

# Annual Local Authority Performance Review

FSA 23-12-04 The paper updates the Board on local authority performance in enforcing food law over the past year.

## 1. Summary

1.1 The paper updates the Board on local authority performance in enforcing food law over the past year. It also explains how the FSA is performance managing local authorities and highlights some of the issues that have been identified and addressed.

1.2 The Board is asked to:

Consider the data in this report on the performance of local authorities in the delivery of official food controls and note our strong concerns about the resourcing of local authority delivery of official food controls.

1.3 Agree that we should:

- through our performance management continue to support food teams in addressing problems and be assertive in ensuring local authority leaders are aware of their statutory duties, including through escalation where needed. As part of this approach, we propose writing now to all Local Authority Chief Executives and s.151 Finance Officers to set out our concerns about resourcing and delivery, and to remind them of the statutory nature of official food controls when considering and setting the budget allocation for the next financial year.
- Seek to develop a model that shows the level of resource local authorities need to deliver food services effectively.
- through our local authority resourcing project, help with resourcing challenges where it is within our remit to do so, by addressing the issues with qualifications and the competency framework described in para 5.9.
- continue to engage with the chartered institutes for the two professions, the Local Government Association, Government Departments and other stakeholders to raise the profile of the challenges that local authorities are facing, and to work towards solutions collectively where possible.

## 2. Introduction

2.1 Local authorities are responsible for enforcing compliance with food safety and standards legislation for the vast majority of food businesses. The FSA has statutory duties ([footnote 1](#)) to monitor and report on their performance in doing so.

2.2 Since the last Board update, we have brought the Covid recovery plan (see [Annex 1](#)) to an end and FSA advice since 1 April 2023 has been that local authorities are to return to business as usual and realign with the Food Law Codes of Practice (FLCoP) for the delivery of official food controls. Section 3 of this paper provides a final report to the Board on delivery against the recovery plan (from data collected in April) and an initial report ([footnote 2](#)) to the Board on progress being made with local authorities realigning to the [FLCoP](#) (from data collected in October). It also contains information about staffing levels within local authority food teams and summarises qualitative feedback we have received from local authorities about delivery

challenges.

2.3 This has been a challenging year for local authorities more generally, with many reporting heightened resourcing challenges. A small number of local authorities have issued notices under section 114 of the Local Government Act 1988 confirming that they have insufficient resources to meet their financial liabilities. The delivery of food official controls is a statutory requirement for local authorities, not a discretionary service, and it must be done. Section 6 of this paper sets out how we have approached performance management.

2.4 This paper outlines the assessment process to identify levels of concern in service delivery, the engagement process, ongoing case management and the review process to consider escalation using the established process agreed by the Board in March 2019 ([Annex 5](#)). Several case studies are included (see [Annex 6](#)) on how this has impacted upon local authorities.

## 3. Update on Local Authority delivery

### Food Hygiene

3.1 By the end of the recovery period, all local authorities were expected to be back on track with their interventions for high and medium risk establishments for food hygiene (detailed milestones in [Annex 1](#)). Since then, local authorities have now been asked to get back on track with interventions in all risk categories. [Annex 2](#) shows local authority performance in delivering the hygiene interventions for establishments in each risk category: charts 1 to 5 show performance for each country by risk rating since 2017/2018; and table 1 provides detailed delivery data over three different periods. Annex 3 is a guide to the different risk categories, showing the type and numbers of establishments in each.

3.2 [Annex 2](#) broadly shows that local authorities managed to deliver against the milestones in the recovery plan last year. Between 1 April 2022 and 31 March 2023 local authorities carried out:

- 3,302 interventions at category A establishments (99% of those due).
- 20,344 interventions at category B establishments (99% of those due).
- 64,729 interventions at category C establishments (89% of those due); and
- 3,470 interventions at category D establishments that were less than broadly compliant at their last inspection (96% of those due).

3.3 There was some variation between the countries, with delivery on the medium risk establishments a little lower in Wales than in England and Northern Ireland.

3.4 However, [Annex 2](#) also shows that, six months after the end of the recovery plan, local authorities are still a long way off meeting the required frequencies of interventions in the lower risk establishments. Between 1 April 2023 and 30 September 2023 local authorities carried out:

- 87% of due interventions at category A establishments
- 82% of due interventions at category B establishments
- 68% of due interventions at category C establishments
- 42% of due interventions at category D establishments
- 18% of due interventions at category E establishments

3.5 Overall, only 38% of due interventions were delivered during the period (since the volume of establishments is greatest in the lower risk categories). Again, there is some variation across the countries, with local authorities in Wales delivering the lowest proportion of their due interventions (31%) and local authorities in Northern Ireland delivering the highest (42%). Although we should be cautious about comparing partial years with full years, this is clearly significantly lower than pre-pandemic performance (85% of due interventions delivered).

3.6 We know that most local authorities began the year with a large backlog of lower risk establishments with interventions due, and this data provides more evidence that it will take them some considerable time to get back on track. We are very concerned about this for two reasons. First, while most of the establishments overdue inspections are those which have been judged to pose a low risk to consumers, local authorities will not necessarily identify cases in which the nature of the business has changed and the risk to consumers has increased. Second, the latest data suggests that there has been a dip in performance at the higher risk categories as local authorities try to address this backlog. That is particularly worrying.

3.7 Table 3 shows the number of new business establishments awaiting a first inspection. This number was over 77,000 in April 2021. Local authorities gradually brought this number down, but it has now plateaued at over 39,000, which remains higher than pre-Covid levels. Anecdotal evidence from local authorities is that since the pandemic they are receiving more new business registrations each year.

3.8 It is important to note that, despite the concerns above, we are not currently seeing quantitative evidence of a drop in business compliance rates. Charts 9 and 10 in [Annex 2](#) provide FHRS trend data for England, Wales, and Northern Ireland. Although percentages vary in each of the three countries, the overall three-country data indicates the percentage of rated food establishments achieving a rating of '3 – generally satisfactory' or better has increased from 96% to 97% since September 2020. The proportion of rated establishments with the top rating of '5 – very good' has increased from 73% to 76% since September 2020.

## Food standards

3.9 In the recovery plan, local authorities were expected to get back on track with food standards ([footnote 3](#)) interventions at the highest risk businesses, and they made good progress in achieving this last year (88% of due interventions delivered in A-rated businesses, with considerably higher performance in Northern Ireland

and Wales). Charts 6 to 8 in [Annex 2](#) show performance for each country by risk rating since 2017/2018, and table 2 gives the data over three different periods. The percentages of interventions carried out at B- and C-rated establishments were not reported during the recovery period as there were no specific milestones for interventions to be carried out.

3.10 As with food hygiene, since the end of the recovery period the proportion of due interventions delivered in categories B and C has been very low, particularly in England and Wales (less than 20% in each category). But these numbers should be seen in the context of the changes we are introducing in England and Northern Ireland and piloting in Wales.

3.11 We are in the process of introducing a new model for food standards delivery. The six local authorities who piloted the model in England and Northern Ireland are continuing to use it. Other local authorities will transition over the next year and a half. We know from our consultations on the food standards changes that local authorities were not convinced that the old model drove the right activity. Table 2 shows that before the pandemic, local authorities in England were only delivering around 30% and 32% of their due interventions in categories B and C respectively, although delivery in Wales and Northern Ireland was much higher.

3.12 As we start to roll out the new model and measure delivery against it, we will be better able to assess whether local authorities are carrying out the activity needed to protect consumers. However, at this stage, we are concerned about the fact that delivery is still significantly lower even than pre-Covid levels, and that this means local authorities are finding it difficult to deal with intervention backlogs.

## Sampling and enforcement

3.13 Sampling is one of many components of effective enforcement to protect public health. In 2019 to 2020, 44,026 samples were reported to be taken for examination for food hygiene or food standards across the three countries. This fell to 13,462 in 2020 to 2021. In October 2023 for the first six months of the reporting year local authorities have reported 17,305 samples. Again, pro-rata this is less than pre-pandemic numbers reported but it suggests that local authorities are generally reintroducing sampling activity. Some local authorities have said they have been prioritising work to catch up on backlogs of inspections and they will resume sampling programmes in the second half of the year.

3.14 In the October 2023 return, the number of establishments where formal enforcement actions and written warnings were reported to be carried out by local authorities in the first six months were 2,568 and 69,332 respectively for food hygiene across the three countries. This represents a slight increase in the number of formal enforcement actions, but a reduction in the number of written warnings when compared with the full year numbers pre-pandemic of

4,784 and 151,282 respectively for 2019/20. This would align with feedback from liaison groups that reported an increased number of serious contraventions found at some establishments, although it is difficult to be conclusive on limited data

## **4. Feedback from local authorities**

4.1 The FSA regularly engages with local authorities in England, Wales, and Northern Ireland through their established liaison groups, at which we can hear from local authority lead officers regarding the challenges within the delivery landscape. We also provide secretariat support to the national Food Hygiene Focus Group and the National Food Standards Information and Labelling Group – three country forums that allow local authority officers a strategic overview of national issues and to maintain liaison with the FSA.

4.2 Feedback from many of the meetings highlight the overstretched local authority financial resources, as well as difficulty in recruiting and retaining competent officers. These pressures are exacerbated by other factors such as reported reduction in standards at food businesses, increased number of new food business registrations, as well as officers being pulled into other regulatory areas such as health and safety, licensing, and local emergencies for example flooding. Local authority staff are telling us that is culminating in very challenging circumstances such as more enforcement work, more hostile food business operators and fewer staff, meaning more stressful and challenging workloads for the teams delivering official food and feed controls. This is also supported by feedback from performance managers during their engagements with local authorities.

## **5. Resources**

5.1 The delivery models for each country are different and so there is a nuanced picture across the three countries. Our data modelling shows the issue of officer shortage is most acute in Northern Ireland. The reduction of reported occupied staffing numbers between 2013/14 and 2022/23 for food hygiene was 10%, 14% and 32% in England, Wales and Northern Ireland, respectively. For food standards there was a reduction of 27% and 40% in England and Northern Ireland respectively and an 8% increase in Wales possibly due to extra resource to help catch up on backlogs. Across all three nations, however, the overall number of establishments has increased (from 548k to 568k) during this time and therefore there is an increased workload for local authorities.

5.2 Local authorities have reported difficulties in recruitment and long-term absences, for example due to staff sickness. The data does not show a worsening gap between the number of allocated and occupied posts for food standards; however, this may be because a number of local authorities have recruited short term additional resource to catch up on backlogs of interventions

or have trainees which are included in the FTEs. Feedback from local authorities indicates that the overall numbers may hide the fact that the

workforce is less experienced. Many local authorities (especially in Wales) are reporting that the issue is the pipeline of new officers, consistent with the findings of our research outlined in paragraph 5.7.

### **FTE Resources October 2023 for three countries: Food hygiene**

<b>Country</b>	<b>FTE allocated</b>	<b>FTE occupied and available</b>
England	1,344	1,230
Wales	164	146
Northern Ireland	55	48
Total	1,563	1,424

### **FTE Resources October 2023 for three countries: Food standards**

<b>Country</b>	<b>FTE allocated</b>	<b>FTE occupied and available</b>
England	327	289
Wales	66	67
Northern Ireland	27	23
Total	420	379

5.3 We are very concerned that local authority food teams do not have sufficient resource to deliver food controls fully, particularly given the backlogs they need to work through. As a result of these concerns, we have taken action in two main areas, and we propose further work in this paper.

5.4 First, we have sought to better understand the gap between necessary and available resource. This October, for the first time, we asked local authorities food teams to make an assessment of the resource they actually needed to deliver the service. Food team leaders' responses suggested that overall, they needed in terms of full-time equivalent posts 200 more food hygiene officers and 50 more food standards officers than are actually in post. However, we have seen considerable variation in how food teams interpreted the question (for example some councils have told us they need the same number of FTE as

those allocated, and we know from our performance management engagement with them that they say they need considerably more). So, we cannot yet say this is a robust estimate.

5.5 This level of variation may arise due to the lack of a nationally recognised model for the assessment of the resource necessary to effectively deliver a food service. Until such a model is introduced, we will lack a robust estimate of the real level of resources needed to deliver official controls. We therefore propose that the FSA develop and publish a methodology for local authorities to use in determining resource requirements. This will function alongside our new approach for clustering local authorities, for the purposes of comparing performance, so the model can be applied to all authorities and take into account such variables as geographical size, industry make up and levels of compliance.

5.6 Second, we have investigated the recruitment and retention challenges in more detail. In November, we published the [research report](#) that we commissioned into Local Authority Capacity and Capability. It outlines multiple and complex contributing factors to a shortage of qualified and competent officers to deliver official food and feed controls and broader regulatory services.

5.7 The research identified that there is an insufficient number of students starting qualifications to meet demand. Local authorities perceived that current qualification routes and training programmes do not provide early careers professionals who can competently deliver food controls. They indicate that apprentices and early careers professionals require significant levels of support to get them to the required level of competency to deliver basic controls, which local authorities do not have the capacity to provide. Moreover, they are slowly losing the capability to provide this support by virtue of experienced officers leaving the profession through retirement or other means. Issues such as increasing workloads, a lack of career progression and a perceived erosion in pay and benefits were reported as making it harder to retain existing staff.

5.8 The FSA does not have any remit over how local authorities are funded and cannot fund officers or influence terms and conditions offered by local authorities. The impact that we can single handedly have on the issue is therefore limited. However, the report highlighted that funding alone will not solve the problem. It did identify some areas where FSA can make changes. We have therefore set up a project (the local authority resourcing project) to address the findings that are directly within the control of the FSA.

5.9 Through this project we aim to address feedback received about our competency framework, so that we ensure local authority staff are spending less but better-quality time assessing and developing officer competency, thus freeing up additional resources for delivery. We also intend to consult with local authorities to understand how we can use our limited training budgets to most effectively support them in terms of officer competency or boosting the supply of officers. Finally, we will be reviewing our suitable qualifications to see if we

can develop more flexible or modular approaches to delivery, including endorsing the apprenticeship model, to support officers to deliver lower risk official controls before needing to be fully qualified or chartered. We also intend to identify and map additional qualifications, if appropriate, that may provide a broader pool of qualified officers to recruit from. In parallel, we will be developing flexibilities for Regulatory Support Officers or those who do not have a “suitable qualification” to deliver lower risk controls. While we are still engaging with stakeholders to discuss the timelines for delivery, we have already initiated work in this area and anticipate that the first changes will be consulted on in Autumn 2024 with the next review of the FLCoP.

5.10 We also intend to engage with the Chartered Institutes of Environmental Health and Trading Standards, industry, other government departments and key stakeholders like the Local Government Association in our convenor and collaborator role to identify ways to collectively raise the profile of this issue and to work towards solutions such as combined marketing of the professions.

## 6. Performance management

6.1 We analyse data from local authority returns, and from other sources. Local authorities whose performance is assessed as causing a high level of concern are then formally engaged with by a performance manager and a case 'opened.' The assessment process considers numerous factors that indicates concern in performance, including resourcing levels within the service and the progress being made to realign to compliance with the FLCoP, for example, the number of interventions achieved that were due in each risk category and the number of new businesses awaiting first inspection. The performance manager works with the local authority to assess the situation and, where appropriate, seeks an action plan from the local authority to address the problems. Case progression is then reviewed at a fortnightly tasking and coordination meeting where decisions are made to either 'close' the case due a sufficient level of assurance being obtained from the local authority in their service delivery, or where an action plan has been submitted but not fully delivered the case will be 'monitored.' Where concerns remain without sufficient assurance being obtained then cases are referred to senior leaders for consideration for 'escalation' and if agreed, at what stage of the escalation process this should be managed at (see [Annex 5](#) for the FSA escalation procedure agreed by the Board in March 2019).

6.2 [Annex 6](#) has a number of case scenarios which highlight how the performance management approach has impacted upon local authority performance.

6.3 The table below shows the latest record of local authority engagements.

### Local authority case data

Measure	Data
Number of 'open' cases	35
Number of cases currently subject to 'monitoring'	82
Number of cases 'closed' in the last period	23
Number of cases 'escalated'	3

We are developing a model to place local authorities into 'clusters' which would enable improved comparison of 'like for like' performance. Using this data science approach presents an opportunity to develop methodology in the level of resources expected to meet demand and provide evidence-based guidance by the FSA for local authority service planning in the delivery of their food service.

6.5 Performance management and early engagement from us can help local authority food teams to make the case for the resources they need to address problems. For example, we recently wrote formally to a local authority in the section 114 ([footnote 4](#)) notice position making clear that food law is a statutory service and must be protected. Engagement continues with the local authority, who reported that there is no risk to their current level of service and have submitted a medium-term financial plan with an uplift in budget request to deliver their full statutory requirement.

6.6 In addition to performance management in individual cases, we are working to raise the profile of food work with local authority leaders and to make the case for sufficient resourcing. For example, we ran a stall alongside other regulators at the Local Government Association (LGA) conference and have attended and delivered sessions at other professional body conferences on our work. The CEO wrote out to local authority Chief Executives at the end of the recovery period with congratulations and a warning about the challenges to come and the importance of the food service. Now that we have the first set of data on performance following the recovery plan, we propose to write again to all local authority Chief Executives and Section 151 finance officers to set out our concerns about the remaining backlog of inspections and to remind them of the statutory nature of work undertaken by their respective food teams when considering budget allocation for the next financial year.

Our local authority data project is exploring how we will collect or access the data we need for local authority performance management in the future (see Section 5 of paper [FSA 23/12/05 Achieving Business Compliance Programme](#)). Until a new solution is in place, we will continue collecting data through six-monthly surveys in October and April each year. As local authorities move onto the new food standards model over the next year and a half, we will start using the new key performance indicators for performance on food standards, as set out in the [March 2023 Board paper](#).

6.8 We will be publishing performance data following the mid-year and annual returns which, alongside our audit findings, will be included in an annual assurance report on local authority food law enforcement. The first of these will be published next year once the data in the end of year return for 2023/24 has been analysed. This report provides us with another opportunity to raise the profile of areas where there are performance concerns.

## 7. Conclusions

7.1 Although local authorities have largely met the requirements of the recovery plan, they still have large backlogs of inspections to carry out at lower risk establishments. The October 2023 data indicates that authorities are struggling to carry out the full range of interventions outlined in the FLCoP. They are rightly prioritising the areas of highest risk, but this leaves a backlog of lower risk establishments that have now not received interventions for many years. This, together with the anecdotal evidence received through local authority liaison groups and the findings of our own research, leads us to be very concerned that local authorities do not have the resources they need to deliver food controls.

7.2 We will, therefore, need to carefully monitor progress at individual local authority level on an ongoing basis and be prepared to use our escalation process where necessary. In addition to our formal performance management process, we must continue to work to ensure that those taking difficult decisions about the deployment of local authority resources fully understand the importance of local authority food teams' work for public health and consumer protection, and the statutory duties on them.

7.3 The Board is asked to:

Consider the data in this report on the performance of local authorities in the delivery of official food controls and note our strong concerns about the resourcing of local authority delivery of official food controls.

7.4 Agree that we should:

- through our performance management continue to support food teams in addressing problems and be assertive in ensuring local authority leaders are aware of their statutory duties, including through escalation where needed.



- as part of this approach, we propose writing now to all Local Authority Chief Executives and s.151 Finance Officers to set out our concerns about resourcing and delivery, and to remind them of the statutory nature of official food controls when considering and setting the budget allocation for the next financial year.
- seek to develop a model that shows the level of resource local authorities need to deliver food services effectively.
- through our local authority resourcing project, help with resourcing challenges where it is within our remit to do so, by addressing the issues with qualifications and the competency framework described in para 5.9.
- continue to engage with the chartered institutes for the two professions, the Local Government Association, government departments and other stakeholders to raise the profile of the challenges that local authorities are facing, and to work towards solutions collectively where possible.

## **Annex 1**

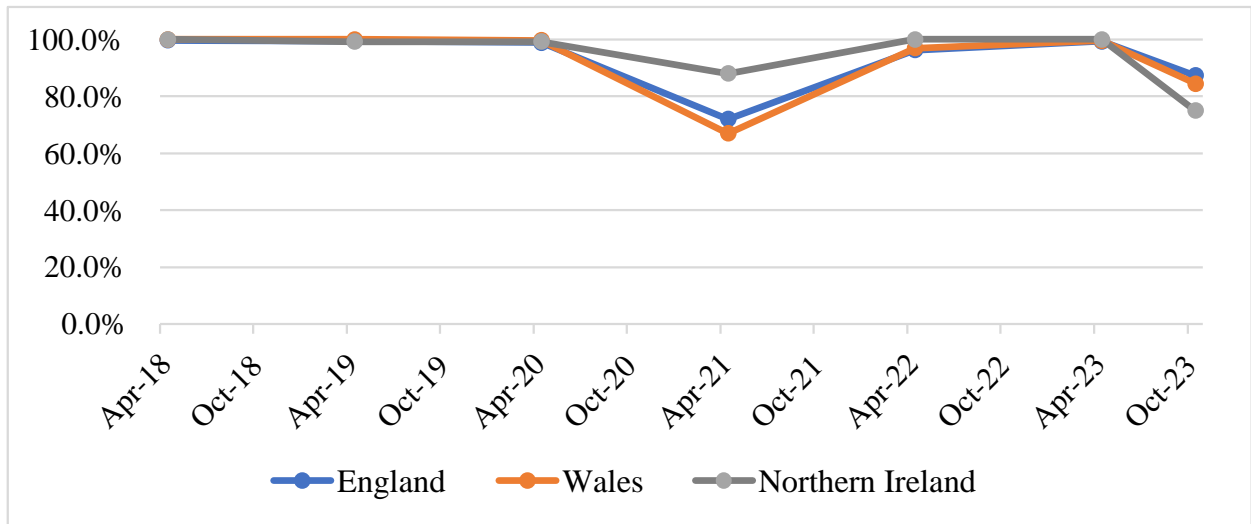
### **Recovery Plan targets**

For lower risk establishments not shown above, local authorities had the flexibility to defer planned interventions and only undertake intervention where information/intelligence suggests that risks had increased, standards had fallen or if the establishment was otherwise considered a priority for intervention due to the risk posed.

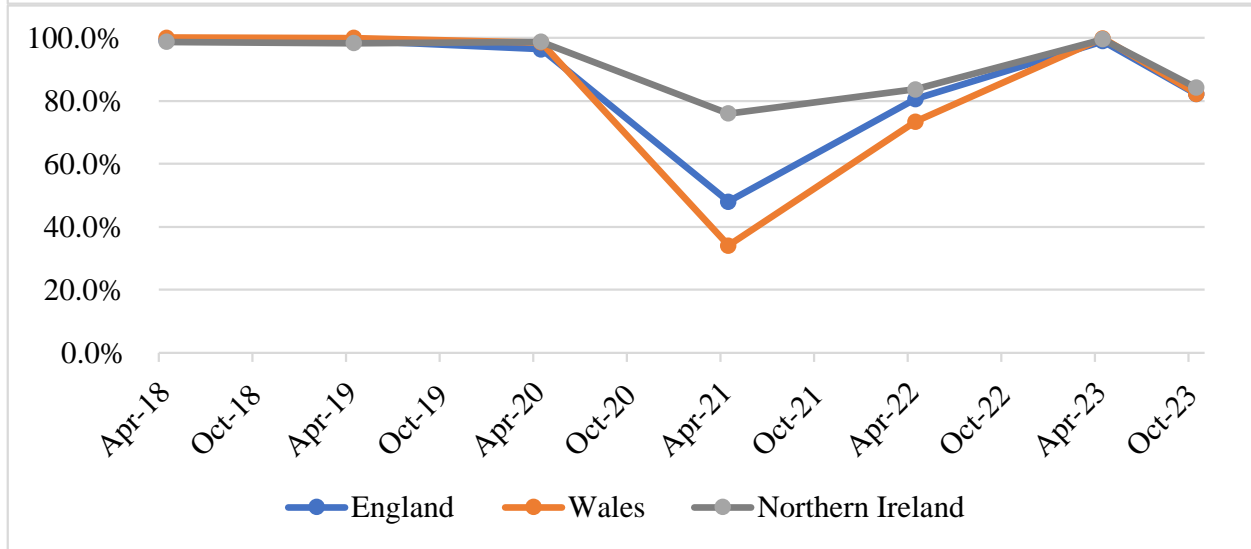
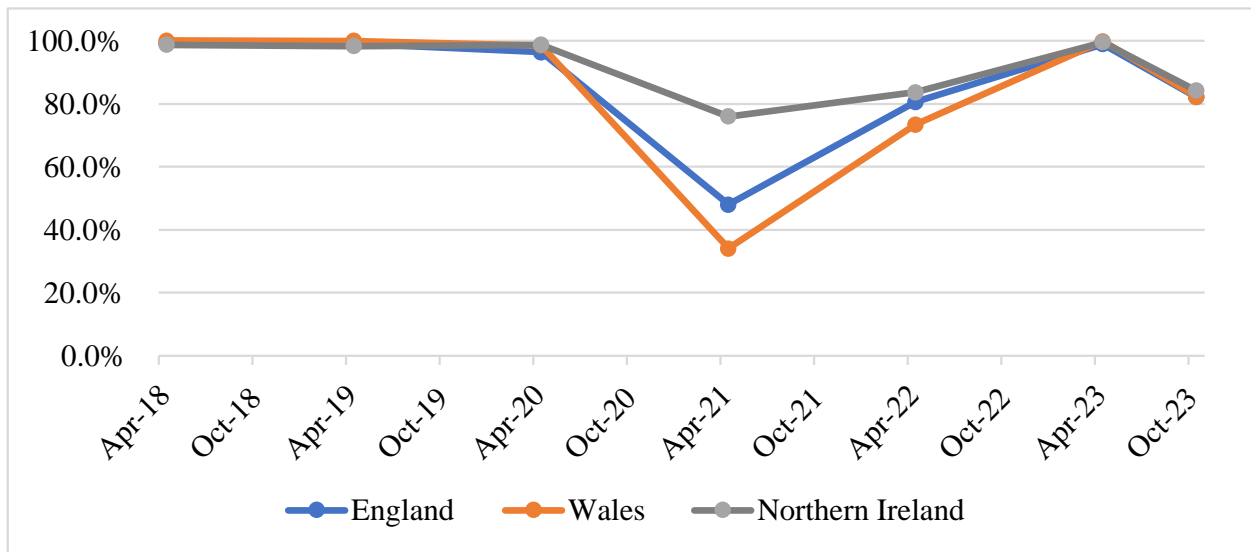
## **Annex 2**

### **Charts 1 - 5: Food hygiene**

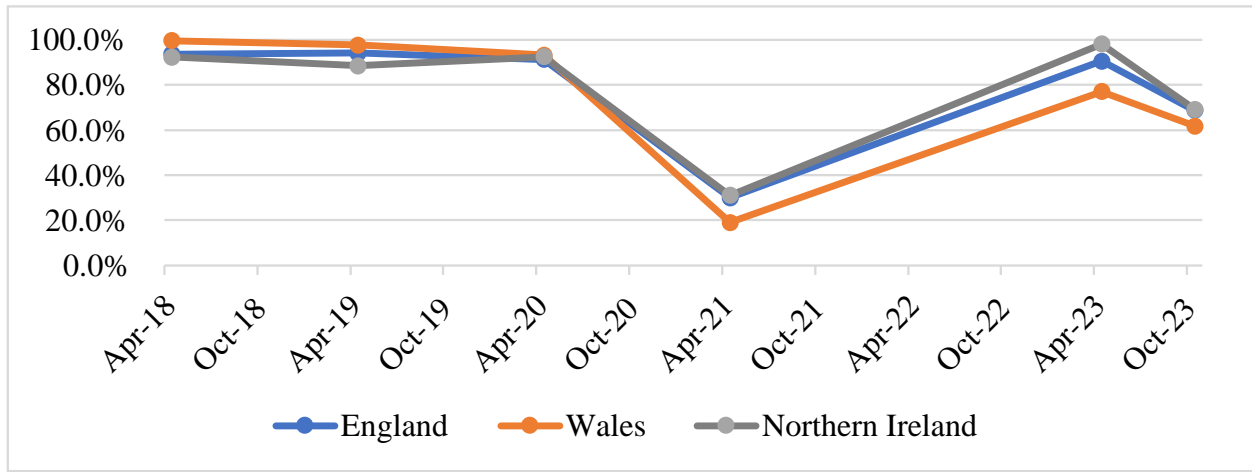
**Chart 1: Percentage of food hygiene A-rated interventions carried out.**



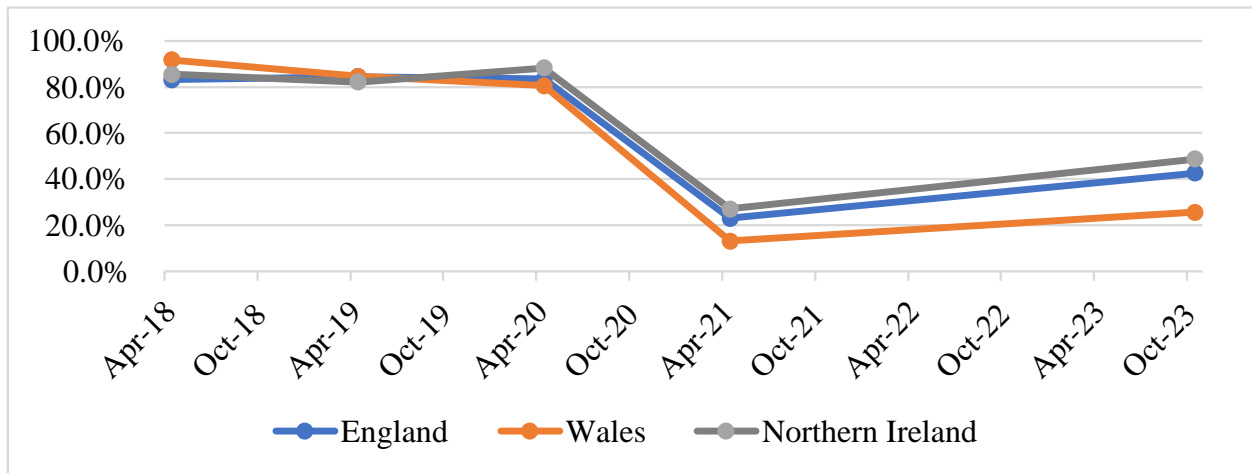
**Chart 2: Percentage of food hygiene B-rated interventions carried out.**



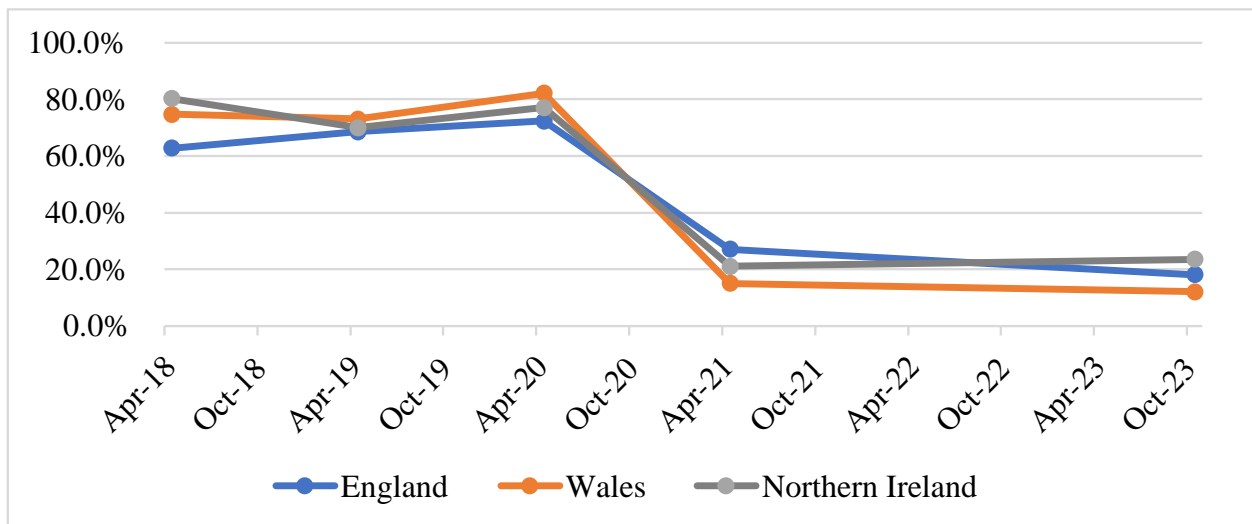
**Chart 3: Percentage of food hygiene C-rated interventions carried out.**



**Chart 4: Percentage of food hygiene D-rated interventions carried out.**

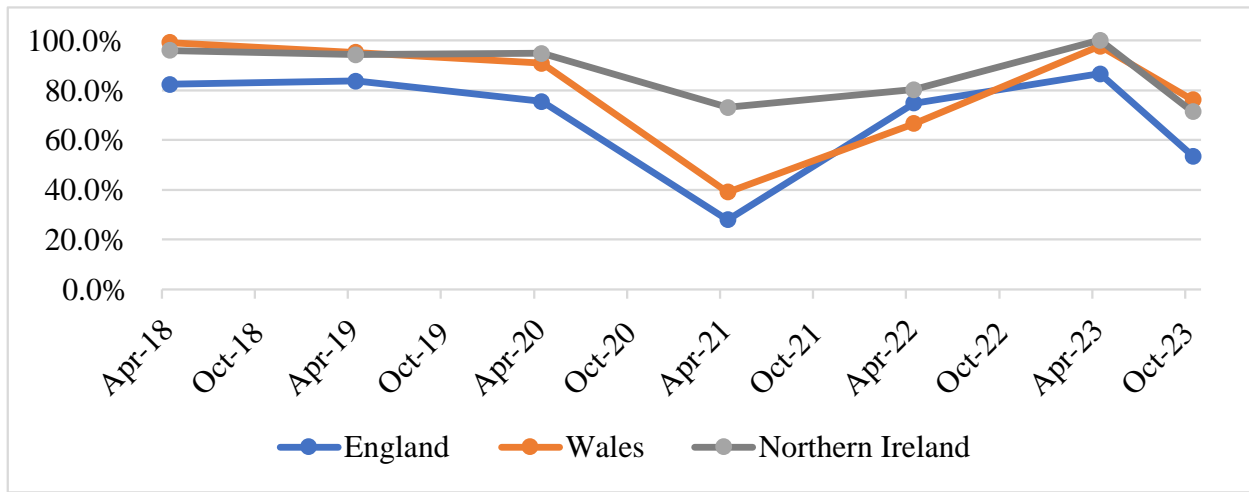


**Chart 5: Percentage of food hygiene E-rated interventions carried out.**

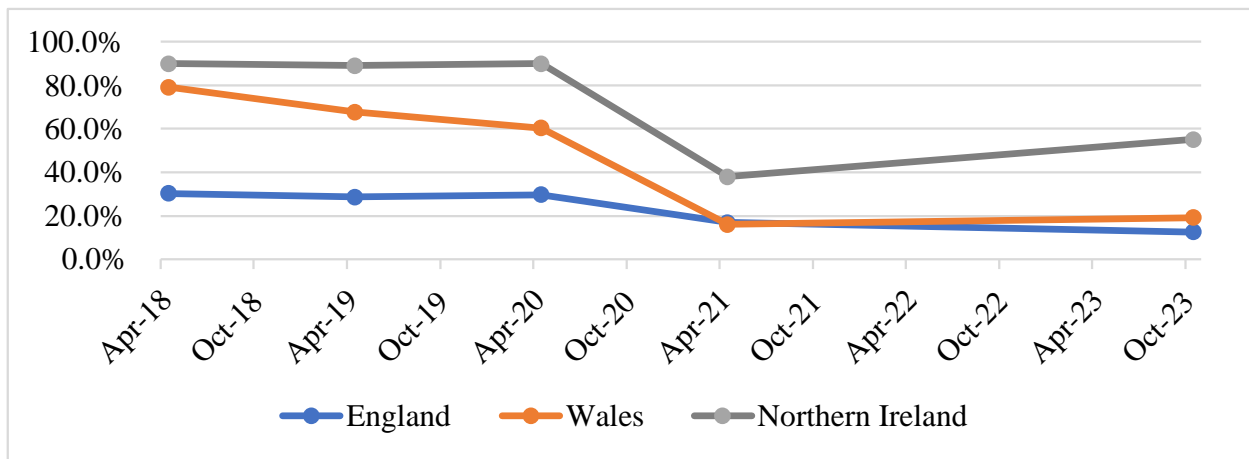


**Charts 6 - 8: Food standards**

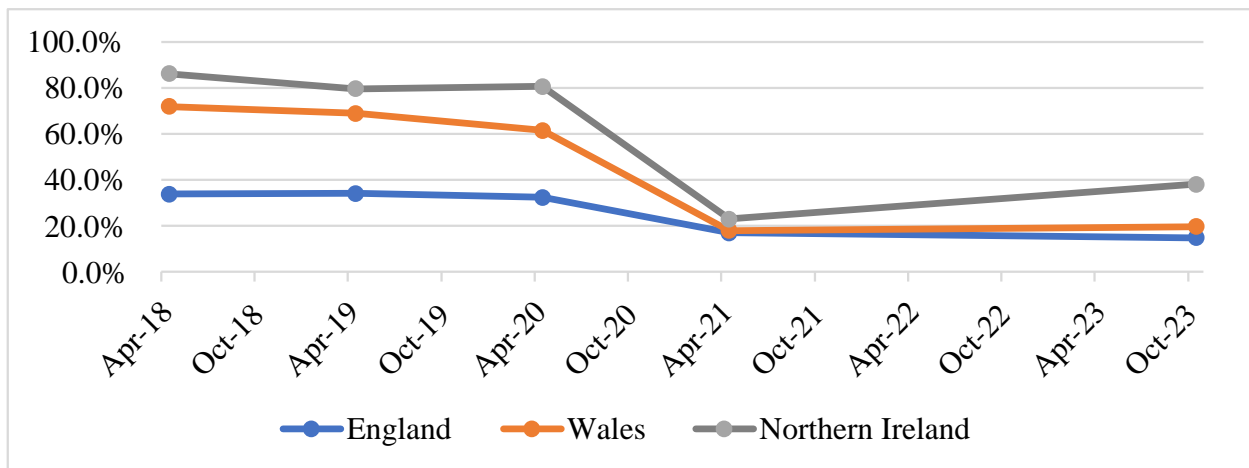
**Chart 6: Percentage of food standards A-rated interventions carried out.**



**Chart 7: Percentage of food standards B-rated interventions carried out.**



**Chart 8: Percentage of food standards C-rated interventions carried out.**



**Table 1: Food Hygiene – number and percentage of interventions carried out.**

\*October 2023 data is for half a year

2019/20	A	B	C	D	E	Total

England	5,467	27,956	68,104	86,346	46,076	233,949
-	98.9%	96.3%	91.3%	83.5%	72.4%	84.7%
Wales	573	2,738	11,046	3,160	3,362	20,879
-	99.7%	98.5%	93.2%	80.5%	82.2%	89.9%
Northern Ireland	120	1,249	4,604	5,095	2,461	13,529
-	99.2%	98.7%	92.5%	88.2%	77.1%	88.2%
Total	6,160	31,943	83,754	94,601	51,899	268,357
-	99.0%	96.6%	91.6%	83.6%	73.2%	85.3%

<b>2022/23</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>Total</b>
England	2,971	17,870	53,408	63,374	37,282	174,905
-	99.4%	98.9%	90.6%	N/A	N/A	N/A

2022/23	A	B	C	D	E	Total
Wales	242	1,381	7,599	1,346	2,723	13,291
-	99.6%	99.8%	77.1%	N/A	N/A	N/A
Northern Ireland	89	1,093	3,722	4,677	2,077	11,658
-	100%	99.5%	98.1%	N/A	N/A	N/A
Total	3,302	20,344	64,729	69,397	42,082	199,854
-	99.5%	99.0%	89.1%	N/A	N/A	N/A

October 23*	A	B	C	D	E	Total
England	1,139	6,697	19,351	32,830	14,467	74,484
-	87.3%	82.1%	68.7%	42.6%	18.1%	38.3%
Wales	98	481	2,437	1,040	904	4,960

October 23*	A	B	C	D	E	Total
-	84.5%	82.2%	61.8%	25.6%	12.0%	30.5%
Northern Ireland	15	234	709	1,322	750	3,030
-	75.0%	84.2%	69.2%	48.7%	23.5%	41.9%
Total	1,252	7,412	22,497	35,192	16,121	82,474
-	86.9%	82.1%	67.9%	41.9%	17.8%	37.8%

2019/20 food hygiene data is based on 98% LA returns. October 2023 food hygiene data is based on 96% LA returns.

N/A indicates data was not collected on % of interventions carried out as it was during the recovery period and there was no target for that risk rating at that point.

**Table 2: Food Standards – number and percentage of interventions carried out.**

\*October 2023 data is for half a year

2019/20	A	B	C	Total
England	2,837	29,119	30,146	62,102
-	75.5%	29.7%	32.4%	31.9%

2019/20	A	B	C	Total
Wales	347	3,439	3,285	7,071
-	90.8%	60.3%	61.5%	61.9%
Northern Ireland	234	1,800	5,956	7,990
-	94.7%	89.9%	80.6%	82.9%
Total	3,418	34,358	39,387	77,163
-	78.1%	32.5%	37.3%	35.8%

2022/23	A	B	C	Total
England	3,458	25,350	27,258	56,066



<b>2022/23</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>Total</b>
-	86.5%	N/A	N/A	N/A
Wales	248	2,970	4,264	7,482
-	97.6%	N/A	N/A	N/A
Northern Ireland	197	1,537	4,720	6,454
-	100%	N/A	N/A	N/A
Total	3,903	29,857	36,242	70,002
-	87.7%	N/A	N/A	N/A

<b>October 2023*</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>Total</b>
England	1,000	8,852	12,270	22,122
-	53.5%	12.6%	14.9%	14.3%

October 2023*	A	B	C	Total
Wales	70	879	1,045	1,994
-	76.1%	19.2%	19.7%	20.0%
Northern Ireland	25	336	1,105	1,466
-	71.4%	55.0%	38.1%	41.3%
Total	1,095	10,067	14,420	25,582
-	54.8%	13.3%	15.9%	15.2%

October 2023 food standards data is based on 95% LA returns.

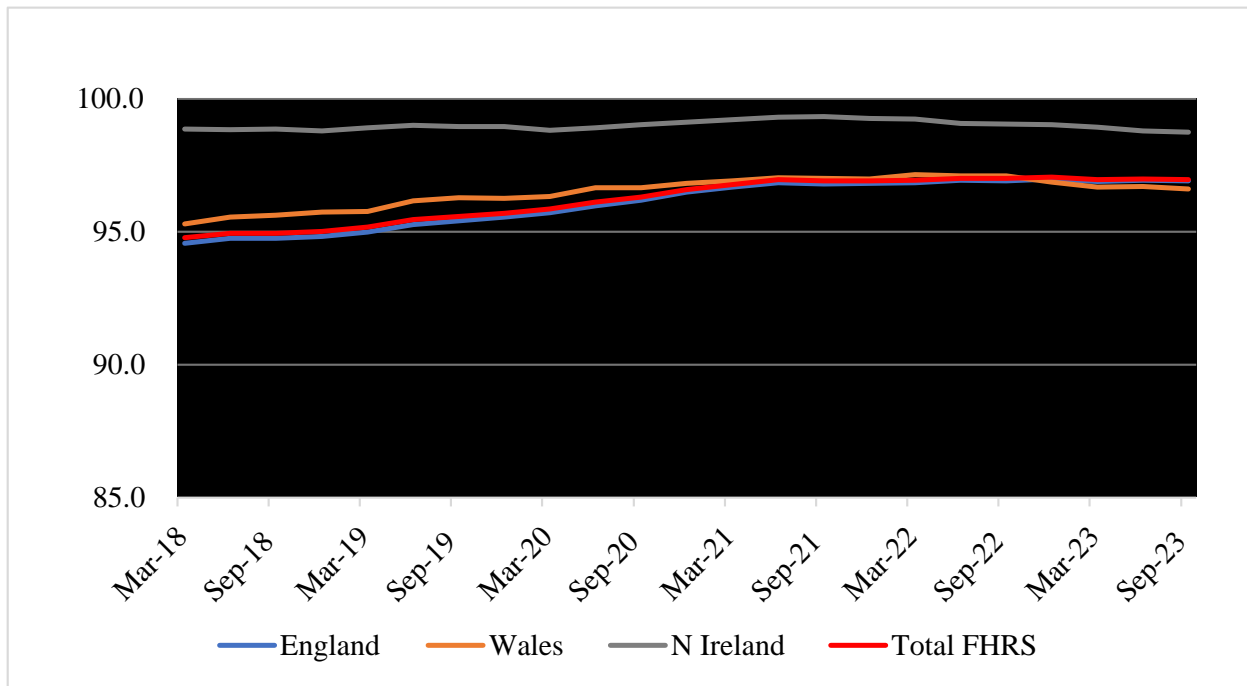
N/A indicates data was not collected on % of interventions carried out as it was during the recovery period and there was no target for that risk rating at that point.

**Table 3: The number of unrated registrations in each country (food hygiene data)**

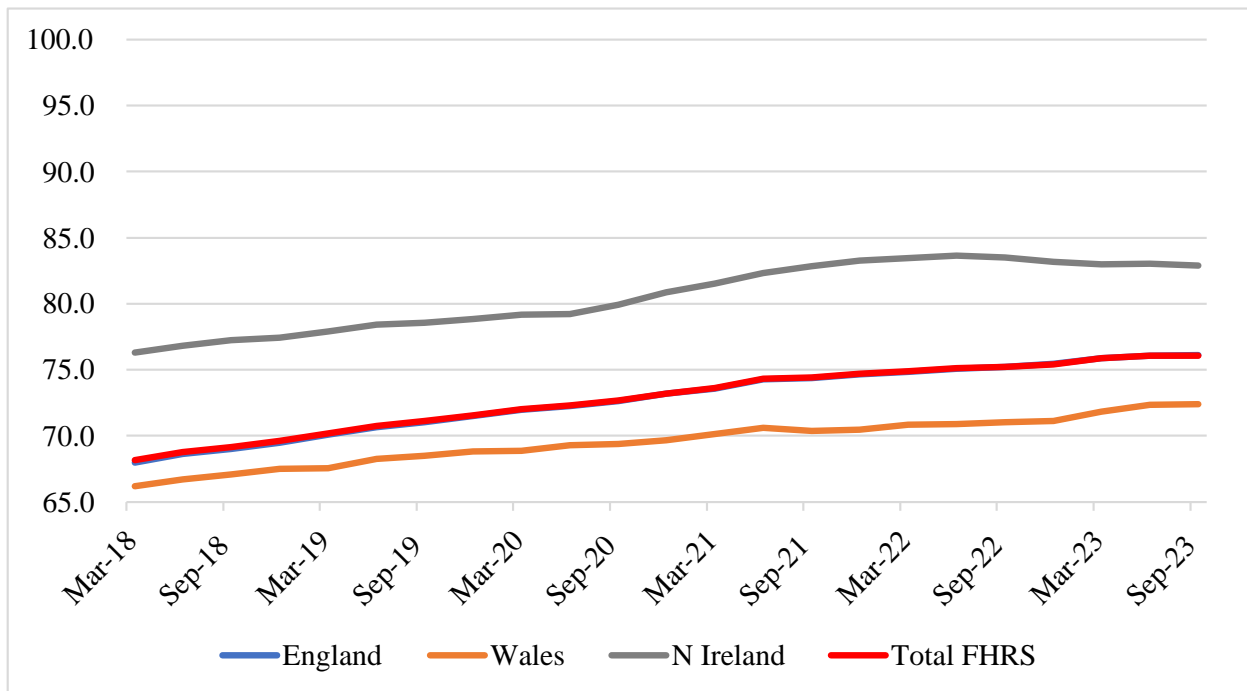
Year	England	Wales	Northern Ireland	Total
April 2019	24,897	802	539	26,238

Year	England	Wales	Northern Ireland	Total
April 2020	29,021	1,388	559	30,968
April 2021	70,635	5,102	1,299	77,036
April 2022	47,068	3,308	737	51,113
July 2022	45,406	2,902	549	48,857
October 2022	40,344	2,602	459	43,405
January 2023	36,732	2,295	505	39,532
April 2023	36,595	2,352	510	39,173
October 2023	36,816	2,263	638	39,717

**Chart 9: Percentage of FHS ratings of 3 and above for each country from pre-pandemic to now**



**Chart 10: Percentage of FHR5 ratings 5 for each country from pre-pandemic to now**



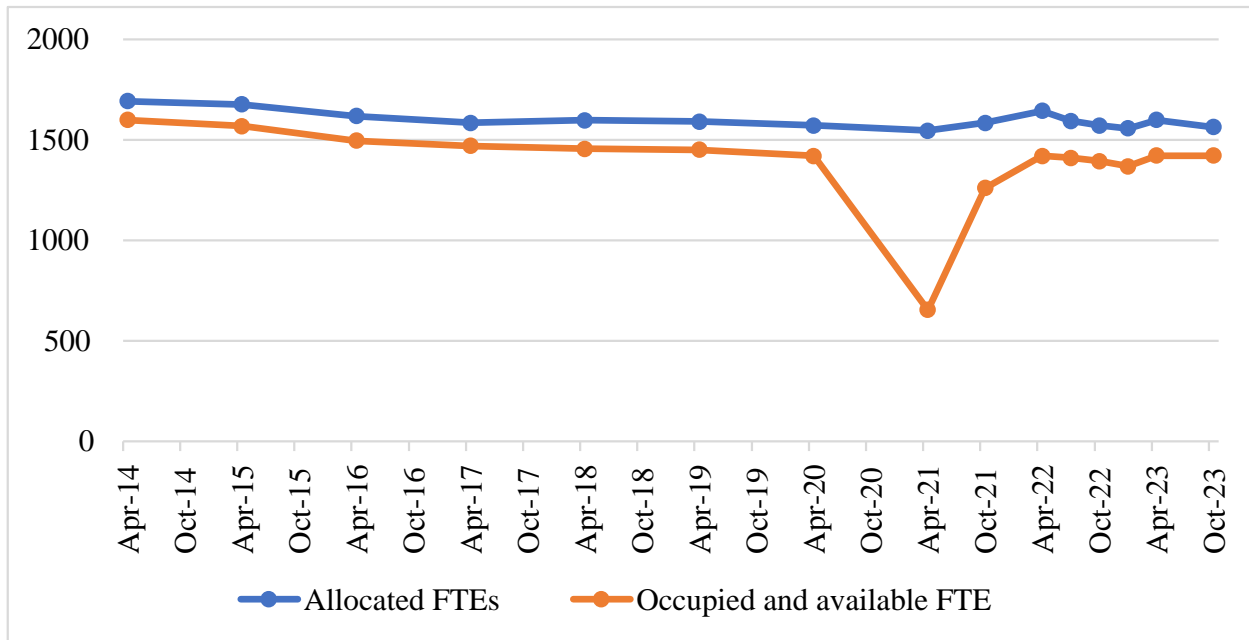
### Annex 3

The list provides examples but is not exhaustive. Categorisation depends on the compliance of the establishment as well as the nature of the business.

Risk category	Numbers of establishments in each risk category (data from food hygiene returns April 2023)	Examples of establishments
A	1,565	Non-compliant takeaway Large manufacturers
B	18,646	Care homes Children's nurseries Butchers selling and preparing raw and ready to eat products
C	95,165	Compliant restaurants serving a large amount of people. Bakers' shops Sandwich shops
D	204,578	Restaurant with very good hygiene controls School servery kitchens
E	208,369	Chemists selling sweets. Home bakers that only operate occasionally

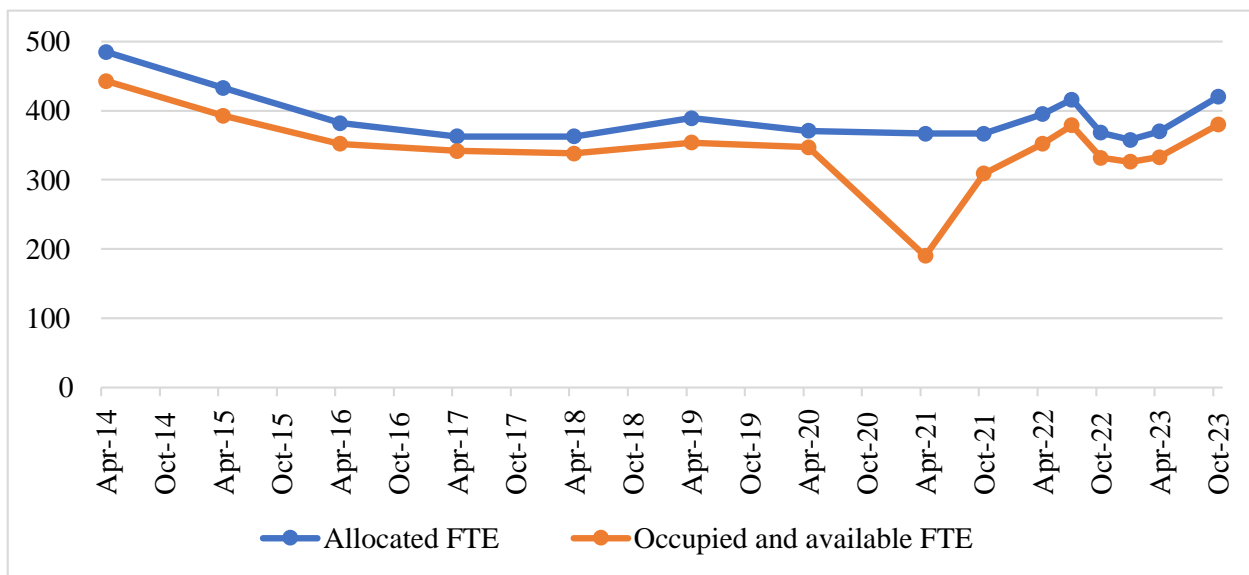
## Annex 4

**Chart 11: Food hygiene FTE professional posts allocated and occupied and available to undertake official food controls April 2014 to October 2023**



\*The October 2023 data is based on 96% LA returns.

**Chart 12: Food standards FTE professional posts allocated and occupied and available to undertake official food controls April 2014 to October 2023**



\*The October 2023 data is based on 95% LA returns

## Annex 5

### Local authority escalation procedure

## **Annex 6**

These are just three examples of where performance management engagement has resulted in improvements to the local authority service delivery. There are many examples of positive outcomes but these help give an indication of the types of issues and outcomes the performance management team are dealing with.

### **Case study 1**

Local authority identified as having significant service issues when the local authority audit team attended to complete an approvals audit. The situation was that bad that they assessed that it was not possible to complete the audit at that time and the immediate performance risks needed to be addressed. Performance management and local authority audit team spoke on the day and a formal handover for performance management to have ownership of the situation agreed. The allocated performance manager and the head of team then formally met with the lead officer and head of service to discuss the situation and agreed that a timebound and urgent action plan was required. This was submitted on time and a series of meetings to monitor progress took place. Significant progress has been made including the recruitment of qualified staff to deliver official controls, assurance in relation to the competence levels of inspections that have been completed, data base accuracy and development of a suitable service plan to ensure sustained improvements. The local authority continues to be monitored, however, the initial measures put in place by them to deliver the action plan were swift and effective in solving the significant concerns of the FSA

### **Case study 2**

Local authority engaged with following a milestone survey during the COVID-19 local authority recovery plan where high numbers of unrated establishments and inability to meet the plan

milestone were identified. Engagement commenced and following a meeting with the lead officer and head of service, a short-term action plan was implemented. However, concerns in the ability of the local authority to meet the full FLCoP requirements when the recovery plan came to an end were identified and the longer-term delivery of the service was under resourced. The performance management team formally wrote to the head of service recommending a number of actions including the longer-term resourcing issue. This was used in raising the risk with the senior leadership of the local authority, who determined that the risk was now to be managed corporately and a plan implemented to address the recommendations made by the FSA. Significant improvements have been made and the performance management team continue to monitor delivery to ensure this is sustained and regularly meet with the local authority for ongoing support.

### **Case study 3**

Local authority contacted after it became apparent milestones were not being met due to dropping numbers of FTEs. Local authority had already raised concerns at their committee meetings, and we were assured portfolio members were eager to resolve the issue. FSA met with local authority senior staff to fully understand the position and a timebound action plan was provided to us. We continued to monitor the local authority and they managed to appoint some contractors to help with the backlog of work. Steps were taken to recruit fully qualified and partly qualified staff but were largely unsuccessful; the FTE shortage continued for a number of reasons including ill health and retirement. At the end of the recovery plan period another timebound action plan was provided to us, based on the current FTE numbers, including contractors. It was apparent that sufficient progress could not be achieved with the numbers of FTEs in place. The local authority has just entered Stage 1 of the escalation process and a letter has been sent to them informing them of this.

1. As part of the Food Standards Agency duties under the Food Standards Act 1999, and in accordance with the requirements of Regulation (EU) No 2017/625 (OCR) on official controls (retained law in England and Wales).
2. At the time of writing, we have received data from 96% of local authorities on food hygiene and 95% on food standards, so there may be further adjustments once the October data set is complete
3. Official controls to enforce legislative requirements regarding quality, composition, labelling, presentation, chemical contamination, and advertising of food.
4. Generally seen as demonstrating that a council faces bankruptcy unless it quickly gets its finances in order.