaken both remotely and in person.

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

- LAs subject to assessment all started from different positions in implementing the Recovery Plan in terms of the impact that COVID-19 had on their service, the challenges faced during the recovery period and the resources they had available
- LAs in England were able to benefit from the additional COVID-19 funding made available by central government, which allowed them to retain front line staff and employ additional contractors
- LAs within Wales were heavily affected by having key staff members seconded to the COVID-19 response and the fact that COVID-19 restrictions that were kept in place for longer than other parts of the UK
- District Councils (DCs) in NI had fully implemented the guidance, met and exceeded the milestones in the Recovery Plan at the time of the assessment
- during the pandemic 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 to plan interventions

- LAs were able to demonstrate good progress implementing Phase 1 of the Recovery Plan prioritising new food businesses for a first inspection and planning their intervention programme taking a risk-based approach
- the majority of LAs were able to show good progress towards meeting the Phase 2 milestones
- most LAs had adopted a risk-based approach to the delivery of their services using their Management Information Systems to help them deliver the Recovery Plan
- LAs ensured that the Food Hygiene Rating Scheme continued to be delivered within all 3 countries
- the Plan was generally well received and understood by LAs across the 3 countries. LAs made some suggestions for improvements to the Recovery Plan, which have been shared with policy teams within the FSA
- some areas for improvement were identified, including a greater focus by LAs on the re-introduction of risk based internal monitoring to ensure the consistency and effectiveness of delivery of official controls and the re-introduction of appropriate food sampling programmes

Local Authority Recovery Plan Assurance Assessment: 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 [Q&A](#) set out the FSA's guidance and advice to local authorities for delivering Food Hygiene and Food Standards services during the pandemic.

1.2 The Recovery Plan will apply in each of the three countries until the end of March 2023, when decisions are made in relation to the proposed new delivery models for food hygiene and food standards.

1.3 To provide assurance on LA implementation of the Recovery Plan milestones, the FSA delivered a programme of initial assessments between April and July 2022. The programme involved eleven assessments of LAs (seven in England, two in Wales and two in NI). The participating LAs are listed in section nine of the report and were chosen across a range of geographical locations, service delivery responsibilities and taking into account any relevant information supplied through LA surveys. This report summarises the findings and outcomes of the eleven assessments.

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

1.5 There are two phases to the Recovery Plan:

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

1.6 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.

1.7 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.

1.8 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).

1.9 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

1.10 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

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

1.12 Most of these interviews were carried out remotely and we have received positive feedback from LAs on both the assessment process, and the opportunity it offered for them to ask questions about the Recovery Plan.

Managing the impact of the COVID-19 pandemic within LA Food teams

2.1 Within the LAs subject to assessment, it was found that the COVID-19 pandemic had a significant impact on most LA food teams, many of whom had to balance delivery of new COVID-19 responsibilities alongside their official food controls.

2.2 It was established that:

- from the start of the pandemic in March 2020, most LAs in England (5/7), diverted food qualified officers to engage, encourage, and enforce the new COVID-19 regulations and deal with local outbreaks
- in Wales, LAs diverted experienced food qualified officers to COVID-19 related work, including staff secondments to the "Test, Trace, Protect" response. COVID-19 restrictions also lasted longer in Wales than the rest of the UK, with the last restrictions ending on 30 May 2022 which impacted on service delivery

- while the pandemic had a significant impact on DCs in NI, they were less affected by the loss of key staff than other LAs across the nations, although one DC had an officer diverted to COVID-19 related work from March 2021 to April 2022. The DCs provided detailed evidence of planning to manage the impact of the pandemic
- to support the COVID-19 response, LAs in England were able to access the Containment Outbreak Management Fund (COMF) from central government to obtain additional resources, which was used to employ temporary staff and COVID-19 Marshals. LAs in Wales also received funding from the Welsh Government's COVID-19 Test, Trace, Protect strategy
- 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 reactive food safety issues and communication channels with members of the public remained open
- LAs in all three nations reported that they had strengthened their relationships with internal and external partners and felt that the profile of Environmental Health and Trading Standards teams had increased locally due to the work carried out during the pandemic
- throughout the pandemic LAs continued to use their Management Information Systems (MIS's) which were also used as part of the intervention planning process. LAs MIS's contain details of all registered food businesses in an authority's area and contain inspection and enforcement histories as well as generating next inspection dates
- LAs continued to risk-rate food business in line with the Food Law Codes of Practice (FLCoP), for both food hygiene and food standards

Progress with Recovery Plan Milestones

3.1 Delivery of Interventions

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 intervention 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 Within England, 57% of LAs assessed used the FSA funding made available for prioritisation of new businesses to help them with these interventions, whilst LAs in Wales and DCs in NI did this within existing resources.

3.1.3 Regarding Phase 2 of the Recovery Plan, 82% (9/11) of LAs taking part in the assessments in England, Wales and NI were able to meet all intervention milestones that had been due by the time of assessment. In particular:

- 100% of LAs had completed all interventions due at food hygiene category A rated food businesses by March 2022
- 82% of LAs had completed all interventions due at food hygiene category B rated food businesses by June 2022
- 80% of LAs had completed all interventions due at food standards category A rated food businesses by June 2022

3.1.4 In one LA where milestones were missed, the LA cited resource issues as the main cause, as some key staff had not returned to the service due to the impact of the later COVID-19 Omicron variant wave as well as wider issues with staff recruitment and vacancies. The FSA has met with the affected LA to follow up on these issues and provide advice/support.

3.1.5 The FHRS scheme continued to operate effectively with food businesses receiving ratings based on officers' findings and communicated to Food Business Operators (FBOs) following interventions.

3.1.6 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). Some LAs asked for further clarification on the FSAs expectations regarding PPDS, a point which will be fed back into the relevant policy teams.

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 where possible to realign their services with the intervention frequencies and other provisions set out in the FLCoP.

3.2.2 Within the LAs subject to assessment, 82% (9/11) were able to move at a faster pace and achieve further milestones in Phase 2. Where LAs were not able to move at a faster pace, this was due largely to a lack of resources caused by ongoing staff vacancies and secondments to COVID-19 related duties.

3.2.3 Many LAs In England were able to progress with the Recovery Plan faster due to the use of COMF funding that enabled them to backfill and employ additional staff to protect front line food officers.

3.3 Ongoing Expectations: Sector Specific Controls and other Official Controls 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 1.9 above.

Sector specific controls

3.3.2 Where applicable, all LAs assessed were able to carry out official controls where 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.

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 being taken were noted during the assessments, leading to improved business compliance and better consumer protection.

Reactive work – managing food incidents, food hazards and complaints

3.3.4 LAs were found to have taken a risk-based response to how they managed and responded to food incidents, food hazards and complaints, dealing appropriately with any higher risk issues that emerged during the recovery period.

Food sampling

3.3.5 Prior to the pandemic, the use of sampling as an official control and the scope and content of any annual sampling programmes varied from LA to LA due to local circumstances and demands on services, resulting in some LA's taking little or no proactive samples. During the pandemic and at the time of the assessments, LAs had maintained their ability to conduct reactive food sampling in response to service requests and other investigations such as complaints about food businesses and dealing with incidents.

3.3.6 64% of LAs also delivered some proactive food sampling activities in accordance with their LA sampling programme or as part of the process for assessing food business compliance. The LAs who did not conduct routine sampling cited resource issues as being a contributory factor. Some LAs had also temporarily paused their routine sampling programmes and prioritised their resources to undertake other higher risk interventions. Some LAs felt the FSA's guidance could have been clearer in this area and food laboratory capacity was also cited as an issue. This feedback has been shared with the relevant policy teams within the FSA.

Ongoing proactive surveillance

3.3.7 The majority of LAs were able to demonstrate a wide range of proactive surveillance activities that they employed 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 e.g. 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:

Other key areas discussed during the assessments included:

Internal monitoring

3.4.1 During the assessments the LAs 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. 36% of LAs (4/11) were found to be fully implementing their internal monitoring procedures, with the majority of the remaining 64% (7/11) of LAs showing partial implementation.

Service Planning

3.4.2 Appropriate and effectively implemented service plans are vital to service delivery, allowing LAs demonstrate the demands placed upon services and how resources will be allocated, and work prioritised throughout the year. They also provide an effective means of highlighting any emerging issues or risks to delivery of services to key stakeholders and resource management within the council.

3.4.3 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, 54% of LAs were found to have up to date and appropriate service plans in place. The other LAs were in the process of developing their service plans, with some being delayed due to local elections and committee schedules.

Use of Remote Interventions

3.4.4 64% of LAs attempted to deliver remote interventions as described in the Recovery Plan Guidance to LAs. The use of remote interventions was limited to allowing LAs to assess business activities prior to any on-site interventions, to support the on-site inspection process, that was still required to take place for it to be considered an official control. LAs that reported using remote interventions used them in a number of different ways. Where remote interventions were used, LAs adopted a risk-based approach and they were only carried out at well-established, low risk and broadly compliant food businesses, or to confirm that a corrective action had been completed.

3.4.5 LAs reported that remote interventions did not necessarily improve the efficiency of the delivery of onsite inspections with most LAs generally preferring to continue with onsite interventions without any additional steps in the process.

Authorised officers

3.4.6 LAs were found to be using authorised food officers to carry out interventions in line with their designated duties and responsibilities. Most LAs were able to demonstrate that their officer training and competency records were in accordance with the FLCoP, although some policies and procedures required updating with the latest legal references.

3.5 Positive examples of how LAs dealt with service delivery during the Pandemic and Recovery Period

- during the pandemic most LAs were already using a risk-based approach to service delivery which meant they were well placed to deliver the Recovery Plan when it was introduced
- LAs demonstrated strong, flexible and pragmatic leadership throughout the Recovery Plan period. The dedication shown by Food Service Managers and their food officers helped to ensure the delivery of the Recovery Plan
- LAs showed comprehensive and effective liaison with other council departments to help to monitor food safety issues in local businesses
- LAs introduced a variety of effective triaging systems to help them prioritise complaints and new food businesses
- throughout the pandemic LAs introduced effective COVID-19 procedures to allow interventions and site visits to be carried out in a safe manner
- during the pandemic and prior to the Recovery Plan, many LAs had made regular contact with their local food businesses which helped improve the accuracy of their databases.

Local Authority Recovery Plan Assurance Assessment: Conclusions

4.1 Following the completion of the Recovery Plan assessments within 11 LAs in England, Wales and NI 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 interventions
- LAs have continued to operate the Food Hygiene Rating Scheme (FHRS)
- the majority LAs across the 3 countries 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 contributes to the FSA strategy for 2022 to 2027
- where an LA has struggled to meet a milestone, they have been provided with enhanced advice and support
- where LAs have raised questions and queries, these will be fed back into the relevant policy teams within the FSA

Observations for Local Authorities

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. 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 activities
- Food Sampling – in some LAs where pro-active food sampling programmes had been paused, LAs were advised to review and re-implement these as soon as possible
- 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

Feedback to the Food Standards Agency

6.1 The majority of LAs thought that Recovery Plan was easy to understand and gave clear guidance on what was expected during the recovery period. LAs also found that the associated Q&A document to be a useful resource that answered many of their queries.

6.2 LAs felt the Recovery Plan allowed them to build on the risk-based approach they had used to deliver official food controls during the earlier stages of the pandemic. They also felt the Recovery Plan milestones and expectations were reasonable and achievable. LAs made the following suggestions for improving the Recovery Plan:

- increased use of pictorial references would be beneficial
- some LAs requested more direct contact between LAs and the FSA to discuss food related matters
- a request for more clarity on the FSA expectations for remote interventions

- some LAs thought that there should have been more flexibility in the Recovery Plan milestones in response to the later COVID-19 Omicron strain, as some LAs had to divert key staff longer than originally anticipated. Milestone changes would have helped
- greater clarity on food sampling requirements, for example, how much sampling and what type (whether proactive and/or reactive) was required
- some LAs felt that the Recovery Plan requirements could have been clearer, as not all requirements were referenced in the 'Outline of the Recovery Plan' in figure 1
- clarity on whether low-risk new food businesses need to be included within the intervention programme in Phase 2
- further clarification on the interventions required for food businesses impacted by the new requirements on allergen labelling for products prepacked for direct sale

Annex 1: Assessors

The assessors conducting this assessment programme were:

England

Aranzazu Sanchez, Senior Official Controls Auditor
Andrew Webb, Senior Official Controls Auditor
Sohila Jalilian, Senior Official Controls Auditor
Andrew Gangakhedkar, Head of Regulatory Audit

Northern Ireland

Kevin Nagle, Audit Manager, Audit, Business Support & Communications Team
Gerard Smyth, Senior Advisor, Operational Policy & Delivery Team

Wales

Steve Adie, Auditor
Craig Sewell, Senior Audit Manager
Joshua Jolliffe, Auditor,
Gareth Harvey, Head of Regulatory Audit and Assurance

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:

1. Antrim & Newtownabbey Borough Council
2. Barnsley Metropolitan Borough Council
3. Ceredigion County Council
4. Charnwood Borough Council (pilot assessment)
5. Chelmsford City Council
6. Derry City & Strabane District Council
7. Epsom and Ewell Borough Council
8. London Borough of Haringey

9. Maldon District Council
10. North Somerset Council
11. Pembrokeshire County Council