

Local Authority Performance Update

FSA 24/09/04 - Report by Rebecca Kirk

1. Summary

1.1 The paper updates the Board on local authority performance in enforcing food law for the financial year 2023/24 and complements the regular reporting to the Business Committee. It also updates on the Local Authority Resourcing project and on preliminary work being undertaken by the FSA to explore the potential for local authorities to either charge for establishment registration or charge for other regulatory activities.

1.2 The Board is asked to:

- **Consider and comment on** local authority performance
- **Consider** the progress on the Local Authority Resourcing Project and Data Collection project
- **Consider if** the FSA should undertake initial engagement with local authorities to understand more around mechanisms, opportunities and risks associated with charging for delivery of official controls

2. Introduction

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

2.2 In our Covid recovery plan, we set a series of targets during 2022 and 2023 to bring local authorities back on track for interventions at high- and medium-risk establishments for food hygiene (rated A, B, C and D less than broadly compliant) and high risk for food standards (rated A) by April 2023. Most local authorities met these targets. However, there remained a large backlog of inspections at the lower risk establishments. Since April 2023 we have expected local authorities to return to business as usual and re-align with all the requirements of the Food Law Code of Practice ([FLCoP](#)).

2.3 Following the update to the Board in [December 2023](#), where data from the first six months of activity of the 2023/24 year by local authorities was presented, local authorities have continued to make progress across all risk ratings for food hygiene and A-rated establishments for food standards. However, we remain concerned about the availability of resources in local authorities and their ability to deal with the large volumes of interventions outstanding at lower risk establishments and the backlog of inspections at newly registered businesses. This means that many businesses are not getting timely support and checks from local authority food teams, which could lead to a deterioration in standards and a greater risk to consumers.

3. Update on local authority performance

Food Hygiene

3.1 The pattern of delivery by local authorities changes throughout the year. Although the October 2023 data showed a slight decline in the percentage of interventions carried out at the high and medium-risk establishments for food hygiene (rated A, B, C), compared with April 2023, the levels improved in the second part of the year and were close to pre-pandemic levels.

3.2 Since April 2023 local authorities are also catching up on backlogs at the lower risk establishments (rated D and E). Annex 1 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 2019/20.

3.3 A year after the end of the Recovery Plan, the overall percentage of due and overdue interventions carried out at establishments rated A to E was 51.9%. There are many more establishments from the lower risk categories that have since become due. Table 1 provides numbers of due interventions still outstanding at the end of April 2020, April 2023 and April 2024. The total number outstanding (categories A to E) in April 2024 was over 100,000 (of which 34% were D-category and 62 % E-category) compared with around 46,000 in April 2020. If interventions are not carried out for long periods, an establishment's rating may mask the current risk as changes could have taken place with the business activity, potentially increasing the risk to the consumer of exposure to an unsafe business.

3.4 Table 3 shows the number of new business establishments awaiting a first inspection. There will always be a small proportion of new registrations yet to be seen, although authorities should aim to undertake an initial food hygiene inspection within 28 days. It should also be noted that some establishments are registered, but are not yet trading, while some never begin trading at all. However, the number of unrated establishments for food hygiene increased by around 1,600 to around 41,000 from April 2023 to April 2024. Numbers had already started to rise in April 2020 at the start of the COVID-19 pandemic. The 5-year average from 2015/16 to 2019/20 was around 28,000. The high numbers remain an area of unknown risk and non-compliant businesses may not be subject to the timely intervention by the local authority that is required.

3.5 The number of new business registrations continues to rise each year, increasing the workload for local authorities. The number of new registrations reported for 2023/24 was 90,613 compared with 83,594 the previous year, with a 20% increase in both the home caterer and restaurant / takeaway sectors.

3.6 Reassuringly, there is no quantitative evidence of a drop in compliance in establishments from FHRS data trends, which are shown in Charts 9 and 10 in Annex 1 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 March 2020. The overall proportion of rated establishments with the top rating of '5 – very good' has increased from 72% to 76.5% since March 2020. However, it is possible that this may change as local authorities make further progress into the backlog. We have heard qualitative feedback from local authorities that they are seeing some establishments where compliance has significantly deteriorated during the long gap between inspections, and the increase in enforcement action (see para 3.10) seems to back this up.

Food Standards

3.7 Overall, local authorities had started to make progress with backlogs of interventions at A-rated establishments at the end of 2022/23. Chart 6 shows the percentage of interventions being carried out is now slightly better than pre-COVID.

3.8 Local authorities are finding it hard to catch up on all backlogs at B- and C-rated establishments. Charts 7 and 8 show there was still a lack of progress in interventions in England

by April 2024, although much better progress was made in Wales and Northern Ireland. As authorities implement the new food standards delivery model (FSDM) in England and Northern Ireland this year, the profile of the backlog will change, as some establishments will be considered higher risk under the new system and some lower than before. However, it is too early to quantify the scale of this change.

3.9 It is too soon to report on any improvements in delivery resulting from the new FSDM. We continue to work closely with Management Information System (MIS) providers to ensure the required development of their systems to support implementation of the FSDM, with a planned completion date for all local authorities to be onboarded by end March 2025, in line with the end of the transitional period set out in the Codes. The first local authority commenced working to the new model in July with positive feedback received which gave reassurance to the content and quality of the training and other supporting documentation provided both to the local authority and their MIS provider. More local authorities are scheduled to come on board in the coming months.

Complaints Data, Enforcement Actions and Sampling

3.10 There has been a small increase of 1,540 complaints (3%) to 60,919 in 2023/24 reported in relation to food or establishment hygiene and an increase of 200 (2%) to 11,188 for standards covering authenticity and food fraud in the past year. The number of formal enforcement actions reported for food hygiene in 2023/24 was 5,898 compared with 5,467 in 2022/23. Similarly formal enforcement actions for food standards have increased from 518 to 658 in that period, representing an increase on pre-pandemic levels of enforcement of 23% and 44%, respectively. This data supports what local authorities are telling us about the drop in compliance at specific food establishments.

3.11 The 2022/23 data indicated that local authorities had re-started sampling activity. The numbers reported across the three countries was 40,144 compared with 44,026 in 2019/20 but only 13,464 in 2020/21 at the start of the pandemic. The 2023/24 data indicated a slight reduction in the past year bringing the level to 37,911, with decreases in England and Northern Ireland. This suggests the volume of backlogs in the lower risk interventions is still being prioritised over sampling, both of which have a demand on local authority resource.

3.12 This includes the FSA's funded and directed sampling programme as part of the new Food Standards Delivery Model. Sampling is targeted, enabling local authorities to address specific risks within the food chain and/or specific types of businesses based on intelligence. However, some local authorities have reported staff resource issues are preventing them from carrying out pro-active sampling even when the cost of analysis is funded by the FSA.

4. Feedback From Local Authorities

4.1 The feedback from local authority engagement in England, Wales and Northern Ireland continues to highlight the significant challenges local authorities are facing in recruiting and retaining competent officers as well as some reporting overstretched financial resources. Many have indicated concerns about the lack of new entrants into the system and an ageing workforce. Other demands such as health and safety work, service requests such as investigation referrals from other services with the local authority and animal licensing have diverted resources away from the food programmes within regulatory services.

4.2 Many local authorities have expressed concerns about the increasing number of new business registrations and first inspections. Concerns have also been expressed regarding the increasing levels of non-compliant imported foods, and increased time and effort in trying to improve business compliance generally, all impacting on their ability to deliver all elements of the FLCoP.

4.3 Throughout April and May, we held a series of face-to-face engagement events with local authorities and a further online event. These were very successful reaching 271 officers in total, with 92% feeding back that they were satisfied or very satisfied with the content on the day and ongoing positive feedback through other stakeholder forums.

4.4 The events were used to inform our thinking around key policy areas particularly local authority resourcing and to update local authorities on key priorities including performance monitoring, key performance indicators for food hygiene, the local authority data project and the new FSDM roll out.

4.5 The events confirmed that our proposals for the local authority resourcing project were largely supported by local authorities. We will now deliver our local authority training offer in 2024/25 and will move forwards with progressing updates to our governance around suitable qualifications and considering options for future delivery of training, depending on the outcome of our spending review settlement. We will be convening a working group to refresh our approach to competency assessment and will also deliver a proof of concept for the local authority resource modelling tool requested by the Board by December 2024. This will initially be for food hygiene, with a sequential approach taken to include food standards, unitary models and feed once the proof of concept has been tested.

5. Resources

5.1 There was an increase in the overall reported allocated and occupied full time equivalent (FTE) resource for food hygiene in England and Northern Ireland since April 2023 and a very slight decrease in Wales. For food standards there was an increase in allocated and occupied FTE in England and Wales. The variations in each country are shown in the tables 4 and 5 in Annex 2. Local authorities have reported an increase in the number of trainees recruited for both responsibilities, which may be masking reductions in the numbers of experienced competent staff.

5.2 In addition, the overall number of establishments has continued to increase (from 568k to 580k) during this time, which has exacerbated the situation for local authorities' ability to deal with their workload.

6. Update on Local Authority Resourcing Project

6.1 Following the publication of our research into local authority [Capacity and Capability](#), we set up a project looking at local authority resourcing. Our core offer will establish governance processes to vet new and existing qualifications to ensure they are fit for purpose, will improve our local authority training offer and will refresh our approach to competency assessment. We will also collaborate with other interested parties to identify solutions to shared projects. Local authority resourcing is not one that the FSA can solve in isolation, but we are committed to doing what we can.

6.2 Following our successful endorsement of the level 6 Trading Standards Practitioner which currently has 91 apprentices specialising in food or feed enrolled, we have worked with the Chartered Trading Standards Institute (CTSI) to endorse a further qualification in animal feed.

6.3 This qualification provides increased flexibility for candidates to undertake official feed controls (as opposed to qualifying as a Trading Standards Practitioner) and for officers already trained in other regulatory disciplines to study this as a 'bolt on' to their existing qualifications, to diversify into feed delivery. CTSI have signalled their intent to deliver something equivalent for food standards and we will work with them to endorse it in due course, subject to it meeting our governance requirements and consultation with stakeholders.

7. Potential for Local Authorities to Charge for Registration or Other Regulatory Functions

7.1 In our discussions with local authorities, we have been asked repeatedly whether local authorities could be allowed to charge for the delivery of official food and feed controls, in the context of increasing pressures on public finance. (This was raised at our March Board meeting). We have begun some very early consideration of the options, but more work would be needed between the FSA and local authority representatives to understand the mechanisms, risks and opportunities associated. We welcome a steer from the Board about whether they wish for us to undertake initial engagement with local authorities on this matter.

8. Update on Performance Monitoring of Local Authorities

8.1 In the [December 2023](#) Board paper, we updated on the approach to performance management and the escalation procedure. Based on data from the April 2024 return all local authorities assessed as being of high concern in the delivery of official controls have been formally engaged with. In addition to ongoing cases that are being monitored, six new cases have been escalated to level 1, and four other cases were de-escalated following the implementation of a suitable action plan from the local authority.

8.2 We are working on developing a new data collection approach that will provide more relevant and timely performance data on the delivery of official controls undertaken by local authorities. This new approach will replace the previous Local Authority Enforcement Monitoring System (LAEMS) and the current local authority biannual returns. We will initially collect food standards data to align with the introduction of the new FSDM and we have started to identify the type of hygiene data required. The collection of feed and other official controls will be looked at in subsequent phases of the project.

8.3 We are planning to procure a tool called an insight engine, which will enable the analysis of data provided by local authorities and streamline the reporting process. The insight engine will enable us to cleanse, match and enrich data from different data sources. It will help us to populate the new food standard performance management KPIs and improve how we monitor and support local authorities in the delivery of official controls. The procurement of the insight engine has commenced and initial testing with early adopting local authorities is due in early 2025. A local authority working group consisting of representatives from across England, Wales and Northern Ireland will help us to develop the new data collection system.

9. Conclusions

9.1 The data shows local authorities have made considerable progress with returning to the requirements of the FLCoP, particularly for the areas of highest risk, but we are still concerned about the backlog of interventions at the lower risk establishments and large numbers of unrated newly registered establishments. The data suggests it will take local authorities some time to get back on track to carry out all interventions in accordance with the Code.

9.2 We have not seen a deterioration in food hygiene ratings so far. Nor have we seen an increasing trend in reported cases of foodborne disease, which gives us reassurance that food hygiene standards in the three countries remain good overall. However, we are worried that, with over 100,000 businesses overdue an inspection, some of those out-of-date ratings may be masking changes in risk level or compliance. The fact that local authorities are undertaking more enforcement action bears out their feedback that they have seen significant deterioration in some businesses as they work through the backlog.

9.3 While there are some positive signs of local authorities recruiting more trainees in the past year, these staff are not yet competent to undertake the full range of official food controls and require supervision. This is creating a further demand on the workload of experienced officers.

9.4 The monitoring data, together with the reported increased numbers of new food establishment registrations and the anecdotal evidence from local authorities and finding of our own [research](#) about resourcing, leads us to remain concerned that local authorities still do not have the resources they need to deliver food controls.

9.5 We will therefore need to continue to carefully monitor progress at individual local authority level using our performance management approach, including the use of the escalation procedure where necessary. Local authorities have to make difficult decisions about resourcing of food teams, and we will continue to remind them of their legal statutory duties for public health and consumer protection.

9.6 The Board is asked to:

- Consider the progress local authorities have made in the delivery of official food controls in the past year.
- Consider the progress and intended next steps on the Local Authority Resourcing and Data Collection projects
- Consider if the FSA should undertake initial engagement with local authorities to understand more around mechanisms, opportunities and risks associated with charging for delivery of official controls.

Annex 1

Charts 1 to 5: Food hygiene

Chart 1: Percentage of food hygiene A-rated interventions carried out April 2020 to April 2024.

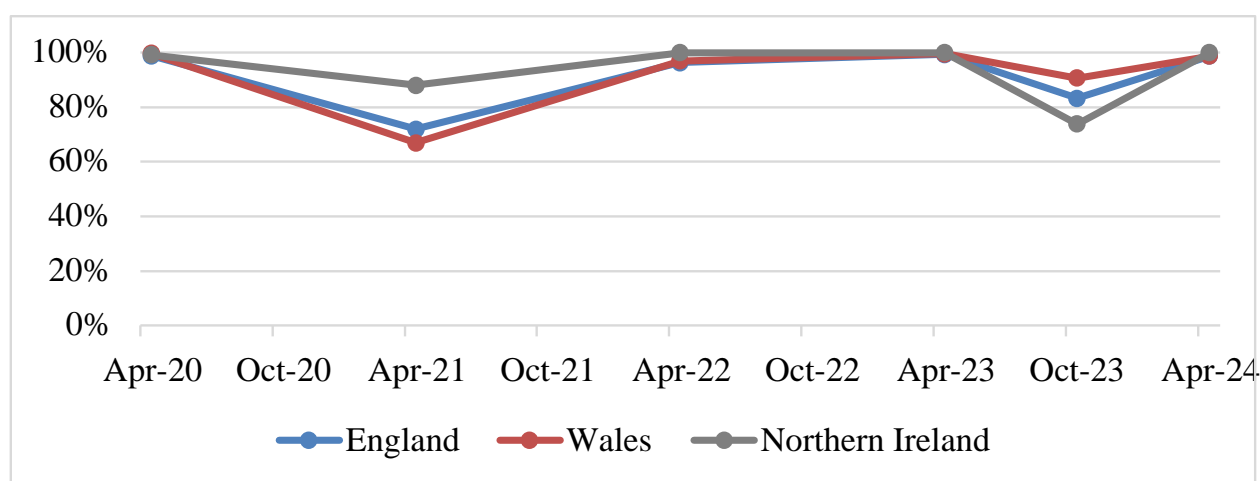


Chart 2: Percentage of food hygiene B-rated interventions carried out April 2020 to April 2024.

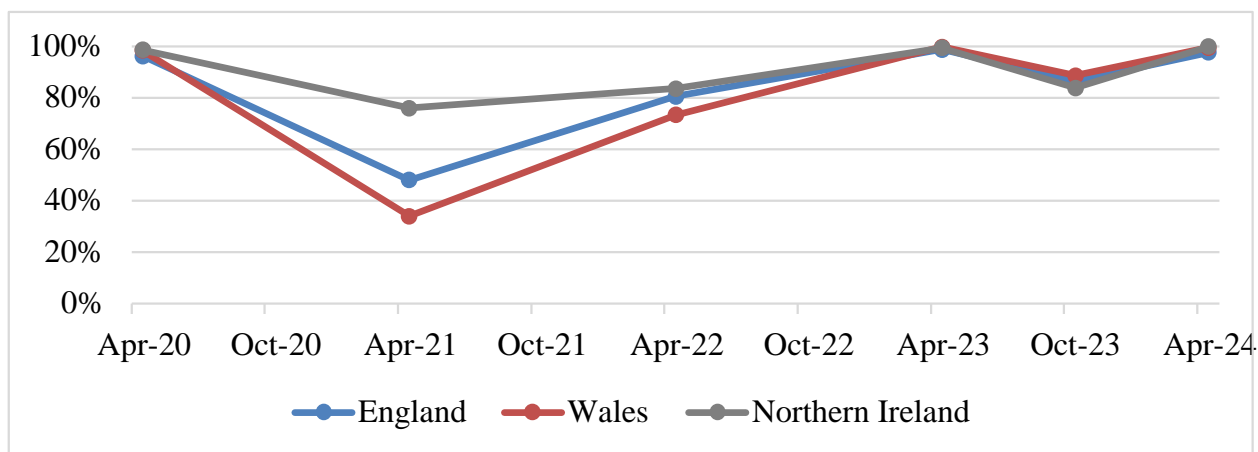


Chart 3: Percentage of food hygiene C-rated interventions carried out April 2020 to April 2024.

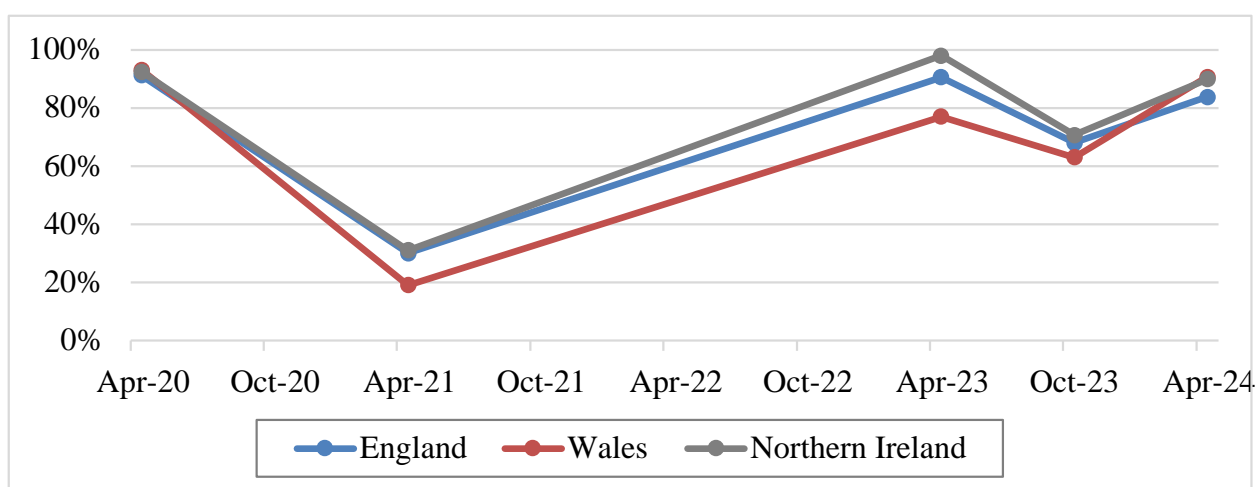


Chart 4: Percentage of food hygiene D-rated interventions carried out April 2020 to April 2024.

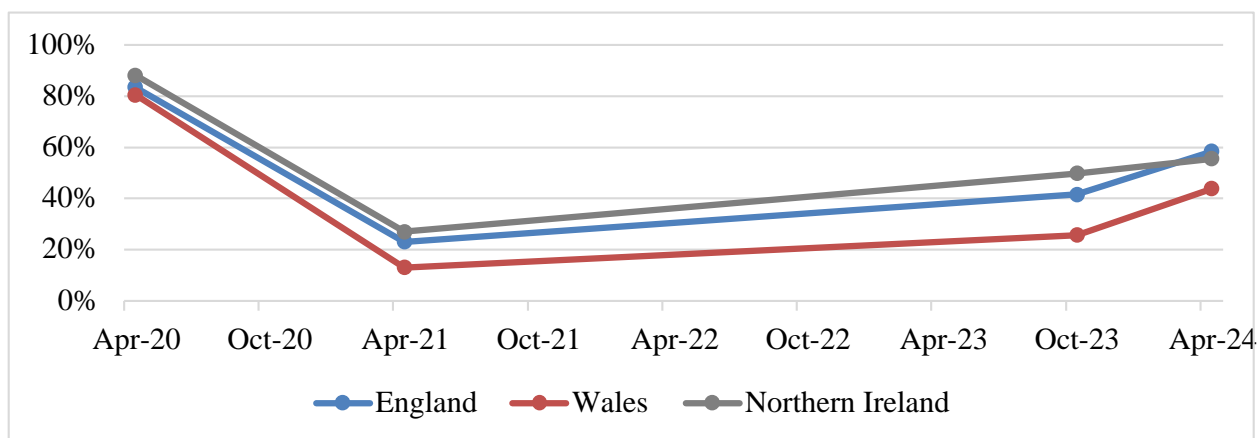
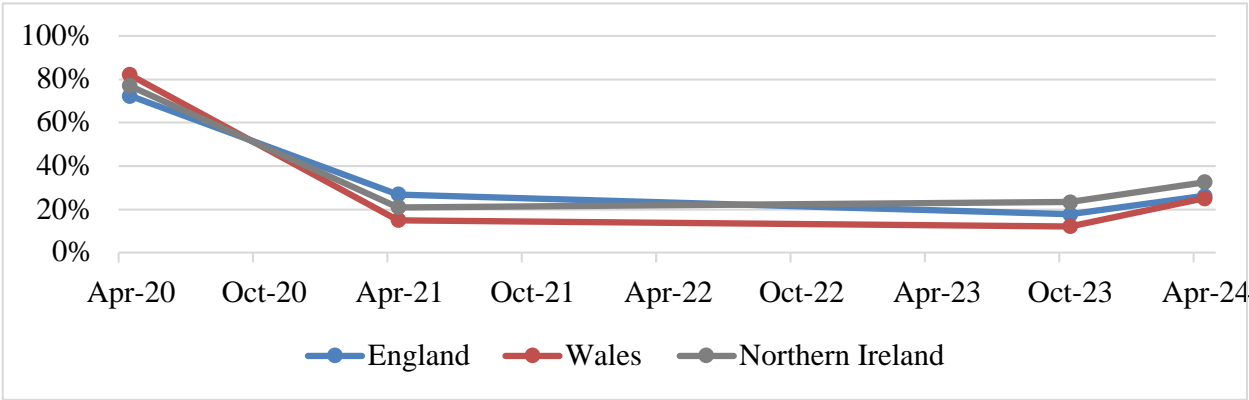


Chart 5: Percentage of food hygiene E-rated interventions carried out April 2020 to April 2024.



Charts 6 to 8: Food standards

Chart 6: Percentage of food standards A-rated interventions carried out April 2020 to April 2024.

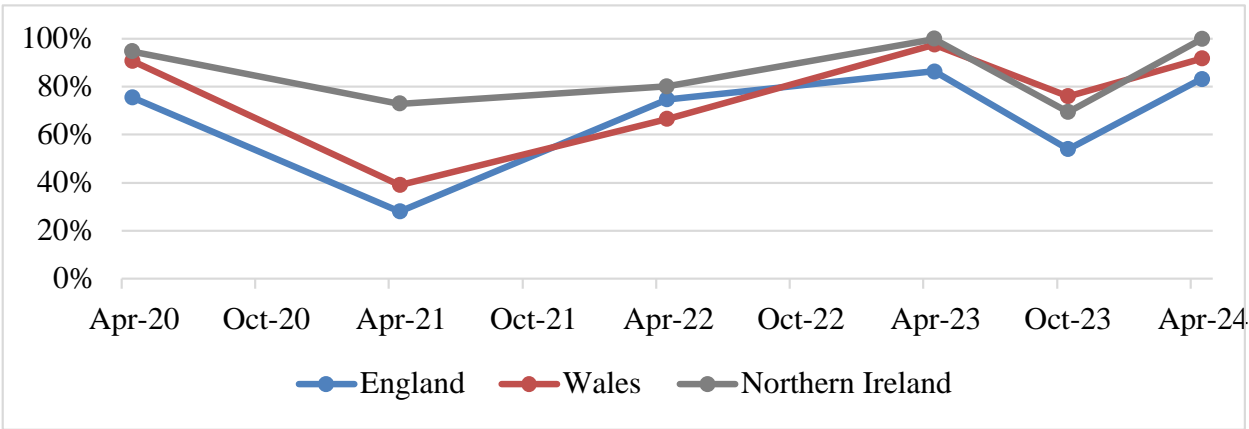


Chart 7: Percentage of food standards B-rated interventions carried out April 2020 to April 2024.

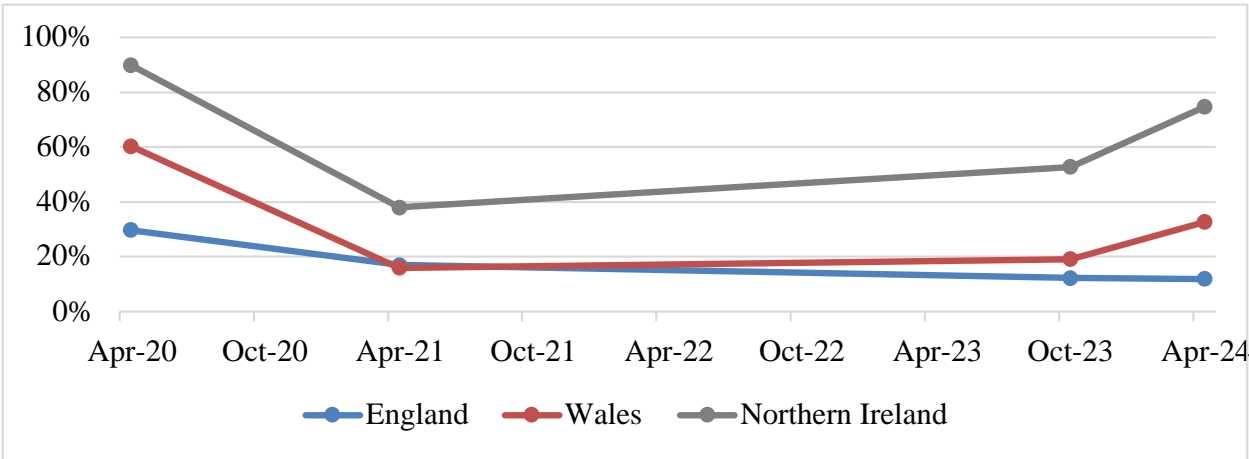


Chart 8: Percentage of food standards C-rated interventions carried out April 2020 to April 2024.

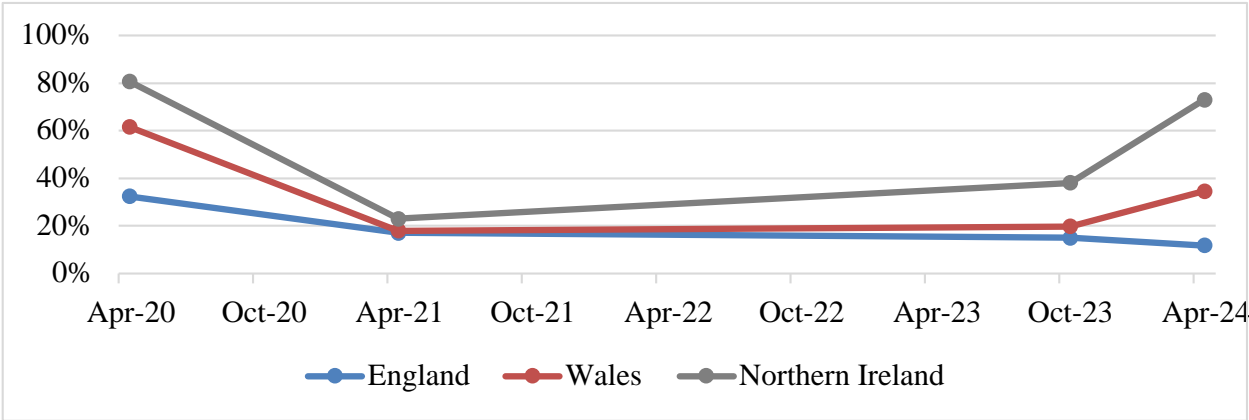


Table 1: Due food hygiene interventions outstanding at the end of the reporting period

April 2020	A	B	C	D	E	Total
England	62	1,075	6,463	17,055	17,581	42,236
Wales	2	41	804	764	728	2,339
Northern Ireland	1	17	373	685	730	1,806
Total	65	1,133	7,640	18,504	19,039	46,381
Total A to C	65	1,133	7,640			8,838
April 2023	A	B	C	D*	E*	Total
England	17	191	5,523			
Wales	1	3	2,254			
Northern Ireland	0	6	74			
Total A to C	18	200	7,851			8,069
April 2024	A	B	C	D	E	Total
England	15	212	4,723	31,210	54,635	90,795
Wales	1	3	343	1,720	4,929	6,996
Northern Ireland	0	0	127	997	1,969	3,093
Total	16	215	5,193	33,927	61,533	100,884

April 2020	A	B	C	D	E	Total
Total A to C	16	215	5,193			5,424

*There was no expectation for interventions to be carried out at all D and E rated establishments in the COVID Recovery Plan. Data was not collected.

Table 2: Due food standards interventions outstanding at the end of the reporting period

April 2020	A	B	C	Total
England	911	68,976	62,814	132,701
Wales	35	2,265	2,055	4,355
Northern Ireland	13	203	1,435	1,651
Total	959	71,444	66,304	138,707
Total A	959			959
April 2023	A	B*	C*	Total
England	542			542
Wales	6			6
Northern Ireland	0			0
Total A	548			548
April 2024	A	B*	C*	Total
England	288	59,121	71,398	130,807
Wales	11	2986	3791	6788
Northern Ireland	0	139	1040	1179
Total	299	62,246	76,229	138,774
Total A	299			299

*There was no expectation for interventions to be carried out at all B and C rated establishments in the COVID Recovery Plan. Data was not collected.

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

	England	Wales	NI	Total
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Apr-20	29,021	1,388	559	30,968
Apr-21	70,635	5,102	1,299	77,036
Apr-22	47,068	3,308	737	51,113
Jul-22	45,406	2,902	549	48,857
Oct-22	40,344	2,602	459	43,405
Jan-23	36,732	2,295	505	39,532
Apr-23	36,592	2,352	510	39,454
Oct-23	39,070	2,263	679	42,012
Apr-24	38,925	1,746	430	41,101

Chart 9: Percentage of FHRS ratings 3 for each country from March 2020 to now

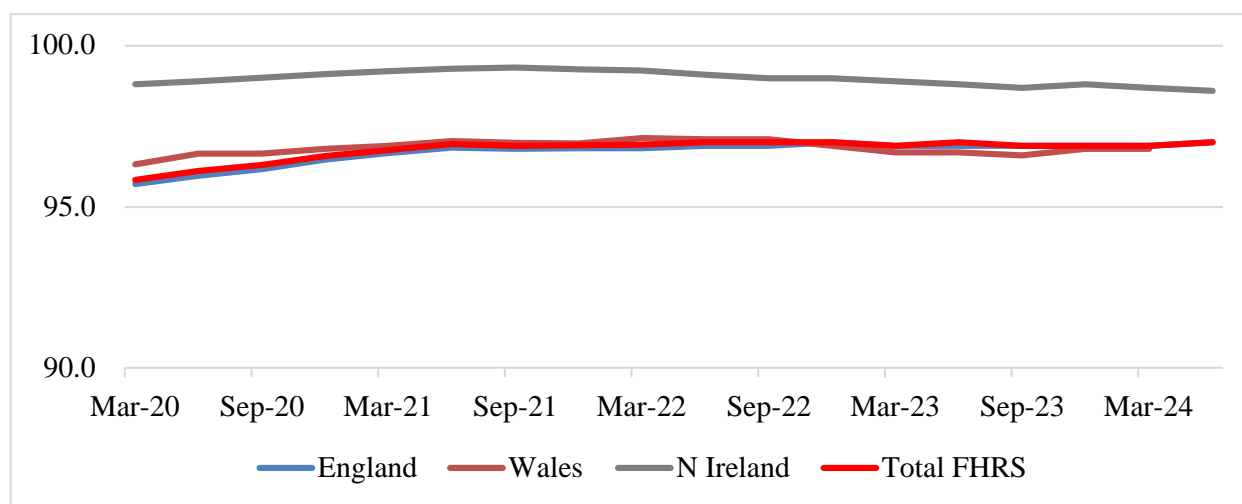
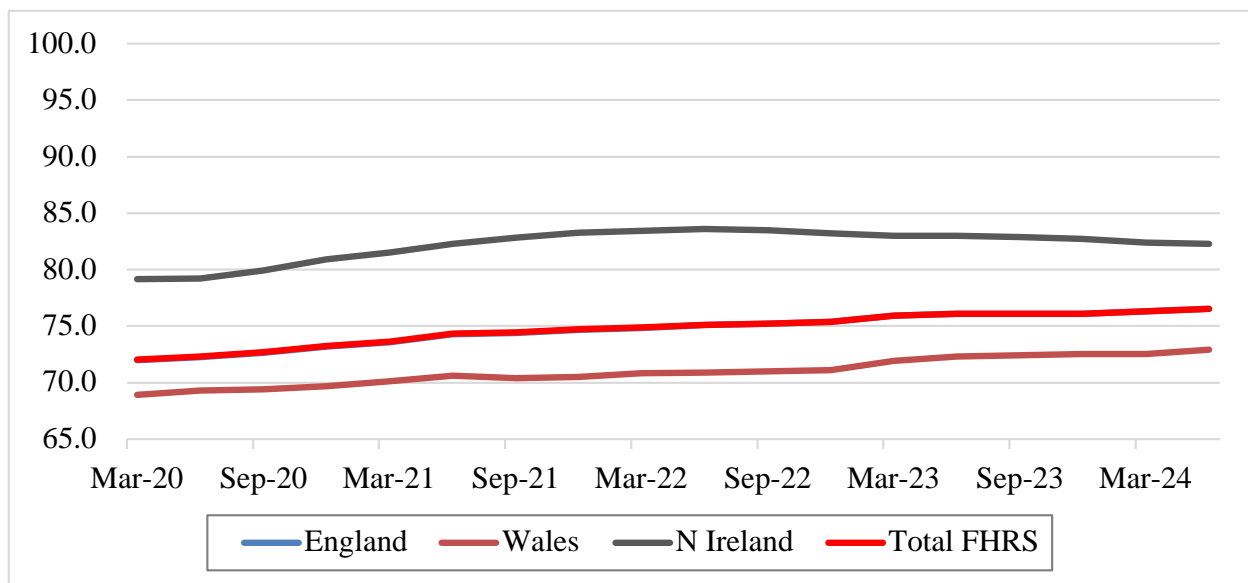


Chart 10: Percentage of FHRS ratings 5 for each country from March 2020 to now



Annex 2

Chart 11: Food hygiene FTE professional posts occupied and available to undertake official food controls April 2020 to April 2024

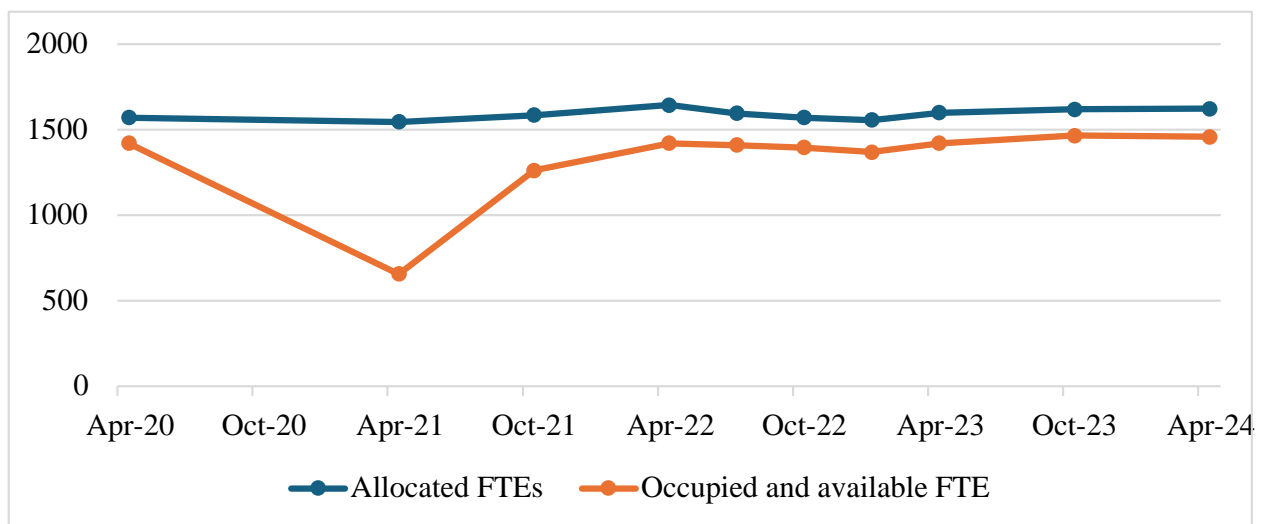


Chart 12: Food standards FTE professional posts occupied and available to undertake official food controls April 2020 to April 2024

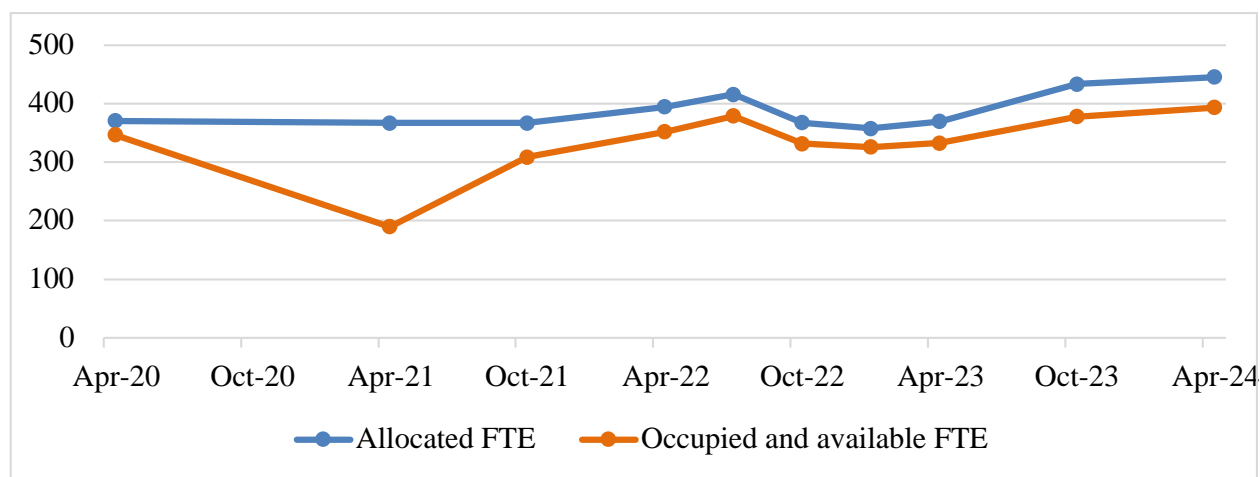


Table 4: FTE Resources April 2023 and 2024 for three countries: Food hygiene

	Country	FTE Allocated	FTE Occupied and available
April 2023	England	1,377	1,226
	Wales	165	144
	Northern Ireland	58	50
	Total	1,599	1,421
April 2024	England	1,396	1,258
	Wales	163	142
	Northern Ireland	64	59
	Total	1,623	1,459

Table 5: FTE Resources April 2023 and 2024 for three countries: Food standards

	Country	FTE Allocated	FTE Occupied and available
April 2023	England	279	252
	Wales	58	53
	Northern Ireland	33	28
	Total	370	333
April 2024	England	348	304
	Wales	68	64

Country		FTE Allocated	FTE Occupied and available
	Northern Ireland	29	27
	Total	446	394

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).