

LOCAL AUTHORITY RECOVERY PLAN UPDATE

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1. Summary

1.1 This paper provides a summary of local authorities' food official control activities, and the FSA assurance activities for 2020/21, which were used to inform the development of the [Local Authority Recovery Plan](#) (the Plan) agreed by the Board in May 2021, and our proposed approach to providing assurance that they are meeting the requirements of the Plan in England, Wales and Northern Ireland. The paper also provides a progress update on our longer-term work to modernise local authority reporting and assessment of performance.

1.2 The Board is asked to:

- **comment** on the evidence in the paper regarding local authorities' ability to meet the expectations in the Plan.
- **agree** that the proposed approach to performance monitoring and management of local authorities during the period of the Plan will provide the necessary assurance that the delivery of controls is in line with expectations.
- **advise** on the longer-term proposals for modernising reporting and assessment of local authority performance.

2. Introduction

2.1 The Plan, which covers the period July 2021 to March 2023, sets out our guidance and advice for local authorities in England, Wales, and Northern Ireland on delivery of official food controls and provides a risk-based framework for restarting the system in line with the Food Law Code of Practice. It details expectations for undertaking inspections of new food establishments and high-risk and/or non-compliant establishments, whilst providing flexibility for undertaking interventions at lower risk establishments, to ensure that consumers are protected.

2.2 Local authorities started to implement the Plan from different positions in terms of the varying impact that COVID-19 has had on them to date, the challenges they will face during the recovery period and the resources that they have available for the delivery of food official controls whilst the pandemic continues.

- 2.3 The expectation is that local authorities should move at a faster pace in realigning with the Food Law Code of Practice than the minimum set out in the Plan where resources allow this to happen.
- 2.4 Where they are unable to deliver in line with the Plan, they are expected to alert the FSA. Through the performance management approach, we will engage with these local authorities, and those identified through the monitoring process (see section 4), to establish the root causes of the problems and provide support where appropriate. Where improvement is not secured and a local authority continues to cause concern, we will use the established escalation process agreed by the Board in March 2019 (Annex 1).
- 2.5 To assist local authorities in England to deliver Phase 1 of the Plan we have provided funding to employ administrative staff to triage backlogs of unrated businesses and prioritise those that are trading/intending to trade for initial onsite inspections. Approximately £895K has been allocated to 156 local authorities. In Wales, the identified need was for grant funding to enable local authorities to upskill staff currently employed to undertake food hygiene and food standards official food controls. Eight local authorities submitted bids for funding to enable the upskilling of 13 staff. Regular engagement with local authorities in Northern Ireland has not identified any equivalent needs.

3. Baseline position at 31 March 2021

- 3.1 The data collected on resources, the numbers of food establishments, interventions achieved, complaints dealt with, and sampling undertaken illustrates the marked impact that COVID-19 had on resources and the ability of local authorities to deliver food controls compared to the pre-covid period (see Annex 2).
- 3.2 Due to the pandemic and restrictions in place, there was a reduction in the percentage of planned interventions achieved. For food hygiene this dropped from 85.7% to 27% and there was a decrease from 39.7% to 19% for food standards. The percentage of unrated establishments reported as awaiting a first inspection for food hygiene increased from 5.5% to 12.7% across the three countries.
- 3.3 These reductions were driven by COVID-19 restrictions and 54% of the professional resource for food hygiene and 43% for food standards being diverted or redeployed to other tasks (figures at 31 March 2021).

4. Evidence and risk-based approach to monitoring local authority performance

- 4.1 A series of bespoke interim temperature check surveys have been developed that will be utilised at each milestone in the Plan, which all local authorities will be expected to complete. These are both reflective and forward looking, with the objective of evidencing performance against the previous milestone, whilst seeking assurance of preparedness to achieve the next one. Annex 3 provides

details of the timetable up to April 2023 for temperature check and end of year surveys.

- 4.2 We have developed an assessment matrix to determine on an ongoing basis whether each local authority is delivering to an acceptable level. The assessment matrix for Quarter 2 of 2021 comprises the following information and key performance criteria:
- a) The establishment profile in the local authority area, including numbers of new establishments.
 - b) The number of staff within the food team, abstraction rate with a comparison to historic data, compared to the demand generated by the establishment profile.
 - c) Historic performance against delivery of all the requirements of Phase 1 of the Plan.
 - d) Whether the LA has put in place the necessary plan to resume a prioritised interventions programme, which includes new businesses for interventions, based on risk.
 - e) Whether the LA has declared any issues with achieving the Phase 2 milestones of delivering all due Category A Food Hygiene interventions and all other requirements by March 2022 for both Food Hygiene and Food Standards.
 - f) Intelligence gathered from liaison groups that indicates issues arising that impact delivery.
 - g) Analysis of FHRS data that infers that delivery is off track.
- 4.3 Using this matrix represents a significant strengthening of our approach to local authority performance monitoring and management compared to the pre-pandemic annual review. We will be evaluating relevant data on a bi-weekly basis to identify those authorities that do not appear to be meeting the expectations of the Plan. Whilst the assessment matrix will be a valuable tool, analysis of the data and professional judgement will be utilised as part of the process to ensure that self-reporting of good performance is challenged.
- 4.4 Validation will be a key component of this approach. Through an FSA delivered local authority verification programme, we will gather qualitative findings on how the plan has been implemented in local authorities where performance issues have not been detected, and whether the plan itself provides a suitable framework or needs refinement. This process will commence in December 2021 and will give the FSA further assurance on the delivery of official controls.
- 4.5 Food Hygiene Ratings Scheme (FHRS) data will be utilised within the assessment matrix to develop a more real time understanding of delivery. Each local authority's data will be reviewed with all other available information to identify performance concerns and to validate the information reported in the local authority temperature checks. For example, the reported progress made by individual authorities in tackling the backlog of unrated establishments is reflected in the FHRS data that shows the increase in new businesses awaiting inspection levelled off in 2021/22 Q1 and has subsequently fallen by 3% into Q2 with reductions in England and Northern Ireland (-4% and -7% respectively)

and a continued increase in Wales (+18). The FHS data only indicates that delivery is off track, it is likely that the figures for Wales reflect that the proportionately greater impact on the food teams resources affected not only their ability to deliver interventions in establishments, but also the other administrative functions that support publication of ratings on the FHS website. Further investigation is being undertaken to properly understand these impacts.

- 4.6 We will also monitor wider data sources to see how the overall risk in the food system may be changing over time as the Plan is implemented and help us to manage any significant issues that are detected.

5. Performance assessment based on October “temperature check”

- 5.1 A summary of the data and the information reported by local authorities in the October temperature check survey is given below, and more detail can be found in Annex 4.

Staff resource

- 5.2 Table 1 details the numbers of allocated and occupied professional Full Time Equivalent (FTE) posts available to undertake official food controls in each of the three countries. The data is based on reporting by 99% of local authorities for food hygiene and food standards.

FTE professional posts occupied and available to undertake official food controls October 2021

	England	Wales	Northern Ireland	Total
Food Hygiene				
FTE posts allocated to undertake official food controls October 2021	1,370	140	65	1,575
FTE posts occupied and available to undertake official food controls	1113	89	50	1252
% of allocated FTE resources occupied and available to undertake official food controls	81%	64%	76%	79%
Food Standards				
FTE posts allocated to undertake official food controls October 2021	270	59	32	361
FTE posts occupied and available to undertake official food controls	235	41	26	302
% of allocated FTE resources occupied and available to undertake official food controls	87%	69%	82%	84%

- 5.3 The data indicates that resources are returning to food teams, albeit at different rates across the three countries, with the impact of the pandemic being different in each country including the restrictions in place and local authority responses to this. In Wales, where COVID cases have been the highest across the UK, resources to undertake official food controls are increasing, however, local authority public protection teams are still heavily involved in the pandemic response, particularly in enforcing COVID controls and responding to outbreaks in care settings.
- 5.4 It should be noted that local authorities continue to report that other demands are also having an impact on resources, including increased demands for export health certificates, port health duties (including the Northern Ireland Protocol) and health and safety work
- 5.5 With resources returning to food teams, we are seeing a significant increase in the number of hygiene inspections being completed, as evidenced through the FHRS data. In September 2021, 13 599 establishments received a new hygiene rating, which compares favourably with the pre-pandemic monthly average of 16 687 in 2019/2020 across England, Wales and Northern Ireland.
- 5.6 This demonstrates that the programmes of planned interventions are being restored, which is good news for consumers. However, local authorities are also reporting that in some cases the level of compliance in businesses has dropped and more formal enforcement action is being required to ensure that businesses are brought into compliance. Through our liaison mechanisms we are emphasising to local authorities the importance of taking appropriate enforcement action where required to protect consumers.
- 5.7 Intelligence obtained from the National Food Hygiene Focus Group and Food Standards and Information Group in November 2020 indicated that over 50% of local authorities had challenges recruiting suitably qualified staff including competition with other local authorities, when appointing contractors, and an insufficient pool of qualified staff available to recruit. This continues to be a significant issue across all three countries with a similar situation being reported in the October survey.
- 5.8 This data, together with that from other sources such as the CIEH Environmental Health Workforce Survey in England published in April 2021, demonstrates that action is needed now to ensure that there is an improved flow of suitably qualified and competent people available for local authorities to recruit in future. Earlier this year we introduced changes to the qualification requirements in the Food Law Codes of Practice to enable graduates in environmental health to be authorised to deliver certain official control activities. Whilst this has helped local authorities with recruitment we are now undertaking a mapping exercise to identify all the fundamental barriers that exist that appear to hinder the flow of potential new officers into the official control system. This work will quantify the nature and extent of the problems and inform the action that we need to be taken to ensure a sustainable workforce for the future.

Planned intervention programme and other expectations in Phase 1

- 5.9 Across the three countries, 100% of local authorities for food hygiene and 98% for food standards reported they had put a plan in place for the resumption of a planned intervention programme in accordance with Phase 1 of the Plan.
- 5.10 The data from the October survey indicates that almost all local authorities have prioritised and programmed new businesses for interventions based on risk (98% for food hygiene and 95% for food standards). However, a total of 20,820 new businesses were reported as still awaiting triaging and prioritisation for food hygiene inspections and 23,215 for food standards as of 1 October 2021. Those local authorities with the highest numbers will be prioritised for intervention through our performance management process.
- 5.11 With regard to delivering all of the expectations set out in Phase 1 of the Plan, 42 responses for food hygiene and 27 for food standards reported that the local authority had been unable to do so with 34 and 13 respectively indicating issues with delivering sampling requirements due to a lack of resources. However, most of these authorities reported that, whilst unable to deliver their proactive sampling programmes, they were still able to carry out reactive sampling (for investigations etc) as and when required. We will be investigating these local authorities to gain a deeper understanding of whether this relates to a lack of funding for analysis of samples, a problem that existed pre-covid, or other factors.

Anticipated issues with meeting Phase 2 requirement

- 5.12 The survey sought to identify where there may be a risk of local authorities not achieving the next milestone in the Plan (in March 2022). For food hygiene, 28 local authorities indicated that they envisage issues with delivering all due Category A food hygiene interventions. For food hygiene 31, and for food standards 24, indicated issues with achieving the other expectations within Phase 2. Some of these authorities are the same as those that reported problems with meeting the expectations of Phase 1 of the Plan.
- 5.13 We have also established through attendance at local authority liaison group meetings that in some cases the time required to complete a food hygiene inspection has increased due to falling standards. Checking compliance with the new requirement to display full ingredient and allergen labelling information on food that is 'pre-packed for direct sale' is also adding to inspection times. These factors will continue to have an impact on local authorities' ability to fully implement the Plan.

6. Future expectations of local authorities – next steps

Modernising the delivery model for food hygiene and food standards

- 6.1 Within the Achieving Business Compliance programme, we are progressing work to modernise the delivery models for food standards and food hygiene. When implemented, the new models will redefine the expectations of local authorities enabling them to make more effective use of resources to address

risk in the food system. Piloting of the new intelligence-led model for food standards is progressing well and is on target for implementation in 2023/24 as planned. Detailed work to review the hygiene delivery model commenced in November with a view to changes being fully implemented in 2024/25. Both of these workstreams are being taken forward with input from local authority colleagues in England, Wales and Northern Ireland.

- 6.2 We are also exploring digital services that could help local authorities address the challenges they are facing. This includes the use of artificial intelligence to predict FHSR ratings for newly registered establishments to assist with triaging and prioritisation for a first inspection.

Performance management framework

- 6.3 We are reviewing the way performance monitoring and reporting of local authority delivery is carried out. Change is required to reflect the significant changes to the operating environment being created by the current work being undertaken to review the food standards and food hygiene delivery models within the ABC programme.
- 6.4 The work is adopting the following principles laid out in the 'Performance measurement by regulators' - National Audit Office Good Practice Guide 2016 which highlights the characteristics of good performance measurement frameworks for regulators:
- Focused – on the regulators aims and objectives
 - Appropriate – to, and useful for, decision-makers within the organisation, and meeting the needs of stakeholders outside the organisation
 - Balanced – giving a picture of what the organisation is doing, covering all significant areas of work
 - Robust – for example, to withstand organisational or personnel changes
 - Integrated – within the organisations business planning and management processes
 - Cost-effective – balancing the benefits of performance information against the costs.
- 6.5 This will result in a more qualitative assessment of local authority performance focusing on achievement of outcomes within the food system. It will allow appropriate recognition of activities, such as significant prosecutions not currently taken into account and provide a more holistic assessment of what 'good' looks like. The approach will have less emphasis and reliance on inputs and outputs and will drive appropriate activities by local authorities.

7. Future local authority reporting and performance monitoring

- 7.1 The LAEMS (Local Enforcement Monitoring System) that was used to collect performance data prior to the pandemic, cannot be reconfigured to collect new data and support our transition to more intelligence-based risk assessment approaches. This poses a significant challenge as we are in the process of developing and testing new official control delivery models for food standards,

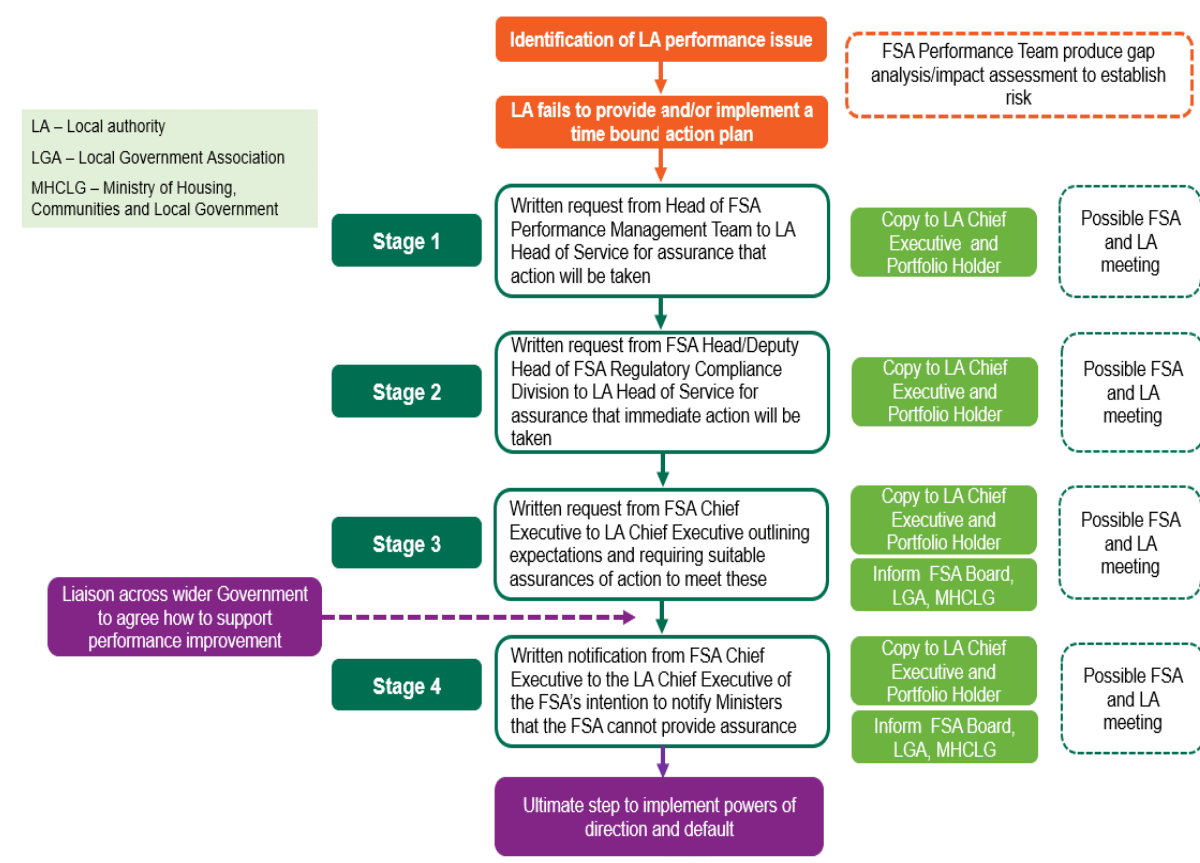
and food hygiene controls, both of which will have significantly different reporting requirements from those for the existing models.

- 7.2 Work has started on developing a new approach for the collection, analysis and reporting of data on the delivery of official food and feed controls. The aim is to have this ready for April 2023 to enable reporting of performance within the new food standards delivery model, which is due to be implemented then, and to replace the interim monitoring arrangements we have put in place for the period covered by the Plan.
- 7.3 The project will be undertaken in two parts. The first part involves undertaking research and a discovery to clearly identify what the problem is we are seeking to address, identifying what our critical stakeholder needs are and producing a list of prioritised requirements, to be completed by the end of January 2022. A review of previous LA data related projects and the lessons learnt will be undertaken and we will engage with various teams across the FSA and LAs to identify their needs and establish how we can use data better. The second part of the project will focus on iteratively developing and implementing a solution through engagement with local authorities and their Management Information System providers.

8. Conclusions

- 8.1 Whilst there are positive signs that many local authorities are moving forward with delivering the Plan and planned intervention programmes are being re-instated, this is not universal and there we continue to see considerable uncertainty within the operating environment. We will, therefore, need to carefully monitor progress at individual local authority level on an ongoing basis over the period of the Plan, intervening as and when required to ensure that the system recovers, and public health protection is delivered.
- 8.2 The Board is asked to:
- **comment** on the evidence in the paper regarding local authorities' ability to meet the expectations in the Plan.
 - **agree** that the proposed approach to performance monitoring and management of local authorities during the period of the Plan will provide the necessary assurance that the delivery of controls is in line with expectations.
 - **comment** on the longer-term proposals for modernising reporting and assessment of local authority performance.

ANNEX 1: The escalation process



ANNEX 2: End of year local authority food law enforcement monitoring return
2020/21

FTE resource^[1]

	Food hygiene			Food standards		
	FTE allocated	FTE occupied ^[2]	FTEs redeployed or diverted ^[3]	FTE allocated	FTE occupied ^[2]	FTEs redeployed or diverted ^[3]
England	1,335	1210	654	283	259	112
Wales	148	144	93	52	47	29
Northern Ireland	63	54	7	32	28	4
Total 3 Countries	1546	1,408	754	367	334	145

Interventions status

	Food hygiene			Food standards		
	Number achieved	Total % Achieved	% Unrated achieved	Number achieved	Total % Achieved	% Unrated achieved
England	90,825	28%	28%	48,912	18%	22%
Wales	4,225	17%	13%	2,590	13%	8%
Northern Ireland	3,859	34%	66%	2,401	39%	66%
Total 3 Countries	98,909	27%	28%	53,903	19%	21%

^{1]} FTE at 31 March 2021

^{2]} Occupied posts (even if officers temporarily redeployed/diverted to COVID-19 or other non-food activities)

^{3]} FTEs Diverted to COVID-19 duties or other non-food activities

Sampling data

	England	Wales	Northern Ireland	Total 3 Countries
Microbiological contamination	5,428	46	3,169	8,643
Other contamination	598	52	59	709
Composition	1,867	174	946	2,987
Labelling and Presentation	999	48	690	1,737
Other	476	13	34	523
Total analyses/examinations	9,368	333	4,898	14,599
Total samples	8,764	324	4,374	13,462

ANNEX 3: Monitoring against the Recovery Plan

October 2021	Short targeted 'temperature check' survey to: <ul style="list-style-type: none"> • monitor progress against Phase 1 of the Recovery Plan, • to identify risk of local authorities not meeting the Phase 2 requirements, • to identify rate of compliance progress across the Recovery Plan.
April 2022	Full end of year bespoke return to: <ul style="list-style-type: none"> • provide statistics for annual reporting, • assess the progress being made against the Recovery Plan, • assess compliance against the first milestone of Phase 2 (31 March 2022).
July 2022	Short targeted 'temperature check' survey to: <ul style="list-style-type: none"> • assess compliance with the 30 June 2022 milestone.
October 2022	Short targeted 'temperature check' survey to: <ul style="list-style-type: none"> • assess compliance with the 31 September 2022 milestone.
January 2023	Short targeted 'temperature check' survey to: <ul style="list-style-type: none"> • assess compliance with the 31 December 2022 milestone.
April 2023	Full end of year bespoke return to: <ul style="list-style-type: none"> • provide statistics for annual reporting, • assess the final progress being made against the Recovery Plan to 31 March 2023, • help transition to new reporting arrangements as part of the new approach for monitoring the delivery of official controls.
Post April 2023	Use the new monitoring system which will be developed, to gain assurance and support local authorities in the delivery of official controls.

ANNEX 4: October ‘Temperature check’ survey

FTE data¹						
	Food Hygiene			Food Standards		
	FTEs allocated	FTEs occupied²	FTEs redeployed or diverted³	FTEs allocated²	FTEs occupied²	FTEs redeployed or diverted³
England	1,370	1,113	137	270	235	15
Wales	140	89	46	59	41	11
Northern Ireland	65	50	1	32	26	1
Total 3 countries	1,575	1,252	184	361	302	27

1 - Resources at 1 October 2021 based on 99% food hygiene and food standards returns

2 - FTE professional posts **occupied and available** to undertake official food controls on 1 October 2021

3 – FTEs redeployed or diverted to COVID-19 duties.

Other data from October survey for interventions and sampling*		
	Food Hygiene	Food Standards
The local authority has a plan in place for the resumption of a planned intervention programme.	322 (100%)	164 (98%)
The local authority has prioritised and included new businesses for interventions based on risk.	317 (98%)	158 (95%)
Number of new businesses that still need to be prioritised for intervention on 1 October 2021.	20,820	23,215
The local authority has not been able to deliver all expectations set out in Phase 1 of the Recovery Plan.	42*	27*
➤ Issues in delivering sampling programmes.	34	13
The local authority envisages issues with achieving the Phase 2 milestone of delivering all due category A food hygiene interventions by March 2022.	28	N/A
The local authority envisages issues with achieving the Phase 2 expectations and controls by March 2022.	31*	24*
➤ Issues envisaged in delivering sampling programmes.	9	3

*Free text analysis is based on a representative sample of returns - 99% of expected food hygiene returns (322 of 327) and 96% of expected food standards returns (167 of 174) received at the time of the analysis. Further checking and analysis of additional information is ongoing.