

Progress with Recovery Plan Milestones

3.1 Delivery of Interventions

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

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

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

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

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

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

3.1.6 LAs generally took a risk-based approach to delivery of official controls at food businesses impacted by the new requirements on allergen labelling for products prepacked for direct sale (PPDS). Some LAs asked for further clarification on the FSAs expectations regarding PPDS, a point which will be fed back into the relevant policy teams.

3.2 Areas of Faster Progress

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

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

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

3.3 Ongoing Expectations: Sector Specific Controls and other Official Controls Activities

3.3.1 Throughout Phase 1 and Phase 2 of the Recovery Plan, there were ongoing additional delivery expectations for LAs as outlined in 1.9 above.

Sector specific controls

3.3.2 Where applicable, all LAs assessed were able to carry out official controls where prescribed in specific legislation and/or recommended by FSA guidance to support trade and enable export e.g. approval activities under Retained Regulation (EC) No 853/2004, and official controls relating to shellfish and water sampling.

Reactive work – enforcement in the case of non-compliance

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

Reactive work – managing food incidents, food hazards and complaints

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

Food sampling

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

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

Ongoing proactive surveillance

3.3.7 The majority of LAs were able to demonstrate a wide range of proactive surveillance activities that they employed during the Recovery period to obtain an accurate picture of the local business landscape. Examples of these activities included

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

3.4 Additional points:

Other key areas discussed during the assessments included:

Internal monitoring

3.4.1 During the assessments the LAs internal monitoring arrangements were also considered. Internal monitoring is essential to ensure that official food controls and other official activities are carried out consistently and in accordance with the FLCoP. 36% of LAs (4/11) were found to be fully implementing their internal monitoring procedures, with the majority of the remaining 64% (7/11) of LAs showing partial implementation.

Service Planning

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

3.4.3 Expectations of local authorities for documented and approved service plans during the recovery period were updated in March 2022. The Recovery Plan advised LAs to start working towards having an approved service plan for 2022/23 in place by the end of June 2022. At the time of the assessments, 54% of LAs were found to have up to date and appropriate service plans in place. The other LAs were in the process of developing their service plans, with some being delayed due to local elections and committee schedules.

Use of Remote Interventions

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

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

Authorised officers

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

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

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