

# **Focused Audit of Local Authority Food Service Planning and Prioritisation of Service Activities in England**

**August 2024**

## Foreword

Audits of local authority (LA) feed and food law enforcement functions are part of the Food Standards Agency's (FSA's) arrangements to improve the consistency and effectiveness of enforcement. These arrangements recognise that the enforcement of UK feed and food law relating to feed and food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of LAs. These LA regulatory functions are principally delivered through Environmental Health and Trading Standards Services.

Audits assess LAs' conformance against the Feed and Food Law Enforcement Standard contained within the [Framework Agreement on Official Feed and Food Controls by LAs](#) (the Framework Agreement), the [Food Law Code of Practice \(FLCoP\)](#) and relevant official enforcement guidance.

It should be acknowledged that there will be considerable diversity in the way and manner in which LAs may provide their feed and food enforcement services reflecting local needs and priorities. The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that LAs are providing an effective feed and food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and to provide information to inform FSA policy.

The power to set standards, monitor and audit feed and food law enforcement authorities was conferred on the FSA by the Food Standards Act 1999 and The Official Feed and Food Control (England) Regulations 2009. The FSA's audits of LAs are undertaken under section 12(4) of the Act. Assimilated [Regulation \(EU\) 2017/625](#) on official controls performed to ensure the verification of compliance with food and feed law, includes a requirement under Article 6(1) for competent authorities to carry out internal audits or to have external audits carried out. To fulfil this requirement, the FSA, as the central competent authority for food and feed law in England, Wales and Northern Ireland has established external audit arrangements. The purpose of these audits is to verify whether official controls relating to feed and food law are implemented effectively. In developing these, the FSA has taken account of the [European Commission guidance](#) on how such audits should be conducted.

Further information on the FSAs LA audit scheme, is available on the [FSA website](#).

A glossary of technical terms used within the audit report can be found at Annex A.

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## 1.0 Introduction

### 1.1 Background

- 1.1.1 LAs are required to carry out official food controls and other official activities in accordance with documented procedures, policies, plans, programmes, and strategies which they must set-up, implement and maintain<sup>1</sup>.
- 1.1.2 Service plans are important to ensure that national priorities and standards are addressed and delivered locally, while also enabling local needs and priorities to be reflected. Service planning assists LAs to:
- follow the principles of good regulation
  - focus on key delivery issues and outcomes
  - provide an essential link with corporate and financial planning
  - set objectives for the future, and identify major issues that cross service boundaries
  - provide a means of managing performance and making performance comparisons
  - provide information on an authority's service delivery to stakeholders, including businesses and consumers
- 1.1.3 The benefits of effective service planning using quality management principles to ensure efficiency in meeting LA objectives are widely recognised. Monitoring performance by analysing and evaluating data and information, and reviewing and reporting delivery of the service plan, enables variance to be identified and addressed where necessary. This allows opportunities for the identification of any relevant improvements or service development.
- 1.1.4 When undertaking food service planning and prioritising service activities LAs must take account of the requirements set out in assimilated Regulation (EU) 2017/625 and have due regard to the FLCoP. Guidance has been issued to LAs through Chapter 2 of the [Food Law Practice Guidance](#) (FLPG) and the Framework Agreement.
- 1.1.5 During the pandemic, the FSA issued the COVID-19 LA Recovery Plan (Recovery Plan) which provided guidance and advice to LAs for the period from 1 July 2021 to 31 March 2023. The Recovery Plan set-out specific milestones and expectations for the delivery of LA food safety services. A question-and-answer document supplemented the Recovery Plan. It emphasised the importance and benefits of food teams having documented and approved service plans in place that set out how they intend to deliver and resource their planned interventions and other activities, following a risk-based approach to service delivery.

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<sup>1</sup> Article 12(1) of Regulation (EU) 2017/625; Chapter 2, paragraph 7.2 of the Framework Agreement

- 1.1.6 An FSA letter was issued to LAs confirming that the Recovery Plan would come to an end on 31 March 2023. The letter confirmed that from 1 April 2023, LAs were expected to work towards re-aligning with the provisions set out in the FLCoP which includes service planning.

## **1.2 Reason for the Audit Programme**

- 1.2.1 The FSA's engagement with LAs on the impact of the pandemic and on service delivery during the recovery period, emphasised the importance of food teams documenting service planning arrangements. It also highlighted the benefits of service plans receiving appropriate approval.
- 1.2.2 Given the importance of service planning, the FSA developed a focused audit programme on LA food service planning arrangements and the prioritisation of service activities. This followed a risk-based approach to audit planning.

## **1.3 Scope and Key Objectives of the Audit Programme**

- 1.3.1 The focused audit programme comprised a sample of eight LAs in England. Selection of LAs was based predominantly upon the authority type, ensuring a range of geographical locations and establishment profiles. Due to the phased roll-out of the new food standards delivery model, the audit programme focused on LAs that were responsible for the delivery of food hygiene controls only. A list of LAs that took part in the audit programme is provided in Annex B.
- 1.3.2 The programme of audits took place between June 2023 and January 2024, and each audit was undertaken remotely. The methodology/audit approach used is contained in Annex C.
- 1.3.3 The programme sought to gain assurances that LA arrangements in respect of food service planning and the prioritisation of service activities were being carried out as intended and in accordance with the requirements of assimilated Regulation (EU) 2017/625, the FLCoP, the Framework Agreement and relevant centrally issued guidance, including the FLPG. The audit sought to disseminate good practice and to identify and feedback any observations that related to FSA policy delivery.

## 2.0 Executive Summary

- 2.1 Between June 2023 and January 2024, the Food Standards Agency undertook a focused audit programme on local authority (LA) food safety service planning and prioritisation of service activities. The audits were undertaken remotely, and involved a sample of food safety services across eight LAs in England that were responsible for the delivery of food hygiene controls. A summary of the key findings is listed below.
- 2.2 LAs had experienced different levels of impact due to COVID-19, which was being reflected in how services were being delivered since the Recovery Plan period had ended. LAs continued to face ongoing challenges arising from the pandemic. In some instances, challenges reported included a backlog of overdue interventions, reduced staff resources, difficulty in recruiting and retaining experienced staff and an uneven spread of due interventions.
- 2.3 Current service plans, approved by council members were generally in place and published, making the information they contained readily available to consumers and food businesses. Service plans generally followed service planning guidance, often with additional headings added to reflect local priorities. There was some variance in how often food service plans were produced and in the timing of their approval.
- 2.4 In some instances, service plans could be strengthened to ensure they included all the demands on the service, to enable accurate resource calculations. Examples of where service plans required updating to fully reflect LA responsibilities included in relation to approved establishments and other food manufacturers, seasonal events, and detailing all due interventions. This included providing information on any backlogs of interventions, projected numbers of initial inspections, food hygiene rating scheme (FHRS) re-rating inspections and revisits (based on previous year's numbers).
- 2.5 Although service plans provided information on total staff resources allocated for the delivery of food hygiene controls, there was no consistent method or formula used for undertaking resource calculations considering all the different variables involved. Service plans would benefit from providing a breakdown of staff resources allocated for the delivery of food hygiene controls across all activities compared to the resources required. This would assist in identifying any shortfall to enable reporting of this information to members, member forums or suitably delegated senior level officers. All the LAs audited had used or were using temporary funding made available by central government including through the Control Outbreak Management Fund (COMF) to supplement the delivery of food hygiene controls.
- 2.6 All the LAs audited were using a risk-based approach to delivering programmed interventions, initial inspections, and revisits. Whilst some LAs had largely realigned with statutory guidance, other LAs continued to tackle a backlog of mostly lower risk rated category establishments and initial inspections. Although these LAs were committed to realigning with statutory guidance, in some cases there was no clear timeframe for completing this process. Where there was a

backlog in overdue interventions, the trend in overdue numbers was generally decreasing over time, assisted in some cases by making use of intervention flexibilities particularly at lower risk establishments and use of temporary staff/contractors.

- 2.7 Some LAs were carrying out sampling as part of national programmes and using local intelligence to inform sampling activities. Service plans would be strengthened by referencing any sampling programmes. Whilst some LAs were not sampling proactively, they recognised the importance of this activity and in some cases had either recently re-started proactive sampling or were planning to do so in the near future.
- 2.8 LAs demonstrated examples of effective collaborative working, across regions, and with other external organisations. This enabled LAs to receive and share intelligence on local food businesses which was used during the planning of interventions and when prioritising inspections of new businesses.
- 2.9 LAs were monitoring performance delivery, particularly using quantitative monitoring techniques, often on a cumulative basis throughout the year. Performance information was routinely being reported to senior officers and elected members. Although some evidence was provided to demonstrate how any variance in delivering service plans was identified and clearly explained, LAs would benefit from consistently monitoring and reporting performance against all key areas of service delivery.
- 2.10 LAs were undertaking some qualitative internal monitoring and verification of the delivery of official controls, primarily involving checks undertaken by team leaders and other peer review activities. Some LAs had acknowledged that the recording of risk-based qualitative monitoring across all service areas was an area for improvement requiring more time and resource allocation.
- 2.11 Further examples of potential improvement or service development identified by performance reviews undertaken by one or more LA audited included:
  - measures to address any backlog of overdue interventions and unrated establishments
  - the greater use of flexibilities in delivering interventions particularly at lower risk establishments
  - the ongoing training and development of staff members to improve capability
  - undertaking proactive risk-based sampling
  - maintaining the accuracy of the food premises database
  - reviewing documented procedures to assist and provide instructions to officers to ensure consistency
- 2.12 The audit programme provided assurance that the sample of LAs audited broadly had effective and appropriate service planning arrangements for the delivery of food hygiene controls and that a risk-based approach was being taken to plan and deliver official controls and other official activities. However, areas for improvement were identified, and each LA audited as part of this audit programme provided time-bound action plans.

2.13 This report includes a summary of areas for improvement identified during the audit programme, examples of strengths with corresponding benefits to service delivery as well as observations for the FSA.



## **3.0 Audit Findings**

### **3.1 Service Planning**

#### **Format, Approval and Publishing of Documented Service Plans**

- 3.1.1 The FLPG guidelines on the content of food service plans are structured to provide a common format, with chapter and subject headings and content guidance provided. There is flexibility for LAs to include additional items to reflect local priorities and to reflect corporate styles and templates that they wish to maintain.
- 3.1.2 All eight LAs audited had documented their food service planning arrangements for 2023/24. LAs detailed how they planned to carry out official food controls and other official activities, ensuring that national priorities and standards were addressed and delivered, considering local needs and priorities.
- 3.1.3 Service plans had largely been developed by team leaders who were also the lead food officer (LFO). Service plans were developed and agreed in consultation with heads of service and on occasions, cabinet members. Service plans generally followed the headings contained within the FLPG, with additional headings added to reflect local priority areas, such as supporting the export of food and monitoring shellfish harvesting.
- 3.1.4 When developing service plans in accordance with the FLPG, the period of time during which the plan has effect should be clearly stated. The length of service plans varied between annual service plans and three-yearly service plans. In one LA where three-yearly service plans were used these were supplemented by an annual work plan containing information on issues such as the interventions programme. LAs recognised that service planning needed to be dynamic at times and responsive to changing priorities. Documented service plans were not always reflective of the position at the time of each audit due to changes in circumstances, for example changes in staff resourcing. This was particularly noticeable where service plans covered a longer time-period.
- 3.1.5 LAs should submit their food service plan for approval, whether that is at member, member forum or suitably delegated senior officer level in accordance with the FLCoP and FLPG. This ensures that decision makers and senior officials are aware of the plan and any potential shortfalls in delivering statutory duties. The approach can be tailored to suit the audience (for example a summary report for members) providing a plan also exists that meets the requirements in the FLPG. A record should be retained to verify that plans have received appropriate approval. Seven LAs (87.5%) had a current service plan that had been approved at an appropriate level. Where this was not the case, the LA had an annual work plan in place and a draft service plan that had been prepared ready for sign-off and approval from April 2024.

- 3.1.6 The date service plans were approved varied from the start of the financial year to December after a three-year service plan had come into effect. Whilst LAs aimed to ensure service plans were drafted as early as possible to enable sign-off and approval at the earliest opportunity in the service planning year, various reasons for delays in gaining timely approval were cited. These included delays in obtaining all the necessary information from the LAs' Management Information System, impacts linked to COVID-19 including delays in approval of financial budgets and the need to follow the agreed service plan approval process including working to committee hearing dates.
- 3.1.7 The guidance contained in the FLPG states that service plans should be made readily available to food business operators and consumers, for example by publishing approved service plans on the LA website. Six LAs (75%) had published their current approved service plan on their websites.

### **Demands on the Service & Service Delivery Areas**

- 3.1.8 Service plans should consider all the demands placed upon the service across the full range of service activities that are delivered proactively and reactively in accordance with the advice contained in the FLPG. Service plans at six LAs (75%) would be strengthened by providing greater emphasis on approved establishments given their importance to local and national food safety and the additional resources often needed to deliver official food controls and other official activities at these establishments. Other examples of areas identified where further detail would strengthen service plans included seasonal events and including establishment profiles to allow staff resource implications to be more accurately assessed.
- 3.1.9 The FLPG provides guidance on the range of service delivery areas to consider as part of food service planning. Service plans should include complete information in relation to intervention plans to assist with resource calculations. Gaps and a lack of up-to-date information were noted in six LA (75%) service plans. Examples included:
- providing information on any backlog of overdue interventions and when these will be completed
  - providing numbers of due interventions by risk category
  - providing estimated numbers of re-rating inspections, initial inspections and revisits (based on previous year's figures)
- 3.1.10 One LAs' annual service plan helpfully provided a forward look beyond 2023/24 to highlight significant increases in numbers of lower risk category D establishments and risk category E establishments that were due an intervention during 2024/25. It provided reasons for the increase linked to the growth of new businesses and use of contractors. This was helpful in identifying future resource demands.

- 3.1.11 Service plans should include a statement in relation to the LAs' sampling policy, including the basis of the sampling programme. They should include an estimate of samples that will be taken from establishments, or submitted in relation to complaints, and any relevant resource allocation including staffing. Despite some service plans referencing nationally co-ordinated food sampling programmes, some LAs had not planned to undertake proactive sampling due to staff resourcing issues and other activities being given priority. For any LAs that were participating in nationally co-ordinated food sampling programmes, additional proactive risk-based sampling programmes considering local intelligence including at manufacturers and approved establishments would further strengthen sampling programmes.
- 3.1.12 LAs were consistently aiming to deliver reactive work such as sampling in response to complaints or outbreaks, responding to food incidents, investigating food poisoning notifications, and responding to food complaints. Two LA service plans (25%) could be strengthened by including information on Home Authority and Originating Authority responsibilities along with estimated resourcing demands.
- 3.1.13 Several other examples of proactive work delivered by LAs and included within service plans highlighted additional demands on food service delivery. Examples included provision of advice, including in some instances advisory visits to new businesses upon request, Primary Authority work and promotional work including use of FSA provided resources and campaign toolkits.

### **Prioritisation of Planned Activities Including Use of Intelligence**

- 3.1.14 All LAs planned to deliver programmed interventions in a risk-based manner considering the establishment risk rating categories and other risk factors in line with FLCoP. Service plans frequently referenced the option to use intervention flexibilities in line with the FLCoP, particularly utilising Alternative Enforcement Strategies (AES) where LAs set out their strategies for maintaining surveillance of suitable establishments in line with the FLCoP, including using questionnaires and intelligence gathering visits.
- 3.1.15 Local and/or regional intelligence sources should be considered when planning official food controls. LAs confirmed that intelligence was routinely used to drive and target official controls. Service plans would benefit from the addition of further information concerning what local, regional and national intelligence sources are used in the planning and undertaking of food hygiene controls, for example in relation to sampling programmes.
- 3.1.16 Service plans listed extensive liaison arrangements and examples of collaborative working were highlighted during audit discussions, where information and intelligence were being shared and used. Examples were provided of where information and intelligence were used to maintain the

accuracy of the food premises database and to inform food service delivery including programmed interventions, initial inspections and revisits.

3.1.17 Co-ordination across regions was strengthened through attendance at Food Liaison Groups. LAs were consistently undertaking collaborative work with Trading Standards Officers concerning allergen controls including foods that are pre-packed for display (PPDS) and in relation to cross-contamination issues. Some LAs also referenced promotional activity to raise allergen awareness.

## **Resources**

3.1.18 In seven LAs (87.5%) the teams that were delivering food hygiene controls also had responsibility for other regulatory functions. These included workplace health and safety enforcement in relevant businesses, registration of skin piercing activities, the investigation and control of communicable disease and animal welfare licensing and enforcement. Therefore, in many cases individual officers undertaking food hygiene delivery functions, were spending a proportion of their time delivering food hygiene controls and balancing this work with other competing statutory priorities.

3.1.19 When considering staffing allocation as part of food service planning, the FLPG advises LAs to include a statement on the number of posts required to deliver the service, and of the number of staff working on food law enforcement and related matters (in terms of full-time equivalents (FTE)), distinguishing between qualified staff and support staff. LAs should consider resource demands and availability (including any shortfall) to deliver the planned intervention programme, including out of hours capacity and provision.

3.1.20 A total FTE staffing resource allocation for food safety was consistently being included within service plans with the LFO estimating time allocated for food delivery functions for officers undertaking other non-food functions. At the time of each audit, in four LAs (50%), the occupied posts were less than FTE allocations due to vacancies. Three LAs (37.5%) indicated significant difficulties in recruiting and retaining suitably qualified and experienced officers to deliver food hygiene controls.

3.1.21 All eight LAs had used the services of temporary staff and contractors primarily to impact the backlog of overdue interventions assisted by grant funding. This had provided LAs with an additional temporary uplift in the FTE officer allocation.

3.1.22 It was unclear in all service plans that were subject to sign off and approval by the member, member forum or suitably delegated senior officer level, if the resource allocation was sufficient to deliver the entire service, and if there was a shortfall between required and allocated resources. There was a

lack of available guidance for LAs, to assist in calculations of required staff resources to deliver food hygiene controls and to ensure consistency of approach.

- 3.1.23 The FLPG states that service plans should set out the overall level of expenditure involved in providing the service and examine the trends of growth or reduction in real terms. The FLPG provides advice on the financial information to detail within service plans including:
- the non-fixed costs including staffing
  - travel and subsistence
  - equipment, including investment in information technology (IT)
  - sampling budgets
  - the financial provision made by the LA for any legal action necessary, as part of their enforcement function
- 3.1.24 There were gaps in the financial information contained within service plans which in some cases was due to approval of service plans prior to release of the annual budget. To strengthen service plans, clear financial information should be provided including trends of growth or any reduction in real terms. All LAs had established arrangements with the UK Health Security Agency (UKHSA) laboratories for microbiological sample analysis so that there was no financial barrier for the analysis of food samples once submitted to the laboratories. All LAs had access to shared provision for any legal action necessary and no barriers were highlighted for LAs in this regard.
- 3.1.25 Seven LAs (87.5%) were continuing to make use of temporary grant funding during 2023/24 predominately from the COMF to secure the services of temporary staff and contractors predominantly to address backlogs in lower-risk overdue interventions.

## **3.2 Implementation of Service Plans**

- 3.2.1 From 1 April 2023 LAs were expected to work towards re-aligning with the provisions set out in the FLCoP.
- 3.2.2 All eight LAs had considered and provided details of their risk-based approach to the delivery of official controls within their remit, including programmed interventions, with higher-risk establishments being prioritised. Six LAs (75%) were still in the process of realigning with the FLCoP and were continuing to work through a backlog of mainly lower-risk interventions.
- 3.2.3 In general, full food hygiene inspections were being undertaken, although often, officers were given the option to use flexibilities when delivering interventions in line with the FLCoP, particularly at lower risk interventions. AES including the use of questionnaires and intelligence gathering visits, were frequently being used to monitor food law compliance at a proportion of low-risk category E rated establishments.

- 3.2.4 Unrated food establishments were reportedly being prioritised based on activities undertaken, intelligence received and the length of time trading. Revisits were also prioritised and were targeted towards establishments with food intervention risk ratings that were less than broadly compliant.
- 3.2.5 All LAs reported that they were prioritising their resources to deliver higher-risk reactive work such as the control and investigation of outbreaks and food related infectious disease, dealing with food alerts and incidents, reactive sampling and responding to food complaints.
- 3.2.6 Proactive work such as providing advice and promotional work and sampling including as part of national programmes was also underway. Four LAs (50%) had sampled proactively during 2023/24 with some LAs having either recently re-started sampling proactively or were planning to re-start proactive sampling in the short-term.

### **3.3 Monitoring the Delivery of Service Plans**

- 3.3.1 All LAs were able to demonstrate that quantitative internal monitoring/control verification was undertaken to monitor progress against service plans.
- 3.3.2 Statistical reviews often focusing on key performance indicators (KPIs) were used to monitor progress on a monthly or quarterly basis and reported to senior management and elected members. Examples of monitoring included the percentage of food hygiene inspections completed against the inspection plan across risk rating category A to E establishments, the percentage of new businesses inspected within 28 days, cumulative numbers of unrated inspections and various KPIs related to FHRS such as monitoring percentages of broadly compliant businesses. Monitoring often included cumulative figures such as the percentage of the inspection plan completed at various points through the year.
- 3.3.3 In some instances, service plans referenced documented internal monitoring/control verification procedures with team leaders undertaking risk-based qualitative internal monitoring. The importance of undertaking and documenting qualitative risk-based checks across the range of food service activities was often recognised as an area for improvement by LAs, with more time and resource allocation needed for such activities.
- 3.3.4 One LA highlighted the use of team meeting peer-review activities involving the collective review of work delivered to help maintain quality standards, ensuring consistency of approach, and to promote examples of good practice.

### **3.4 Review Against the Service Plan & Service Development**

- 3.4.1 A documented performance review should be carried out at least once per year in accordance with FLCoP. The FLPG advises that LAs should set out the process for reviewing and reporting delivery of the service plan. This includes information on the previous year's performance against the service plan and any specified performance targets, performance standards and targeted outcomes. The FLPG advises LAs to make it clear what arrangements have been put in place for the regular review and updating of the plan, recognising that some LAs undertake the planning and review processes at separate times, issuing the results as a separate document.
- 3.4.2 Audit findings indicated that monthly or quarterly monitoring of performance was sometimes being supplemented by an annual review of performance either as a separate document or within the following years' service plan, with findings being communicated to senior management and elected members. Performance reviews would generally benefit from being expanded to cover all key areas of service delivery.
- 3.4.3 In accordance with the FLCoP and FLPG, the review should identify where LAs are at variance from their service plan, the reasons for that variance where appropriate, and how the LA intends to address any variance. Documented examples providing clear explanations to illustrate this process were provided during the audit programme. For example, where inspection backlogs due to staff resourcing issues had resulted in actions being taken to secure additional staff resource.
- 3.4.4 Corporate risk registers are commonly used as a tool by LAs to identify, assess and manage significant risks arising from day-to-day activities that could impact key LA objectives. Whilst corporate risk registers were being maintained by all the LAs audited, food safety service delivery did not feature directly on any of these registers at the time of the audits. This was kept under regular review by team leaders and heads of service across the LAs audited.
- 3.4.5 Plans setting out any relevant improvement or service development identified as necessary by the review should be developed in accordance with the FLPG. Examples of potential improvement or service development identified by performance reviews undertaken by one or more LA audited included:
- measures to address any backlog of overdue interventions and unrated establishments
  - the greater use of flexibilities in delivering interventions particularly at lower risk establishments
  - the ongoing training and development of staff members to improve capability
  - undertaking proactive risk-based sampling
  - maintaining the accuracy of the food premises database
  - reviewing documented procedures to assist and provide instructions to officers to ensure consistency
  - undertaking and recording risk-based qualitative monitoring across all service areas

3.4.6 Several of the examples above featured in individual LA audit action plans that were drafted to address improvements identified. Additional examples contained within LA audit action plans included planned work to accurately determine officers time across different work areas and securing additional staff resources.



## **4.0 Conclusions**

### **4.1 Overview**

- 4.1.1 The audit programme provided assurance that the sample of LAs audited broadly had effective and appropriate service planning arrangements for the delivery of food hygiene controls and that a risk-based approach was being taken to plan and deliver official controls and other official activities.
- 4.1.2 Where areas for improvement were identified, each LA audited as part of this audit programme provided time-bound action plans. Annex E contains a recommendation on service planning.
- 4.1.3 Examples of strengths with corresponding benefits to service delivery that were noted are listed below.
- 4.1.4 Also included is a summary of areas for improvement identified during the audit programme, and observations for the FSA.

## 4.2 Strengths

<b>Activity (in relation to one or more of the LAs audited)</b>	<b>Benefit to Service Delivery</b>
Approval of service plans as early as possible in the service planning cycle.	Ensures that any risks to service delivery such as resource shortfalls are appropriately communicated to the member, member forum or suitably delegated senior officer level in a timely manner.
Publication of service plans on the LA website.	Ensures that information contained in service plans is readily available to food businesses and consumers, providing transparency.
Prioritisation of programmed interventions, initial inspections and revisits.	Ensures a risk-based approach to service delivery.
Where service planning was undertaken on an annual basis, considering any known longer-term issues beyond the service planning year, such as peaks and troughs in due lower-risk interventions.	Ensures longer-term known issues are considered when determining required resources.
Using intelligence to inform risk-based sampling plans and to prioritise interventions.	Ensures best use of available resources.
Collaborative working to share and use information and intelligence to inform food service planning and delivery.	Ensures targeting of available resources and reduces duplication.
Clearly explaining reasons for any variance identified when monitoring and reporting on performance issues.	Enables effective decision making and effective targeting of resources.

### 4.3 Areas for Improvement

Opportunity for improvement identified (in relation to one or more of the LAs audited)	Rationale
Ensuring service plans are communicated to the relevant member, member forum or suitably delegated senior officer level for approval.	It is important to communicate the service plan to the appropriate level to enable risk-based decisions including on resourcing of the service.
Including a statement on the numbers of posts required to deliver the entire service.	It is important to clearly communicate resource implications including potential shortfalls in staff resources.
Service plans set out the overall level of expenditure involved in providing the service and examine the trends of growth or reduction in real terms.	It is important to clearly communicate the impact on service delivery of financial allocations.
Including all key service delivery areas and key demands on the service. Examples of omissions included backlogs of interventions from previous years, estimated numbers of re-rating inspections, initial inspections and revisits (based on previous year's figures) and demands on the service for example concerning approved establishments.	There is potential to underestimate the number of FTE posts required to deliver the service when undertaking resource calculations if all demands on the service and service delivery areas are not considered.
Including details of any proactive sampling as part of national, regional or local sampling programmes, for example at approved establishments and manufacturers.	Sampling activity has an impact on resources and should be included as part of the demands on service delivery.
Monitoring and reporting performance against all key areas of service delivery and ensuring that reasons for any variance identified are clearly explained and documented.	Key areas of service delivery may be overlooked along with associated resource implications.
Ensuring that service planning is responsive to changing priorities and that service plans are being kept up to date.	It is important that service planning responds to intelligence received and changing priorities to ensure a risk-based approach.

## 4.4 Audit Opinion

- 4.4.1 Based on the findings from the sample of LAs assessed, the overall level of assurance for the system of food service planning and prioritisation of service activities has been given a moderate audit opinion. A full list of audit opinion definitions is contained in Annex F.

## 4.5 Observations for the FSA

<b>Observation</b>	<b>Risk</b>
There is currently a lack of guidance issued by the FSA to assist LAs when calculating staffing resources that are required.	This could result in inconsistent approaches taken by LAs when calculating staff resources required.
Difficulties were reported by LAs in recruiting and retaining suitably experienced staff.	This has resulted in FTE occupied posts being less than FTE allocations and a reliance on temporary staff to fill vacancies. There is potential for gaps in some areas where there is a need for experienced staff members.

## Annex A: Glossary

Alternative Enforcement Strategies (AES)	Methods by which low risk establishments are monitored to ensure their continued compliance with food law. AES does not apply to establishments approved pursuant to Regulation (EC) No 853/2004.
Approved Establishment	An establishment that has been approved pursuant to Article (4) of Regulation (EC) No 853/2004 for handling, preparing, and/or producing products of animal origin.
Audit	Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
Contain Outbreak Management Fund (COMF)	Contain Outbreak Management Fund provides funding to local authorities in England to help reduce the spread of coronavirus and support local public health.
County Council	A local authority whose geographical area corresponds to The county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Food Business Operator (FBO)	This refers to the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.
Food Hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Law Code of Practice (England) June 2023 (FLCoP)	This Code is issued as statutory guidance to LAs on the enforcement of food legislation.
Food Law Practice Guidance (England) March 2021 (FLPG)	The Agency issues this Practice Guidance to assist LAs with the discharge of their statutory duty to enforce relevant food law. It is non-statutory, complements the statutory code of practice, and provides general advice on approach to enforcement of the law where its intention might be unclear.

Food Standards	The legal requirements covering the labelling, composition and traceability of food.
Food Standards Agency (FSA)	The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food. We define the protection of consumers interests as ensuring that food is safe and what it says it is, and we have access to an affordable diet, and can make informed choices about what we eat, now and in the future.
Home Authority	Means the authority where the relevant decision-making base of an enterprise is located.
Local Authority (LA)	An organisation that is officially responsible for all the public services and facilities in a particular area.
Official Control	Has the meaning as defined by Article 2(1) of Regulation (EU) 2017/625 to mean activities performed by the Competent Authorities, or by the delegated bodies or the natural persons to which certain official control tasks have been delegated in accordance with Regulation (EU) 2017/625 in order to verify compliance by the operators and that animals or goods meet the requirements laid down in the rules referred to in Article 1(2) of 2017/625, including for the issuance of an official certificate or official attestation.
Originating Authority	Means the authority in whose area final food production takes place.
Other Official Activities	Activities, other than official food controls, which are performed by the Competent Authorities, or by the delegated bodies or the natural persons to which certain other official activities have been delegated in accordance with Regulation (EU) 2017/625. Including activities aimed at verifying the presence of animal diseases or pests of plants, preventing, or containing the spread of such animal diseases or pests of plants, eradicating those animal diseases or pests of plants, granting authorisations or approvals, and issuing official certificates or official attestations.
Service Plan	A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.

## **Annex B: Local Authorities Audited**

The FSA is grateful for the co-operation and assistance provided by the following LAs who took part in this audit programme:

- West Suffolk Council
- Lichfield District Council
- Pendle Borough Council
- Cheltenham Borough Council
- Adur District Council \*
- Worthing Borough Council \*
- Amber Valley Borough Council
- Ipswich Borough Council

\*Operate a shared food safety service

## **Annex C: Audit Methodology/Approach**

The audits were conducted remotely using a structured protocol/checklist, utilising a variety of approaches and methodologies, as follows:

(1) Examination of LAs' policies and procedures.

This included service plans, evidence of their approval, monitoring, and any review of performance. Any documentation detailing how LAs carried out the prioritisation of interventions and other service activities was considered.

(2) Review of a range of LAs' records

This included reports regarding the food service made to elected members and/or senior managers. Any records relating to staff resources on food law enforcement was considered.

(3) Review of information from the LAs' food premises database

This included establishment profiles and information on due interventions by risk rating category and initial inspections.

(4) Discussions with key personnel

This included discussions with the LFO and heads of service.



## **Annex D: List of FSA Auditors**

The auditors conducting this audit programme were:

- Jamie McMeeking, Senior Regulatory Auditor (Local Authority Controls)
- Andrew Webb, Senior Official Controls Auditor
- Allan Riley, Senior Regulatory Auditor (Local Authority Controls)
- Alison Dugan, Senior Regulatory Auditor (Local Authority Controls)

## Annex E: Recommendation

Recommendation – Service Planning	Audit Criteria
<p>Local authorities shall draw up, document and implement a service delivery plan in accordance with the Food Law Code of Practice, Service Planning Guidance in Chapter 1 of the Framework Agreement and Chapter 2 of the Practice Guidance. Local authorities should:</p> <p>i) Set out within its Food Service Delivery Plan how it intends to deliver and resource all official controls and other official activities in its area.</p> <p>ii) Carry out a documented performance review at least once per year submitted for approval to the relevant member forum or relevant senior officer.</p> <p>iii) Address any variance in meeting the outcome of the previous service delivery plan.</p>	<p>[Article 5, Regulation (EU) 2017/625]            [FLCoP Chapter 2, 2.4.3]            [The Standard 3.1, 3.2, 3.3]            [Practice Guidance Chapter 2, 2.6.1]</p>

## Annex F: Audit Opinion Definitions

### Audit Opinion – Assessment of Assurance

Assurance	Definition
Substantial	The system for delivering official controls demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.
Moderate	The system for delivering official controls requires some improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.
Limited	The system for delivering official controls requires significant improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.
Unsatisfactory	The system for delivering official controls requires substantial improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.