

Consistency in the delivery of official food safety controls: the role of organisational- level factors

A report for the Food Standards Agency

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Executive summary

Research aims and approach

The Food Standards Agency (FSA) works with local authorities to make sure that food business operators (FBOs) provide safe food for consumers, in accordance with UK Food Law. Local authorities assess food safety compliance with the aid of official guidance set out in the Food Law Code of Practice (FLCoP) and other enforcement tools.

Analysis of local authority enforcement data suggests that there are inconsistencies in the delivery of official food hygiene controls ('official controls' hereafter) between comparable authorities. Since consistency is an important principle of UK Food Law, the FSA commissioned this study to ascertain the nature of those inconsistencies, to understand how organisational-level factors contributed to generating them, and to assess the scope to improve regulatory consistency going forward.

Organisational-level factors are defined as local authority characteristics that may shape local enforcement processes: in this case, implementation of food safety regulation. Thirteen factors were identified for exploration in the research. They were categorised into three broad themes (management practices, structure, and communications and engagement) and presented in a provisional Behavioural Framework, alongside individual-level factors (i.e. individual attitudes, values and beliefs of food safety officers) and contextual factors (e.g. the nature of local FBO populations) that may also affect the delivery of official controls.

The study focused on inconsistencies observed between local authorities in confidence in management (CIM) scores and, secondarily, enforcement action. For example, analysis of local enforcement data suggests that some local authorities issue higher than expected CIM scores compared with similar authorities (i.e. in terms of authority type, size, geographical location, etc.). Likewise, some comparable local authorities use food safety enforcement tools differentially – such as the extent to which they rely on informal (e.g. information provision) or formal (e.g. prosecution) tools.

From the outset, the Agency was interested in distinguishing variations in the delivery of official controls that might be justified or acceptable (e.g. targeted interventions) from other variations that could be considered 'true' inconsistencies. The latter are the core focus of this research. To further develop this distinction the Agency referred to the concepts of 'irrational' and 'rational' inconsistencies.

'Rational inconsistencies' were defined by Sparrow (2000) as differences that "arise as a result of special projects, targeting schemes, symbolic actions, leveraging of scarce resources, and optimization of behavioural impacts".¹ 'Irrational inconsistencies' were less clearly defined, but may be understood as other variations than those that might result from a targeted use of regulatory discretion.

¹ Sparrow, M.K. (2000) *The regulatory craft: controlling risks, solving problems, and managing compliance*. Washington DC: The Brookings Institution. Page 251.

Operationalising a relatively imprecise distinction in an empirical study was one of the challenges of this research. The study has contributed to clarifying that distinction for the field of food hygiene controls by looking at numerous specific examples arising from the data.

In the domain of food safety regulation, irrational inconsistencies could occur between local authorities if the attitudes of food safety managers resulted in biased use of the CIM scoring framework and/or hierarchy of enforcement action. On the other hand, management practices might also lead to rational inconsistencies between authorities if some food safety managers chose to implement innovative projects to influence compliance outcomes.

Structural factors, such as the composition of food safety teams, could generate rational inconsistencies between local authorities due to differing levels of knowledge, skills, and capacity within teams, which might affect how they use official controls. Conversely, the interactions that food safety teams have with other teams internally might also shape – rationally or irrationally - how authorities apply the CIM scoring framework and/or the ‘hierarchy of enforcement’.

Finally, communications and engagement activities could generate rational inconsistencies as a result of deliberate strategies by local authorities to increase FBO willingness and capacity to comply with regulation. At the same time, these same activities could lead to irrational inconsistencies in CIM scoring and/or enforcement action if they influenced food safety teams attitudes towards FBOs (see table below that sets out further examples of rational and irrational inconsistencies).

The research team operationalised the concepts of ‘rational’ and ‘irrational’ inconsistency in a series of specific examples, in order to better understand how organisational-level factors might contribute to inconsistent patterns in CIM scoring and/or enforcement action in otherwise comparable settings.

In order to achieve this, a small-scale, comparative approach was adopted, based on a programme of qualitative research with five pairs of comparable English local authorities, representing different categories of urban-rural classification. Between four and six in-depth interviews were conducted with individuals occupying various roles in each authority, to gather feedback from a range of perspectives (totalling 49 interviews across the case studies). The interview findings fed into a comparative analysis process that explored the role of each organisational-level factor on irrational inconsistencies in CIM scoring and enforcement action. The role of these factors on rational inconsistencies was also noted during the research, as well as interactions between organisational-level factors and individual-level/contextual factors.

Results

Certain organisational-level factors appeared to be more influential than others in contributing to irrational inconsistencies in the delivery of official controls. The table below shows that management practices within local authorities – especially ‘management attitudes towards compliance’, ‘perceptions towards official guidance’ and, to a lesser extent, ‘task allocation’ and ‘staff skills and development’ – may result in inconsistencies observed within the case study pairs. ‘Engagement with FBOs’ (under the communications and engagement theme) may also lead to irrational inconsistencies.

Alongside these organisational-level factors, individual-level and contextual factors act as barriers or enablers to consistent CIM scoring and enforcement action.

Other organisational-level factors contribute to rational inconsistencies in the delivery of official controls instead of, or as well as, irrational inconsistencies. Meanwhile some other factors have little or no impact at all, but they may be more relevant when seeking to understand *individual-level* inconsistencies (i.e. those between individual officers).

The research also shows that there is a temporal dimension to the influence of some organisational-level factors, because local authorities are dynamic entities and consequently their characteristics (including policies, structures and activities) tend to change over time. For example, the research suggests that the 'use of external contractors', has not contributed to inconsistent use of official controls in the recent past, because local authorities have tended to manage contractors closely or avoid using them altogether. However, the findings show that this has not always been the case, as some case studies reported that use of contractors had previously led to inconsistent CIM scoring within their authority.

Finally, insight into the role that inter-authority collaboration plays in the inconsistent use of official controls is a particularly pertinent finding from this research. It has two main influences: (1) where present, the use of shared processes and policies to enforce food safety regulation promotes regional consistency in the delivery of official controls between local authorities and (2) conversely, the nature of FSA-led/inter-authority consistency training, up until 2015 appeared to allow irrational inconsistencies to persist because it did not provide clear direction on the use of official guidance in different circumstances.²

Summary of the contribution of organisational-level factors to irrational inconsistency in enforcement			
Factor	Extent of difference within pairs	Contribution to irrational inconsistencies	Brief description
Management attitudes towards compliance	All pairs	High	This factor appears to contribute significantly to inconsistencies in CIM scoring and/or enforcement action. It can lead to rational inconsistencies due to deliberate management strategies, as well as irrational inconsistencies due to varying management attitudes at an operational level.
Perceptions about official guidance	All pairs	High	This factor appears to contribute significantly to irrational inconsistencies in the use of enforcement options, where some food safety teams tend to have a preference for informal over formal options (or vice versa). This factor has also contributed to irrational inconsistencies in the use of the CIM scoring framework because some teams are more lenient in their interpretation of official guidance.

² Training from 2015 onwards was not evaluated.

Summary of the contribution of organisational-level factors to irrational inconsistency in enforcement (cont'd)			
Factor	Extent of difference within pairs	Contribution to irrational inconsistencies	Brief description
Task allocation	Most pairs	Med	This factor can contribute to irrational inconsistencies in CIM scoring or enforcement action, due to greater familiarity between FBOs and food safety officers, which can develop when officers are infrequently rotated between site visits. This factor can also lead to rational inconsistencies, however, as greater familiarity can enhance FBO capacity to comply with regulation.
Reporting controls	Some pairs	No evidence	This factor was not found to contribute to organisational-level inconsistencies in CIM scoring or enforcement action, although it may have contributed to the occurrence of individual-level inconsistencies. Finally, inter-authority reporting controls (such as audits or shared quality assurance schemes) were found to promote consistency in scoring/enforcement activities.
Staff performance measures	Some pairs	Low	This factor appears to contribute mildly to irrational inconsistencies in the use of different enforcement options (although the extent of influence can increase if staff performance measures are strictly enforced).
Staff skills and development	Some pairs	Med	Internal staff training and development was not found to contribute to organisational-level inconsistencies in CIM scoring or enforcement action, however, FSA led/inter-authority consistency training up to 2015 appeared to allow irrational inconsistencies to persist.
Monitoring and evaluation	Some pairs	No evidence	This factor was not found to contribute to inconsistencies in CIM scoring or enforcement action directly, although information generated by monitoring and evaluation processes can inform management attitudes towards compliance (see above).
Configuration of food safety team	Some pairs	No evidence	Team composition and structure was not found to contribute to irrational inconsistencies in CIM scoring or enforcement action. However, staffing ratios can affect rational inconsistencies if and when staff resources are dedicated to support FBOs.
Interactions with other teams	Some pairs	No evidence	There was no evidence of any contribution to irrational inconsistencies. However, strategic joint-working contributes to rational inconsistencies in CIM scoring and enforcement action. Additionally, inter-authority collaboration limits potential for irrational inconsistencies to arise (with the exception of FSA lead/inter-authority training – see above).

Summary of the contribution of organisational-level factors to irrational inconsistency in enforcement (cont'd)			
Factor	Extent of difference within pairs	Contribution to irrational inconsistencies	Brief description
Information management	Some pairs	No evidence	This factor was reported to contribute irrational inconsistencies within one case study pair, but the evidence is weak. This factor can indirectly contribute to rational inconsistencies in some other cases, as part of management strategies to increase compliance.
Use of external contractors	Most pairs	No evidence	This factor was found to have no impact on inconsistencies in CIM scoring or enforcement action, as systems are commonly in place to monitor the consistency of contractors' activities.
Internal comms and engagement	Most pairs	No evidence	This factor was not found to contribute to organisational-level inconsistencies in CIM scoring or enforcement action, although it may contribute to individual-level inconsistencies.
Engagement with FBOs	Most pairs	Med	Formal engagement activities (e.g. workshops or training sessions for FBOs) can lead to rational inconsistencies in CIM scoring and enforcement action as a result of management strategies to increase compliance. Informal engagement with FBOs also contributes to inconsistencies observed, causing both rational and irrational inconsistencies due to increased familiarity between FBOs and food safety teams.

Conclusions

This study used the concepts of 'irrational' and 'rational' inconsistency to better understand the nature of differences observed in the use of official controls and to explore the role of organisational-level factors in these variations.

These concepts had been rarely operationalised in previous empirical research, if at all. In practice, it sometimes proved difficult to delineate 'rational' and 'irrational' inconsistencies in CIM scoring and enforcement action, because of the complex relationships that exist between different organisational-level drivers and outcomes of regulatory behaviours (in this case the application of food safety controls).

However, in putting these definitions to practical use in an empirical setting, this study makes an important contribution to research on regulatory inconsistency, with the use of case study examples. It is hoped that the examples provided by the research will help others – including academics, regulators and practitioners - to progress towards a stronger theory of inconsistency by considering the issue in a practical manner.

The research also shows that end users (in this case food safety officers) would also benefit from greater clarity surrounding the concept of inconsistency. Flexibility is purposely built into official guidance in order to allow for its application in different circumstances. This means that some

variation in its use should be expected (and indeed may be desirable in response to different situations), yet the guidance does not currently define when variations in practices become problematic inconsistencies.

Suggestions to improve consistency

A number of suggestions for reducing the influence of key organisational-level factors on the inconsistent use of official controls (thereby enhancing regulatory consistency) were identified as part of the study.

Firstly, there is scope for the FSA to reduce the influence of key organisational-level factors – ‘management attitudes towards compliance’ and ‘perceptions towards official guidance’ – by providing greater clarity in official guidance. In particular, the research team considers that official guidance could demonstrate more clearly how controls should be applied in different settings (i.e. in the context of internal priorities and external issues acting on different local authorities). Guidance could also be improved by clarifying the role of ‘professional judgement’ of food safety officers in different settings and contexts, and the need to ensure that regulation is enforced fairly and consistently. These steps would help officers understand *how* to interpret official guidance and/or to implement strategies to shape food safety compliance rates fairly and consistently.

Clarity of official guidance could also be enhanced in relation to CIM scoring specifically. For example, the guidance could specify when it is necessary for an FBO to have a documented food safety management system in place. Similarly, many interviewees suggested that the introduction of a ‘15’ CIM score could reduce variation in scoring between ‘10’ and ‘20’.

There is also scope to reduce the influence of ‘staff skills and development’ on irrational inconsistencies by enhancing FSA-led/inter-authority training. There are a number of ways in which this form of training could reduce the occurrence of inconsistencies - these include enabling trainers to direct decision-making with respect to appropriate use of official guidance (rather than encouraging workshop attendees to reach consensus according to the attitudes of those present), and by providing scenario-based learning tools that better reflect ‘real world’ situations. These alternative approaches/techniques for consistency training could be piloted in further research

The FSA might also choose to influence the role relationships between FBOs and food safety teams play on irrational inconsistencies (which are shaped by ‘task allocation’ and ‘engagement with FBOs’). They could do so by raising awareness of the potential for bias to occur in the delivery of official controls as a result of familiarity between officers and FBOs (as well as the possible benefits for greater willingness and capacity to comply with regulation), and by inviting local authorities to suggest mechanisms for minimising this effect.

Finally, the FSA could consider capitalising on the influence inter-authority working has on the consistent application of official controls (as part of ‘interactions with other teams’), by encouraging more local authorities to collaborate with their neighbours in the design and implementation of food safety enforcement activities. For example, this could include use of common inspection questionnaires or shared quality-management systems. Take up of such measures could be

encouraged by developing case study examples that highlight the benefits realised by well-established regional groups.

1 Introduction

1.1 Background

The Food Standards Agency (FSA or ‘the Agency’) is an independent government department responsible for food safety and hygiene across the UK. A crucial part of this role is to ensure that food business operators (FBOs) provide safe food for consumers.

The FSA works closely with local authorities to make sure that UK Food Law is upheld throughout the food chain. Local authorities enforce FBO compliance with food safety regulation using official guidance and training tools provided by the FSA.

Annex 5 of the Food Law Code of Practice (FLCoP or ‘the Code’) specifies the approach which should be taken by local authorities when assessing food safety compliance.³ It explains that compliance is assessed using several measures. Three important components of food safety compliance are as follows (each on a scale from 0 to 25 or 30):

- 1) compliance with food hygiene and safety procedures;
- 2) compliance with structural requirements; and⁴
- 3) confidence in management (CIM), which is the confidence that food safety procedures will be maintained in the future.⁵

The FLCoP also sets out the approach local authorities should take with respect to enforcement in the event that FBOs are not compliant with regulation. The Code states that enforcement responses should be ‘reasonable, proportionate, risk-based and consistent with good practice’.

Consistency is a key principle of the rule of law, whereby public institutions should strive to implement legislation fairly and equally. This is an important consideration for the FSA in the context of UK Food Law. It means that the Agency has a duty to protect public safety without placing undue burden on FBOs. As such, the FSA provides consistency training for local authority officers, as well as tools such as the ‘Brand Standard’,⁶ to help ensure official food safety controls (‘official controls’ hereafter) – such as food safety inspections or enforcement tools – are applied appropriately.

The FSA wishes to strengthen the evidence base that informs its work on improving consistency in the delivery of official controls. To this end, the Agency commissioned two studies at the start of 2015. The first study (which is the subject of this report) was designed to explore organisational-level

³ Food Law Code of Practice, re-issued April 2015

<https://www.food.gov.uk/sites/default/files/Food%20Law%20Code%20of%20Practice%20-%202015_1.pdf>.

⁴ Food hygiene and safety procedures, and structural requirements, are both scored on a scale from 0 to 25, with possible scores of 0, 5, 10, 15, 20 and 25, where 0 = highest standard of compliance and 25 = almost total non-compliance.

⁵ Confidence in management is scored on a scale from 0 to 30, with possible scores of 0, 5, 10, 20, 30, where 0 = highest standard of compliance and 30 = almost total non-compliance.

⁶ FSA (2014) The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation - the ‘Brand Standard’ <<http://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/fhrsguidance.pdf>>.

factors (i.e. organisational characteristics such as management practices) that might contribute to inconsistent use of official controls between local authorities. The accompanying study was designed to understand the role of individual-level factors (i.e. individual attitudes, values and beliefs) in the inconsistent use of official guidance by food safety officers.⁷

In both cases, the Agency was specifically interested in understanding the influence of factors that contribute to ‘irrational inconsistencies’ in the delivery of official controls. Therefore, the concepts of ‘irrational’ and ‘rational’ inconsistency were applied by the research team as a means of better understanding the notion of inconsistency.

‘Rational inconsistencies’ were defined by Sparrow (2000) as differences that “arise as a result of special projects, targeting schemes, symbolic actions, leveraging of scarce resources, and optimization of behavioural impacts”.⁸ ‘Irrational inconsistencies’ were less clearly defined, but were understood as other variations than those that might result from a targeted use of regulatory discretion.

These definitions were elaborated as the research progressed, to label and distinguish between examples of inconsistency. Instances of inconsistency that were linked to deliberate strategies and/or activities to enforce regulation and boost compliance levels were labelled as ‘rational inconsistencies’ by the research team. For example, the research team identified several examples where food safety teams had implemented innovative programmes to engage and support poorly-performing businesses. These activities had tended to contribute to relatively favourable CIM scores and/or reduced levels of enforcement action when compared with similar authorities.

In contrast, inconsistencies that were not linked to controlled mechanisms for improving food safety standards of FBOs were labelled as ‘irrational inconsistencies’ by the research team. For example, the research team uncovered various examples where the attitudes and preferences of managers (or team leaders) had influenced the extent that formal enforcement options were used by food safety teams to address non-compliance (which had contributed towards different patterns of enforcement activity between comparable authorities).

While it was acknowledged that it would be challenging to apply the concepts of ‘rational’ and ‘irrational’ inconsistency to specific examples, this exercise was designed to aid understanding of inconsistency in the context of regulatory enforcement by applying the concepts in a practical manner to a series of detailed illustrative examples.

The two studies, commissioned by the FSA to understand factors influencing irrational inconsistencies in the use of official controls, were accompanied by an in-house Agency study of consistency in CIM scoring data and enforcement activity between local authorities and between

⁷ Nieboer J, Reader T (2015) ‘Consistency and cognitive influences on the expert judgement of Environmental Health Officers: An experimental study’. Report for the Food Standards Agency
<<http://www.food.gov.uk/sites/default/files/consistency-regulatory-work-research2.pdf>>.

⁸ Sparrow, M.K. (2000) *The regulatory craft: controlling risks, solving problems, and managing compliance*. Washington DC: The Brookings Institution. Page 251.

different urban-rural types of local authorities, which informed the sampling method for this study (see section 2.2).⁹

1.2 Research aim & scope

Brook Lyndhurst was commissioned to investigate the contribution of organisational-level factors to inconsistencies in the delivery of official controls by local authorities in otherwise comparable situations.

The research focused on identifying factors that could be contributing to irrational inconsistencies in CIM scoring between local authorities. As a secondary line of enquiry, the FSA wanted to identify factors that might cause irrational inconsistencies in enforcement action taken by local authorities (although no assumption was made about associations between patterns in CIM scoring and enforcement action).

The research explored the role of numerous organisational-level factors that are of interest to the FSA. They were grouped into three interrelated categories: management practices; structure; and communications and engagement. Interactions between these factors, individual-level factors and broader contextual factors (e.g. resource constraints, local political priorities, etc.), were also noted during the research.

The study was based upon an in-depth programme of qualitative research that involved a small number of local authority case studies in England. It was anticipated that this approach would provide rich, nuanced findings that would offer a solid foundation for more extensive research.

1.3 Approach

A small scale, comparative study was designed to explore how organisational-level factors contribute to the irrational use of official controls by local authorities. The study was based on a programme of in-depth, qualitative research with five pairs of local authority case studies.

The case study selection process followed the principles of comparative methodology whereby the causal role of the hypothesised factor(s) may be appraised by controlling for similarity in all (or most) other factors across cases (i.e. most similar systems design (MSSD)).

In addition, each case study pair was selected to represent one of five urban-rural categories: Major Urban (sub-divided into a London and a non-London category); Urban; Urban (with significant rural areas); and Rural. This allowed the research team to explore the role of organisational-level factors in irrational inconsistencies in CIM scoring and/or enforcement action across a range of comparable case study pairs.

⁹ Shah H (2015) 'Analysis of LAEMS data to inform a study on inconsistencies in the delivery of official food safety controls'. Food Standards Agency <<http://www.food.gov.uk/sites/default/files/consistency-regulatory-work-research3.pdf>>.

Comparable pairs for the case study research were selected by the FSA based on their statistical modelling, as well as more practical issues. Contact with the local authorities was then facilitated by the FSA, and Brook Lyndhurst visited each authority to conduct confidential interviews with officers occupying various roles in each local authority.

Comparative analysis of the interview findings was conducted to identify the role organisational-level factors play in irrational inconsistencies in CIM scoring and enforcement action within case study pairs. The findings were used to inform the development of a Behavioural Framework, to show the contribution of organisational-level factors to irrational inconsistencies in the delivery of official controls. They were also used to assess scope to improve consistency in the delivery of official controls. Finally, the results and conclusions were written up in this report.

1.4 Report structure

A summary of the methodology is presented in Chapter 2, followed in Chapter 3 by an overview of the differences observed in CIM scoring and enforcement action between local authorities. The key findings from the research are presented in Chapter 4, before the conclusions and the suggestions for improving regulatory consistency are set out in the final two chapters. The main report is supported by a series of annexes that include an account of the research work plan and approach, the interview topic guide, and an overview of the comparative findings for each case study pair.

Please note that the findings presented in this report are not attributed to individuals or local authorities that participated in the study, in keeping with the confidential nature of the research.

2 Summary of the method

This chapter summarises the methodology used in the study (see annex 1 for an overview of the work plan and approach). This section begins by setting out the working hypothesis for the study. This is followed by an overview of the case study selection and data collection strategies. The approach taken to compare the findings for each case study pair is then outlined. Finally, the main research limitations are summarised.

2.1 Hypothesis

In the absence of a readily-available theoretical basis for the research, the research team drew on their existing knowledge of organisational behaviours and food safety compliance, and on discussions with the FSA, to compile a list of organisational-level factors that could influence the delivery of official controls. A total of thirteen factors were identified and organised into three interrelated themes (Table 1).

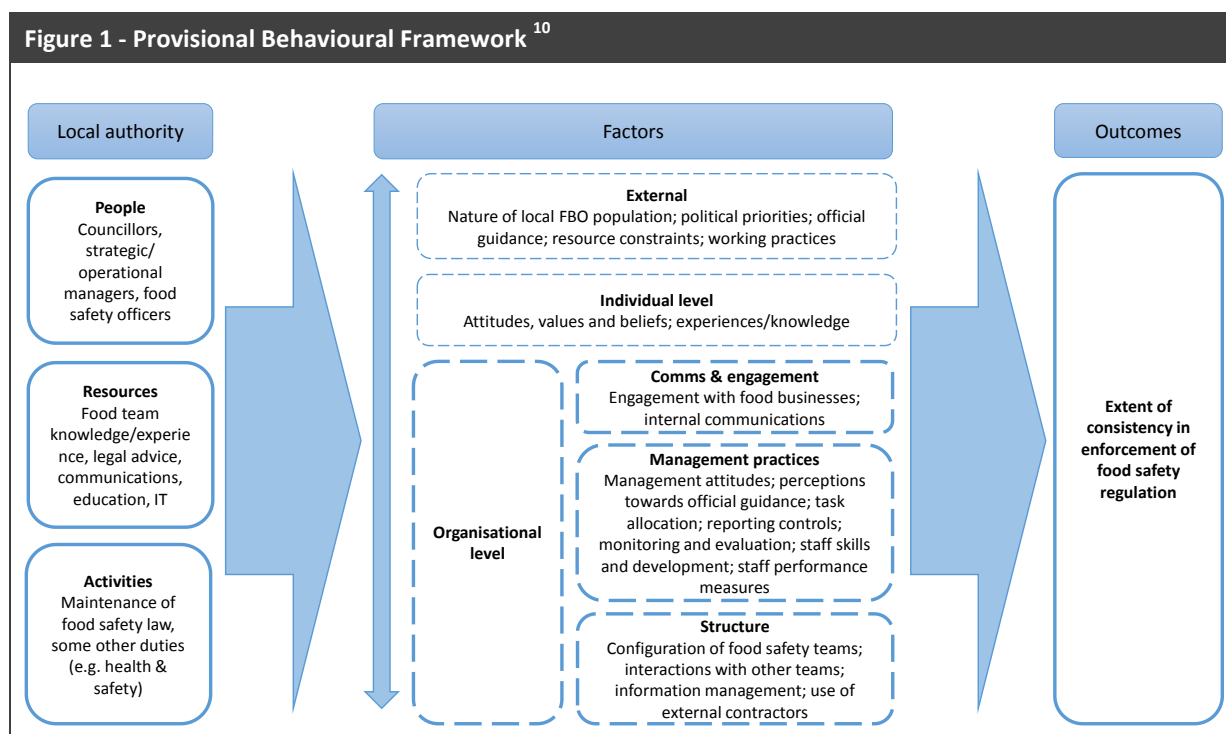
Table 1 – List of organisational-level factors to be explored

Theme	Factor
Management practices	Management attitudes/priorities in relation to food safety compliance
	Staff awareness of, and attitudes towards, official guidance
	Task allocation within food safety teams
	Reporting controls within food safety teams
	Internal monitoring and evaluation of official controls
	Staff skills and development (e.g. level of training provision)
	Use of staff performance measures in food safety teams
Structure	Configuration of food safety teams (i.e. size, experience levels, structure)
	Interactions with other teams or services within the authority
	Information management within the authority
	Use of external contractors to deliver official controls
Communications & engagement	Internal communications on the delivery of official controls
	Processes for communicating and engaging with FBOs

The working hypothesis was that these organisational-level factors were likely to contribute to inconsistent patterns in CIM scoring and/or use of enforcement tools in otherwise comparable settings.

Interactions between these factors, individual-level factors, and external contextual issues were also expected to have a bearing on the application of official controls by local authorities. Thus, it was necessary to consider the impact of these connections when seeking to understand the specific role played by organisational-level factors.

A provisional Behavioural Framework was developed to capture how various factors might influence the delivery of official controls (see Figure 1). The Framework represents local authorities as complex, adaptive organisations, which undertake activities to achieve specific goals: enforcement of food safety regulations in this case. It suggests that the outcomes of these activities are influenced by various factors (including the organisational-level factors listed in Table 1), which act as barriers or enablers to consistent application of official controls.



The intention was to use this Framework to help explain the results of the study, once it had been refined on the basis of the findings.

2.2 Comparative approach and case study selection

Selection of a limited number of local authorities in this study was done by the FSA to enable analysis in the form of focused, structured comparisons of paired cases. This follows well-established principles of comparative methodology applied to a limited number of cases or ‘small N’), whereby the causal role of the hypothesised factor may be appraised by controlling for similarity or dissimilarity in all (or most) other factors across cases. These logical principles have diffused extensively into comparative social science research, notably comparative politics.¹¹

‘Small N’ comparative analysis can be carried out through *most similar systems design* (MSSD), whereby two highly similar cases can be selected that differ only with respect to one possible causal factor, which could explain differences in outcomes between the cases (as used in this study).

¹⁰ Factors to be directly assessed by the research are highlighted by a bold dashed line.

¹¹ See, for example, Skocpol, T. and Somers, M. (1980) ‘The uses of comparative history in macro-social inquiry’, *Comparative Studies in Society and History*, 22 (2):174-197.

Alternatively, *most dissimilar systems design* (MDSD) can be used for highly dissimilar cases, which may only share one possible causal factor, which could explain similar behavioural outcomes for both cases. Such designs have the main virtue of enabling analysis that discriminates between multiple factors, to emphasise the particular influence of one of them by virtue of its non-variation as opposed to the variation of all other factors, or vice versa.

Analysis of FSA local authority enforcement data reveals differences in CIM scoring between local authorities in the same locale, and more generally between authorities in different urban-rural categories, compared to that which would be expected based on factors such as FBO types and scoring patterns for food hygiene and structural aspects of compliance. The results of this analysis are presented in a separate paper published by the FSA.¹²

A 'long list' of local authority pairs was created for potential comparative purposes. This list comprised pairs of local authorities that were calculated to have a similar *expected* proportion of premises scoring CIM ≥ 10 , but considerably different *actual* proportions of premises scoring CIM ≥ 10 .¹³ For example, a local authority calculated to score a lower than expected proportion of premises ≥ 10 could be compared to either a local authority actually scoring around the expected proportion, or a local authority actually scoring a higher than expected proportion.

A short list of local authority pairs was then created from the long list, based on a number of secondary conditions. Firstly, case study pairs were selected to represent five different urban-rural categories, as designated by the FSA. The purpose of doing this was to select a range of case study pairs that had contrasting CIM scoring patterns. Secondly, cases were chosen, where possible, on the basis of contrasting patterns of estimated levels of enforcement activity relative to each urban-rural category. Finally, where possible, pairs of local authorities in the same county or administrative area were selected, in order to maximise their comparative value and to facilitate completion of the fieldwork (see Section 3.2 for case study short list).

The final sample of local authorities pairs was selected according to all these conditions (as far as possible), but selection also depended on practical issues such as local authority staff availability during the study period (see Section 2.4).

2.3 Data collection and analysis

A series of one-on-one, confidential interviews were completed with individuals occupying various roles within each authority to gather evidence from a range of perspectives. A total of 49 interviews were conducted; with between four and six interviews in each case study location. All of the interviews were conducted face-to-face, with the exception of one that was completed over the telephone. A topic guide was designed to support the interview process, by steering discussions through a series of themes relating to factors listed in Table 1 (see Annex 2).

¹² See Shah H (2015) 'Analysis of LAEMS data to inform a study on inconsistencies in the delivery of official food safety controls'. Food Standards Agency <<http://www.food.gov.uk/sites/default/files/consistency-regulatory-work-research3.pdf>>.

¹³ CIM ≥ 10 means that an FBO has a score of '10', '20' or '30' from a range of scores between 0-30.

The results fed into a comparative analysis process that explored the influence of organisational-level factors on inconsistencies in CIM scoring patterns (and, where possible, enforcement action). This process was iterative and involved a number of stages:

- the interview data was used to characterise the nature of each organisational-level factor being investigated for each case study example;
- this information was used to identify any differences in the nature of organisational factors between case study pairs (and across different urban-rural categories);
- the interview data was then reviewed to identify any linkages that were drawn by interviewees between each organisational factor and CIM scoring and/or enforcement outcomes for specific case studies; next, the evidence assembled during the preceding stages was used by the research team to draw conclusions about the contribution (if any) of each organisational factor to variations between CIM scoring and/or enforcement action within case study pairs (and across different urban-rural categories);
- the preceding steps also enabled the research team to label inconsistencies observed as 'rational' or 'irrational' as set out in section 1.1; and finally,
- the soundness of each conclusion was reviewed (and, if necessary, subsequently revised), according to the strength of evidence underpinning it. The strength of evidence for each organisational factor was determined by:
 - (a) the proportion of interviewees within a case study who reported that it had directly influenced CIM/enforcement outcomes;
 - (b) the availability of other evidence from the interviews that linked it to inconsistent CIM/enforcement outcomes;
 - (c) the number of case study pairs where it was found to contribute to differences in CIM/enforcement outcomes between the cases.

Assessment of the scope to improve consistency in the delivery of official controls was also conducted as part of the analysis process. This included a review of suggestions put forward by interviewees themselves, as well as the development of suggestions by the research team according to the evidence generated by the research.

2.4 Limitations

The in-depth, comparative approach used in this study was deemed to be a suitable method of understanding the complex role that organisational-level factors play in the delivery of official controls by local authorities. There were, however, a number of practical and scientific challenges associated with the research, which should be considered when reviewing the findings.

The first of these was associated with the complex connections that exist between different organisational-level factors (and between organisational-level factors, individual-level factors and contextual factors) in the way they influence the delivery of official controls. This made it difficult to isolate the influence of individual factors on CIM scoring and enforcement action, in accordance with the principles of MSSD in comparative research methodologies. It also made it difficult to apply the

concepts of ‘rational’ and ‘irrational’ inconsistency, in instances where there were a multiplicity of drivers leading to a particular behavioural inconsistency.

The second challenge was associated with the definition of ‘inconsistency’ in the context of CIM scoring and enforcement action.¹⁴ Some variation in the delivery of official controls may be considered acceptable (and indeed desirable) by the FSA. Guidance offers leeway for variation within certain boundaries, and it acknowledges that officers will behave differently as they respond to different circumstances in the field. Indeed, the research shows that not all differences observed represented inconsistent delivery of official controls as such, but reflected responsiveness to different local contexts and innovative approaches to achieving better compliance.

Another challenge associated with the conceptualisation of inconsistency was the practice of labelling specific examples as ‘rational’ and ‘irrational’. The boundary between these two concepts was difficult to define at times (and this should be noted when reviewing the results), nevertheless this study has made progress towards a clearer definition of inconsistency by successfully linking these concepts to illustrative examples in the case study research.

Another challenge was linked to the recruitment of certain local authorities as case study pairs. Firstly, the analytical potential of the urban pair was restricted, as revealed during the case study visit to one of the authorities, when it became apparent that the food safety team had been significantly affected by restructuring/staff changes within the previous few years. Secondly, difficulties in recruiting neighbouring pairs of rural local authorities meant that for one pair, two authorities in different regions were selected. Although this places some limitations on the comparative value of this pair, differences in local contexts were also observed within other case study pairs.

The latter challenge highlights the difficulties associated with the case study selection for MSSD analysis in ‘controlled’ comparisons. This was also compounded by the small number of case study pairs used in the research. Although the design of the study facilitated the development of in-depth, qualitative analysis, it also restricted the extent to which the findings could be generalised more broadly (although the comparative analysis method used mitigates this to an extent).

Finally, the research findings themselves raise questions about the reliability of the data upon which the study was based, as the importance of the local context may not be fully represented in ‘expected’ CIM values for local authorities (see for example the results of the Major Urban (London) case study pair). This implies that the level of variation observed between expected and actual values may not be accurate in all cases.

¹⁴ Etienne, J. (2015) ‘Studying and managing consistency in regulatory work: concepts and options’
<<http://www.food.gov.uk/sites/default/files/consistency-regulatory-work-research1.pdf>>.

3 Use of official food safety controls

Official food safety guidance is designed to ensure that Food Law is applied consistently across the UK. This section explains what the guidance stipulates with respect to CIM scoring and the use of enforcement action, before summarising the inconsistencies observed across local authorities in England, and within the case study pairs.

3.1 Official guidance

The FLCoP sets out official guidance for enforcing food safety regulation equally and fairly across the UK. Local authorities are required to give regard to this guidance when using official controls – including the CIM scoring framework or hierarchy of enforcement options - in different circumstances.

3.1.1 Confidence in Management (CIM)

Annex 5 of the FLCoP deals with the food hygiene and food standards intervention rating (which assesses compliance), and the minimum frequencies for interventions at food establishments. The guidance states that:

‘Officers should use the full range of scores available within the system, as the purpose of the rating system will be frustrated by cautious marking or by a reluctance to recognise effective management/control systems.

Establishments that fall into more than one scoring category for a scoring factor should be allocated the highest score of those that are available.

The operation of this intervention rating scheme within the food authority should be subject to periodic management review to ensure that staff are using the scheme correctly and consistently.’¹⁵

Part 3 of Annex 5 explains that the CIM scores should assess whether a business’s food safety management procedures are appropriate, where officers are expected to ‘*elicit a judgment on the likelihood of satisfactory compliance being maintained in the future.*’¹⁶

The guidance clarifies that factors other than documented systems will influence food safety officers’ judgement, including: the track record of the company; attitudes and knowledge of the staff towards hygiene and food safety; and the presence of satisfactory food safety management procedures. Meanwhile, it also states that the principle of proportionality should be used when determining what represents ‘satisfactory’ procedures, and that flexibility should be applied to avoid undue burden on very small businesses.

¹⁵ Food Law Code of Practice (England) – April 2014. Annex 5; page 133.

¹⁶ Food Law Code of Practice (England) – April 2014. Annex 5; page 139.

3.1.2 Enforcement action

Section 3 of the FLCoP sets out the approach local authorities should take in the event of non-compliance. It lists the materials which authorities should take account of, and it emphasises that authorities should document their Food Law Enforcement Policy and keep it up to date.

The guidance states that authorities should ensure enforcement action taken by officers is *'reasonable, proportionate, risk-based and consistent with good practice'*. It also states that officers should take account of the full range of options, in a graduated fashion:

'This includes educating food business operators, giving advice, informal action, sampling, detaining and seizing food, serving Hygiene Improvement Notices/Improvement Notices, Hygiene Prohibition Procedures/Prohibition Procedures and prosecution procedures.'

Except where circumstances indicate a significant risk, officers should operate a graduated and educative approach (the hierarchy of enforcement), starting at the bottom of the pyramid (i.e. advice/education and informal action) and only move to more formal action where informal action does not achieve the desired effect'.¹⁷

3.2 Inconsistencies in use of official controls

3.2.1 Inconsistencies in CIM scoring

The FSA's analysis of local authority enforcement data reveals inconsistencies in CIM scoring patterns between local authorities in the same locale *and* across English local authorities according to levels of urban-rural classification.

The FSA modelled the average proportion of premises in English local authorities to receive a CIM score ≥ 10 (i.e. a score of '10', '20', or '30') for the reporting period 2013/14.¹⁸ The Agency then calculated an expected value for each authority, which controlled for several factors, including the size and types of business in the local FBO population, the intrinsic risk rating of premises, and scoring patterns for the hygiene and structural aspects of regulatory compliance.

The results of this analysis are presented in a separate paper published by the FSA.¹⁹ They show that even when other factors are accounted for (such as types of businesses), local authorities situated in more urban areas still tend to score a higher than expected percentage of food premises CIM ≥ 10 , while local authorities based in more rural areas tend to score a lower than expected percentage of food premises CIM ≥ 10 . As a lower CIM score indicates greater compliance, these results could suggest that irrational inconsistencies exist between authorities in urban and rural locations because

¹⁷ Food Law Code of Practice (England) – April 2014. Section 3; page 52.

¹⁸ Data used was for 250 English local authorities, representing 369,821 rated food establishments.

¹⁹ Shah H (2015) 'Analysis of LAEMS data to inform a study on inconsistencies in the delivery of official food safety controls'. Food Standards Agency <<http://www.food.gov.uk/sites/default/files/consistency-regulatory-work-research3.pdf>>.

those in more rural areas score CIM relatively leniently and, conversely, those in more urban areas score CIM relatively stringently.

For the purposes of this study, the FSA's analysis also reveals inconsistencies in the differences between the actual and expected percentage of businesses receiving CIM scores ≥ 10 , between comparable local authorities (i.e. those within the same urban-rural category and with a similar expected CIM score). Differences between the actual and expected proportion of businesses scoring CIM ≥ 10 for each local authority in the study are summarised in Table 2. In some instances, the difference between actual and expected values can be as much +/- 16 percentage points.

3.2.2 Inconsistencies in levels of enforcement activity

The FSA's analysis of local authority enforcement data also indicates that there is inconsistency in the level of enforcement activity between comparable local authorities. An estimate of levels of enforcement activity was calculated for local authorities within the sample frame for which there was sufficient data, for three reporting years (2011/12 to 2013/14).

Estimates were calculated by summing annual data returns over the three years that detail the number of premises subject to different enforcement activities (e.g. Improvement Notices, Voluntary Closures etc.), and dividing this by three to obtain an estimated annual average.²⁰ This average was presented as a figure per 1,000 premises in each local authority area. When an average estimate of levels of enforcement activity was calculated across each urban-rural category, it revealed a similar pattern to that observed in the CIM data, whereby local authorities in more urban areas were more likely to report higher average levels of enforcement activity than those in more rural locations.²¹

In order to control for this variation in estimated levels of enforcement activity by urban-rural category and to investigate inconsistencies within comparable pairs of local authorities, a within-category index was created, where estimated levels of enforcement activity for each local authority was indexed against average estimates for the relevant urban-rural category (assigned a value of 100). A value less than 100 would therefore indicate a lower than average level of enforcement activity within that category, and a value above 100 would indicate a higher than average level of activity.

Table 2 shows the index values of estimated enforcement activity levels for each local authority, as compared to the average for the relevant urban-rural category. Index values for estimated levels of enforcement can appear to vary greatly between local authorities (i.e. ranging from about 15 to 210), because very low (or very high) numbers of enforcement activities were reported each year for

²⁰ This estimate of levels of enforcement activity has limitations, in that annual returns are presented as the number of premises subject to each type of enforcement activity. Note that this means that multiple instances of the same type of enforcement action for the same premises in the same year will only be counted once, and that premises subject to different types of enforcement action will be submitted in returns for each type of enforcement activity, in which case a single premises may be counted more than once per year. This estimate is therefore neither an exact measure of all actions taken, nor the number of premises subject to action each year.

²¹ The estimate of annual enforcement activity per 1,000 premises for each of the urban-rural classifications was: major urban (London) 24.1; major urban (non-London) 16.2; urban 9.6; urban with significant rural areas 9.1; and rural 6.9.

some local authorities. Inconsistencies in the use of specific enforcement options for each local authority were also analysed and the results are summarised in Table 2. Please note that the relationship between CIM scoring patterns and estimated levels of enforcement activity was not analysed by the FSA, however, it may be logical to expect that there is an association between these two aspects as this is suggested by the data for some case study pairs (e.g. Major Urban (London) pair).

Table 2 - Summary of inconsistencies observed within case study pairs				
Urban-rural classification	Case study reference	Difference between actual and expected % of premises scoring CIM ≥ 10 (in % points) – 2013/14 ²²	Within category estimate of enforcement activity index - 2011/12 to 2013/14 ²³	Inconsistencies observed in the reported use of specific enforcement options
Major urban (London)	A	+11 to +13%-points	125-130	Relatively very high proportion of Seizures, Detentions and Surrenders of Food.
	B	- 8 to -10%-points	60-65	Relatively low proportion of Improvement Notices.
Major urban (Non-London)	A	+11 to +13%-points	110-115	Higher than average use of Improvement Notices.
	B	- 8 to -10%-points	85-90	Higher than average use of Improvement Notices. Relatively low proportion of Voluntary Closures.
Urban	A	+2 to +4%-points	15-20	Relatively low proportion of Improvement Notices.
	B	-14 to -16%-points	200-205	Relatively high proportion of Improvement Notices.
Urban (with significant rural areas)	A	-1 to +1%-points	170-175	Relatively high proportion of Improvement Notices.
	B	- 8 to -10%-points	60-65	Relatively low proportion of Improvement Notices.
Rural	A	-1 to +1%-points	205-210	Relatively high proportion of Improvement Notices and Voluntary Closures.
	B	-8 to -10%-points	45-50	Relatively low proportion of Improvement Notices.

²² Please note, in order to maintain the confidentiality of local authorities involved in the study, scores have been allocated to bands three percentage points wide. For example, if an actual CIM score was 25%, compared to an expected 23%, this would be two percentage points higher than the expected value, and the local authority would be assigned to the +2 to +4 category.

²³ As with CIM scoring, figures for the index of estimated levels of enforcement activity have been assigned to bands, here five point index intervals.

4 Role of organisational-level factors

4.1 Summary

This comparative research suggests that some organisational-level factors contribute to irrational inconsistencies in the delivery of official controls, although some factors are much more influential than others. Of the three types of factors investigated (management practices, structure, communications and engagement) management practices play the greatest role - especially ‘management attitudes towards compliance’, ‘perceptions towards official guidance’ and, to a lesser extent, ‘task allocation’ and ‘staff skills and development’. ‘Engagement with food businesses’ (under the ‘communications and engagement’ theme) was also found to contribute to irrational inconsistencies in the delivery of official controls.

The research also suggests that organisational-level factors often work together to emphasise inconsistencies in CIM scoring and/or levels of enforcement action in one direction or another. These connections make it difficult to separate out the role of specific factors from other complementary influences. The picture is complicated further by interactions that occur between organisational-level factors and other issues (i.e. the external context and individual-level factors) to reinforce, or detract from, dominant drivers at local authority level.

Finally, the case study results show how two theoretical concepts - ‘rational’ and ‘irrational’ inconsistency - have been successfully applied by the research team to improve clarity surrounding the issue of regulatory consistency. This has been achieved by using a series of examples, drawn from the comparative research, to explain whether and how each organisational-level factor influences the use of official controls. In each case, inconsistencies are labelled as ‘rational’ or ‘irrational’, as far as possible, in keeping with the definitions set out in section 1.1.

4.1.1 The relative importance of organisational-level factors

Some organisational-level factors contribute more strongly to irrational inconsistencies in CIM scoring and/or enforcement action than others. Management practices within local authorities – especially ‘management attitudes towards compliance’, ‘perceptions towards official guidance’ and, to a lesser extent, ‘task allocation’ and ‘staff skills and development’ – play a pivotal role in shaping the inconsistencies observed within the case study pairs. ‘Engagement with FBOs’ (under the communications and engagement theme) also contributes to irrational inconsistencies. Other organisational-level factors could act as barriers or enablers to inconsistent use of official controls, but generally there was not enough evidence from this study to support this conclusively.

Organisational-level factors that contribute to inconsistencies in CIM scoring and/or enforcement action do so in various ways. Some contribute towards irrational inconsistencies in the delivery of official controls (i.e. unintentional and/or uncontrolled), while others contribute towards rational inconsistencies (i.e. those caused by deliberate strategies to influence food safety outcomes).

The relative importance of each organisational-level factor in irrational inconsistencies in CIM scoring and enforcement action is highlighted in Table 3, and is discussed in turn from section 4.2 onwards. Where evidence is found for organisational-level factors contributing to rational inconsistencies, this is also presented alongside these findings.

Table 3 - Summary of comparative results			
Factor	Extent of difference within pairs	Contribution to irrational inconsistencies	Brief description
Management attitudes towards compliance	All pairs	High	This factor appears to contribute significantly to inconsistencies in CIM scoring and/or enforcement action. It can lead to rational inconsistencies due to deliberate management strategies, as well as irrational inconsistencies due to varying management attitudes at an operational level.
Perceptions about official guidance	All pairs	High	This factor appears to contribute significantly to irrational inconsistencies in the use of enforcement options, where some food safety teams tend to have a preference for informal over formal options (or vice versa). This factor has also contributed to irrational inconsistencies in the use of the CIM scoring framework because some food safety teams are more lenient in their interpretation of official guidance.
Task allocation	Most pairs	Med	This factor can contribute to irrational inconsistencies in CIM scoring or enforcement action, due to greater familiarity between FBOs and food safety officers, which can develop when officers are infrequently rotated between site visits. This factor can also lead to rational inconsistencies, however, as greater familiarity can enhance FBO capacity to comply with regulation.
Reporting controls	Some pairs	No evidence	This factor was not found to contribute to organisational-level inconsistencies in CIM scoring or enforcement action, although it may have contributed to the occurrence of individual-level inconsistencies. Finally, inter-authority reporting controls (such as audits or shared quality assurance schemes) were found to promote consistency in scoring/enforcement activities.
Staff performance measures	Some pairs	Low	This factor appears to contribute mildly to irrational inconsistencies in the use of different enforcement options (although the extent of influence can increase if staff performance measures are strictly enforced).
Staff skills and development	Some pairs	Med	Internal staff training and development was not found to contribute to organisational-level inconsistencies in CIM scoring or enforcement action, however, consistency training up to 2015 appeared to allow irrational inconsistencies to persist.

Table 4 - Summary of comparative results (cont'd)			
Factor	Extent of difference within pairs	Contribution to irrational inconsistencies	Factor
Monitoring and evaluation	Some pairs	No evidence	This factor was not found to contribute to inconsistencies in CIM scoring or enforcement action directly, although information generated by monitoring and evaluation processes can inform management attitudes towards compliance (see above).
Configuration of food safety team	Some pairs	No evidence	Team composition and structure was not found to contribute to irrational inconsistencies in CIM scoring or enforcement action. Staffing ratios can affect rational inconsistencies if and when staff resources are dedicated to support FBOs.
Interactions with other teams	Some pairs	No evidence	There was no evidence of any contribution to irrational inconsistencies. However, strategic joint-working contributes to rational inconsistencies in CIM scoring and enforcement action. Additionally, inter-authority collaboration limits potential for irrational inconsistencies to arise (with the exception of FSA lead/inter-authority training – see above).
Information management	Some pairs	No evidence	This factor was reported to contribute to irrational inconsistencies within one case study pair, but the evidence is weak. This factor can indirectly contribute to rational inconsistencies in some other cases, as part of management strategies to increase compliance.
Use of external contractors	Most pairs	No evidence	This factor was found to have no impact on inconsistencies in CIM scoring or enforcement action, as systems are commonly in place to monitor the consistency of contractors' activities.
Internal comms and engagement	Most pairs	No evidence	This factor was not found to contribute to organisational-level inconsistencies in CIM scoring or enforcement action, although it may contribute to individual-level inconsistency.
Engagement with FBOs	Most pairs	Med	Formal engagement activities (e.g. workshops or training sessions for FBOs) can lead to rational inconsistencies in CIM scoring and enforcement action as a result of management strategies to increase compliance. Informal engagement with FBOs also contributes to inconsistencies observed, causing both rational and irrational inconsistencies due to increased familiarity between FBOs and food safety teams.

Finally, it is important to note that organisational-level factors tend to interact with one another to influence the delivery of official controls further in a particular direction. For example, management attitudes (at a strategic and/or operational level) tend to have a bearing on task allocation and the nature of reporting controls within food safety teams, as well as other management practices, which collectively shape how official controls are implemented.

Management attitudes also tend to influence infrastructural factors (such as the level of joint-working with other teams in the authority) and engagement with FBOs (particularly in relation to the level of education and support offered to businesses). This means it is not possible to completely separate out the influence of each factor on CIM scoring and enforcement action, in accordance with the MSSD method used in comparative research (see section 2.2).

4.1.2 Interaction with contextual issues

Another important finding from the research is that organisational-level factors interact with external factors to exert a notable influence on the delivery of official controls. Of particular significance to CIM scoring and the use of different enforcement options, is the way that organisational-level factors tend to influence, and be influenced by, idiosyncratic characteristics of local FBO populations (i.e. its size, diversity, stability, and inherent capacity to comply with regulatory requirements).

In urban areas, FBO populations tend to be larger, more diverse, more transient, etc., which makes it more challenging for food safety teams to develop close working relationships with FBOs and to provide them with the level of informal advice and support offered by their counterparts in rural areas. The research suggests that stronger working relationships and/or familiarity between food safety officers and FBOs can cause inconsistent use of official controls within case study pairs (see section 4.2.3). It also shows that the degree of familiarity also tends to vary across case study pairs according to different urban-rural categories (and consequently has an influence on CIM scoring and enforcement action between the different categories).

The role of local authority resource constraints is another relevant contextual issue that interacts with organisational-level factors. Although resource constraints are a common feature for local authorities, particularly in relation to staffing levels and IT support, they affect the nature of food safety activities to varying degrees. Most important is the availability of resources to boost regulatory compliance via provision of education and business support, which tends to vary greatly (and which was found to manifest itself in relatively positive CIM scoring outcomes and a reduced need for formal enforcement action).²⁴

This finding is particularly relevant to the Urban (with significantly rural areas) pair and the Major Urban (non-London) pair. In both instances, the food safety team in case study B has the resources available to provide proactive communications and engagement, which are directly linked to relatively high CIM scores and relatively low levels of enforcement action. The opposite is true of case study A in both pairs, where resource shortages are reported to prevent these activities from happening to any degree (the absence of which is sometimes linked to less positive CIM scores and/or higher use of enforcement action).

Finally, inter-authority relationships can have an important bearing on the attitudes of food safety teams towards official guidance (especially with regard to CIM scoring). While all case studies

²⁴ 'Positive CIM scoring' refers to lower CIM scores on the scale from 0-30, where 0=fully compliant and 30=wholly non-compliant. Conversely, 'negative CIM scoring' refers to higher CIM scores.

reportedly interact with other authorities in the same county/region, some are reportedly far more aligned in terms of their attitudes and practices than others. Use of standard inspection processes and quality control measures were found to play an important role in forming regional ‘norms’ in the way official guidance is interpreted (see section 4.3.2). This is with the exception of FSA led/inter-authority training up to 2015 which reportedly failed to discourage irrational inconsistencies in the application of guidance (see section 4.3.6). For example, the following quote illustrates how officers reported that consistency training courses did not clarify the most appropriate responses to different scenarios they were presented with:

“Besides providing scenarios or examples [especially in relation to CIM scoring], I am not really sure how you would achieve a more consistent approach. When you go to the training courses and you get given scenarios and you get everything from a ‘0’ to a ‘30’ there is nobody there to say “this is the right answer” because there is no right answer. Even the people teaching it [consistency training], can’t comment, because they don’t know. Nobody knows what the right answer is” (EHO).

4.1.3 Interaction with individual-level factors

The research found that individual-level factors also tend to interact with organisational-level factors to influence the delivery of official controls. In particular, the relationship between management practices and the configuration of food safety teams (e.g. length of service, diversity of experiences, etc.) tends to affect the extent to which individual attitudes influence the delivery of official controls. In some cases, attitudes and preferences of individuals in a team may be diverse and, if they are not managed by the team leader, they can have an impact on CIM scoring patterns or enforcement action.

The following extract from an interview shows how individual attitudes, values and beliefs can contribute to consistency or inconsistency within food safety teams, if these factors are not managed by team leaders:

“EHO: I think some of the officers are not as inclined to serve notices or go for prosecutions. I think if you looked at our personal records ... you’ll see which of the officers do the legal work”

“Interviewer: Is this something that is ever raised in group discussions or team meetings, in terms of talking about consistency, or is it more that you have just observed these differences?”

“EHO: I have just observed it really”

“Interviewer: Does this same pattern apply to other types of enforcement action....?”

“EHO: There is variability, yes...”

“Interviewer: What might be causing the variability, on something like Improvement Notices for example?”

“EHO: I suppose personal opinion, because if you go into a premises and the situation is so bad that you need to serve an Improvement Notice then you could serve it there and then, without any warning, but another officer may look at that and say, well they haven’t been told before therefore I am going to give them a chance to put it right before serving a Notice. So it does depend on officers’ opinions...”

“Interviewer: What is driving the variation [between officers] in prosecutions?”

“EHO: There is a lot of work involved in doing a prosecution. It takes you away from your daily duties. So if you are doing a prosecution, you are not doing food inspections ... It prevents you from doing your day job basically.... Again it depends on officer opinion, you could have a situation where legal action is required or you could just use a caution instead, which are not as involved so they may choose to go for that instead...or they may feel that they can just serve Notices and deal with it that way ... it depends on the situation... as to how many chances you give them [the FBO]”.

There was also evidence of individual-level inconsistencies persisting over long timeframes in other authorities, as a result of individual-level factors. For example:

“If things are going the wrong way and we are dealing with nasty people, then I usually get involved. For example, I had to serve a prohibition notice on a café last week that wasn’t in my area, but I have been dealing with it for the last couple of years because this guy [the FBO] is a bit tricky ... I get the threatening letters Another officer was dealing with it and she couldn’t cope with the guy. He were full on. So I deal with the confrontation ... None of them (the other officers) have done a prosecution while I have been here [last 10 years]. I do them all. That is just the way it goes” (Senior Environmental Health Officer)

4.1.4 Linkages between different official controls

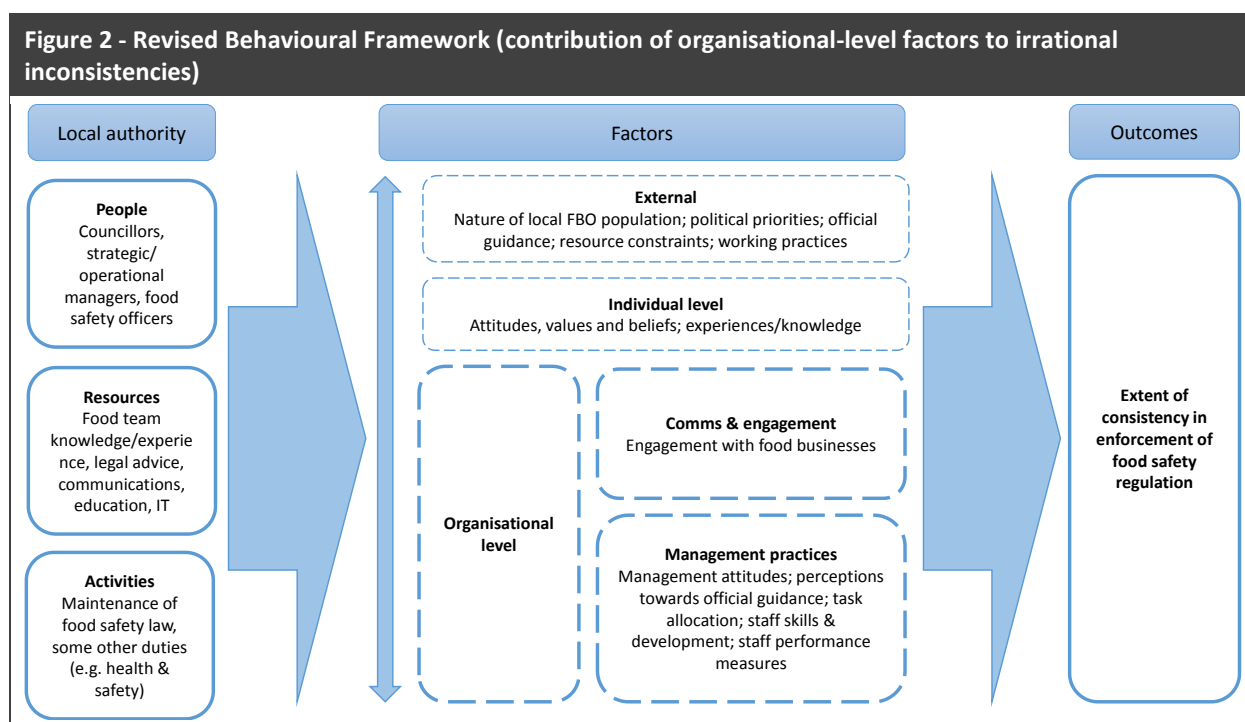
In more than half of the case studies used in this research, CIM scoring patterns appear to be linked to enforcement action – where relatively positive CIM scores tend to be associated with relatively low levels of enforcement action and vice versa.

While it was never assumed that patterns of CIM scoring and enforcement action are correlated, it is interesting that linkages exist in the majority of cases and, as such, this may warrant further investigation.

4.1.5 Behavioural Framework

The Behavioural Framework illustrates how the various different factors come together to influence the delivery of official controls. A revised version of the Framework (Figure 2) highlights how certain organisational-level factors contribute to irrational inconsistencies in CIM scoring and/or enforcement action. Other organisational-level factors which were not found to contribute (or which contributed to rational inconsistencies), have been removed from the framework, for greater clarity around the factors that relate to the research aims.

The contribution of each organisational-level factor to irrational inconsistencies is discussed in turn below, alongside any impacts on rational inconsistencies that were recorded. The results are presented with the use of illustrative examples and quotes from the case study research. Further details of the comparative results are provided in Annex 3.



4.2 Management practices

4.2.1 Management attitudes

The contribution of management attitudes towards food safety compliance to inconsistencies in CIM scoring and enforcement action was investigated. This encompassed strategic-level management attitudes (in the form of priorities set and monitored by senior management) and operational-level attitudes (in terms of those held by food safety team leaders).

Management attitudes were found to contribute significantly to inconsistencies in CIM scoring and/or enforcement action within most of the case study pairs – whether at a strategic or an operational level – although the precise nature of influence varies between the pairs.

Differences in the influence of strategic-level management attitudes towards food safety activities were found to cause irrational inconsistencies in the delivery of official controls in at least two case study pairs.

In particular, when food safety teams are influenced by disciplinary strategic-level attitudes towards compliance, there is evidence that this can lead to more assertive use of official controls that give rise to irrational inconsistencies (i.e. contributing to relatively negative CIM scoring and/or greater use of formal enforcement options).

This pattern was observed in case study B of the Urban pair, where food safety officers are encouraged to use formal enforcement tools (particularly Improvement Notices) to address non-compliance. Consequently, the level of enforcement action taken in case study B is considerably higher than that of case study A.

The Major Urban (London) case study pair helps to illustrate the contribution of strategic-level management attitudes to irrational inconsistencies in CIM scoring/enforcement action, because the use of official controls is being unintentionally affected by the dominance of management priorities in other domains (in this instance, tackling criminal activity in one of the local authority case studies).

In case study A, a strategic focus on criminality has influenced the food safety team's activities by encouraging them to prioritise crime and to adopt a punitive stance towards non-compliance (giving rise to relatively negative CIM scores and a high proportion of enforcement action). The impetus for the food safety team in this authority to focus on criminal activities is explained in the following quote:

"We've got a very big community safety partnership team and a very big antisocial behaviour unit within the team, and ... a lot of the emphasis is on crime and disorder ... So you would have food officers being asked to have a presence in this particular area on a day because it is a criminal hotspot.

I [the team leader] get the picture, it's pretty much saying we're going to put all the regulatory service in there so that they [the businesses] know we're not messing about, and it will focus their attention, but that particular area may just contain a low-level category E, or category D, or category C – compliant food businesses that we wouldn't be interested in.

And we have category As and Bs, and unrated premises, which are the higher risk premises across the borough somewhere else, where we [the food safety team] want to focus our resources – but on that particular day, we can't really do that because the service, the high powers wants us in another area" (Team Leader)

Conversely, a strategic focus on high quality service provision and strong relationships between the local authority and business in case study B of the Major Urban (London) pair has encouraged the food safety team to raise standards in the food sector by supporting local businesses. This is reported to contribute to a greater willingness/capacity to comply with regulation, which, in turn, leads to rational inconsistencies in the application of official controls (i.e. relatively positive CIM scores and less enforcement action).

Differences in the influence of strategic-level management attitudes towards food safety activities were found to cause rational inconsistencies in the delivery of official controls in at least three of the case study pairs, which tended to be as a result of deliberate strategies to tackle specific priorities (such as food safety compliance levels or local economic development).

The extent of the influence which strategic-level management attitudes have on food safety teams differs within many pairs (but the differences are particularly strong for both the Major Urban pair and the Urban (with significant rural areas) pair). In such instances, one case study tends to be influenced by pro-business strategic attitudes that lead to the implementation of strategies that result in more positive CIM scores and/or reduce the level of enforcement action. Meanwhile, the other case study tends to be influenced by neutral or disciplinary strategic views that give rise to contrasting outcomes.

In cases where strategic-level, pro-business attitudes have an influence on food safety teams, there tends to be a greater emphasis on activities to educate and support FBOs (such as training sessions or networking events). These activities are linked to enhanced FBO capacity to comply with regulation, which gives rise to rational inconsistencies in CIM scoring and enforcement action (i.e. more positive CIM scoring and less need for enforcement action).

These types of strategic-level management attitudes could also encourage leniency in the application of official controls, if excessive pressure is placed on food safety teams to deliver strategic objectives (therefore contributing to irrational inconsistencies in CIM scoring/enforcement action), but there is insufficient evidence available to substantiate this claim.

Food safety activities are not affected by strategic-level management attitudes in all cases. In these instances, the attitudes of team leaders can have a more prominent influence on the behaviours of food safety teams.

The research found that the extent that team leaders' attitudes contribute to inconsistencies in the delivery of official controls varies between the cases. For example, the 'hands off' management style of the team leader in case study B of the Major Urban (London) pair resulted in their attitudes towards compliance having a limited influence on CIM scoring and enforcement activity. By contrast, the attitudes of the team leader in case study A, who was more assertive in their management style, were found to have a greater influence on the activities of food safety team.

Furthermore, the nature of team leaders' attitudes towards compliance were also found to vary on a wide spectrum within case study pairs, from those who strongly sympathise with FBOs when assessing food safety compliance at one end, to those who believe FBOs that do not comply with regulation should be punished for it at the other.

For example, the team leader in case study A of the Major Urban (non-London) pair was reported to hold a punitive attitude towards non-compliance, while the attitudes of the team leader in case study B were more balanced. This difference led to a greater readiness by the food safety team to pursue formal enforcement action in case study A when compared to case study B – thus contributing to irrational inconsistencies in the application of the enforcement hierarchy (see Table 5 for further details).

Table 5 - Comparative example: Major Urban (non-London)			
Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is higher than expected. Estimated levels of enforcement action are higher than average.	No evidence of strategic influence on the activities of the food safety team. Operational emphasis on working with businesses, but management expresses a lack of tolerance for non-compliance and a keenness to address it with formal enforcement action.	The role of strategic management attitudes differs strongly between the two cases and these differences have an important impact on inconsistencies observed. Strategies to increase compliance in case B cause rational inconsistencies in CIM scoring and enforcement action between the two authorities. While there are management aspirations to support and advise FBOs at an operational level in case study A, there is an absence of strategic-level support to enable this.
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are lower than average.	Strategic focus on sustainable economic development, which is reflected by an emphasis on provision of education and support for businesses by the food safety team.	Furthermore, punitive attitudes towards non-compliance held by the team leader in case study A result in a much greater readiness to use formal enforcement tools to bring about compliance with regulation among business that are not deemed to be willing to comply (thus contributing to irrational inconsistencies with respect to enforcement action).

Pro-business management attitudes at team level may contribute to greater leniency in the application of official controls, particularly for certain business types (e.g. small and medium enterprises (SMEs), or new start-ups). There is evidence that this can lead to irrational inconsistencies, in the form of relatively positive CIM scoring and/or less use of formal enforcement action. The influence of operational level, pro-business attitudes is illustrated by this quote:

“When there is a new business; we like to give everyone a chance. We feel it is a little unfair ... unless it is an absolute mess when you go in ... it’s a little bit unfair to give someone a 20 because they don’t have any paperwork [i.e. a documented food safety management system] yet but the premise is quite well operated. That translates to the FHRS score of a 1 rather than a 4, which doesn’t sit well” (Team Leader)

Team leaders with pro-business attitudes may also be keen to implement strategies to increase FBO capacity to comply with regulation, through the provision of proactive education, advice and support (i.e. to contribute to rational inconsistencies), but in reality, these activities tend to be limited if they do not have the backing, and necessary investment, from senior management (e.g. as for case study A of the Urban (with significant rural areas) pair).

4.2.2 Attitudes towards official guidance

The contribution of team-level attitudes towards official guidance to inconsistencies in CIM scoring and enforcement action was investigated. This encompassed attitudes towards the CIM scoring framework (set out in the FLCoP and the Brand Standard document) and the hierarchy of enforcement options.

There was variation in awareness of official guidance documents within some case study pairs. For example, officers interviewed in case study A of the Rural pair exhibited much greater awareness of current guidance than those in case study B. The same is true of officers in case study B of the Urban pair, compared with those in case study A. Despite these differences, it is difficult to determine from the evidence available whether varying levels of awareness contribute to consistency in CIM scoring and enforcement.

Attitudes towards official guidance were found to vary within all five case study pairs, and these dissimilarities were found to contribute to irrational inconsistencies in the use of the enforcement hierarchy, to a greater or lesser extent. They were also linked to irrational inconsistencies in the use of the CIM scoring framework in all but two of the case study pairs (i.e. except the Urban and Urban (with significant rural areas) pairs).

There are two main ways in which attitudes towards the enforcement hierarchy vary. The first of these relates to guidance that food safety officers should make use of the full range of enforcement options, in a graduated fashion. While the majority of interviewees made reference to this guidance when describing their team's activities, there is strong evidence that some teams prefer to use formal enforcement tools more than others – which leads to imbalanced use of the enforcement hierarchy in one direction or another.

For example, the food safety team in case study A of the Urban pair has an unofficial policy against the use of formal enforcement options, unlike the team in case study B that reportedly makes use of all enforcement options. These differences in attitudes cause irrational inconsistencies in the type and/or amount of enforcement action taken within the pair, where case study A takes less enforcement action overall.

The following quote illustrates how some food safety teams can avoid using formal enforcement measures:

“We haven’t had to enforce a closure recently – well, not for a while – I can’t remember. I’ve been here [details redacted] years and I don’t think we’ve had to. We’ve always managed to do it by a voluntary, informal route – which is better, because if you have to do full enforcement it’s a drain on resources as well and time.” (Technical Officer)

The other way in which attitudes towards the enforcement hierarchy vary within case study pairs, is when a specific type of action is considered to be a ‘golden bullet’ for addressing non-compliance. This can lead to irrational inconsistencies in the use of specific enforcement tools. The Urban (with significant rural areas) pair provides a good example of this. The food safety team in case study A

tends to consider Improvement Notices to be the best ‘first line of response’ while the team in case study B believes that informal written warnings are the best way to tackle non-compliance. These differences are linked to a relatively high reliance on Improvement Notices in case study A.

Differences in attitudes towards the CIM scoring framework within case study pairs tend to be associated with decisions about whether to:

- Score 10 or 20 in the absence of a food safety management system;
- Select a higher or lower score when FBOs fall across two scoring categories;
- Give the same score twice without evidence of change between visits; and,
- Promote re-visits so CIM can be re-scored soon after remedial action is taken.

Where differences in attitudes occur within case study pairs, one food safety team tends to apply the principles of proportionality and flexibility to the CIM scoring framework more than the other. This tends to contribute towards more positive CIM scoring patterns in one case, compared with more balanced or negative patterns in the other (as observed in case studies B and A of the Rural pair respectively). The following quote demonstrates how some food safety teams knowingly apply the CIM scoring framework more leniently in certain circumstances, and it highlights the difficulties food safety teams face when striving to balance the need for consistency with the need to be responsive to different local circumstances:

“For example I came back from an inspection the other day – and it was actually a confidence in management score. They had no written food safety management system at all at this place, but everything else was absolutely perfect – their practices, everything. I couldn’t fault them at all. But for various reasons, there was no written food safety management system on site.

I didn’t feel comfortable scoring them harshly on that, because what they were actually doing and carrying out activity-wise was excellent, and they were trying to rectify the situation. It was through no fault of their own – it was a disgruntled employee. So they were trying to sort things out. They’d lost a manager, and various other things, and this other manager had come in and was trying to sort things out. So I sat down, I discussed it with the team and we went through the scoring system and we scored them appropriately to what we thought was fair to them, given the situation. And they ended up broadly compliant – a three star – whereas if I’d been harsh and gone through it, they would have been a one.

You, as an officer, can only make a judgement on the ground on what’s in front of you, not the harsh reality of black and white of what comes down from the FSA. Yes, you consider that, but you’ve got to be fair to the actual people running the business. You’ve got to look at, ‘At the end of the day, is the food safe to eat?’ So that’s a typical example of where we didn’t strictly go by the Brand Standard, but we did give a fair rating” (Environmental Health Officer)

Many interviewees are aware of organisational-level variations in attitudes towards official guidance, particularly in relation to CIM scoring, as a result of discussions with colleagues in other

local authorities. These differences in attitudes tend to be attributed to a lack of clarity in official guidance, which necessarily leaves it open to interpretation by food safety teams in different situations.

Table 6 - Comparative example: Rural			
Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is around expected.	Up-to-date knowledge of official guidance. Balanced views towards CIM scoring framework for different business types. Improvement Notices considered to be an effective means of securing compliance.	Attitudes towards official guidance on CIM scoring differ between the cases. Case study A takes a balanced view, while case study B takes a more lenient approach in some circumstances.
	Estimated levels of enforcement action are higher than average.		These attitudes contribute to irrational inconsistencies in the use of the CIM scoring framework, resulting in CIM scores that are less positive for case study A than for B.
B	CIM ≥ 10 is lower than expected.	Relatively low level of awareness of official guidance documents. Leniency towards CIM scoring framework when assessing new businesses. Preference for using informal enforcement options to address non-compliance.	Attitudes towards the enforcement hierarchy also vary between the cases. Case study A tends to rely on Improvement Notices as a shock tactic to secure compliance, while case study B prefers to avoid using formal options altogether.
	Estimated levels of enforcement action are lower than average.		These attitudes have an important impact on irrational inconsistencies in the use of the enforcement action, resulting in a higher level of enforcement action for case study A (especially Improvement Notices).

Some interviewees also suggested that official guidance is often not up to date with recent changes in science and technology. Examples cited include the use of vacuum packing techniques and sous-vide.²⁵ Awareness of these issues tended to reinforce the impression that official guidance was open to interpretation, in the absence of specific instruction.

4.2.3 Task allocation

The contribution of task allocation to inconsistencies in CIM scoring and enforcement action was investigated. This related to the way in which inspection programmes are delivered by food safety teams.

The research shows that inspection programmes are divided up in various ways (i.e. by FBO risk rating, geographical spread of premises, staff competencies, or some combination thereof). Critically, some authorities choose to rotate inspections between officers to minimise familiarity with FBOs, while others choose to maintain continuity between visits in order to enhance relationships with local businesses. For example, one interviewee remarked on the benefits of continuity between visits:

²⁵ Sous-vide is a method of cooking in which food is sealed in airtight plastic bags then placed in a water bath or in a temperature-controlled steam environment.

“They [officers] have a depth of knowledge that cannot be achieved by rotating staff and it encourages businesses to pick up the phone” (Team Leader)

There is variation in the way tasks are allocated within three of the case study pairs – the Major Urban (London), Urban and Rural pairs – where one team leader tends to rotate officers regularly and the other does so infrequently or not at all.

The different urban-rural categories of local authorities appear to have some influence on the way tasks are allocated. Thus, food safety officers working in more rural areas (where FBO populations are smaller and more stable) tend to be rotated less frequently than those working in more urban areas.

The research suggests that familiarity between FBOs and food safety officers has several effects on the delivery of official controls. Firstly, there is some evidence that stronger relationships (fostered by continuity between visits) increases FBO willingness and ability to comply with regulation, thereby leading to rational inconsistencies in CIM scoring/enforcement action. For example, continuity between visits in case study B of the Urban (with significant rural areas) pair reportedly contributes to increased FBO capacity to meet CIM requirements, compared with case study A where officers are less familiar with local businesses.

The following quote is from an EHO who is part of a food safety team that encourages officers to build relationships with FBOS and to offer them advice and support in various different ways. It links positive food safety compliance outcomes to strong positive relationships and engagement between officers and food businesses:

“EHO: We have always met with food businesses four times a year ... It is the opportunity to work with food businesses, as inspection frequencies are getting further away. It is a chance for them to interact with us. I know there are lots of food businesses that don't welcome food safety inspections, but in [details redacted] we have a good majority who do like to see the officers, particularly the good businesses, because they want confirmation that they are doing it correct. It is the bad ones that don't want to see you. So what we do is we ask them what they want us to do [at the quarterly meetings]. So we would cover recent stuff on allergens; when the Food Hygiene Rating Scheme came in; Scores on the Doors; all topical stuff that is coming up, we try to offload it at these events...”

“Interviewer: Do you feel that the relationships you have with food businesses reflects the [CIM] scores they receive at all, compared with other authorities?”

“EHO: Yes, we do have that good relationship ... we have a relationship in this authority where food businesses are not afraid to ring up and ask so they will call and ask for advice ... and that is the way that we get the better compliance scores. For example, there have been a few emails with a lady in the last couple of days who has set up a new business. Her ventilation wasn't up to scratch. She gets a ventilation engineer to contact me to ask “is this good enough for you?” That sort of relationship happens, so we interact and maybe we are too helpful? I find it easier for compliance. I would sooner say “here you are, this is what you need to do” rather than waiting and then whacking them with a big stick for not doing it right”

On the other hand, there is also evidence to suggest that greater familiarity can lead to bias in the delivery of official controls by food safety officers (i.e. leading to irrational inconsistencies), because they have greater empathy for businesses and/or they are concerned about jeopardising relationships they have with local businesses.

This finding is relevant to differences in the level of familiarity between FBOs and food safety officers in the Rural case study pair. In case study B, interviewees spoke about the benefits of building familiarity between officers and FBOs, in terms of generating a common understanding of what food safety officers will and won't accept. Several officers in this team also described how they tend to approach non-compliance in a friendly and non-threatening way, using informal tools wherever possible. This implies a reluctance to threaten positive relationships between food safety officers and FBOs. In contrast, officers in case study A also recognised the benefits of familiarity (for officers and FBOs) but they emphasised the need to maintain a 'fresh pair of eyes' by rotating officers fairly regularly. They reported that FBOs have referred to them as 'smiling assassins' because they are approachable but they are also prepared to take firm action to address non-compliance if needed.

Finally, greater familiarity between food safety officers and FBOs could lead to bias in the delivery of official controls by officers if they perceive that negative CIM scores and/or use of enforcement tools might reflect poorly on their own ability to build relationships and work with businesses. There is limited evidence of this occurring in the case studies investigated, except for a few isolated examples. For instance, one officer reflected that:

"On a personal point, when I have to prosecute them, I feel that I have personally failed. Because I feel that our education and informal approach and explaining the reasons why – should be sufficient to get people to comply but in the real world – some people just don't want to!" (Environmental Health Officer)

There is strong evidence in the literature that a range of social factors (including professional training and ongoing relationships with those undergoing assessment) influence reporting practices of auditors.²⁶ Indeed, the potential tension between the role food safety officers' play in advising businesses, and their responsibilities to assess businesses on regulatory decision making, was identified in another study commissioned by the FSA.²⁷ Considered together, these studies strongly support the argument that the relationships between food safety officers and FBOs (shaped by task allocation) influence the delivery of official controls.

²⁶ Short, J., Toffel, M. & Hugill, A. (2015) Monitoring Global Supply Chains. *Strategic Management Journal* DOI : 10.1002/smj.2417

²⁷ Bukowski, G., Boal, N., & Tavakoli, L. (2012) Qualitative review of food safety regulatory decision-making' report for the Food Standards Agency.

Table 7 - Comparative example: Rural			
Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is around expected. Estimated levels of enforcement action are higher than average.	Inspection programme is divided by risk rating/geographical area. Inspections are periodically rotated to maintain 'a fresh pair of eyes'.	There is evidence that these differences contribute to irrational inconsistencies in CIM scoring and the use of enforcement action in case study B, due to greater leniency in the delivery of official controls to preserve relationships between food safety officers and FBOs.
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are lower than average.	There is no formal process for allocating inspections, which are rarely rotated between officers to increase familiarity with FBOs.	There is no evidence, for this particular pair, that greater familiarity enhances FBO willingness/capacity to comply with regulation (i.e. rational inconsistencies), although this finding is relevant to the Urban (with significant rural areas) pair.

4.2.4 Reporting controls

The contribution of reporting controls to inconsistencies in CIM scoring and enforcement action was investigated. Reporting controls were defined as processes that control for inaccurate or inconsistent application of official guidance, such as checks on inspection reports, accompanied visits, or peer-to-peer monitoring.

Only two of the five case study pairs display notable differences in reporting controls. In the Major Urban (non-London) pair, the team leader in case study A relies on informal, qualitative checks to monitor officers' activities. Meanwhile, the team leader in case study B makes use of formal processes, such as randomly checking a certain percentage of inspection reports. A similar pattern was observed in the Rural pair (for case study B and A respectively).

There is limited evidence that these differences have an influence on CIM scoring/enforcement action, although they may play a role in consistency between individual officers within food safety teams (which was the subject of the other research project).²⁸

Finally, the research shows that inter-authority reporting controls (such as accredited quality management systems) can promote regional consistency in CIM scoring and enforcement action. For example, both cases in the Urban (with significant rural areas) pair use the same inter-authority quality management system and this is linked to more consistent use of official controls by neighbouring authorities than would otherwise be the case. Similar systems were mentioned by interviewees representing various other case studies, but there was evidence that processes associated with them had not been fully implemented and/or maintained.

²⁸ Nieboer J, Reader T (2015) 'Consistency and cognitive influences on the expert judgement of Environmental Health Officers: An experimental study'. Report for the Food Standards Agency
<<http://www.food.gov.uk/sites/default/files/consistency-regulatory-work-research2.pdf>>.

Table 8 - Comparative example: Major Urban (non-London)			
Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is higher than expected. Estimated levels of enforcement action are higher than average.	Regular, informal checks to monitor processes and outcomes.	There is some variation in reporting controls between the two cases, but these differences have a limited impact on organisational-level inconsistencies in CIM scoring/enforcement action. There is some evidence that they may affect individual-level consistency of behaviours between individual officers, but this was not formally investigated by the research.
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are lower than average.	Regular, formal checks to monitor processes and outcomes.	

4.2.5 Staff performance measures

The contribution of staff performance measures to inconsistencies in CIM scoring and enforcement action was investigated, which included targets associated with the inspection programme or the use of certain official controls. The level of professional autonomy granted to food safety officers was also assessed in the context of performance-related measures.

All food safety teams have inspection targets in place for staff and consequently this was not a source of variation within the case study pairs. These targets tend to be ‘soft’ in nature in the sense that they do not tend to be strictly enforced. For example:

“We would expect an officer to spend the correct amount of time that that business needs. If someone has a lot of high risk businesses that require time, we would not expect them to do more inspections simply to hit a target” (Head of Service)

Otherwise, there is some variation in the extent to which staff are encouraged to use different types of enforcement options within most case study pairs, although they only have a notable impact on inconsistencies in enforcement action taken if they are strongly enforced by the team leader. This is how the level of professional autonomy afforded to food safety officers can contribute to inconsistencies observed.

Table 9 - Comparative example: Major Urban (London)			
Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is higher than expected. Estimated levels of enforcement action are above average.	Inspection targets are in place to monitor progress. Expectation that non-compliance is strongly enforced by officers. Officers have a relatively low level of professional autonomy.	There are some differences between the cases and these represent a minor contribution to irrational inconsistencies in enforcement action taken in each case (where officers are encouraged to use formal options in case study A and informal options in case study B).
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are below average.	Inspection targets are in place to monitor progress. Expectation that officers work with non-compliant businesses using informal measures. Officers have a relatively high level of professional autonomy.	Use of enforcement action in case study A is particularly strongly enforced because officers are closely managed by the team leader. Differences in staff performance measures were not found to contribute to inconsistencies in CIM scoring patterns in this pair.

4.2.6 Staff skills and professional development

The research team explored whether staff training and professional development contribute to inconsistencies in CIM scoring and enforcement action. This encompassed exploration of the impact of formal training sessions (within and between local authorities) and informal, ‘on-the-job’ training. Please note that training between local authorities encompassed both inter-authority training and FSA-led training courses up to 2015.

There are few differences in the nature of internal staff skills and development within most case study pairs. For instance, food safety officers in the Urban case studies are offered a similar mix of formal and informal training opportunities.

The Rural case study pair is the only one that exhibits notable variation. There is no evidence that these dissimilarities contribute to inconsistencies in CIM scoring/enforcement action.

Training between authorities (including both FSA-led training up to 2015 and inter-authority training) was found to influence the delivery of official controls when relevant to one or more cases in a pair. While interviewees in most local authorities emphasised that FSA-led/inter-authority training was valuable to skills and professional development, some suggested that consistency training failed to explain *how* official guidance should be interpreted by individual food safety teams and/or officers. This was found to be especially true of training courses provided by the FSA up to 2015, as the following quotes illustrate:

“The FSA provides training courses, but I don’t necessarily think the consistency courses are helping to achieve that aim. It depends what standpoint you come from – here in [redacted]”

we like to give businesses a chance, but there is that whole argument of who is right and who is wrong [in the absence of clear guidance]” (Team Leader)

And:

“Interviewer: Do you have any sense of how your authority food safety scores compared with other authorities? What is your impression of the level of consistency between authorities?”

“TO: I think we may be slightly stricter I think on the scoring, maybe, than some other authorities (but I won’t say where!). Because of the number of businesses that have high scores, that we wouldn’t have that sort of number here.

“Interviewer: Why is that, do you think?”

“TO: ... When we have been on [FSA-led] consistency training, everybody seemed to be different in their opinion of when you would give a ‘10’ or a ‘20’. Some people said they would give a new business a ‘20’ if they hadn’t got the food safety system on the first inspection and our view was that they could be bang on with the safety and the structural and just because they hadn’t got the food safety management system they would end up as a ‘1’, which if it’s a new business, that has spent lots of money, and it gets advertised as a ‘1’ we ... tend to think that is unfair really so we would give them a score of ‘10’ ... some people in other authorities said ‘oh no, it should be a 20 [score]’”

“Interviewer:Did you find the training course useful?”

“TO: Not really. When they were discussing the scoring, it was a bit vague. They [the trainer] gave you various scenarios and you had to put down what score you would give them. When it came to the feedback, they [the trainer] said ‘well it could be a 5 or 4’ or ‘it could be a 10 or a 15’, so there seemed to be a lot of vagueness in where the score would be really”.

Table 10 - Comparative example: Urban (with significant rural areas)

Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is around expected. Estimated levels of enforcement action are higher than average.	Mix of formal and informal training opportunities, which includes inter-authority training.	The nature of staff skills and development is not dissimilar between the two cases. Participation in inter-authority consistency training up to 2015 appeared to reinforce perceptions that officers had ‘permission’ to interpret official guidance as they saw fit – therefore allowing irrational inconsistencies in the delivery of official controls to persist.
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are lower than average.	Mix of formal and informal training opportunities, which includes inter-authority training.	

4.2.7 Monitoring and evaluation processes

The contribution of monitoring and reporting processes to inconsistencies in CIM scoring and enforcement action was investigated. This was defined as formal and informal monitoring to report to senior management.

There is some variation in the formality and/or regularity of internal monitoring and reporting processes between authorities in three case study pairs (i.e. Major Urban (non-London), Urban and Rural). These differences were not found to directly contribute to inconsistencies in CIM scoring or enforcement action, although information generated by monitoring and evaluation processes was found to inform management attitudes towards compliance that do have an important influence (see section 4.2.1)

Table 11 - Comparative example: Rural			
Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is around expected. Estimated levels of enforcement action are higher than average.	Regular monitoring and reporting to senior management.	There is little evidence that the differences in monitoring and evaluation processes between the cases contribute to inconsistencies observed in CIM scoring or enforcement action.
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are lower than average.	No internal monitoring and evaluation activities, other than the annual LAEMS return.	

4.3 Structure

4.3.1 Configuration of food safety teams

The contribution of team configuration to inconsistencies in CIM scoring and enforcement action was investigated. This encompassed the influence of team structure (i.e. hierarchal or flat), team composition (i.e. skills and experience levels), and the ratio of officers to food premises.

Some differences were observed in three case study pairs, which were found to contribute towards rational inconsistencies in CIM scoring/enforcement action.²⁹

The structure and composition of food safety teams were not found to influence the nature of CIM scoring/enforcement action, where differences were observed. For example, case study A in the Major Urban (London) pair comprises officers with a range of skills and experience levels that are organised in a hierarchal structure.

²⁹ Please note, due to significant staff changes in one of the urban cases, it was not possible to compare this pair in relation to this factor.

The opposite is true of the food safety team in case study B, which comprises a group of highly experienced officers assembled in a flat structure. There is no evidence to suggest that these differences cause inconsistencies in CIM scoring/enforcement action between the two cases (though they may be more relevant to internal inconsistencies).

In contrast, there is evidence that staffing levels contribute to rational inconsistencies in CIM scoring/enforcement action, when there are differences in resources made available to educate and support FBOs in addition to core food safety activities.

In the Major Urban (non-London) pair, case study A has a low ratio of officers which means that there are no spare staff resources to offer businesses information and support. There is also a low ratio of officers in case study B, but some resources have been ring-fenced to educate and support businesses as part of a management strategy to increase compliance levels. These differences are linked to relatively positive CIM scoring/lower use of enforcement action in case study B. This pattern is repeated in the Urban (with significant rural areas) pair and, to a lesser extent, in the Major Urban (London) pair (where advice and support provided by officers in case study B is not as strongly supported by senior management as it is in case study A in both instances).

Finally, the potential impact of agile working on individual-level consistency in the delivery of official controls was noted during the research, although it is not directly relevant to the study. Numerous interviewees suggested that agile working could disrupt reporting controls and/or internal communications as the configuration of teams change. This was linked to greater potential for internal inconsistencies in the delivery of official controls reported by many interviewed.

Table 12- Comparative example: Urban (with significant rural areas)

Case study	inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is around expected. Estimated levels of enforcement action are higher than average.	Flat structure. Team comprises mostly highly experienced officers. Few staff resources available to deliver proactive education and support.	The cases differ in terms of the level of staff resources available to deliver education and support for food businesses (in line with the level of strategic support for these activities within each authority). These differences contribute to relatively positive CIM scores and less enforcement action in case study B – due to increased FBO capacity to comply with regulation (therefore leading to rational inconsistencies in the delivery of official controls).
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are lower than average.	Flat structure. Team comprises mostly highly experienced officers. Team has recently adopted agile working. High staff ratio, with resources available to educate and support FBOs.	As above, the introduction of agile working in case study B has necessitated changes in internal communications processes to avoid new working practices impacting on individual-level consistency in the delivery of official controls.

4.3.2 Interactions with other teams

The contribution of interactions with other teams to inconsistencies in CIM scoring and enforcement action was investigated. This encompassed the influence of interactions with other environmental health teams at an operational level, strategic joint-working with other teams/services, and inter-authority working.

Differences were observed within two case study pairs (the Major Urban (non-London) and Urban (with significant rural areas) pairs), which were found to have some impact on patterns of CIM scoring/enforcement action. Within both pairs, the food safety team in case study B works strategically with other teams/services to increase FBO capacity to comply with regulation (unlike their counterparts in case study A). This leads to rational inconsistencies in case study B – where CIM scores are more positive/there is less enforcement action.

Interestingly, all cases in the Major Urban (non-London) and Urban (with significant rural areas) pairs collaborate with other authorities to share resources and adopt common practices. There is evidence that these activities actually enhance consistent use of official controls (notwithstanding the reported failure of FSA led/inter-authority consistency training up to 2015 to achieve greater consistency – see section 4.2.6), such that inconsistencies might be exaggerated in the absence of inter-authority working. As one interviewee explained:

“If an officer left here and went to another authority they would be familiar with the system ... there might be some slight local variations in how you deal with certain aspects ... but the processes are pretty much standard” (Team Leader)

Table 13 - Comparative example: Major Urban (non-London)

Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is higher than expected. Estimated levels of enforcement action are above average.	Operational level interactions only. Strong emphasis on inter-authority working.	The cases differ in the extent to which food safety teams interact with other teams/services to deliver strategic priorities. The food safety team in case study B regularly interacts with other teams/services to increase compliance levels, unlike case study A. This contributes to rational inconsistencies in the delivery of official controls (i.e. relatively positive CIM scoring and less use of enforcement action in case study B).
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are below average.	Emphasis on partnership working internally to deliver strategic priorities. Strong emphasis on inter-authority working.	Both cases place a strong emphasis on working with other authorities in the region and there is evidence that this limits inconsistencies in CIM scoring/enforcement action.

4.3.3 Information management

The role of information management on inconsistencies in CIM scoring and enforcement action was investigated. This was defined as systems which capture and use information that is relevant to the work of food safety teams.

Differences were uncovered in information management systems in the Major Urban (non-London) and Urban case study pairs, which were found to have differing influences on patterns of CIM scoring/enforcement action.

For example, in the Major Urban (non-London) pair, case study A has experienced ongoing IT issues which severely limit the food team's ability to capture and use relevant information, unlike case study B. These differences indirectly contribute to rational inconsistencies in the delivery of official controls. This is because the food safety team in case study B is able to use information to monitor and report on its activities, which encourages ongoing management support for its activities to raise compliance levels (thereby leading to relatively positive CIM scores/less enforcement action).

In contrast, in the Urban pair, the food safety team in case study B has also experienced IT problems, which have diverted resources away from core activities. This was reported to have resulted in an over-reliance on Improvement Notices as a 'quick fix' to address non-compliance (and therefore irrational inconsistencies in the delivery of official controls).

Although the food safety team in case study A is not limited by IT issues, it was noted that several of its key resources (e.g. Enforcement Policy) are out of date. Restricted access to such documents may contribute to individual-level consistency, but there is insufficient evidence to comment on this.

Table 14 - Comparative example: Major Urban (non-London)

Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is higher than expected. Estimated levels of enforcement action are higher than average.	Severe IT issues limit the capture and use of relevant, up-to-date information.	Differences in the effectiveness of information management systems contribute indirectly to rational inconsistencies observed in CIM scoring/enforcement action between the cases.
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are below average.	No issues associated with information capture or use were reported.	This is because the food team in case study B is able to use information to report to senior management, unlike in case study A, thereby reinforcing the support it receives to deliver activities that increase compliance levels among FBOs.

4.3.4 Use of external contractors

The contribution of using external contractors to inconsistencies in CIM scoring and enforcement action was investigated. This includes ad hoc use to fill short term resource gaps and semi-permanent usage.

Use of external contractors varies within three case study pairs (Urban, Urban (with significant rural areas) and Rural), but these differences were not found to influence patterns in CIM scoring/enforcement action. This is because food safety teams that use contractors tend to have systems in place to ensure contractors' activities are consistent with those of permanent staff members. For example:

"It [use of contractors] works quite well. Most the contractors we have are very good. We have a quality system, which they have to work within. We find that works quite well, with achieving a level of consistency with our own officers"
(Head of Service)

Table 15 - Comparative example: Urban

Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is higher than expected. Estimated levels of enforcement action are lower than average.	Contractors used on an ad hoc basis, to fill short term resource gaps.	Both authorities use external contractors, but in different ways.
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are higher than average.	One full-time contractor works as part of the food safety team.	There is no evidence that these differences impact upon CIM scoring patterns or enforcement action (as for all other pairs where one or more cases use external contractors).

4.4 Communications & engagement

4.4.1 Internal communications

The contribution of internal communications to inconsistencies in CIM scoring and enforcement action was investigated. This was defined as communications that take place between officers within food safety teams, including informal discussions as well as formal meetings.

Some variation was identified within three case study pairs (both Major Urban pairs and the Rural pair). This is because, in some cases, food safety teams rely more heavily on informal peer-to-peer communication than in others. The following two quotes highlight differences that can occur in internal communications processes:

"There is consistency within in the team, purely because we are working closely alongside each other and you hear conversations, you hear telephone calls, you chat to each other, so

there is always that constant communication. I think most teams will work to the same level. Probably based on the [attitudes of] the management really” (Environmental Health Officer)

“Sometimes being able to communicate [with one another] is good, but it can give the impression that you aren’t competent so it tends to limits sharing.” (Technical Officer)

The frequency of formal communications also varies within some case study pairs, as demonstrated by the following quotes:

“Every now and then we have a 2-3 hour food team meeting, but we don’t really need them because it [the informal system] works really well” (Environmental Health Officer)

“The team has six-weekly meetings to discuss scenarios and re-inforce the position [with respect to inspection ratings], by using examples that people have found out in the field” (Team Leader)

Differences in the nature or extent of internal communications were not found to influence CIM scoring or enforcement action at an organisational level (though it is suggested that this factor could have an impact on consistency within food safety teams).

Table 16 - Comparative example: Major Urban (London)			
Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is higher than expected. Estimated levels of enforcement action are higher than average.	Internal communications are mainly restricted to formal meetings and email communications.	The format of communications varies between the cases, where case study A relies much less on informal discussions between food safety officers than case study B.
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are lower than average.	Team members communicate regularly with one another via formal meetings and informal interactions.	Although these differences may inhibit consistency in the delivery of official controls between individuals, they were not found to influence organisational-level patterns in CIM scoring/enforcement action.

4.4.2 Processes for engaging with food businesses

The contribution of external communications to inconsistencies in CIM scoring and enforcement action was investigated. This was defined as engagement that takes place between food safety officers and FBOs.

There was little variation in processes for engaging with food businesses within the Urban pair, but differences were discovered within other pairs.

Differences within the Major Urban (non-London) and Urban (with significant rural areas) pairs were similar in nature, whereby officers in one case study regularly engage with food businesses as part of a formal strategy to increase compliance, and officers in the other case do so infrequently.

These differences were found to contribute to rational inconsistencies in CIM scoring/enforcement action, where proactive engagement tends to lead to relatively positive CIM scores and less enforcement action.

Differences within the Major Urban (London) and the Rural pairs were also similar to one another: where one case study regularly engages with FBOs on an ad hoc, informal basis, and officers in the other case study rarely do so.

These differences are linked to inconsistencies in CIM scoring/enforcement action, owing to differing levels of familiarity between FBOs and officers, which can give rise to both irrational and rational inconsistencies in the delivery of official controls (see section 4.2.3).

Table 17 - Comparative example: Major Urban (London)

Case study	Inconsistencies observed	Description of factor	Extent of impact
A	CIM ≥ 10 is higher than expected. Estimated levels of enforcement action are higher than average.	No evidence of proactive engagement with food businesses.	There are differences between the case studies in the extent to which food safety teams proactively engage with FBOs (largely driven by differences in management attitudes within each authority).
B	CIM ≥ 10 is lower than expected. Estimated levels of enforcement action are lower than average.	Regular, informal engagement with food businesses.	These differences are reported to lead to greater willingness of FBOs to comply with regulation in case study B (leading to relatively positive CIM scoring and lower levels of enforcement action). There is also some evidence that the informal interactions between officers and food businesses in case study B contribute to irrational inconsistencies in the application of official controls, due to greater familiarity between officers and FBOs.

5 Conclusions

This chapter presents the conclusions drawn from the research. It summarises the contribution of organisational-level factors to irrational inconsistencies in the delivery of official controls, alongside individual-level factors and contextual issues. It goes on to discuss the important role official guidance itself has in shaping how regulation is enforced by local authorities. The chapter also considers difficulties associated with defining ‘inconsistency’ with respect to the delivery of official controls and the contribution this research makes towards greater clarity. Finally the main methodological limitations of the research are summarised.

5.1 The influence of organisational-level factors

This case study research makes a positive contribution to understanding the complex role played by organisational-level factors in the inconsistent use of official controls by local authorities.

Certain organisational-level factors were found to contribute to irrational inconsistencies in the enforcement of food safety regulation (notably several of those associated with management practices, as well as communications and engagement with FBOs). Other organisational-level factors were found to affect rational inconsistencies in the delivery of official controls, as well as, or instead of, contributing to irrational inconsistencies. Finally, some other factors were found to have little or no contribution to organisational-level inconsistencies, but they may be more relevant when considering inconsistencies *within* food safety teams.

The results are illustrated by the Behavioural Framework that was developed as part of the research. The Framework shows how certain organisational-level factors contribute to irrational inconsistencies in the delivery of official controls alongside other individual-level and contextual factors.

Of particular interest to the FSA, is the influence that inter-authority working can have on the delivery of official controls. When present, inter-authority collaboration to develop and use shared processes to enforce food safety regulation promotes regional consistency in the delivery of official controls.

The role of FSA led/inter-authority consistency training is also pertinent to the Agency’s work to improve regulatory consistency. The research shows that up to 2015, it allowed irrational inconsistencies in the application of official controls to persist, particularly food safety officers perceived official guidance to be lacking in clarity. As noted earlier, changes to the FSA-led training meant that training post-January 2015 could not be evaluated as part of this study.

There is also a temporal dimension to the impact of some organisational-level factors on CIM scores and enforcement action, as the character of factors changes over time (often informed by CIM scoring/enforcement outcomes). For example, the use of external contractors was found to have a limited impact on inconsistencies in the delivery of official controls within the case study pairs, because managers have chosen to avoid using contractors altogether or to develop systems that

monitor their activities. Both of these measures have been informed by past experiences (usually within the team or within a neighbouring authority), which suggests the influence of external contractors may have been greater in the past.

5.2 The role of official guidance

The role of organisational-level factors cannot be examined in isolation from the nature of official guidance itself. Widespread acceptance among food safety officers that official guidance is open to interpretation plays a fundamental role in the way official controls are used. The role of guidance does need to be considered, therefore, when looking to improve consistency in the application of official controls.

Interviewees identified various aspects of the guidance that they feel could benefit from clearer explanation or direction, including:

- Appropriateness of penalising businesses that do not have a documented food safety management system (especially SMEs and new businesses);
- Impact of the gap between '10' and '20' CIM scores on FHRS ratings;
- Assessment of new technology and/or practices that are not covered by official guidance (e.g. sous-vide); and,
- Linkages between information provided in Annex 5 of FLCoP and in the Brand Standard.

Therefore, an important conclusion from this research is that a perceived lack of direction on these types of issues has helped foster a view among officers interviewed that guidance is open to interpretation, according to the attitudes of management and/or individuals.

5.3 Defining inconsistency

Two important conclusions can be drawn from the research, in relation to the difficulties associated with defining 'inconsistency' in the context of regulatory enforcement.

The first of these is associated with the boundaries that exist between 'inconsistency' and 'reasonable variation' in the delivery of official controls. There is built-in potential for variation in the delivery of official controls, according to specific circumstances encountered by local authorities. In light of this, some variation in CIM scoring and enforcement action might be reasonably expected (and even desirable) between local authorities (and between individual food safety officers). Nevertheless, the research suggests that the boundaries between the two concepts are not always clear.

Furthermore, the research shows that end users - in this case food safety officers - would benefit from greater clarification around these concepts. Interviewees tended to perceive that use of the term 'consistency' in official guidance implies that there is a 'right' or 'wrong' way to score CIM and to apply enforcement action, despite there being a lack of specificity about what constitutes inconsistent usage (as opposed to reasonable variation) in differing local contexts.

These findings are pertinent for the FSA, and others looking to operationalise the concept of ‘inconsistency’, as part of its work to improve consistent use of official food safety controls.

The second important conclusion is that this study has enhanced understanding of regulatory inconsistency by operationalising the concepts of ‘rational’ and ‘irrational’ inconsistency empirically. It is hoped that the examples provided by this work will help others – including academics, regulators and practitioners - progress towards a stronger theory of inconsistency by considering the issue in a practical manner.

More specifically, empirical operationalisation of these concepts will enable the FSA to better understand irrational inconsistency in the context of food safety controls, aided by the detailed examples provided in this report.

5.4 Methodological limitations

The in-depth, comparative approach used in this study was deemed to be a suitable method for understanding the complex role that organisational-level factors play in the inconsistent use of official controls. There were, however, a number of practical and scientific challenges associated with the research, which are summarised below:

- The complex connections that exist between different organisational-level factors (and individual-level/contextual factors) in the way they influence the delivery of official controls, make it difficult to fully separate out the contribution of individual factors to inconsistencies in CIM scoring and enforcement action, in accordance with the principles of comparative research;
- The research shows that the boundaries between ‘rational’ and ‘irrational’ inconsistencies, and between ‘reasonable variation’ and ‘inconsistency’ can sometimes be difficult to define. Any differences observed in CIM scoring data/enforcement action within case study pairs were treated as inconsistencies for the purposes of the research (and subsequently labelled as ‘rational’ or ‘irrational’ inconsistencies, as set out in section 1.1;
- Various recruitment issues meant that the comparative potential of some case study pairs was reduced (notably the Urban pair);
- The small number of case study pairs used in the study restricts the extent that the findings can be generalised more broadly, although the comparative analysis method used mitigates this to an extent; and,

The research findings raise questions about the reliability of the data upon which the study was based, as the importance of the local context may not be fully represented in the ‘expected’ CIM scores for local authorities. This implies that the level of variation observed between expected and actual values may not be accurate in all cases.

6 Scope to improve consistency

This chapter presents a series of suggestions to improve consistency in the delivery of official controls, which are based on evidence provided by case study interviewees and interpretations of that evidence by the research team. It explains that, in light of the issues raised by this report, there is scope to improve consistency (and reduce the influence of certain organisational-level factors), by enhancing FSA guidance, training and support. It also suggests that the FSA may wish to give clearer direction to local authorities on key aspects, such as relations with FBOs, in order to reduce the influence of other relevant organisational-level factors. Finally, this chapter refers to the role of inter-authority working as a means of achieving greater regional consistency in CIM scoring and enforcement action (whilst acknowledging that the idiosyncratic nature of contextual factors will continue to result in some variation).

6.1 Official guidance

The research team considers that the FSA could reduce the contribution of management practices (specifically ‘management attitudes towards compliance’ and ‘perceptions about official guidance’) to inconsistencies in CIM scoring and enforcement action by enhancing information provided in official guidance. This could include the following actions:

- Demonstrating how official food controls should be applied in different settings, for example, by using real life case studies that directly address ways of managing the impact of internal priorities and/or external issues on the activities of food teams;
- Considering the language used to describe variations in the delivery of official controls that may or may not be due to inconsistent use of official controls; and,
- Clarifying the role of professional judgement in the context of regulatory consistency.

No suggestions were put forward by interviewees to improve guidance on enforcement action specifically, but some were made in relation to CIM scoring. These include the need for:

- Greater clarity about the need for documented food safety management systems in different settings (such as for new start-ups; pop-up enterprises; small/micro businesses; or category E premises);
- Information provided in the FLCoP to be linked to information presented in the Brand Standard document; and,
- Provision of real-world scenarios that tackle the complexities of scoring CIM in various contexts.

Many interviewees also called for the introduction of an intermediate CIM score of ‘15’ to reduce inconsistency in scoring between ‘10’ and ‘20’ caused by a reluctance to negatively impact on FHRS ratings (a particularly pertinent issue for authorities with food safety activities that are influenced by pro-business management strategies).

Additionally, interviewees made some general observations about information on official guidance provided on the FSA's website. Many suggested that it could be made more accessible, more concise, and reflective of current scientific evidence/innovation in industry practice – both for use by food safety teams and FBOs.

6.2 Training and support

The research team identified several opportunities to reduce the contribution of 'staff skills and development' (specifically FSA-led/inter-authority training) to irrational inconsistencies in the delivery of official controls. These include several steps to enhance FSA-led training by:

- Enabling trainers to direct decision-making with respect to the appropriate use of official guidance (rather than encouraging workshop attendees to reach consensus according to the attitudes of those present), when seeking to demonstrate how the concept of consistency should be operationalised at a local level;
- Ensuring that trainers deliver consistent training (including the use of appropriate regulatory frameworks/guidance in different UK nations);
- Using a variety of tools to mimic how these scenarios might play out in practice (e.g. use of video interviews with FBOs, team leaders and officers).

These alternative approaches and/or techniques for consistency training could be piloted as part of further research.

Some interviewees reported that the consistency of support offered by FSA local delivery officers could also be improved across different English regions.

6.3 Acknowledging the influence of relationships

The FSA might also wish to influence the role played by relationships between FBOs and food safety teams in irrational inconsistencies (which are shaped by 'task allocation' and 'engagement with FBOs'). They could do so by raising awareness of the potential for bias to occur in the delivery of official controls as a result of familiarity between officers and FBOs, and by inviting local authorities to suggest mechanisms for minimising this effect.

6.4 Role of inter-authority collaboration

The research shows that common processes for applying official food safety controls and/or monitoring the outcomes of those activities as part of 'reporting controls', promote regional consistency in CIM scoring and enforcement action between local authorities.

Most case studies are part of inter-authority working groups, but some are reported to collaborate with neighbouring authorities far more than others. The research team suggests that the FSA could further capitalise on the positive influence of inter-authority working (as part of 'interactions with other teams'), by encouraging more local authorities to collaborate with their neighbours in the design and implementation of food safety enforcement activities. For example, this could include the

use of common inspection questionnaires or shared quality management systems. Take up of such measures could be encouraged by developing case study examples that highlight the benefits realised by well-established regional groups.

6.5 Other considerations

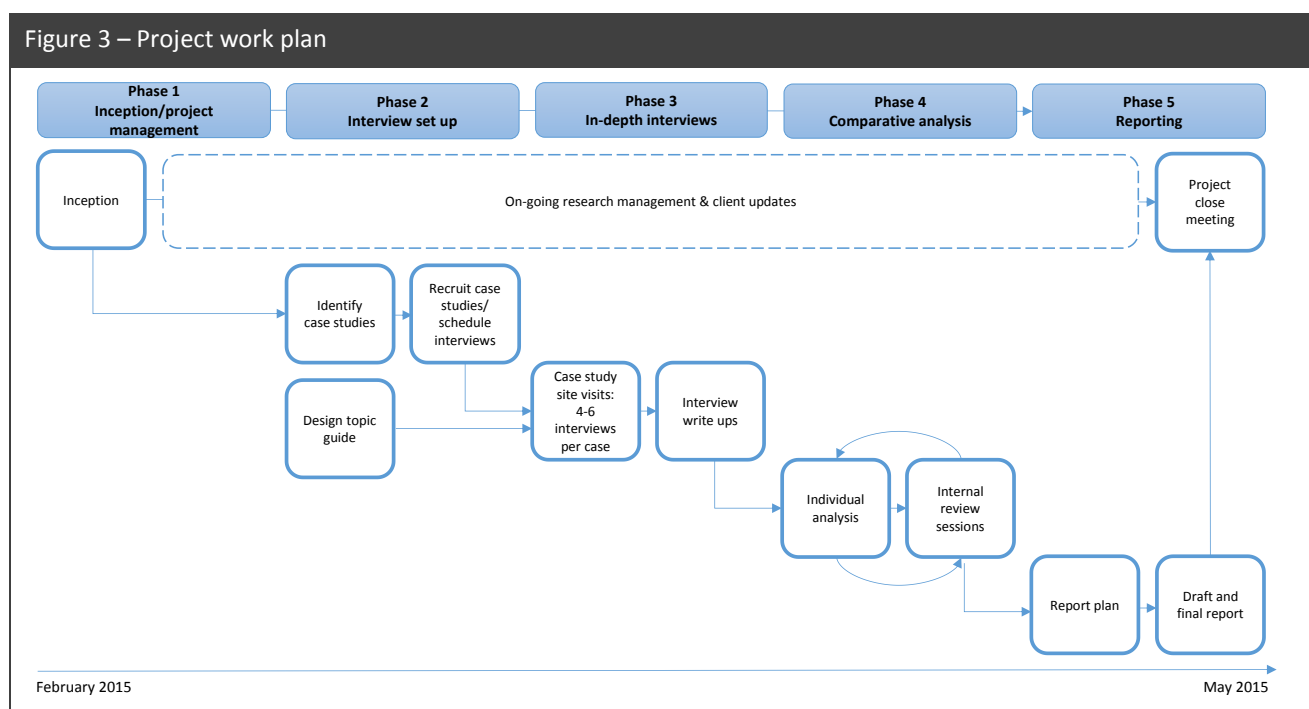
The Behavioural Framework, developed as a basis for explaining how organisational-level factors contribute to irrational inconsistencies in the delivery of official controls, depicts local authorities as complex, adaptive organisations whose activities change in response to changing circumstances.

On the horizon for many local authorities is the move towards agile working, which will minimise the amount of time officers spend in a central office. This may have implications for the characteristics of various organisational-level factors (e.g. the way information is managed and how officers communicate with one another), which could in turn contribute to inconsistencies in the delivery of official controls. As such, the FSA may wish to pre-empt this (e.g. by using case studies to illustrate the pros and cons of agile working, and how best to deal with these).

Downward pressure on resources is also an ongoing issue in local authorities. While this is not something the Agency is able to influence, it should be aware of the consequences resource constraints can have on the prioritisation of food safety activities (and therefore consistency in the application of official controls). Therefore, the research team suggests that the FSA could consider ways of encouraging local authorities to share experiences about how best to deal with this issue as part of inter-authority working groups.

Annex 1: Work plan and approach

The research study was delivered in five phases over a 15 week period. The tasks associated with each phase of the research are presented in Figure 3 below and summarised in the text that follows.



Phase 1 – Inception/project management: The purpose of this phase was to initiate the project and ensure it ran smoothly. It included an inception meeting with the FSA, to discuss the research objectives and approach. This was followed by ongoing internal research management and progress updates to the FSA. Finally, a project closure meeting was held to review the research process and key findings.

Phase 2 – Interview set up: The purpose of this phase was to recruit five suitable case study pairs and to produce the data collection tools. This involved liaising with the FSA to identify suitable local authority pairs, before they were contacted to secure their involvement in the research. The interview topic guide was also produced during this phase, which was submitted to the FSA for their approval.

Phase 3 – In-depth interviews: Evidence was collected from each local authority case study during this phase. This involved visiting each case study site in turn and spending the day interviewing officers on a one-on-one basis, before a summary of the results was produced.

Phase 4 – Comparative analysis: The aim of this phase was to conduct analysis of the case study evidence. This involved: an iterative process of analytical tasks to summarise the findings; comparison of results for each case study pair; revision of the Behavioural Framework; and, development of conclusions and recommendations from the research.

Phase 5 – Reporting: The role of the final phase was to present the research findings to the FSA. This began with the production of a report plan to outline the key findings. This document was converted into a draft version of the report, which was submitted to the FSA for comment. These editorial comments then fed into the production of the final version, which was peer reviewed prior to publication.

Annex 2: Interview topic guide

Overview

The topic guide was intended to support the interview process by steering discussions through a series of themes to be addressed by the study. It was designed in a modular format to provide flexibility when interviewing officers with differing levels of knowledge and experience in relation to each issue covered by the guide. The precise time dedicated to each topic area did, therefore, vary between interviews.

Exploration of the role that organisational-level factors play in CIM score outcomes was the primary focus of this research. Understanding the influence of these factors on enforcement action was a secondary consideration, so coverage of this issue depended on time available to do so during the interviews.

The guide covers a range of contextual issues (such as the role/responsibilities of interviewees), the nature of CIM scoring processes and enforcement strategies, and a series of organisational-level factors of specific interest to the FSA. Organisational-level factors within the scope of the research are presented in the table below. They have been numbered, to aid cross-referencing with the topic guide.

Table 18 - List of organisational-level factors to be explored		
Organisational-level factor	Details	Reference
Communications & engagement	Internal communications on the delivery of official controls	A1
	Processes for communicating and engaging with FBOs	A2
Management practices	Reporting controls within food safety teams	B1
	Use of staff performance measures in food safety teams	B2
	Staff skills and development (e.g. level of training provision)	B3
	Task allocation within food safety teams	B4
	Internal monitoring and evaluation of official controls	B5
	Management attitudes/priorities in relation to food safety	B6
	Staff awareness of, and attitudes towards, official guidance	B7
Structure	Configuration of food safety teams (i.e. size, experience levels, turnover)	C1
	Interactions with other teams or services within the authority	C2
	Use of external contractors to support food safety activities	C3
	Information management within the authority (i.e. accessibility, accuracy)	C4

Introduction

- Introduce yourself and Brook Lyndhurst. Explain that Brook Lyndhurst is a research consultancy, which specialises in behavioural research in the food sector (amongst other areas) but that we are not technical experts in food safety.
- Explain that the FSA has commissioned this research to investigate factors that influence official food safety controls at local authority level - primarily CIM scoring (and enforcement responses where there is scope to do so within the time available for the interviews).
- Emphasise that work is being commissioned because there are inconsistencies observed in CIM scoring/enforcement action.
- The purpose is to build evidence that will inform the FSA's work to support local authorities in implementing consistent food safety controls.
- Explain that the research team will be conducting in-depth research with 10 local authority case studies across England (case studies are confidential).
- Emphasise that the interviews are not designed to assess individual performance, rather to better understand how management strategies and operations within the local authority shape CIM scoring and enforcement responses.
- Explain that the interview will last 45-60 minutes and will be conducted confidentially.
- Emphasise the need for open, honest feedback based on the interviewee's own experiences.
- Request permission to record the interview. Explain that the recordings will be held securely (encrypted and saved on Brook Lyndhurst's server) and will only be used for the purposes of the research. The recordings will be deleted within six months of completing the study.
- Invite questions from the interviewee about the research before proceeding.

Section 1: Configuration of roles/responsibilities

Configuration of food safety teams [C1]

- Begin by telling me about your own role and responsibilities:
 - Food and non-food
 - Brief summary of career history (i.e. how knowledge/experience has been gained)
 - Give an example of a recent case
- Tell me about the team/division you belong to:
 - Structure, size, remit
- Describe where responsibility for food safety fits within the department/division as a whole:
 - Perceived significance of food safety alongside other priorities
 - Consider influence of the structure described in official control activities

Allocation of tasks to individual teams/officers [B4]

- Describe how tasks relating to CIM scoring and enforcement responses are allocated to individuals in your team:
 - For example, by business type, geographical area, type of task

- Distribution of responsibilities in the food safety team (i.e. Technical Officers (TOs), Food Safety Officers and Environmental Health Officers (EHOs))
- Any variations in the authority to complete inspections and/or specific enforcement responses (and reasons for this)
- Consider exploring level of staff turnover
- Balance between generalists/food safety specialists
- Consider how well this distribution of tasks/responsibilities works:
 - Explain reasons why it does/doesn't work well, with examples
 - Suggestions for how task allocation might be improved

Reliance on external contractors [C3]

- Explain the extent to which your authority tends to rely on external contractors to inspect food businesses and/or pursue enforcement action:
 - Roles that contractors tend to occupy
 - Pros and cons of using contractors for this purpose (probe consistency in inspections/enforcement)

Interactions with other teams/departments [C2]

- Explain how your department/division relates to the overarching structure of the authority:
 - [Ask if organisational chart is available to review]
- Consider the extent to which the food safety team interacts with other teams/divisions on food safety issues:
 - For CIM scoring (e.g. public health teams, economic development unit (or those responsible for business growth))
 - Enforcement responses (e.g. legal teams, economic development unit, etc.)
 - Provide illustrative examples
- Consider whether there are areas where interactions with other teams/divisions could be improved:
 - Explain why/why not, with examples

Section 2: Food safety control activities

Tools/approaches to CIM scoring [context; B7]

- Give an overview of the process for assigning CIM scores when inspecting a food business:
 - Tools, support, official guidance used
 - Proportion of staff resources dedicated to these activities
- Nature/scale of CIM scoring activities across the team/for individuals:
 - Typical number of inspections covered
 - Range of business types covered

- Range of activities carried out alongside inspections (e.g. food standards or health and safety duties)
 - Distinctive patterns in CIM scores
- Extent to which CIM scoring processes in the authority are perceived to be consistent with official guidance (as set out in the Code of Practice):
 - Perceived compatibility with the Code (and extent that this view is shared by team members)
 - Perceived role of guidance offered in the Brand Standard versus the Code of Practice
 - Provide illustrative examples
- Perceived barriers and constraints to achieving greater consistency:
 - Consider probing at general level and local level
 - Note the role of new businesses
 - E.g. conflicting guidance, nature of relationships with FBOs
 - Suggestions for improving approach and/or tools to ensure greater consistency

Tools/approaches to use of enforcement responses [context; B7]

- Describe the process for determining an appropriate enforcement response:
 - Probe influencing factors (such as inherent risk, past record, willingness to comply, etc.)
 - Tools, support, official guidance used (ask for copy of Enforcement Policy if available)
 - Resources implied for different responses
- Indicate the nature/scale of enforcement activity across the team/for individuals:
 - Number/nature of enforcement actions
 - Range of business types implicated
 - Distinctive patterns in enforcement routes
- Extent that approaches to using the hierarchy of enforcement responses in the authority is perceived to be consistent with official guidance (i.e. FLCoP):
 - Consider probing at general level and local level
 - Note the role of new businesses
 - Perceived compatibility with the Code (and extent that this view is shared by team members)
 - Provide illustrative examples
- Perceived barriers and constraints to the use of the full range of enforcement options:
 - E.g. Resource availability, knowledge/awareness/experience/skills needed for different options
 - Suggestions for improving approach and/or tools to ensure greater consistency

Section 3: Influence of management practices

Monitoring and evaluation of official food safety controls [B5]

- Describe what processes are in place to capture, manage and report on food safety controls:
 - Main aims of such processes
 - Outcomes of monitoring and evaluation
- Perceived effectiveness of systems to monitor and evaluate inspections and/or enforcement:
 - Provide illustrative examples
 - Suggestions for improvement

Systems for ensuring consistency in controls between within/teams [B1; C4]

- Describe the checks, if any, that are in place to review consistency of individual inspections/enforcement
 - Random spot checks, systematic checks for high risk cases/certain business categories
- Explain how consistency in inspections/enforcement is fed back internally:
 - Within the team (e.g. peer review)
 - With the use of external contractors (if relevant)
 - More widely across the department (also consider broader comms across authority as a whole)
 - Whether consistency is investigated and assessed between different local authorities, e.g. through inter-authority auditing (IAA).
 - Origins/triggers for processes (such as complaints from food businesses)
- Outline how inconsistencies in inspections/enforcement tend to be managed:
 - Give illustrative examples
- Perceived effectiveness of controls to assess consistencies between/within teams:
 - Suggested opportunities to improve
 - Barriers and enablers

Management attitudes towards compliance [B6]

- Perceived attitudes of management towards the delivery of official food controls:
 - CIM scoring
 - Enforcement responses
- Perceived management/corporate attitudes towards compliance:
 - Relationship between best practice and statutory enforcement
 - Perceived attitudes toward compliant businesses versus non-compliant

- Extent to which management attitudes permeate into processes that lead to particular inspection/enforcement outcomes:
 - Explain why this is/is not the case
 - Provide supportive examples

Performance measures/staff development [B2; B3]

- Describe the appraisal/performance review process for food safety inspectors:
 - How are competencies assessed?
 - Whether performance measures are used (and, if so, in what form)
 - Relationship with CIM scoring and enforcement response profiles
- Describe scope for formal skills development within the role.
- Other factors that influence staff skills and continued professional development:
 - E.g. informal peer-to-peer learning, CIEH membership, resource availability
- Extent to which appraisal processes and/or skills development activities influence inspection/enforcement outcomes
 - Provide illustrative examples
 - Suggestions for how issues raised could be addressed

Section 4: Role of communications & engagement

Internal communications [A1; C4]

- Tell me how information and best practice guidance about scoring for CIM and use of the enforcement hierarchy tends to be shared:
 - Within your team
 - More widely across the authority
 - Provide specific examples (e.g. team bulletins, meetings to review hypothetical scenarios)
- Regularity and nature of communications:
 - During regular team meetings, individual appraisals, as/when official guidance is updated
 - Perceived accessibility of information
- Perceived adequacy of internal communications for:
 - Providing up-to-date information
 - Promoting best practice
 - Facilitating shared understanding
- Suggestions for how access to information/understanding among relevant teams could be enhanced:
 - Barriers and constraints

External communications & engagement [A2; C4]

- Describe the processes in place for communicating with businesses about food safety regulations:
 - Level of engagement with one-on-one businesses
 - Channels (e.g. face-to-face, mass email/newsletters, business meetings, etc.)
 - Issues addressed (e.g. general updates or issue-specific contact)
 - Regularity of communications
- Extent of dialogue with food businesses on compliance/CIM scoring/regulatory enforcement:
 - Provide specific examples
- Perceived accessibility of up-to-date information available to food businesses:
 - Consider nature of local FBO population (e.g. extent of English as first language)
- Strengths and weakness of the approach to comms/engagement with the food business community:
 - Providing up-to-date information
 - Increasing understanding between statutory requirements and best practice
 - Promoting best practice
- Suggestions for improving access to, and understanding of, information about enforcement:
 - Barriers and constraints

Close interview

- Reiterate the confidentiality of the interview process.
- Confirm the remainder of the research process (i.e. confidential analysis and reporting to the FSA, with intended publication of report (case studies will be informed of publication)).

Annex 3: Comparative results

Overview

This annex presents the comparative results for the five case study pairs. There are two tables for each pair. The first displays inconsistencies in CIM scoring and enforcement action between the cases, followed by a summary of organisational-level factors that contribute strongly to inconsistencies observed. The second table describes the main similarities and differences between the cases, across all thirteen organisational-level factors explored by the research.

Data presented in the tables on CIM scores is based on analysis of LAEMS data for the year 2013/14 (see section 3.2.1). Data presented on enforcement action represents the proportion of action taken by the case study local authority compared to the average for each urban-rural category for the period 2011/12-2013/14 (see section 3.2.2).

Please note that the findings are not attributed to interviewees or particular local authorities, in keeping with the confidential nature of the research.

Major Urban (London) pair

Table 19 – Summary of inconsistencies and influence of key organisational-level factors: Major Urban (London) pair		
	Case study A	Case study B
Inconsistencies observed	<p>CIM ≥ 10 is +11 to +13%-points higher than the expected.</p> <p>Total proportion of enforcement action is above average (125-130 on index) for major urban (London) category (including a relatively very high use of Seizures, Detentions & Surrenders of food).</p>	<p>CIM ≥ 10 is -8 to -10%-points lower than the expected.</p> <p>Total proportion of enforcement action is below average (60-65 on index) for major urban (London) category (including a relatively low use of Improvement Notices).</p>
Summary of factors that have impact on CIM scoring/enforcement action	<p>Although the nature of the local context in which these case studies operate was not formally assessed by the research, the evidence suggests that key differences have a direct impact on CIM scoring patterns and enforcement action between them. As such, inconsistencies observed may not be wholly attributed to inconsistent use of official controls.</p> <p>Case study A is situated in an economically and socially diverse part of London, which is reflected by the nature of the FBO population (in terms of business types, sizes, sectors, etc.). The authority contains a relatively high proportion of SMEs and businesses catering for different cultural and ethnic groups. This may contribute to the inconsistencies observed because there is evidence in other domains that SMEs are less able to comply with regulation than larger businesses.³⁰ In addition, a relatively high proportion of Seizures, Detentions & Surrenders issued during the timeframe of interest are linked to the sale of illegal food in certain local food sectors. In contrast, case study B is situated in a wealthy, commercial district of London that contains a relatively large proportion of chain restaurants and food outlets. This may contribute to the inconsistencies observed because larger businesses tend to have a greater capacity to comply with regulation (thus contributing to more positive CIM scoring patterns and less need for enforcement action in this local authority area).</p> <p>The evidence also suggests that these different contexts shape the character of organisational-level factors within each case, which hampers comparisons between them. For instance, tackling illegal food imports is a strategic priority in case study A, whereas there is a strategic focus on high quality service provision in case study B. Of all the organisational-level factors assessed, management attitudes have the most important impact on the delivery of official controls between these cases. They have a direct impact on irrational inconsistencies in the use of the enforcement hierarchy, with a bias towards formal options in case study A, and informal options in case study B. Management attitudes also have a direct impact on the irrational use of the CIM scoring framework, with some evidence of leniency in case study B in relation to FHRS ratings (and an absence of leniency in case study A).</p> <p>Prevailing management attitudes influence the nature of various other organisational-level factors including: perceptions towards official guidance;</p>	

³⁰ E.g. Environment Agency (2009) Understanding and improving SME compliance. Report number: SC80017/R2.

allocation of tasks; communications and engagement with food businesses; and staff performance measures. As such, these factors also contribute to inconsistencies between the cases in CIM scoring/enforcement action. For example, management attitudes in case study A influence perceptions that education and advice provision is not the responsibility of food safety officers. The opposite is true in case study B, where officers are encouraged to support businesses where they can rely on informal enforcement action where possible. These differences in perceptions towards official guidance contribute towards irrational inconsistencies in the way guidance is applied between the two cases.

Finally, it is worth noting that the role of inter-authority working is limited for this case study pair: Although both cases work with other neighbouring authorities, there is little evidence that these activities influence how officers in each authority apply official controls.

Table 20 – Comparative results for all organisational-level factors: Major Urban (London) pair

Theme	Factor	Overview case study A	Overview case study B	Level of similarity	Extent of impact
Management practices	Management attitudes towards compliance	Strategic focus on criminality in food sector by the local authority that prevented the food safety team from delivering food safety controls in a consistent manner. Emphasis on asserting regulatory powers to achieve compliance within the food safety team itself.	Strategic focus on high quality service provision. Emphasis on working with business to achieve compliance.	Strong differences (in part reflective of local contexts).	Crucial impact on rational inconsistencies reflective of varying contexts, as well as irrational inconsistencies caused by competing management priorities in case study A.
	Perceptions about official guidance	Full range of enforcement options should be used, but education/advice is not the responsibility of the food safety team.	Informal enforcement options are an effective way of securing compliance. Alertness to impact of CIM scores on FHRS rating.	Strong differences that reflect management attitudes.	Contributes towards irrational inconsistencies.
	Task allocation	Food safety inspections are regularly rotated between officers, to minimise familiarity.	Food safety inspections are infrequently rotated between officers, to increase familiarity.	Differences reflect management attitudes.	Minor contribution to irrational inconsistencies.
	Reporting controls	Regular, formal checks are in place to monitor processes and outcomes.	Regular, formal checks are in place to monitor processes and outcomes.	Similar.	Limited.

	Staff performance measures	Inspection targets in place to monitor progress; expectation that non-compliance is strongly enforced by officers. Officers have a relatively low level of professional autonomy.	Inspection targets in place to monitor progress; expectation that officers work with non-compliant businesses using informal tools. Officers have a relatively high level of professional autonomy.	Some differences that reflect management attitudes.	Contributes towards irrational inconsistencies.
	Staff skills and development	Strong emphasis is placed on skills development and training.	Strong emphasis is placed on skills development and training.	Similar.	Limited.
	Monitoring and evaluation	Regular monitoring and reporting to senior management.	Regular monitoring and reporting to senior management.	Similar.	Limited.
Structure	Configuration of food safety team	Hierarchical structure; comprises a range of skills and experience levels. No comment on ratio of officers to FBOs.	Flat structure; comprises several highly experienced officers. Relatively high ratio of officers to FBOs, which facilitates provision of ad hoc support.	Some differences.	Limited.
	Interactions with other teams	Common at operational level (some strategic). Limited value placed on inter-authority working.	Common at operational level; some strategic joint-working. Limited value placed on inter-authority working.	Similar.	Limited.
	Information management	No issues associated with access to relevant, up-to-date information.	No issues associated with access to relevant, up-to-date information.	Similar.	Limited.
	Use of external contractors	Occasional use; contractors are closely monitored.	Occasional use; contractors are closely monitored.	Similar.	Limited.
Comms and engagement activities	Internal comms and engagement	Mainly restricted to formal meetings and email communications.	Formal meetings and informal interactions between team members.	Some differences that reflect management styles.	Limited.
	External comms and engagement	No evidence of proactive communications and engagement.	Regular informal engagement with food businesses.	Difference reflective of management attitudes.	Minor contribution to rational inconsistencies.

Major Urban (non-London) pair

Table 21 – Summary of inconsistencies and influence of key organisational-level factors: Major Urban (non-London) pair		
	Case study A	Case study B
Inconsistencies observed *	<p>CIM ≥ 10 is +11 to +13%-points higher than the expected.</p> <p>Total proportion of enforcement action is slightly above average (110-115 on index) for major urban (non-London) category (with a higher than average use of Improvement Notices).</p>	<p>CIM ≥ 10 is -8 to -10%-points lower than the expected.</p> <p>Total proportion of enforcement action is slightly below average (85-90 on index) for major urban (non-London) category (with relatively low proportion of Voluntary Closures but higher than average use of Improvement Notices).</p>
Summary of factors that have impact on CIM scoring/ enforcement action	<p>The pair has strong comparative potential because the cases are adjacent to one another, and they serve similar FBO populations.</p> <p>There are numerous organisational-level factors which differ between the cases, some of which have an important impact on CIM scoring patterns and/or enforcement action. Some of these differences influence how official controls are applied by food safety officers (giving rise to irrational inconsistencies), while there is evidence that others contribute to inconsistencies by affecting the capacity of FBOs to comply with regulation (causing rational inconsistencies).</p> <p>Management attitudes take a very different form in these two authorities, and these dissimilarities have a crucial impact on the use of enforcement action – giving rise to irrational inconsistencies. In case study A, there is no evidence of senior management influencing the behaviours of the food team, nevertheless, a penal stance towards non-compliance at team level means there is a much greater readiness to take formal enforcement action on businesses who are perceived to be unwilling to comply, than in case study B. Strategic priorities to deliver a sustainable economy in case study B means that the food safety team takes a more balanced view towards the use of enforcement to address non-compliance.</p> <p>While there is evidence that both food safety teams are critical of guidance for scoring CIM, there is greater tolerance for certain types of businesses that lack a documented food safety management system among officers in case study A (especially SMEs and new businesses). These differences go some way to explaining the irrational inconsistencies observed in CIM scoring patterns between these authorities.</p> <p>Management attitudes also shape several other organisational-level factors that contribute to rational inconsistencies, caused the ability and/or willingness of FBOs to comply with regulation. In case study B, management attitudes mean that the configuration of the food safety team, interactions with other teams/services, and external communications and engagement activities, are all geared towards educating businesses and helping them comply. The food safety team has evidence to show that these activities have increased compliance rates, thus uplifting CIM scores, and reducing enforcement action (which cannot be said of case study A).</p> <p>Interestingly, staff skills and development activities are similar in the two authorities, yet this factor does contribute somewhat to inconsistencies observed. Both local authorities rely heavily on inter-authority training about official guidance. This tends to re-inforce perceptions that the application of</p>	

	<p>guidance depends on management attitudes in individual authorities, in the absence of stronger direction from the FSA. This perception contributes to irrational inconsistencies observed in both authorities.</p> <p>Finally, differences in information management strategies in the two authorities appear to indirectly contribute to the inconsistencies observed. In case study A, severe IT issues limit the capture and use of information about food safety activities (in contrast to case study B). This restricts the team's ability to report on their progress internally (and therefore attract as much management support and investment in educational/advisory services as in case study B).</p>
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Table 22 – Comparative results for all organisational-level factors: Major Urban (non-London) pair

Theme	Factor	Overview case study A	Overview case study B	Level of similarity	Extent of impact
Management practices	Management attitudes towards compliance	No evidence of strategic influence on food safety team. Operational management emphasis on working with businesses, but penal stance towards non-compliance.	Strategic focus on sustainable economic development, which places emphasis on education and advice for businesses.	Strong differences.	Crucial impact on rational inconsistencies.
	Perceptions about official guidance	Full range of enforcement options should be used, but team has partiality for formal action (influenced by team leader attitudes). Leniency towards CIM scoring reported (but not reflected in the data).	Full range of enforcement should be used, but preventative education and support are valued. Leniency towards CIM scoring for new businesses and SMEs.	Strong differences that reflect management attitudes.	Contributes to irrational inconsistencies.
	Task allocation	Food safety inspections are regularly rotated between officers, to minimise familiarity with food businesses.	Food safety inspections are periodically rotated between officers, to reduce familiarity with food businesses.	Similar.	Limited.
	Reporting controls	Regular, informal checks to monitor outcomes.	Regular, formal checks to monitor outcomes.	Differences reflect information management issues.	Limited.
	Staff performance measures	Inspection targets in place to monitor progress; expectation that non-compliance is firmly addressed. Officers have a relatively high level of professional autonomy.	Wide ranging performance measures in place; expectation that officers use full range of enforcement options. Officers have a relatively low level of professional autonomy.	Some differences.	Limited.

	Staff skills and development	Tends to be 'on the job' training. Formal training is mainly delivered through inter-authority working groups.	Tends to be 'on the job' training. Formal training is mainly delivered through inter-authority working groups.	Similar.	Inter-authority training contributes to irrational inconsistencies.
	Monitoring and evaluation	Irregular and qualitative in nature.	Regular monitoring and reporting to senior management.	Differences reflect information management issues.	Limited.
Structure	Configuration of food safety team	Flat structure; comprises mostly experienced officers. Low ratio of officers to FBOs restricts proactive education and advice provision.	Hierarchal structure; comprises mostly experienced officers. Low ratio of officers to FBOs, but has dedicated advisory posts to support new businesses.	Differences driven by management attitudes.	Contributes to rational inconsistencies.
	Interactions with other teams	Operational level only. Strong inter-authority working, including integrated quality management systems.	Emphasis on partnership working at operational and strategic levels. Strong inter-authority working, including integrated quality management systems.	Differences driven by management attitudes.	Contributes to rational inconsistencies.
	Information management	Severe IT issues limit capture and use of relevant, up-to-date information.	No issues associated with information capture or use.	Strong differences.	Indirect contribution to rational inconsistencies.
	Use of external contractors	Policy against the use of external contractors.	Policy against the use of external contractors.	Similar.	Limited.
Comms and engagement activities	Internal comms and engagement	Frequent informal knowledge sharing between officers; formal meetings rare.	Frequent informal knowledge sharing between officers; regular formal meetings.	Some differences driven by management styles.	Limited.
	External comms and engagement	Very limited proactive communications and advice provision.	Programme of communications and engagement activities in place, particularly for new businesses.	Strong differences reflect management attitudes.	Contributes to rational inconsistencies.

Urban pair

Table 23 – Summary of inconsistencies and influence of key organisational-level factors: Urban pair		
	Case study A	Case study B
Inconsistencies observed *	<p>CIM ≥ 10 is +2 to +4%-points higher than the expected.</p> <p>Total proportion of enforcement action is below average (15-20 on index) for urban category (including relatively low use of Improvement Notices).</p>	<p>CIM ≥ 10 is -14 to -16%-points lower than the expected.</p> <p>Total proportion of enforcement action is above average (200-205 on index) for urban category (including relatively high use of Improvement Notices).</p>
Summary of factors that have impact on CIM scoring/ enforcement action	<p>The urban pair had strong comparative potential when it was selected because the cases are adjacent to one another, and they serve similar sized FBO populations. Nevertheless, significant changes to the composition of the food safety team in case study A limited the availability of meaningful evidence against several key factors (especially team composition, reporting controls, internal communications). Furthermore, a public health issue that affected case study B had a direct impact on the proportion of Voluntary Closures issued during the timeframe of interest. These revelations necessarily restrict the value of the comparison. It may also clarify why it is difficult to fully explain inconsistencies in CIM scoring patterns with the evidence collected (although evidence on the use of enforcement action is clearer).</p> <p>Differences in management attitudes towards compliance (particularly at team level) have a direct impact on irrational inconsistencies in the use of enforcement action - case study A has an unofficial policy against the use of formal enforcement tools, while managers in case study B use Improvement Notices as a 'default response' to address non-compliance. Attitudes towards official guidance on CIM were less clear in both cases, making it difficult to understand the contribution of management attitudes to inconsistencies in CIM scoring patterns.</p> <p>Staff performance measures were also found to contribute towards the use of enforcement responses (themselves influenced by differences in management attitudes). Food safety officers in case study B are expected to use Improvement Notices as a tool for improving compliance rates, while officers in case study A are discouraged from using formal options, thus leading to irrational inconsistencies in the delivery of official controls.</p> <p>Differences in information management between the two authorities contributed indirectly to inconsistencies observed (but the nature of influence is different for each case). In case study A, key information resources, such as the authority's Enforcement Policy, were found to be out-of-date. Lack of access to relevant, up-to-date information about the delivery of official controls may contribute to irrational inconsistencies (owing to risk-averse CIM scoring patterns and avoidance of formal enforcement tools that were both reported by interviewees in case study A). In case study B, the presence of severe IT issues in the recent past was blamed for an overreliance on Improvement Notices as a 'quick fix' to address non-compliance while staff resources were diverted to address IT issues, but the evidence of this for irrational inconsistencies is very limited</p> <p>Various other organisational-level factors were found to vary between the cases (especially use of external contractors, monitoring and evaluation processes and task allocation) but there was little evidence that these factors have had an impact on inconsistencies in CIM scoring or enforcement action. This may be linked to the issues associated with the urban case studies used (see above).</p>	

	Inter-authority working has a limited influence on the delivery of official controls – either directly or indirectly by influencing perceptions towards official guidance.
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Table 24 – Comparative results for all organisational-level factors: Urban pair

Theme	Factor	Overview case study A	Overview case study B	Level of similarity	Extent of impact
Management practices	Management attitudes towards compliance	No evidence of strategic influence on food safety team. Operational emphasis on informal enforcement, with an unofficial policy against use of formal tools.	Compliance KPI, but otherwise strategic influence is limited. Emphasis on working with compliant businesses but tackling non-compliance with enforcement tools.	Strong differences.	Crucial impact on irrational inconsistencies.
	Perceptions about official guidance	Low levels of awareness/common understanding of official guidance on formal enforcement options and CIM scoring.	Common understanding of use of official guidance for enforcement. Perceptions about CIM scoring vary. Strong focus on evidence-based decision making.	Differences at operational level.	Contributes towards irrational inconsistencies.
	Task allocation	Tasks are assigned to officers by area, as well as risk rating/competencies. Food safety inspections are not regularly rotated between officers.	Tasks are assigned to officers by risk rating/competencies. Food safety inspections are regularly rotated between officers, to reduce familiarity.	Some differences.	Limited.
	Reporting controls	No regular procedures in place.	Limited processes in place.	Difficult to assess.	N/a
	Staff performance measures	Inspection targets in place to monitor progress. Staff autonomy difficult to assess in context of management/staff changes.	Inspection targets in place to monitor progress. Some pressure to secure compliance with enforcement tools. Staff have relatively low level of professional autonomy.	Some differences/difficult to assess.	Contributes towards irrational inconsistencies.
	Staff skills and development	Mix of formal and informal training activities.	Mix of formal and informal training activities.	Similar.	Limited.

	Monitoring and evaluation	Limited to monitoring of inspection targets and complaints. Completion of LAEMS return delegated to a trainee.	Regular monitoring and reporting to senior management on compliance levels.	Some differences.	Limited.
Structure	Configuration of food safety team	Difficult to address due to significant staff changes.	Flat structure; comprises a mix of knowledge and experience. No evidence on staff ratio, but no resources dedicated to advice/support provision.	Difficult to assess.	N/a
	Interactions with other teams	Operational interactions with other environmental health teams. Limited emphasis on inter-authority working.	Operational interactions with other environmental health teams. Limited emphasis on inter-authority working.	Similar.	Limited.
	Information management	No IT issues reported. Key information documents, such as the Enforcement Policy, are out of date.	Severe IT issues limit access to information and divert resources away from food safety activities.	Differences.	Weak evidence of contribution to irrational inconsistencies.
	Use of external contractors	Contractors used on an ad hoc basis, to fill short term resource gaps.	One full-time external contractor works as part of the food safety team.	Strong differences.	Limited.
Comms and engagement activities	Internal comms and engagement	Informal knowledge sharing between officers; formal meetings are rare.	Informal knowledge sharing between officers; formal environmental health services meetings.	Similar.	Limited.
	External comms and engagement	No proactive communications and engagement with food businesses.	Limited proactive communications and engagement with food businesses.	Similar.	Limited.

Urban (with significant rural areas) pair

Table 25 – Summary of inconsistencies and influence of key organisational-level factors: Urban (with significant rural areas) pair		
	Case study A	Case study B
Inconsistencies observed *	<p>CIM ≥ 10 is within -1 to +1%-points from the expected.</p> <p>Total proportion of enforcement action is above average (170-175 on index) for urban (with significant rural areas) category (including relatively high use of Improvement Notices).</p>	<p>CIM ≥ 10 is -8 to -10%-points lower than the expected.</p> <p>Total proportion of enforcement action is below average (60-65 on index) for urban (with significant rural areas) category (including relatively low use of Improvement Notices).</p>
Summary of factors that have impact on CIM scoring/enforcement action	<p>This case study pair has a high level of comparative potential because the authorities are adjacent to one another, and serve similar FBO populations (although case study A contains a higher proportion of seasonal premises and specialist processors). In addition, there are many similarities between the cases in terms of the organisational-level factors investigated, which aid comparisons between them.</p> <p>Management attitudes towards compliance have a crucial contribution to inconsistencies observed in CIM scoring and enforcement action between these two cases. Management attitudes lead to a series of activities by the foods safety team in case study B that increase the ability and willingness of FBOs to comply with regulation – thus leading to rational inconsistencies in CIM scoring/enforcement action. For example, case study B hosts events for local businesses to network and share knowledge (facilitated by provision of appropriate resourcing and interactions with other services). These differences are directly attributed to relatively low CIM scores and use of enforcement action in case study B, compared with case study A. These activities are not present in case study A, due to an absence of strategic support.</p> <p>Differing perceptions towards official guidance also have an impact on inconsistencies observed. While officers in both authorities tend to be critical of official guidance on CIM scoring (and hold similar views on how it should be applied), their views tend to vary with respect to guidance on enforcement action. Officers in case study A tend to consider Improvement Notices as the ‘first port of call’ to address non-compliance, whereas officers in case study B feel that informal letters are an appropriate first step (which are not registered on LAEMS returns). This helps to explain irrational inconsistencies in use of Improvement Notices between the cases.</p> <p>Interestingly, differences in the use of external contractors was not found to contribute to inconsistencies observed. Case study A relies heavily on the use of external contractors to complete low-risk inspections, while case study B does not make use of contractors at all. This factor does not have an impact on the inconsistencies observed, however, because case study A has developed systems to ensure that contractors follow processes used by permanent staff consistently.</p> <p>There is some variation in task allocation between the cases and this has a minor effect on irrational inconsistencies in CIM scoring/enforcement action. This is because food safety officers are rarely, if ever, rotated between food safety inspections in case study B, where food safety officers are familiar with FBOs. In contrast, officers in case study A are rotated fairly frequently to prevent officers becoming too familiar with FBOs</p>	

Otherwise, the case studies share many similarities that actually facilitate consistent application of official controls. This includes a heavy reliance on inter-authority working by both authorities, which includes the use of standard inspection protocols, quality assurance processes and training (notwithstanding the general finding that inter-authority ‘consistency training’ can contribute towards irrational inconsistencies in the use of official guidance).

Finally, it is noteworthy that the character of communications between food safety officers in case study B has changed since agile working was adopted. While there is no evidence to suggest that this affects the way official controls are used, this may be a pertinent issue for other authorities that do not have formal reporting controls in place to monitor consistency, if and when internal communications processes are affected by agile working.

Table 26 – Comparative results for all organisational-level factors: Urban (with significant rural areas) pair

Theme	Factor	Overview case study A	Overview case study B	Level of similarity	Extent of impact
Management practices	Management attitudes towards compliance	Compliance KPI, but otherwise autonomous from senior management. Emphasis on fairness when applying official controls.	Strategic focus on economic development and quality service provision. Priorities reflect team focus on education/support provision for businesses.	Strong differences.	Crucial impact on rational inconsistencies.
	Perceptions about official guidance	Balanced view of CIM scoring, with some leniency for new businesses. Improvement Notices considered best first line response.	Balanced view of CIM scoring, with some leniency for new businesses. Informal letters considered best first line response.	Some differences.	Crucial impact on irrational inconsistencies.
	Task allocation	Food safety inspections are divided by risk rating and area. They are rotated periodically between officers to reduce familiarity.	Food safety inspections are divided by risk rating and area. They are not rotated between officers so that officers can become familiar with FBOs.	Some differences.	Contributes to irrational inconsistencies.
	Reporting controls	Processes reflect inter-authority policies.	Processes reflect inter-authority policies (but are not always be adhered to).	Similar.	Limited.
	Staff performance measures	Inspection targets are in place to monitor progress, but they are not strongly enforced. Officers have relatively high level of professional autonomy.	Inspection targets are in place to monitor progress, but they are not strongly enforced. Officers have high level of autonomy.	Similar.	Limited.

	Staff skills and development	Mix of formal/informal training and skills development opportunities; includes inter-authority training.	Relatively high level of investment in skills development and training. Includes inter-authority training.	Some differences.	Inter-authority training contributes to irrational inconsistencies; internal training programme contributes to rational inconsistencies in case B.
	Monitoring and evaluation	Regular monitoring and reporting to senior management.	Regular monitoring and reporting to senior management.	Similar.	Limited.
Structure	Configuration of food safety team	Flat structure; comprises (mostly) highly experienced officers. Team has recently adopted agile working. Relatively low level of staff resources to dedicate to advice/support provision.	Flat structure; comprises highly experienced officers; higher ratio of staff to FBOs that allows resources to be allocated to advice provision and proactive education activities.	Some differences.	Contributes towards rational inconsistencies observed.
	Interactions with other teams	Interactions with other environmental health teams. Regular inter-authority working.	Interactions with other teams at operational level. Strategic joint-working with other services. Regular inter-authority working.	Differences that reflect management attitudes.	Contributes towards rational inconsistencies observed.
	Information management	IT issues lead to some challenges capturing/using relevant information.	IT issues lead to some challenges capturing/using relevant information.	Similar.	Limited.
	Use of external contractors	External contractors deliver a large minority of inspections and are closely monitored.	Policy not to use external contractors.	Strong differences.	Limited.
Comms and engagement activities	Internal comms and engagement	Mix of formal meetings and informal interactions between team members.	Mix of formal meetings and informal interactions between team members (stifled by agile working).	Similar.	Limited.
	External comms and engagement	Limited proactive communications and engagement.	Programme of communications and engagement to support food businesses.	Differences reflect management attitudes.	Contributes to rational inconsistencies.

Rural pair

Table 27 – Summary of inconsistencies and influence of key organisational-level factors: Rural pair		
	Case study A	Case study B
Inconsistencies observed *	<p>CIM ≥ 10 is within -1 to +1%-points from the expected.</p> <p>Total proportion of enforcement action is above average (205-210 on index) for rural category (including relatively high use of Improvement Notices and Voluntary Closures).</p>	<p>CIM ≥ 10 is -8 to -10%-points lower than the expected.</p> <p>Total proportion of enforcement action is below average (45-50 on index) for rural category (including relatively low use of Improvement Notices).</p>
Summary of factors that have impact on CIM scoring/enforcement action	<p>The comparative potential of this case study pair is slightly limited because the authorities are based in different regions of England (and where one case is proximate to a number of major urban centres), nevertheless, the comparison is still valid on the basis that both authorities are categorised as ‘rural’ authorities and show different patterns in CIM scoring and enforcement action</p> <p>The two cases differ from one another considerably across the organisational-level factors investigated. There is evidence that several of these differences contribute to inconsistencies observed in CIM scoring and/or enforcement action. Of crucial importance is the influence of management attitudes on activities carried out by food safety teams in these authorities. In case study B, officers seek to be a friendly, familiar face for food businesses by engaging with them regularly and seeking to avoid ‘scaring’ them with negative CIM scoring or use of formal enforcement action. In contrast, strategic priorities to develop the local economy and increase food safety compliance in case study B has led to the belief that assertive use of official controls (especially Improvement Notices) is an effective way of delivering these priorities – giving rise to irrational inconsistencies.</p> <p>Management attitudes also drive task allocation in these case studies, which contributes to the inconsistencies observed. In case study B, inspections are rarely rotated between officers in line with the desire for officers to build relationships with food businesses. The opposite is true in case study A, where inspections are rotated periodically to maintain sufficient distance that allows them to make use of regulatory powers. The influence of these differences is debatable, however. A rational decision to build good relationships with FBOs is linked to rational inconsistencies as a result of greater FBO willingness to comply with regulation. Greater familiarity between food safety officers and FBOs is, however, also linked to leniency in the delivery of official controls.</p> <p>Management attitudes also influence differences in staff performance measures between the cases. Officers in case study A are assessed against a range of performance indicators that encourage them to increase compliance rates (e.g. by making full use of the enforcement hierarchy). This is not true of systems for assessing performance in case study B, where some officers have never made use of formal enforcement tools.</p> <p>Thirdly, management attitudes shape the nature of communications activities and engagement with FBOs. While both food safety teams proactively engage with food businesses (thereby increasing the capacity of FBOs to comply with regulation), the nature of engagement is much more structured in case study A. This means that communications and engagement activities do not lead to increased familiarity between food businesses and officers (impacting on inconsistencies observed, as described in the paragraph above).</p>	

The two cases differ in a number of other areas – including reporting controls, skills development & training, and the use of external contractors – but there is little evidence that these factors have an impact on inconsistencies in CIM scoring or enforcement action.

Table 28 – Comparative results for all organisational-level factors: Rural pair

Theme	Factor	Overview case study A	Overview case study B	Level of similarity	Extent of impact
Management practices	Management attitudes towards compliance	Compliance KPI and strategic priority on sustainable economic development influences use of regulatory powers to raise compliance levels.	No evidence of strategic priorities influencing the food safety team. Emphasis on being approachable by avoiding formal enforcement action.	Strong differences.	Critical contribution to irrational inconsistencies.
	Perceptions about official guidance	Strong knowledge of official guidance. Balanced view towards CIM scoring for different business types. Improvement Notices considered to be an effective means of securing compliance.	Relatively low awareness of official guidance. Leniency applied to CIM scoring framework for SMEs. Perception that formal enforcement options are a last resort.	Strong differences.	Critical contribution to irrational inconsistencies.
	Task allocation	Inspection programme is divided by area/risk rating. Inspections are rotated periodically between officers.	There is no formal process for allocating inspections, which are rarely rotated between officers to promote familiarity.	Strong differences that reflect management attitudes.	Contributes to irrational inconsistencies.
	Reporting controls	Regular checks in place to monitor outcomes.	No regular checks in place.	Differences driven by management styles.	Limited.
	Staff performance measures	Various targets in place to monitor progress; expectation that officers use full range of enforcement options. Officers have a relatively low level of professional autonomy.	Inspection targets are not strongly enforced; no expectation for officers to use formal enforcement options. Officers have a relatively high of professional autonomy.	Strong differences that reflect management attitudes.	Contributes to irrational inconsistencies.
	Staff skills and development	Strong emphasis placed on staff development and training.	Limited attention given to staff training and skills development.	Strong differences.	Limited.
	Monitoring and evaluation	Regular monitoring and reporting to senior management.	None other than annual LAEMS submission.	Strong differences.	Limited.
Structure	Configuration of food safety team	Hierarchal structure; range of skills and experience levels. No evidence on staffing levels.	Flat structure; range of skills and experience levels. Relatively high staff ratio.	Similar.	Limited.

	Interactions with other teams	Information sharing with other teams; limited strategic joint-working. Weak emphasis on inter-authority working.	Information sharing with other environmental health teams only. Weak emphasis on inter-authority working.	Some differences.	Limited.
	Information management	No issues capturing or using relevant, up-to-date information.	No issues capturing or using relevant, up-to-date information.	Similar.	Limited.
	Use of external contractors	One contractor works full-time as part of the food safety team.	Occasional, ad hoc use to fill short term resource gaps.	Some differences.	Limited.
Comms and engagement activities	Internal comms and engagement	Mix of informal and formal interactions between food safety officers.	Mostly informal interactions between food safety officers.	Some differences.	Limited.
	External comms and engagement	Some proactive communications and engagement to support businesses.	Informal help and advice regularly provided to businesses.	Some differences.	Contributes to rational inconsistencies.