



# Food Standards Delivery Review

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## Report of Findings

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## **Acknowledgements**

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## 1. Executive Summary

### Introduction

- 1.1. Within the Regulating Our Future ('ROF') workstream to consider the delivery of food standards controls in England, Wales and Northern Ireland, as a preliminary step it was necessary to identify and understand the current landscape of food standards delivery, to provide a solid evidence base from which we can develop recommendations for further consideration.
- 1.2. The Food Standards Delivery Review was carried out between 12<sup>th</sup> March and 16<sup>th</sup> May 2017. An invitation to complete the survey via the SurveyMonkey web platform, was emailed to the Lead Officer from each local authority ('LA') across England, Wales and Northern Ireland ('E/W/NI') with enforcement responsibilities in relation to food standards legislation. The survey sought information relating to the current delivery model/s being employed in respect of official controls and enforcement work relating to food standards. 104 local authorities responded to this survey, comprising 80 English LAs, 16 from Wales and 8 from Northern Ireland.

### Research Aim

- 1.3. The survey sought to establish a baseline in respect of the current delivery of food standards official controls across England, Wales and Northern Ireland, and included 57 questions covering aspects such as resource/capacity, competence, the planning and prioritisation of food standards work and the ways in which success/impact is measured. A copy of the questionnaire is included in the Annex to this report.

### Key findings

#### People

- 1.4. The survey indicated that there is significant variation in available food standards resource between LAs, and between E/W/NI, increasing the potential for inconsistency in the delivery of official controls;
- 1.5. Levels of resource in England are generally lower than in Wales and Northern Ireland, with 22% of English LAs having less than 1 Full-Time Equivalent ('FTE') dedicated to food standards work. This resource could be further reduced by an increased demand in other areas in which the officer has enforcement responsibilities, leading to a lack of resilience/capacity in the food standards regulatory system;
- 1.6. Many LAs do not have a stated minimum service requirement for food standards which, coupled with a lack of ringfenced funding for food standards delivery by LAs, could lead to further reductions in resource in future;
- 1.7. Responses indicate a lack of new personnel entering the profession via the Trading Standards Qualification Framework ('TSQF'), with issues concerning

both the numbers of students coming into food standards regulation, and the capacity of LAs to provide adequate support and practical experience to trainees.

- 1.8. There are increased numbers of environmental health practitioners ('EHPs') now enforcing food standards legislation across England and Wales however there is a lack of information relating to the levels of training and support provided, and the ways in which competence is ensured and maintained. Respondents highlighted issues with the importance placed on food standards considerations when delivered with food hygiene during a combined inspection.

#### Reporting & Oversight

- 1.9. LAs in England and Wales appear to be struggling to comply fully with their obligations relating to interventions due under the Food Law Code of Practice ('FLCOP') and feel the current approach does not enable the effective targeting of resource, although they do appear to be focusing their resources on Category 'A' rated establishments (high risk);
- 1.10. Overall, 15% of food businesses are unrated for food standards risk, however the figures for some LAs are higher.
- 1.11. 54% of respondents indicated that they measure the impact/success of their food standards work;
- 1.12. Where impact/success is monitored, this is often limited to arbitrary indicators such as numbers of notices issued/inspections achieved, rather than quantifying the impact the service has had on local businesses and consumers;
- 1.13. This highlights the difficulty in determining the impact of food standards work in general, using indicators focused on outcomes, which has previously been acknowledged in respect of trading standards functions<sup>1</sup>.

#### Intelligence-Led Working

- 1.14. Alternative approaches to delivery have been, or are being, adopted by many LAs for a number of reasons, for example to allow for the more effective targeting of resource to address specific/identified risk, leading to potential inconsistencies within the regulatory system;
- 1.15. There is widespread use of intelligence by LAs in planning & prioritising food standards, however this is not fully recognised in the Food Law Code of Practice ('FLCOP');
- 1.16. Regional food standards groups are an important conduit for sharing knowledge, expertise & intelligence and ensuring consistency, particularly as resources in individual local authorities reduce and experienced officers are lost through redundancy and natural wastage;

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<sup>1</sup> *'The Impact of Local Authority Trading Standards in Challenging Times' – BIS/CTSI, March 2015*

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- 1.17.** Significant value is placed in the Public Analyst service, which undertakes a number of support functions including sample analysis, supporting enforcement action, providing technical expertise and assisting in identifying potential issues/emerging risks;
- 1.18.** The removal of central funding from the FSA is likely to have an increased impact on food standards sampling activity in future;
- 1.19.** Issues with the current food business registration process hamper the ability of LAs to identify and risk assess new business in line with FLCOP requirements.
- 1.20.** Allergens (particularly in catering establishments), high risk food businesses and unrated/new businesses are the most common food standards priorities for LAs.

Changing Business Behaviour

- 1.21.** Whilst many LAs offer a range of services to businesses to assist compliance, there is an inconsistent approach to the provision of business advice and guidance across the three countries. There is no charge for business advice services in Northern Ireland, however in England and Wales a range of free and charged-for advice services are being offered. Cost recovery arrangements are most prevalent in England, particularly in County authorities, but vary in terms of cost and the charging mechanisms adopted;
- 1.22.** 46% of respondents across England and Wales indicated that they had Primary Authority Partnerships covering food standards (the Primary Authority scheme does not extend to Northern Ireland).

## 2. Background

- 2.1. The delivery of food standards official controls, covering aspects such as the quality, composition, labelling, presentation, chemical contamination and advertising of food, currently differs between England, Wales and Northern Ireland ('E/W/NI'). In England and Wales, enforcement responsibilities in this area have historically sat with trading standards services, in England either at county council level, or within a single tier local authority (e.g. unitary, Metropolitan Borough, London Borough); and in Wales, at unitary authority level. In Northern Ireland, however, food standards official controls have historically been undertaken by environmental health practitioners ('EHPs'), at district council level.
- 2.2. The current approach to the delivery of food standards controls is specified within the Food Law Code of Practice ('FLCOP'), for which there are separate versions covering England, Wales and Northern Ireland. Whilst the underpinning requirements are broadly similar between the three Codes, there are some differences, for example in relation to qualifications, and permitted alternative intervention rating schemes for food standards (i.e. National Trading Standards scheme is permitted in England and Wales in certain circumstances).
- 2.3. The Chartered Trading Standard Institute's (CTSI) workforce survey 2017<sup>2</sup> provides an overview of the state of LA trading standards services, across England, Scotland and Wales. The report builds on findings from the National Audit Office, Protecting Consumers From Scams, Unfair Trading And Unsafe Goods December 2016<sup>3</sup>, which acknowledges that a loss of resource and reduction in size of Local Trading Standards services have led to gaps in coverage at a local level.
- 2.4. The Workforce Survey highlights that:
- Long term budget analysis confirms a 50% fall in actual trading standards spending in the last seven years, with a loss of 48.4 qualified officers in a single year between the 2016 and 2017 Workforce Surveys;
  - 64% of authorities feel they cannot recruit or retain skills;
  - There were vast differences in the budget changes between services. Some services have seen budget increases, the largest being 20%. However, other services have experienced drastic cuts, with one service seeing a 61% fall in its budget over a single year;
  - Staffing costs make up 84% of expenditure with 0.8% of budgets allocated to training costs;
  - Respondents were asked whether their staff had skills in a number of core trading standards areas. Food standards scored lowest amongst the named skills;

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<sup>2</sup> <https://www.tradingstandards.uk/media/documents/news--policy/surveys/ctsi-workforce-survey-2017.pdf>

<sup>3</sup> <https://www.nao.org.uk/wp-content/uploads/2016/12/Protecting-consumers-from-scams-unfair-trading-and-unsafe-goods.pdf>

- 'Food Safety' was listed sixth in the table of current priority issues for trading standards services, behind doorstep crime, consumer safety, rogue traders, protecting vulnerable consumers, finance & fraud and scams;
- Figures 11 & 12 of the report noted that *"just over 50% of services think they have the skills to protect consumers in their area (which) is a troubling statistic in itself. Paired with the concern expressed that services cannot recruit/retain expertise – along with the evidence shown elsewhere in this survey – this indicates that cutbacks are having detrimental effects on the sustainability of some services, ultimately to the detriment of consumers."*

**2.5.** As a major transformation programme Regulating Our Future ('ROF') is aiming to modernise and re-shape the regulatory regime for food. The programme will change the way food businesses are regulated across England, Wales and Northern Ireland. In taking a whole system approach, as part of ROF the FSA is keen understand the ways in which LAs currently fulfil their obligations with respect to food standards.

**2.6.** The enforcement split between food standards and food hygiene seems to be relatively unique to the United Kingdom. In the 2015 IPSOS Mori Report "Research on the modernisation of the risk intervention rating systems for UK food establishments"<sup>4</sup> (prepared for the Food Standards Agency), international approaches to the risk assessment of food businesses were considered. The report found that few countries refer specifically to 'food standards' factors when describing how they determine the frequency of establishment inspections, with Denmark (chemical factors), Slovenia (food quality & labelling) and Iceland (labelling & packaging) the exceptions among the 23 countries surveyed. In other cases, the control of food standards is typically carried out using national annual sampling or monitoring plans.

**2.7.** Effective food standards delivery helps to support the ROF principles by:

- Ensuring that adequate controls are being undertaken to ensure that food is safe and is what it says it is;
- Providing businesses with the tools they need to ensure that food they produce is safe and what it says it is;
- Ensuring consumers have access to the advice and guidance they need to make informed choices about the food they eat, and;
- Recognising where businesses do the right thing for consumers, and taking appropriate action against those that do not, creating a level playing field for businesses.

**2.8** To assist with the Food Standards workstream within the ROF programme a baseline survey was carried out, the aim of which was to gather information to help provide an accurate picture of the current delivery of food standards controls across E/W/NI, and to identify any barriers to effective delivery within the current system, and identify any examples of best practice or innovative delivery which

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<sup>4</sup> <https://www.food.gov.uk/sites/default/files/media/document/fs517009finrep.pdf>



could potentially be explored on a wider scale and support the workstream going forward.

**2.9** Whilst some data relating to the delivery of food standards controls was already available, in particular through the Local Authority Enforcement Monitoring System ('LAEMS'), and specific FSA audit activities, as part of the ROF programme the FSA was keen to obtain a clear view of the current delivery model, from the point of view of those responsible for ensuring the delivery of official food standards controls within their authority. As such, a survey was developed, seeking information from local authority lead officers covering a number of aspects of food standards delivery.

**2.10** This report details the findings of the 'Food Standards Delivery Review' survey, which, together with other sources of data such as those mentioned above, will form an evidence base to be included in our consideration of the development of further recommendations in this important area of work.

### 3. Methodology

#### 3.1. Design and Implementation

- 3.1.1. The survey consisted of 57 questions and took approximately 45-60 minutes to complete. The survey questions were mostly multiple choice, with the opportunity to provide free text responses to provide further detail for certain questions. A copy of the survey questions can be found in **Annex II**. The survey was open to respondents from the 12<sup>th</sup> March 2018 with an initial deadline of 6<sup>th</sup> April 2018, however this was subsequently extended until 16<sup>th</sup> May 2018.
- 3.1.2. The survey was delivered using Survey Monkey, and an invitation was sent via email to the Lead Officer with responsibility for food standards in each LA across E/W/NI, totalling 167 LAs. The survey was further promoted via the FSA Smarter Communications platform<sup>5</sup>, the Food Standards and Labelling Focus Group and regional food standards groups, and by the Association of Chief Trading Standards Officers ('ACTSO').

#### 3.2. Analysis of results

- 3.2.1. 104 LAs responded to the survey, comprised of 80 English, 16 Welsh and 8 Northern Irish authorities. The overall response rate was 62.2%, broken down by country as follows - England 58.3%, NI 72.7% and Wales 84.2%. Furthermore, not all respondents answered all questions, so the number of respondents can vary from question to question (specified where relevant). Where 'free text' responses have been referenced within the report, these reflect the views of particular respondents, and may not necessarily reflect those of the enforcement community as a whole.
- 3.2.2. To analyse the data, the FSA conducted qualitative analysis of free text responses, specifically thematic content analysis (i.e. examined text for themes, categorised according to themes, interpreted and described). Whilst this approach was subjective it provided deeper insights into participants' perceptions than a purely quantitative approach, as did the free text response options which allowed space for spontaneous expression of views.
- 3.2.3. Quantitative analysis was carried out on the responses to the closed questions, to investigate the most common responses to each of the questions where answers given were linked for example to LA type/job role where relevant.
- 3.2.4. Both types of data were structured thematically: the quantitative data showed the big picture and important information about the sample, while the qualitative data often helped understand what participants thought in more depth and shaped recommendations.

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<sup>5</sup> <https://fsa.riams.org/marketing>

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3.2.5. Where graphs include a reference to average figures, error bars have been included, calculated on the standard error corresponding to the responses received, to provide an indication as to the levels of uncertainty associated with these results.

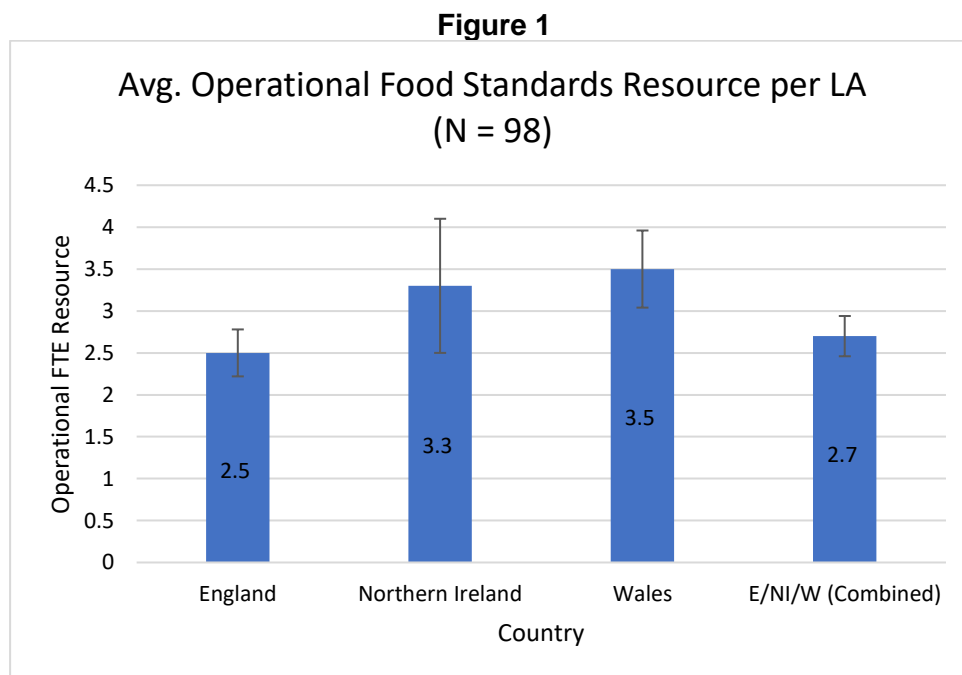
## 4. Findings

### 4.1. Resource

4.1.1. Respondents were asked a number of questions relating to available resource for the delivery of food standards official controls, to provide an overall picture of available resource and to identify potential resource issues in individual local authorities.

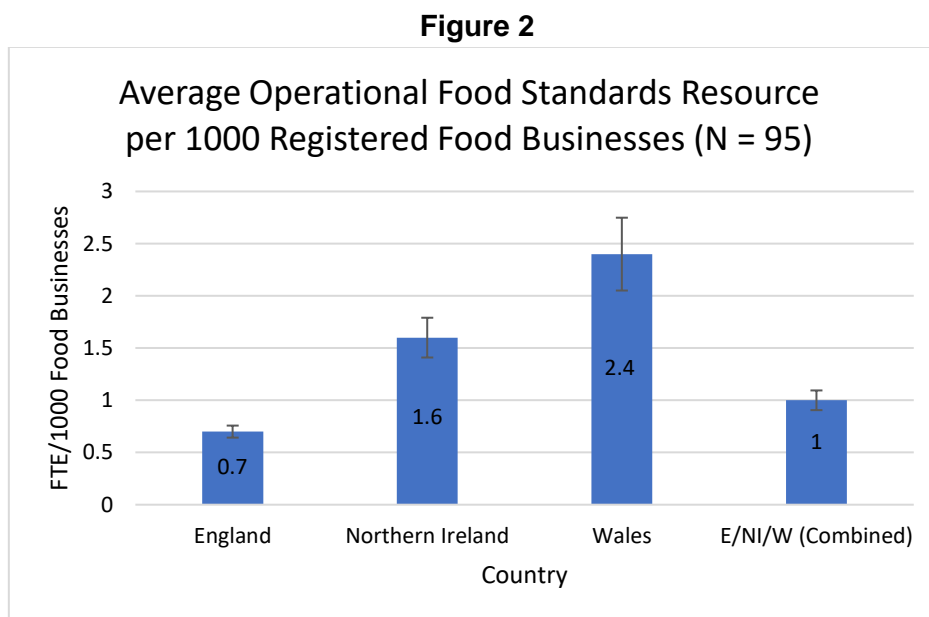
### 4.2. Current Resource

4.2.1. The survey highlighted the significant variation in available resource, both between England, Wales and Northern Ireland, but also between individual Local Authorities within the same Country. Figure 1 below shows the average LA Full Time Equivalent ('FTE') resource specifically involved in the delivery of food standards official controls.



4.2.2. Breaking these figures down further, the average FTE food standards resource for English single tier authorities was 1.7 (N = 56, SD = 1.68), compared to 4.7 for County councils, which operate on a two-tier basis, whereby food standards controls are delivered by trading standards services who sit within the County council structure, while environmental health functions are undertaken at a District council level within the County area (N = 18, SD = 3.16). 29% of respondents from English single-tier local authorities reported having less than one FTE currently undertaking food standards official controls, with one respondent stating that they currently had no resource for food standards work and a further four reporting an FTE food standards resource of 0.25 or lower.

4.2.3. Due to the variation in size and economic landscape between individual local authorities, to provide a more effective reflection of current resource respondents were also asked to state the number of food businesses currently registered<sup>6</sup> with their LA (or with the District Councils within the County for two-tier authorities). These figures were examined in relation to the stated FTE food standards resource in each LA to establish an FTE food standards resource per 1000 registered food businesses. Figure 2 below shows the average FTE resource per 1000 registered food businesses, by Country (N = 95).



4.2.4. The responses indicate variation between the three countries, with England having the lowest resource to facilitate the delivery of food standards controls, although average figures between English single tier and county local authorities were broadly similar when considered alongside the number of food businesses (0.7 FTE per 1000 food businesses for single-tier authorities, 0.6 FTE for county). In total, 77% of respondents from English local authorities reported an operational food standards resource of less than one FTE per 1000 registered food businesses, compared to 7% for Wales and 0% for Northern Ireland.

4.2.5. Respondents were asked to indicate whether there had been any change to their operational food standards resource over the last three years. Whilst 40% of respondents indicated that their LA had maintained its operational food standards resource at the same level over this period, 43% stated that their LA had reduced its available resource, with over 25% of respondents reporting a reduction of 25% or greater (N = 94).

4.2.6. Examining the responses given to provide an indication of the change in operational food standards resource over the previous three years, the survey

<sup>6</sup> In accordance with Regulation (EC) 852/2004 Article 6(2), and the Food Law Code of Practice, food businesses must register with their local authority environmental health department (located at District or Unitary Council level) and this should be completed at least 28 days prior to opening.

results indicated that there has been an overall 13% reduction over the specified period (N = 94). Examining the responses for each country separately, the reported overall change in resource is as follows:

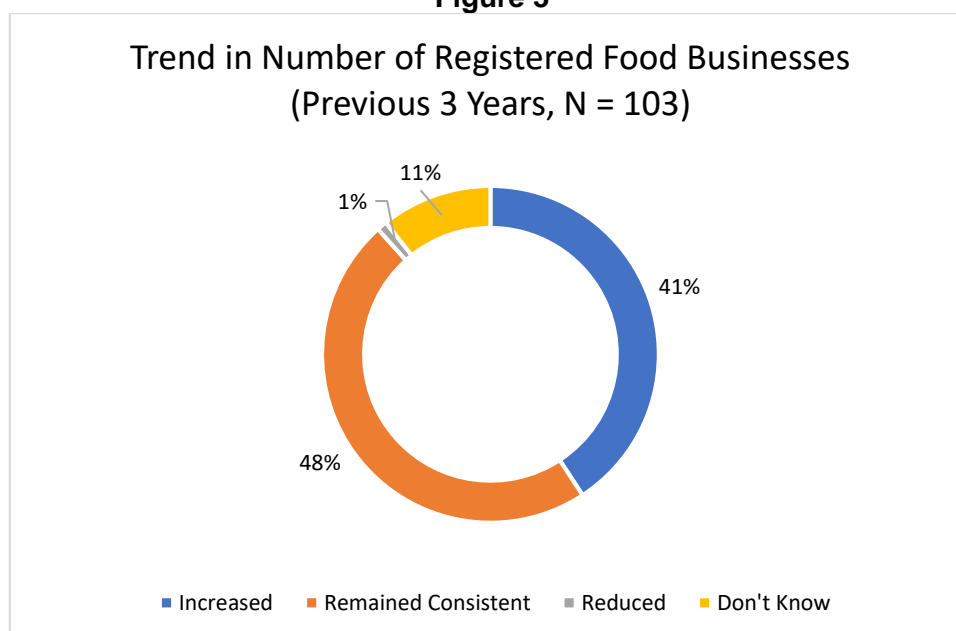
- England: Overall reduction of 16.1%
- Northern Ireland: Overall reduction of 0.2%
- Wales: Overall reduction of 2.5%

4.2.7. The CTSI 2014 Workforce Survey indicated that staff numbers in trading standards (who have traditionally delivered official food standards controls in England and Wales) had halved since 2009, indicating that the overall resource in England and Wales has suffered greater reductions over the longer term.

4.2.8. All respondents stated that officers delivering food standards controls within their LA have enforcement responsibilities in other areas of regulation, including non-food matters in England and Wales. This increases the potential for the operational food standards resource to be significantly impacted by demand in other areas, for example in the case of a major incident or complex investigation.

4.2.9. Respondents were asked whether the number of registered food businesses had increased, reduced or remained consistent over the previous three years. Whilst responses to this question were based on a subjective determination by the respondent, Lead Officers are well-placed to provide an estimation as to whether the overall number of food businesses is increasing, reducing, or remaining generally consistent within their LA area, and as such these have been included in the analysis. Over this period, whilst LAs reported that resources have reduced overall, respondents indicated a general increase in the number of registered food businesses, increasing the demand for food business advice and food standards interventions, with only one respondent indicating a reduction, as shown in Figure 3 below.

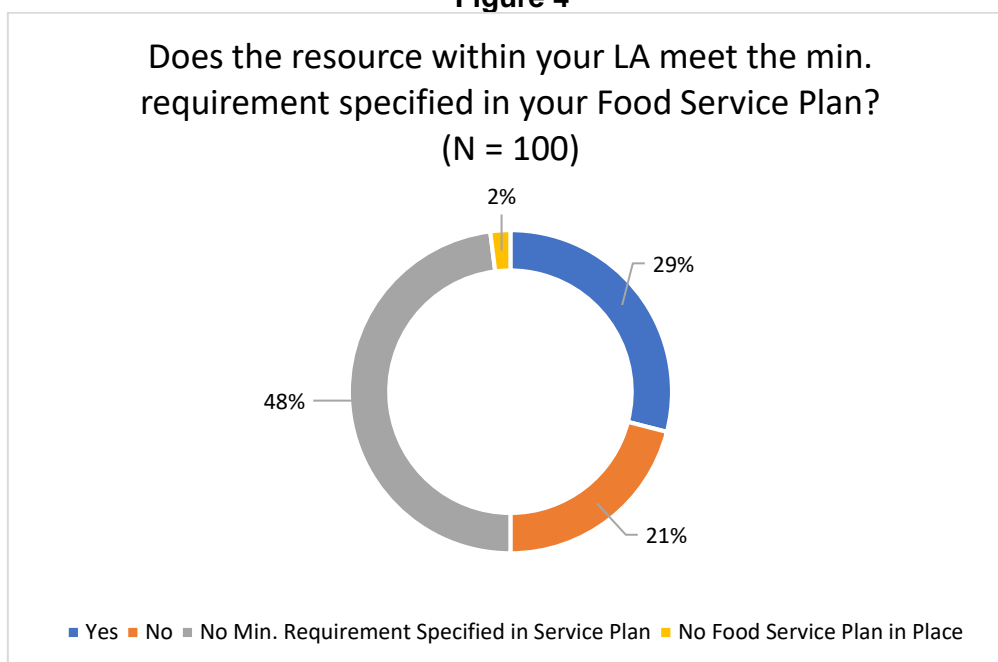
**Figure 3**



### 4.3. Service Planning

- 4.3.1. The FLCOP states that “Each Competent Authority must have an up-to-date, documented Food Service Plan which is readily available to food business operators and consumers”. Despite this, one respondent indicated that their LA had no such service plan in place, while 16 (16% of the 103 respondents who indicated they had a service plan in place) stated that theirs was not published, although it may still be available on request to businesses and consumers. 11% of respondents indicated that their service plan had not received approval from the relevant elected member forum within their LA.
- 4.3.2. Respondents were asked to indicate whether their current resource satisfied any ‘Minimum Service Requirement’ for the delivery of food standards official controls laid down in their Food Service Plan. The Framework Agreement on Official Feed and Food Controls by Local Authorities<sup>7</sup>, published by the Food Standards Agency, includes guidance on what should be considered as part of a local authorities Food Service Plan. Under the Framework Agreement guidance. LAs should state “...the number of posts required to deliver the service”.

Figure 4



- 4.3.3. Figure 4 shows that the majority of respondents indicated there was no minimum resource requirement specified in their Food Service Plan. The 2017 CTSI Workforce Survey states that “Due to the complexity of the work of trading standards, and the varying priorities between services, CTSI has avoided stating a minimum number of staff that are required to protect consumers”. By establishing an evidence-based minimum service requirement however, local authorities can help to ensure that they are equipped to fulfil their obligations

<sup>7</sup> [https://signin.riams.org/files/display\\_inline/45532/frameworkagreementno5-18122017.pdf](https://signin.riams.org/files/display_inline/45532/frameworkagreementno5-18122017.pdf)

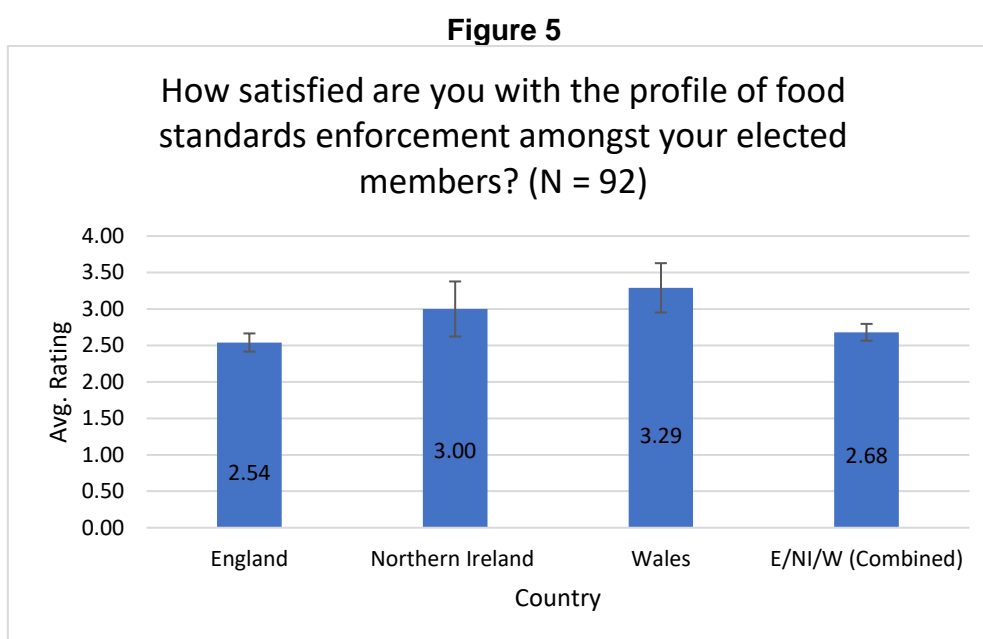
under food legislation, and can use this to help maintain resource at a local level. Failure to implement a minimum resource requirement could lead to services being reduced further, making it extremely difficult to undertake effective and timely food control activities in line with the requirements of the Food Law Code of Practice.

4.3.4. Respondents were asked questions about their arrangements for responding to major incidents, for example the horsemeat incident which occurred in 2013. 8% of the 103 respondents who answered this question stated that their LA did not have measures in place to provide an effective response should such an incident arise in future. 84% of respondents indicated that their LA did have arrangements in place, with over half stating that their response to such an incident would be resourced from within their service, meaning that any response could be impacted by further reductions in resource. Of those authorities with incident arrangements in place, 60% indicated that their approach to responding to a major incident had not been tested.

#### 4.4. Organisation

4.4.1. The CTSI Workforce Survey 2016<sup>8</sup> highlighted a reduction in the seniority and influence of Heads of Service within LA management structures, combined with a general lack of involvement from Council Chief Executives and Cabinet Members in respect of trading standards functions.

4.4.2. As part of the survey, respondents were asked “How satisfied are you with the profile of food standards enforcement amongst your elected members?”. Responses were given on a scale of 1 (not satisfied at all) to 5 (extremely satisfied).



<sup>8</sup> <https://www.tradingstandards.uk/media/documents/policy/strategy/ctsi-workforce-survey-2016.pdf>



4.4.3. Figure 5 shows that, whilst the average rating across all three countries were close to 3 (quite satisfied), scores for England were generally lower, with single tier authorities (where resources are lower and there may be less time available to spend on business planning and measuring impact) providing the lowest average scores.

4.4.4. For the 51 respondents who indicated that their LA measures the impact/success of their food standards work (see 4.18), average scores for the above question were 23% higher (avg. score = 2.92, SD = 1.05) compared to the 35 respondents who stated that their LA does not (avg. score = 2.37, SD = 1.03). This suggests that the profile of food standards services could be improved by effective performance measurement, as this enables the benefits of effective delivery to be highlighted to senior Council members.

#### **4.5. Recruitment**

4.5.1. Of the 32 respondents who indicated that their LA has tried to recruit officers to deliver food standards controls in the last 3 years, 59% experienced difficulties in recruiting suitable staff. The most common reason given for the recruitment difficulties was a lack of suitably qualified applicants, with 44% respondents citing this as a reason, although in Northern Ireland lack of applicants/lack of experienced applicants were the only reasons given.

4.5.2. Under the FLCOP, the baseline qualifications for officers undertaking official food standards controls are either the Higher Certificate in Food Control, or the Trading Standards Qualification Framework ('TSQF'), incorporating the Food Standards Service Delivery module, or equivalents<sup>9</sup>. Across England and Wales, where the delivery of food standards controls has traditionally been undertaken by food-qualified trading standards officers, 33% of the 90 respondents who answered this question stated that they had supported a student through the food standards module of the TSQF in the last 3 years, amounting to 52 students over the period. There are currently no TSQF food standards module examinations planned until November 2019, reducing the number of food-qualified officers coming through the process in the intervening period.

4.5.3. Where food standards controls remain a trading standards function, 57% of the 77 respondents who answered the question indicated that their LA would not be in a position to support a candidate through the TSQF food standards module. The most common reasons given were insufficient time/capacity and insufficient budget, both selected by 77% of the 44 respondents who stated that their LA could not currently support a trainee through the module. 25% of these 44 respondents stated that their LA does not have an internal assessor/verifier in place to support candidates through the qualification process.

4.5.4. Respondents were given the opportunity to provide a free text response indicating other reasons why their LA could not currently support a trainee

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<sup>9</sup> For Wales, the qualification requirements are broken down further depending on the risk-rating of the food establishment – see [https://signin.riams.org/files/display\\_inline/48645/Wales-Food-Law-Code-of-Practice---August-2018-02082018.pdf](https://signin.riams.org/files/display_inline/48645/Wales-Food-Law-Code-of-Practice---August-2018-02082018.pdf)

through the TSQF food standards module. Comments were received indicating that the qualification process is extremely resource-intensive for the LA due to the need for internal verification and assessment throughout the module, that trainee officers lack practical food experience and are unable to carry out duties while they study, even under supervision, and that there are no positions available for trainees once qualified.

- 4.5.5. The current situation could have a real impact on future delivery. The lack of food standards exams until November 2019 will result in a lack of new officers coming into the profession from a trading standards background. Potential candidates may be deterred by the lack of a guaranteed role within an LA trading standards/food standards team following qualification, and any candidates who choose to undertake the qualification could find it difficult to find an LA with the resource and capacity to support them through the TSQF.

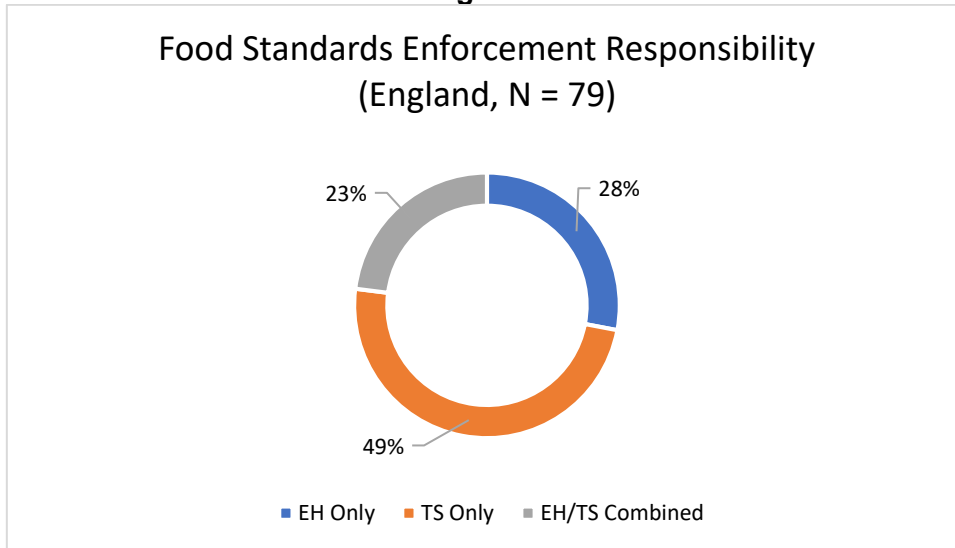
#### **4.6. Competence & Delivery**

- 4.6.1. The survey included questions focusing on competence within the current delivery model, identifying who is undertaking official controls and examining how competence is ensured and maintained. The responses to these questions are analysed below.

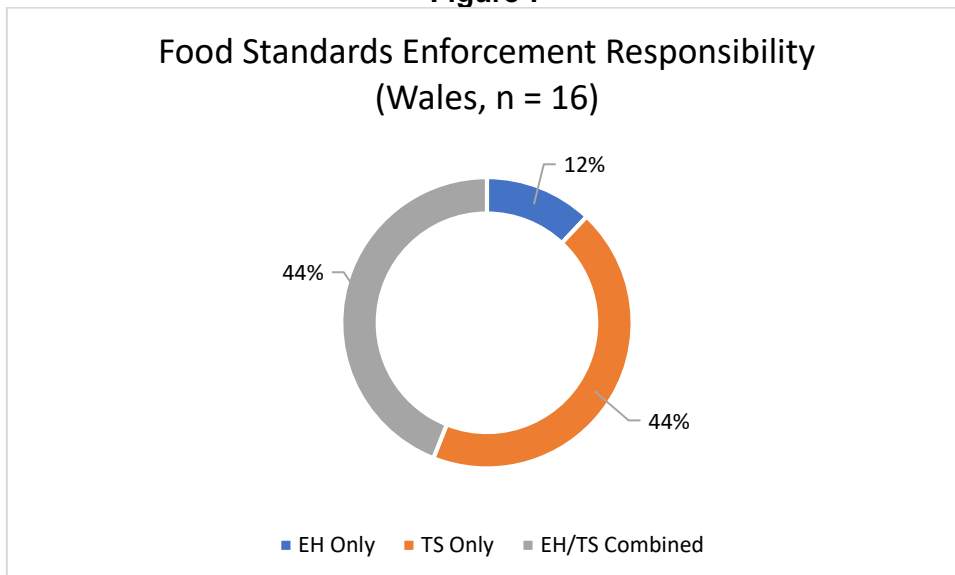
#### **4.7. Enforcement Responsibility**

- 4.7.1. As alluded to above, the delivery of official controls in England and Wales has traditionally been undertaken by officers with a trading standards background, whilst in Northern Ireland this function is delivered by Environmental Health Practitioners (“EHPs”), often alongside food hygiene controls. Food Standards Scotland is considering proposals to amalgamate food hygiene and food standards controls throughout the food industry. The FSA is aware that in recent times some local authorities in England and Wales have authorised EHPs for food standards work, for a number of reasons, however there is little information available on levels of training and support provided, and how competence is ensured and monitored.
- 4.7.2. The survey sought to establish how prevalent the use of EHPs to deliver food standards official controls is across England and Wales.

**Figure 6**



**Figure 7**



- 4.7.3. Figures 6 and 7 show that over 50% of responding authorities across England and Wales employ the services of environmental health staff in the delivery of food standards controls to some degree (i.e. where food standards controls are delivered exclusively by EHPs, or by EHPs in conjunction with TSPs).
- 4.7.4. Whilst there are a number of potential benefits to this approach, such as an increase in the available regulatory resource (particularly where experienced officers have been lost), and the potential for a single food inspection covering both hygiene and standards considerations, reducing the inspection burden on business, it is essential that those responsible for delivering food standards controls are given the training and support to help ensure their competence.
- 4.7.5. During engagement activities undertaken as part of the wider ROF programme, the FSA has received a number of comments from EHPs undertaking food

standards work which indicate that this is not always the case, and that, as a result, due consideration was not always given to food standards Official Controls, with food standards inspections sometimes completed as an 'afterthought' following a food hygiene inspection being carried out. Whilst anecdotal, the frequency of these of these comments indicates a need to give further consideration to the transfer of enforcement activities and the arrangements around this, to ensure that sufficient importance is given to compliance with food standards requirements.

- 4.7.6. To assist officers new to food standards work in understanding the (often technical and complex) requirements which apply, the FSA in Northern Ireland and Wales have developed their own 'Food Standards Training Manuals<sup>10</sup>'. These include summaries of applicable legislation and guidance on their application. Officers who have used these resources have found them to be a very useful tool for bridging knowledge gaps and an excellent reference document to help understand food standards issues.
- 4.7.7. Within Wales, there has been an increasing trend for food standards and food hygiene inspections to be carried out at the same time, by the same officer. To support this, a number of EHPs have undertaken additional training in food standards, for example by taking the food standards endorsement module, run through Birmingham University and accredited by the Environmental Health Registration Board ('EHRB'), or through the attendance of training course such as the food standards refresher course for food hygiene officers, provided by FSA Wales.
- 4.7.8. 11% of respondents stated that officers responsible for delivering food standards controls have not been assessed against the competency framework contained in Chapter 4 of the Food Law Code of Practice, with 6% of respondents indicating that officers failed to maintain the Continuing Professional Development ('CPD') requirements specified in the FLCOP (102 respondents). Of those who reported that officers within their LA failed to maintain the relevant CPD requirements, the most commonly stated barriers were insufficient time/capacity (83%), and a lack of any training budget within their LA (67%).
- 4.7.9. When asked how CPD was maintained, responses indicated that local authorities rely heavily on training, whether internal (79%), external (100%) or online (91%), with attendance at regional food standards groups also cited by 93% of respondents (n = 102). Other routes to attaining CPD, such as work shadowing (48%), compiling reports and case files (4%) and conducting research (4%), were less commonly cited by respondents.

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<sup>10</sup> [https://signin.riams.org/files/display\\_inline/46350/fsm2017\\_0-19022018.pdf](https://signin.riams.org/files/display_inline/46350/fsm2017_0-19022018.pdf)

#### 4.8. Planning and Prioritisation

- 4.8.1. Understanding that many local authorities have implemented the use of intelligence-led<sup>11</sup> approaches to help plan and prioritise their work, questions were asked to help establish how intelligence is collated and used, and what the current priorities are for food standards. In this context, “intelligence led” is defined by National Trading Standards (‘NTS’) as “...a business process for systematically collecting, organizing, analysing, and utilising intelligence and information to guide operational and tactical decisions. Intelligence-led aids in identifying, assessing and managing targets, threats, and problems at the local, regional and national level.”<sup>12</sup>

#### 4.9. Food Business Registration

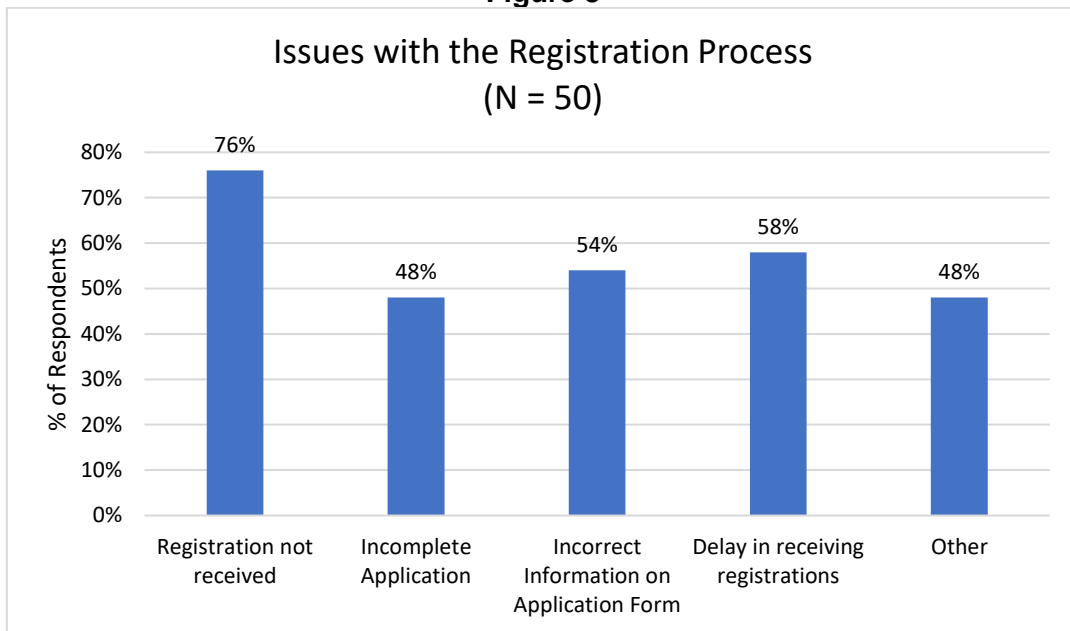
- 4.9.1. Food businesses are required to register with their LA environmental health department, however, in order to effectively plan and prioritise their food standards work, it is essential that this information is communicated to the LA trading standards department where the enforcement responsibilities under the FLCOP relating to food standards are theirs.
- 4.9.2. Respondents were asked to indicate the number of new food businesses which had registered within their LA area in the past 12 months, with the average being 240 (N = 89, SD = 145.053). During engagement activities carried out as part of the wider ROF programme, some trading standards officers had raised concerns with the flow of registration information, particularly in County councils, where the environmental health service sits at District council level. The survey sought to identify the extent of this problem.
- 4.9.3. When asked about whether they had experienced difficulties with the food business registration system, of the 96 respondents who answered this question, 52% stated that they had experienced issues. Respondents who had experienced problems were then asked to identify the specific problems they had experienced with the registration process, with responses shown in Figure 8 overleaf.

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<sup>11</sup> Intelligence - information that has been subject to a defined evaluation process in order to assist with decision, currently the 5x5x5 format. Intelligence is not what is collected; it is what is produced after collected information is evaluated and analysed. The 5x5x5 form is a universally recognised format that is used by the majority of law enforcement entities in the UK. (National Trading Standards definition)

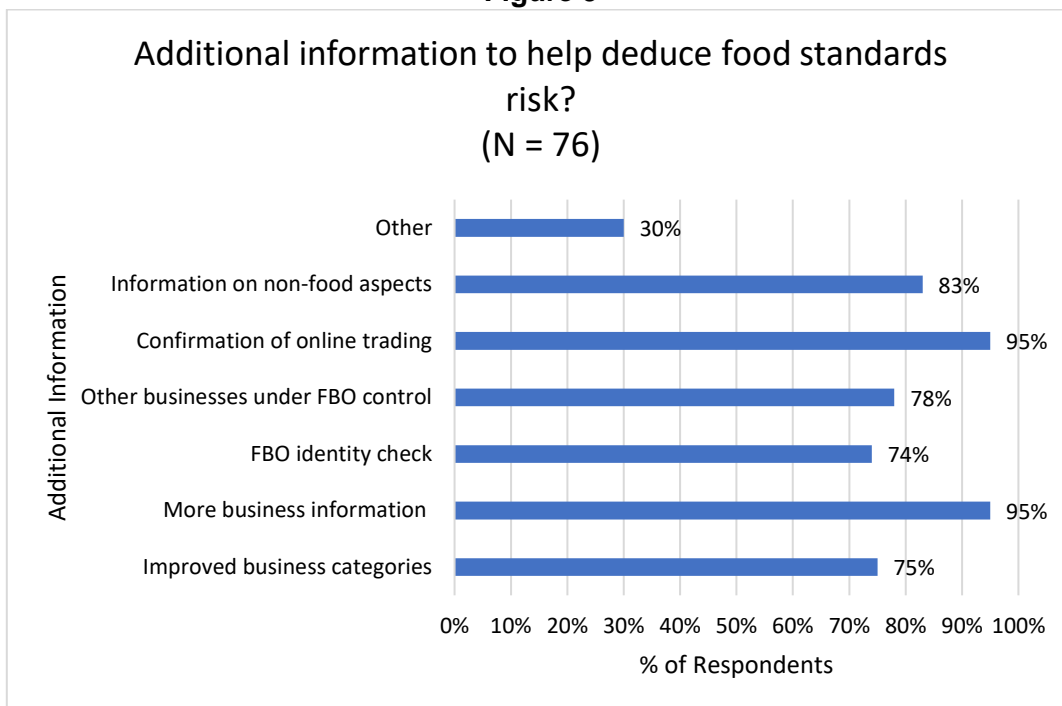
<sup>12</sup> <https://www.uk-osint.net/documents/Agenda%209%20IOM%20v2%20Appendix%20A.pdf>

Figure 8



- 4.9.4. For the 'Other' option, respondents had the opportunity to indicate different issues using free text. The most commonly cited issues under this heading were that the registration form includes insufficient detail to provide an accurate representation of the risk by the business (16%), and a failure of businesses to notify the LA of any changes (10%).
- 4.9.5. Respondents were asked about what additional information, provided at the point of registration, would help to give a better picture of the actual food standards risk posed by a business, as shown in Figure 9, overleaf.

Figure 9



4.9.6. These responses indicate a desire for additional information about food business when they register, to help local authorities prioritise their controls and to identify businesses that may require early intervention.

#### 4.10. Risk Assessment

4.10.1. There are currently three risk assessment schemes which are used to help attribute risk scores to food businesses for the purposes of food standards controls – these are the Food Law Code of Practice intervention rating scheme, the LACORS risk assessment scheme, and the National Trading Standards Risk Assessment Scheme. Whilst the three schemes are broadly similar, attributing scores based on the potential risk posed by a business, the extent to which their activities affect the hazard, the number of consumers who could be affected by non-compliance and the level of confidence the inspector has in the manager/food control system, there are differences in how risk scores are calculated and in the resulting intervention/inspection frequency applied. The schemes also differ in terms of the extent to which they allow for adjustment of the risk score based on local knowledge and the experience of the officer following an inspection.

4.10.2. Out of the 104 respondents who answered this question, the FLCOP scheme is the most widely used, with 64% using the FLCOP intervention scheme to risk assess businesses under their control, as opposed to 14% for the NTS scheme, 7% for the LACORS scheme, and 14% who employ a combination of the above to achieve a risk rating for food businesses in their area.

4.10.3. A recent IPSOS MORI report on risk rating intervention systems for food businesses in the UK<sup>13</sup>, which drew findings following research conducted with FSA representatives, food and non-food regulators from the UK and abroad, and representatives of industry, identified a number of perceived issues with the current FLCOP risk assessment scheme, including:

- LAs view the food standards intervention scheme as not being fit for purpose, and argue that compliance with FLCOP requirements diverts resources away from intelligence led work
- The risk assessment methodology often creates a homogenous group of establishments which does not reflect reality.
- Officers described having to adopt prioritisation strategies for their resources, meaning that for lower risk establishments prescribed intervention frequencies often do not happen in accordance with FLCOP requirements.
- Discussions with LAs and food industry representatives highlighted that some business assigned an A or B risk rating which are potentially high risk due the nature of their operations are possibly seen too frequently, despite having strong risk controls in place.

4.10.4. Where food standards controls are delivered by trading standards officers, there may be benefit to using the NTS or LACORS risk assessment scheme, as these are not restricted to food-related risks, and include consideration of non-food matters such as weights and measures and fair trading when attributing a risk score to a business. That said, the NTS and LACORS schemes are no longer being maintained: LACORS no longer exists as a body, with the LACORS scheme last updated in 2004, whilst the NTS scheme is no longer supported by ACTSO<sup>14</sup>, and was last updated in 2013. As such, these schemes may become less accurate and less relevant over time, as the nature of food businesses, the risks they pose and how they operate changes.

4.10.5. Respondents were asked to rate how effective they felt the risk assessment scheme they use is in terms of helping to assign resources based on the actual risk posed by a business, using a scale of 1 (not effective at all) to 5 (extremely effective). The average rating given to each scheme by respondents was broadly similar, however those using the LACORS scheme rated it least effective (mean = 2.6, SD = 0.9759, N = 7), whilst the FLCOP and NTS schemes achieved the highest average rating of 2.9 (FLCOP: SD = 0.8573, N = 67, NTS: SD = 0.8338, N = 15).

#### **4.11. Food Law Code of Practice Compliance**

4.11.1. Respondents were asked to state the proportion of due inspections carried out by their LA at high, medium and low risk food businesses for the financial year 2016/7. The results below were drawn from a total of 65 respondents - some responses to this question had to be discounted as they referred to the actual

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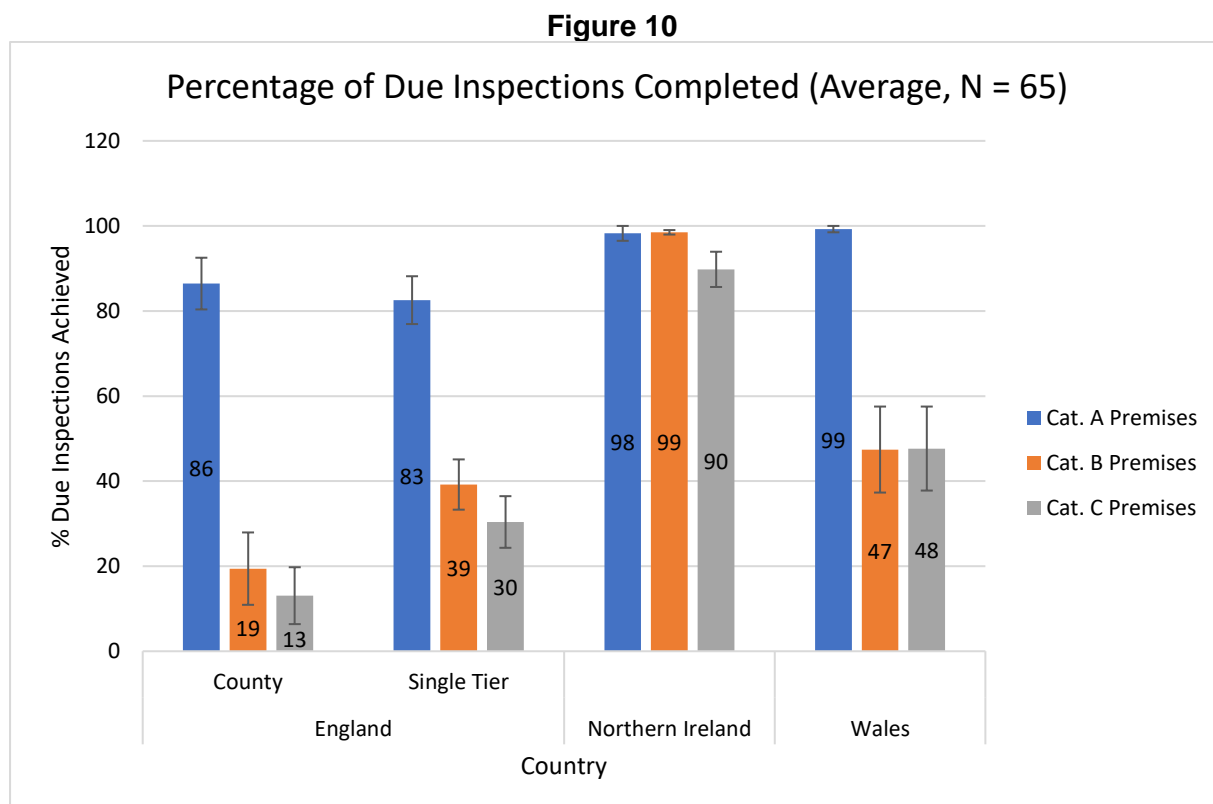
<sup>13</sup> <https://www.food.gov.uk/research/research-projects/modernisation-of-the-risk-rating-system-for-food-establishments-in-the-uk>

<sup>14</sup> Association of Chief Trading Standards Officers



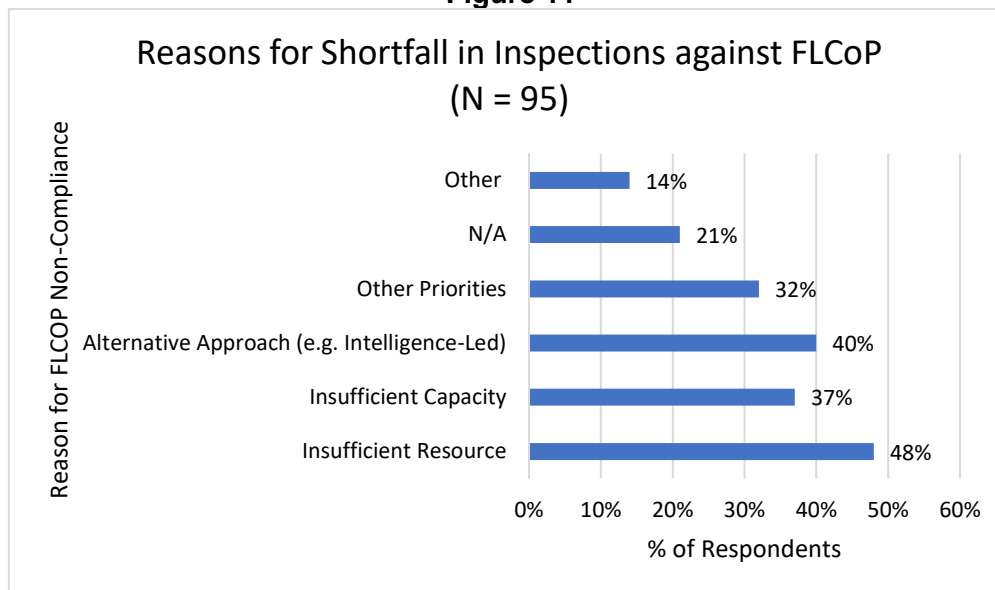
number of inspections rather than expressing this figure as a proportion of due inspections for that year.

4.11.2. The responses indicated that across England, Wales and Northern Ireland, 87% of due inspections at high risk (Category A) businesses were undertaken overall (SD = 28.063), compared to 40% for medium risk (Category B) businesses (SD = 37.300) and 33% of low risk (Category C) businesses (SD = 36.675). This figures are broken down by Country (and, for England, LA type) in Figure 10, below.



4.11.3. These responses highlight both the difficulties local authorities have in fully complying with the requirements of the FLCOP, and the significant variation in performance between England, Wales and Northern Ireland. It is clear that LAs in England and Wales are prioritising their high risk establishments, with shortfalls in relation to completing planned inspections for medium and low risk (Category B & C) rated establishments, when compared to Northern Ireland. The reasons given by respondents for these shortfalls are shown in Figure 11 overleaf.

Figure 11



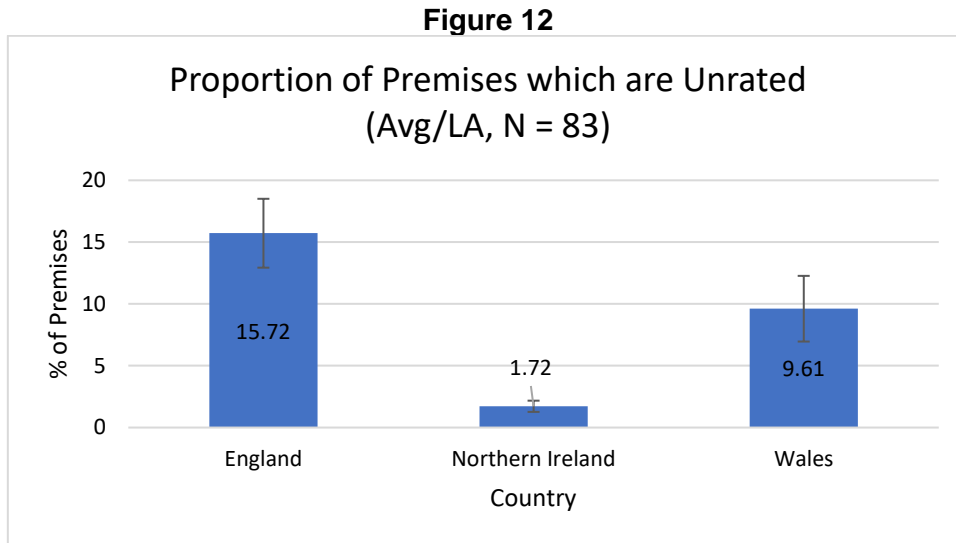
4.11.4. Whilst the most common reason given for the shortfall overall was insufficient resource (48%), for English County authorities the most commonly cited reason was due to alternative approaches to enforcement, for example adopting an intelligence-based approach (79% of 19 respondents). This highlights comments received in the free text response that some LAs do not believe the FLCOP intervention rating scheme (or other risk assessment schemes) ensures the effective targeting of resources at the highest risk establishments, and have therefore adopted different approaches to dealing with food standards risk.

4.11.5. Other reasons given by respondents included aspects related to the delivery of food standards official controls by EHPs (for example technical issues when transferring responsibility, or moving food standards information to a new database), food standards inspections being driven by hygiene risk when combined (meaning that some lower risk establishments for food standards may be targeted before businesses with a higher food standards risk), and a failure of the FLCOP intervention rating scheme to fully take account of all regulatory activities. An example may be where food standards-related Primary Authority<sup>15</sup> activities are recorded within an LAs management information system as 'Primary Authority' work rather than as official food standards controls, and are subsequently not reported through the Local Authority Enforcement Monitoring System ('LAEMS').

4.11.6. The FLCOP requires that an initial food standards inspection is carried out within 28 days of the business registering/commencing to trade. Respondents were asked to identify both the number of registered food establishments within their LA, and the number of unrated food establishments, where known. As a food business is given a food standards risk rating following its first inspection, it is to be expected that any unrated

<sup>15</sup> <https://primary-authority.beis.gov.uk/about> - Scheme whereby businesses can form a partnership with a local authority to provide a single point of contact for advice, which other local regulators must respect.

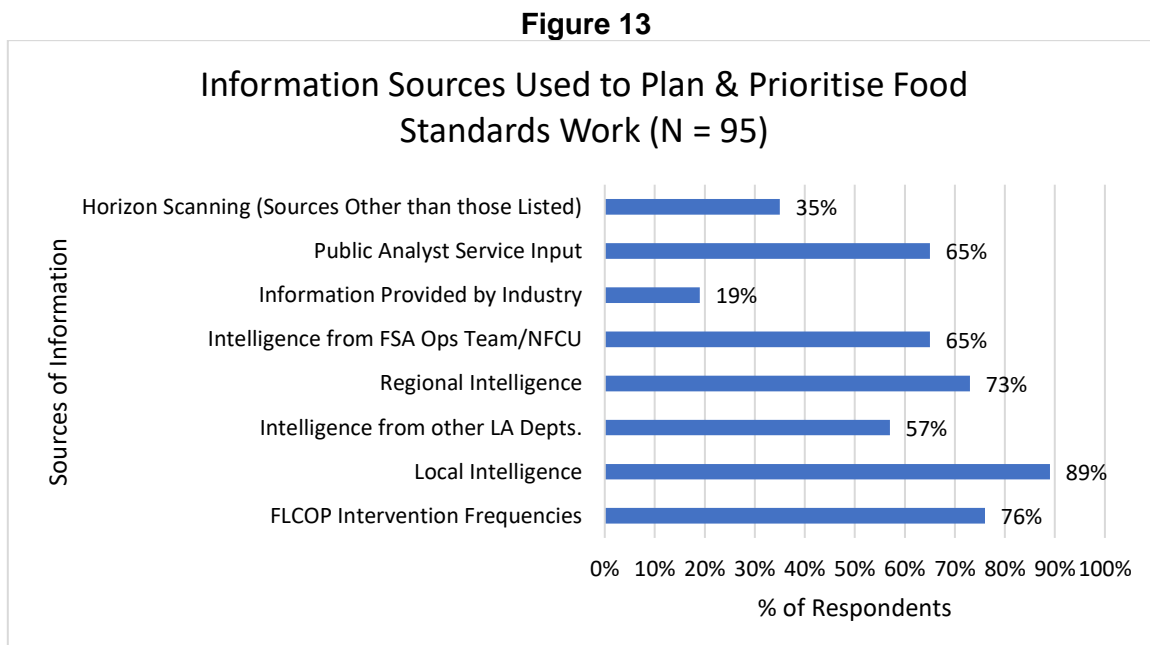
businesses have yet to receive their initial food standards inspection. Figure 12 shows the number of unrated establishments expressed as a percentage of the total number of registered establishments by country, where both figures were provided.



4.11.7. Figure 12 demonstrates that the number of unrated establishments is higher in England than in Northern Ireland or Wales. Within England, there is variation between individual authorities, with 16% of respondents indicating that less than 1% of their food establishments were unrated, whilst 10% indicated that over 50% of their registered food businesses had not been risk rated (N = 63, SD = 22.123).

#### 4.12. Sources of Information

4.12.1. Respondents were asked about the information sources they use to help plan and prioritise their food standards work.



- 4.12.2. Whilst 95% of respondents stated that intelligence was used to plan and prioritise their work in some form (whether local, regional or national), this approach is not fully integrated into the FLCOP risk assessment scheme.
- 4.12.3. 57% of respondents indicated that they use intelligence from other LA departments, for example Licensing and Growth teams, indicating the importance of effective communication within LA structures to help identify non-compliant businesses and those in need of assistance.
- 4.12.4. 65% of respondents stated that they use information from the Public Analyst service to help plan and prioritise their work, however this service is also currently experiencing a reduction in resource. There are currently 8 LA and 2 private Public Analyst laboratory services in operation across the UK, compared to 15 LA and 2 private laboratory services in 2010.
- 4.12.5. The National Food Crime Unit ('NFCU'), established in 2015 as a result of recommendations made in the Elliott Review<sup>16</sup>, is a criminal intelligence function within the FSA which provides national leadership and coordination on food crime, working with local authorities and other law enforcement agencies. 68% of 96 respondents stated that they have shared intelligence with the National Food Crime Unit ('NFCU'), however of these only 49% received feedback following the submission of intelligence from the NFCU or other enforcement partners. 19% of 95 respondents indicated that they had received intelligence packages from NFCU, of which 22% resulted in successful enforcement action being carried out.
- 4.12.6. Having discussed the flow of intelligence from the NFCU with a number of regulatory officers during engagement activities, the primary reasons given for the relatively low proportion of intelligence packages resulting in successful enforcement action were a lack of resource or capacity to deal with the issue, local priorities (i.e. if the intelligence points to a national issue, the LA may not deem it to be in local consumers' interests to devote the amount of time and effort needed to pursue a complex case), and insufficient intelligence to trigger action, in consideration of the LA's own enforcement policy threshold.
- 4.12.7. The NFCU has recently received approval to move to Phase 2 of its development, at which time its capabilities will increase, and the unit will be empowered to pursue cases relating to food crime rather than relying on LA enforcement, as is currently the case.

#### **4.13. Food Sampling**

- 4.13.1. Food sampling is an essential pillar of food standards surveillance activities, helping to identify issues which may not otherwise be discovered on inspection, for example determining speciation in meat products and identifying allergens present in food products. Food sampling activity is also an important source of intelligence, indicating trends and product-related issues which may be found

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<sup>16</sup> <https://www.gov.uk/government/publications/elliott-review-into-the-integrity-and-assurance-of-food-supply-networks-final-report>

on a wider scale. Figure 14 (overleaf) shows the total number of food samples submitted to the Public Analyst over the period 2014/5 to 2016/7, as provided by the 93 respondents who answered this question.

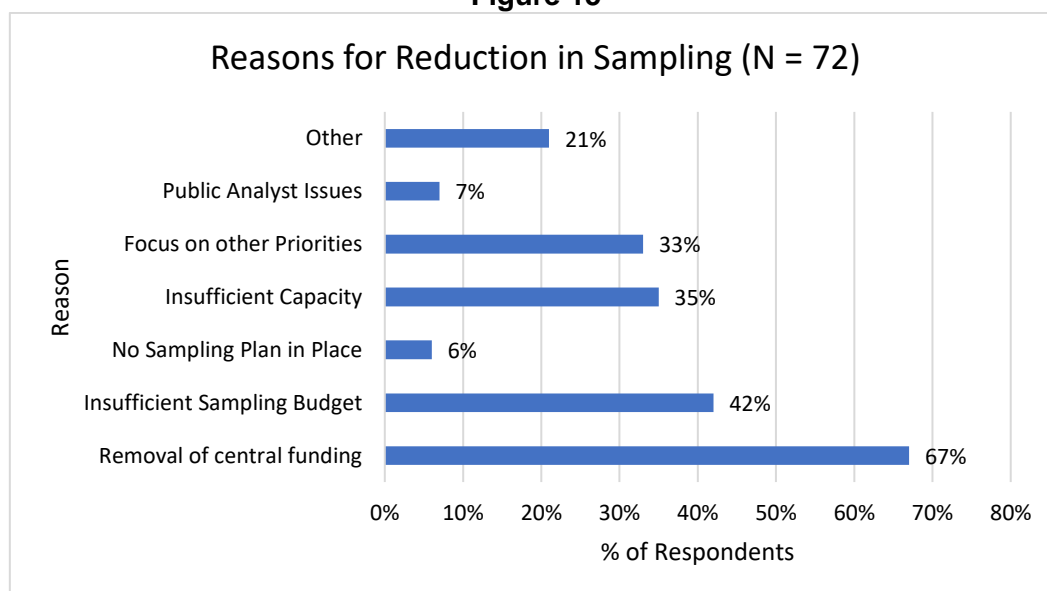
**Figure 14**

Country	Sample Numbers by Financial Year			% Change (2014/5 compared to 2016/7)
	2014/5	2015/6	2016/7	
England	8195	7263	7017	-14%
Northern Ireland	1265	1549	1385	9%
Wales	1011	944	889	-12%
E/NI/W (Combined)	10471	9756	9291	-11%

4.13.2. Whilst these figures demonstrate that there has been a slight reduction in sample numbers in England and Wales up to the end of March 2017, LAEMS figures for 2017/8 show further reductions in the number of food standards samples following the removal of central funding, with a 22% reduction in samples submitted for compositional analysis and a 15% reduction in samples submitted for labelling and presentation analysis across E/W/NI compared to LAEMS figures for 2016/7.

4.13.3. Where sample numbers had reduced, respondents were asked to identify the reasons for this, as shown in Figure 15, below.

**Figure 15**



4.13.4. The main reason given for the reduction in sampling activity was the removal of FSA central funding, with two-thirds of respondents identifying this as a reason. In free text responses provided to this question, a number of respondents stated that their sampling budget would be significantly reduced for the financial year 2017/8, due to the removal of central FSA funding for food standards sampling. One respondent stated that their LA only participated in funded sampling

programmes, and did not undertake locally funded sampling activity. Insufficient capacity within LAs and budget were other common reasons given, with one respondent stating that adverse sample results could be time consuming to follow up. 33% of respondents indicated that the reduction was due to a reallocation of resources based on different approaches to seeking compliance, for example identifying that sampling is intelligence led, meaning that a lack of intelligence received would subsequently lead to a reduction in sampling levels.

- 4.13.5. 6% of respondents stated that their LA had no sampling programme in place, contrary to the requirements of the FLCOP, which states that “Competent Authorities must also prepare a Sampling Programme, which details their intended food sampling priorities.”
- 4.13.6. Respondents were asked how important they felt that access to an adequately funded Public Analyst service is to help ensure the effectiveness of food standards controls. Respondents were asked to give a score between 1 (not important at all) to 5 (extremely important). The average score from 96 respondents was 4.9 (SD = 0.456), which highlights just how essential officers feel that the Public Analyst service is to food standards regulatory activity, not only in terms of sample examination and analysis, but also in providing technical and scientific support, in contributing to the planning of regional food standards activities, and in helping to identify emerging risks which may need to be addressed.

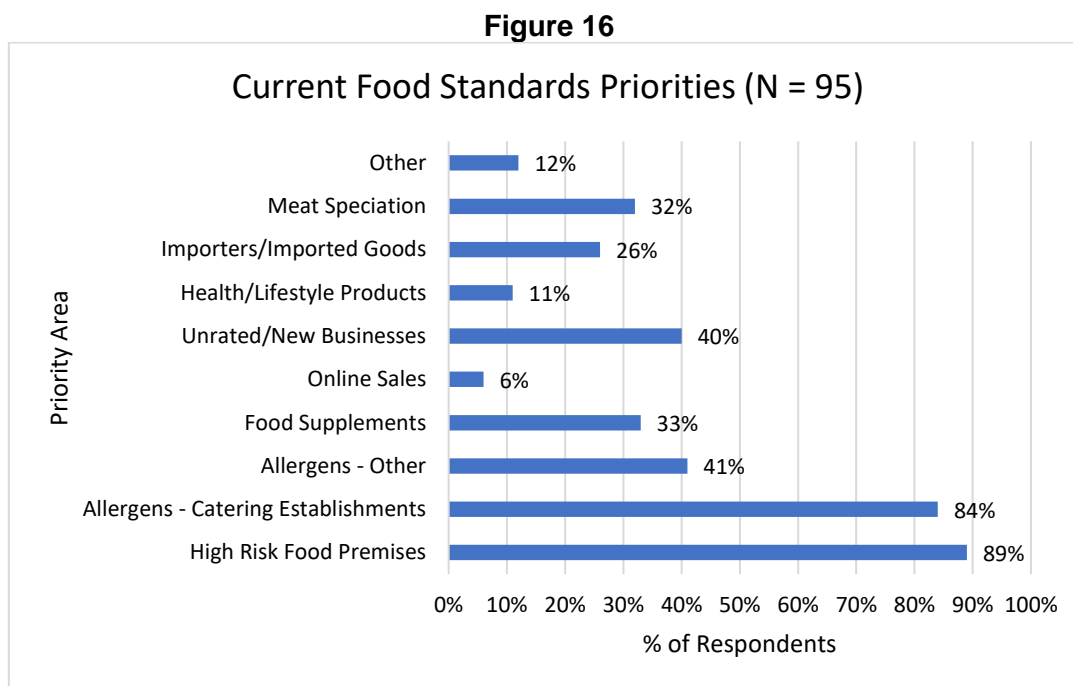
#### **4.14. Regional Groups**

- 4.14.1. 94% of 102 respondents stated that an officer from their LA attends a regional food standards liaison group. 50% of the remaining 6 were respondents from Northern Irish authorities, where there is an agreement that not all LAs will provide representation at all food law enforcement liaison groups to ensure effective use of resource, however priorities and action required are cascaded. Most regional food standards groups have Regional Intelligence Officer ('RIO') presence, making them a valuable conduit to sharing of local & national intelligence
- 4.14.2. Responses highlighted the importance of regional food standards groups as a means to share knowledge & experience and provide consistency in approach & enforcement, particularly as authorities continue to experience reductions in resource, with an increase in environmental health staff who are new to the area of food standards work.
- 4.14.3. Respondents were asked how their regional food standards groups meet. 9% of the 96 respondents who answered this question indicated that their regional group does not meet face to face, with one respondent stating that this approach is “not working effectively and (there is a) tendency for these to lapse. We have insufficient officer resource to warrant extensive travel times for some

regional meetings”. Knowledge Hub<sup>17</sup> and email are used to help facilitate the exchange of information in the absence of, or in addition to, meetings.

#### 4.15. Current Priorities

4.15.1. Respondents were asked to identify the top three current priorities for food standards within their LA. There were 95 responses to this question, however some respondents chose more than three priorities, which have been included in Figure 16 below.



4.15.2 High risk establishments, allergens in catering establishments and allergens (other) were the most common priorities given. Catering establishments, which are food businesses that would ordinarily have a higher inherent risk under food hygiene than under food standards (and would therefore be subject to more frequent inspections).

4.15.3 Non-compliance with allergen requirements can have very serious consequences, and under food standards risk assessment schemes establishments such as takeaways may only be due for inspection as infrequently as once every five years, hence the prioritisation of this important area of food regulation. It is unclear from the survey results whether 'high risk businesses' incorporates only businesses deemed to be high risk under the risk assessment scheme used, or includes other businesses deemed to be high risk by the LA due to other factors.

4.15.4 Unrated establishments were identified as a priority area by 40% of respondents. Having not yet received an inspection, these businesses may be unaware of their obligations under food standards legislation, and may

<sup>17</sup> <https://khub.net/> - online communication tool and information repository which allows regulatory officers to share knowledge and discuss issues in a private setting

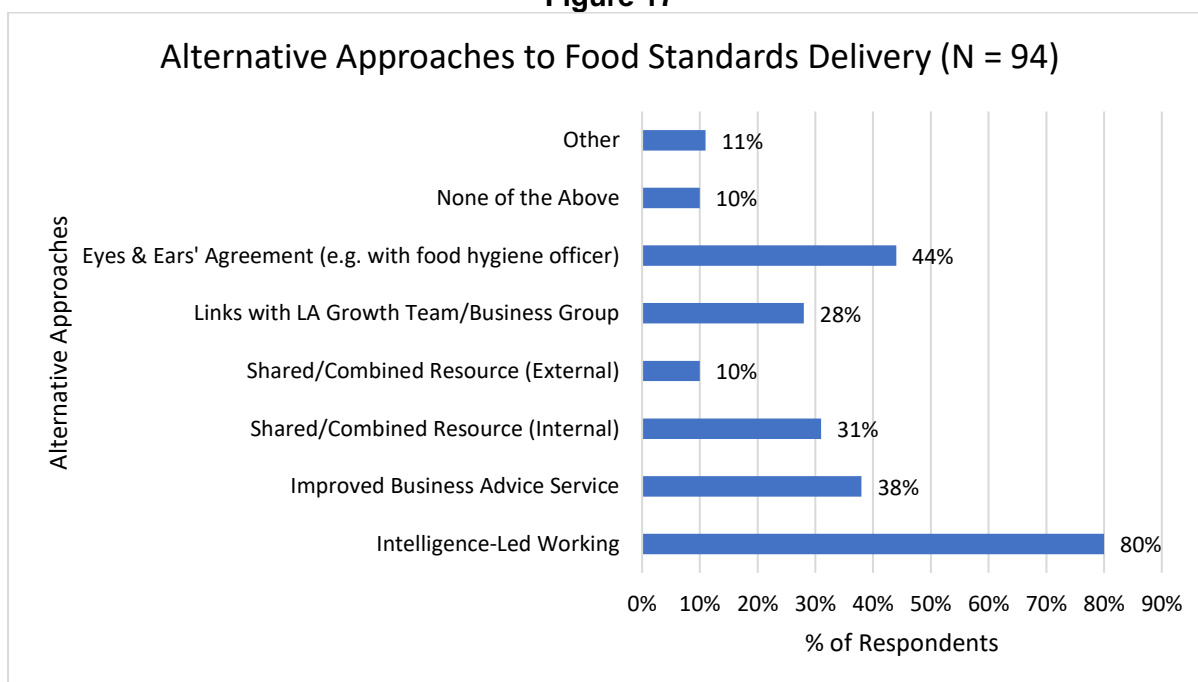
require extensive support and assistance to achieve compliance, however some respondents did state that they considered new food business establishment registrations as they were received, and inspected these on a priority basis depending on the type of business, the activities being carried out and the likely risk posed.

4.15.5 Many of the priority areas identified would require some form of sampling and analysis to determine compliance, such as the identification of allergenic ingredients in take away meals, composition and speciation in meat products, and the use of undeclared prohibited ingredients in food supplements. This further emphasises the need to maintain an effective sampling capability within the regulatory system and for access to an effective Public Analyst service.

#### 4.16 Alternative Approaches

4.16.1 Due to the reductions in resource, many local authorities have had to consider adopting alternative approaches to delivering food standards official controls, including the implementation of intelligence-led working based on the Intelligence Operating Model<sup>18</sup>, developed by National Trading Standards. Respondents were asked about any approaches which had been adopted within their LA, with the results shown in Figure 17, below.

Figure 17



4.16.2 Responses highlighted the prevalence of intelligence-based approaches to food standards work, for example monitoring and prioritising the investigation of complaints received and participating in regional projects, which are not currently fully recognised within the Food Law Code of Practice. 38% of respondents alluded to having an improved business advice service, with 28% indicating that they have forged links with LA economic growth teams or

<sup>18</sup> <https://www.uk-osint.net/documents/Agenda%209%20IOM%20v2%20Appendix%20A.pdf>



business groups, which implies that local authorities recognise the value in helping businesses comply and get things ‘right first time’, reducing the likelihood of formal enforcement action in future, in line with Better Business for All (‘BBfA’)<sup>19</sup> principles.

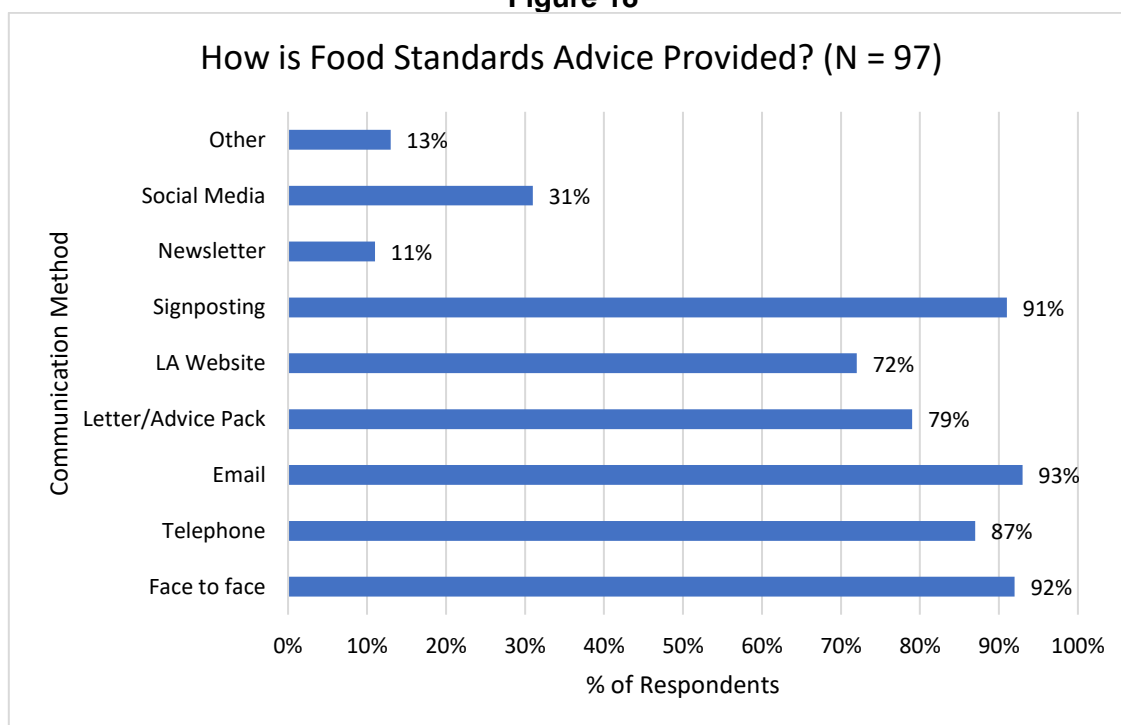
4.16.3 44% of respondents indicated that they have an agreement in place, whether formal or informal, for other officers within their LA to act as ‘eyes and ears’, reporting any issues back which require action. This approach can be particularly useful where LA resources mean that fewer physical food standards inspections are carried out, although its success will depend on the knowledge and experience the inspector has in respect of food standards issues. In the free text responses provided, 6 respondents (6%) indicated that food standards inspections were integrated with food hygiene inspections, where appropriate, within their authority.

4.16.4 10% of respondents stated that their LA has an arrangement whereby they share or combine certain regulatory services with another LA. Again, these arrangements can have benefits in terms of resource and economies of scale, as alluded to in the Local Government Association’s Trading Standards Review<sup>20</sup> 2016.

#### 4.17 Business Advice & Guidance

4.17.1 The survey sought to establish the ways in which local authorities provide advice and guidance to food businesses.

Figure 18



<sup>19</sup> <https://www.gov.uk/government/publications/business-regulation-better-business-for-all>

<sup>20</sup> <https://www.local.gov.uk/lga-trading-standards-review-summary-report>

4.17.2 Figure 18 shows that local authorities utilise a range of communication methods to reach out to food businesses, including social media. One respondent stated that their authority no longer offers any business advice, even chargeable, outside its Primary Authority partnerships. Free text responses included business coaching or training sessions, questionnaires for new businesses to identify their needs, and mutual signposting/referral agreements with LA economic development teams and Growth Hubs.

4.17.3 46% of the 89 respondents from England and Wales indicated that they have at least one Primary Authority partnership covering food standards requirements in place, totalling 322 individual partnerships (scheme does not apply in Northern Ireland). In England, 58% of County authorities have at least 1 partnership in place, while only 26% of single tier authorities have a partnership. This variation may be due to single tier authorities having fewer officers, and therefore less capacity to service partnerships, which can be resource intensive.

4.17.4 Whilst the Regulator's Code<sup>21</sup> requires that regulators ensure "...clear information, guidance and advice is available to help (businesses) comply", this is often limited to signposting to guidance available from other sources, such as the Business Companion or Food Standards Agency websites. Due to the significant resource demands which can arise when providing businesses with specific, tailored advice, many local authorities now charge for this service.

4.17.5 Outside the Primary Authority scheme, which allows local authorities to recover their costs arising from partnership activities, 42% of respondents stated that their LA has some form of cost recovery for the provision of business advice, with a further 10% signalling their intention to begin charging for advice in the near future (N = 96). No Northern Irish authorities currently charge for this service. As with Primary Authority partnerships, the survey results indicated that County authorities are more likely to charge for business advice, with 74% of County Councils in England charging, compared to 36% of single tier authorities.

4.17.6 In terms of charging structure, responses indicate that this can vary significantly between local authorities. Where a charge for advice is made, many authorities will offer a specified period for free (between 30 minutes and 3 hours), then will charge an hourly rate for any advice over and above that. Hourly rates varied from £45 per hour to £80 per hour, although some authorities charge per half hour. Where respondents provided details of their charging structure, the mean hourly rate was £65.67 (N = 28, SD = £9.92). This figure can be broken down by country as follows:

- England: Average hourly rate = £67.51 (N = 23, SD = £9.90)
- Wales: Average hourly rate = £57.20 (N = 5, SD = £4.09)

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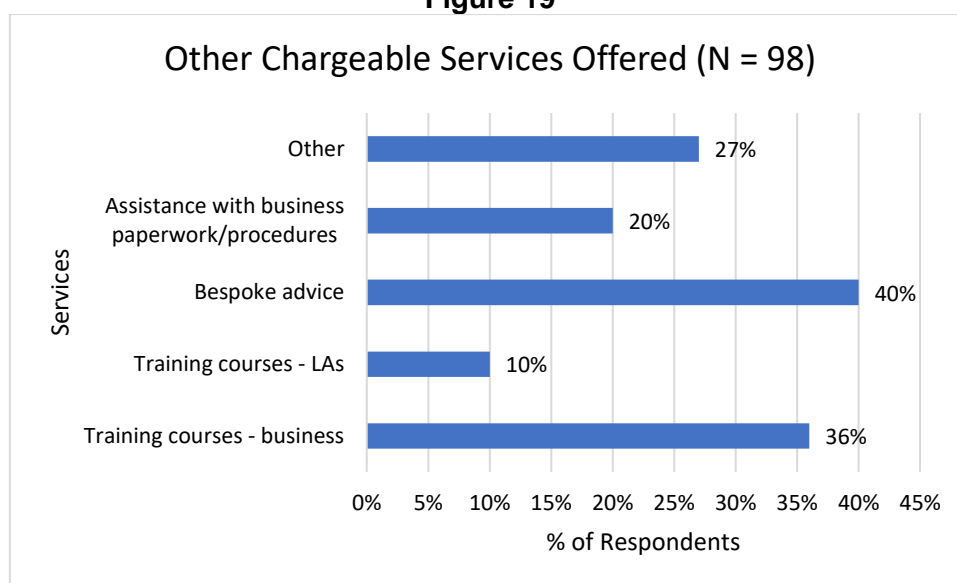
<sup>21</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

4.17.7 The variation in business advice arrangements, particularly considering that many local authorities do not charge at all, while others do not offer any advice service other than signposting to sources of information and guidance, could potentially be detrimental to food businesses, as those located in authorities where charges are levied could be at a disadvantage compared to business who receive the same advice for free.

4.17.8 Respondents indicated that local authorities currently offer a range of other chargeable services to businesses and, in some cases to other local authorities, as demonstrated in Figure 19 below. The majority of free text responses were not related to food standards, including services such as Food Hygiene Rating Scheme revisits, the calibration of weights and weighing and measuring equipment, and the provision of export certificates.

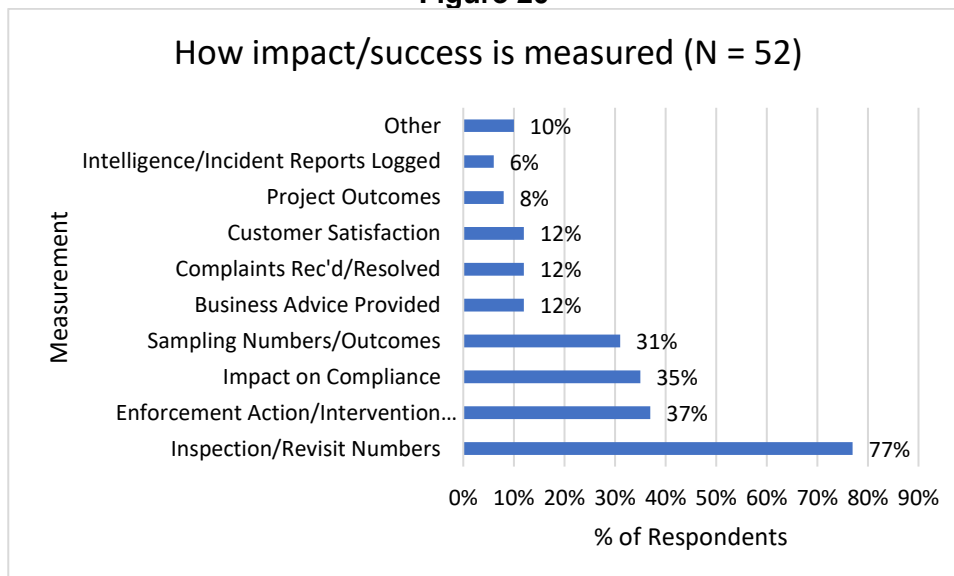
**Figure 19**



#### 4.18 Measuring Impact/Success

4.18.1 The survey sought to establish the ways in which local authorities measure the impact of their food standards work. 54% of the 95 respondents who answered this question indicated that they measure the impact/success of their food standards work. Examining the responses also highlights variation between the three countries, with 75% of Welsh respondents measuring impact compared with 69% in Northern Ireland and 49% in England. To help understand the ways in which impact/success is measured, Figure 20 (overleaf) outlines the variety of methods used.

Figure 20



**4.18.2** Whilst the majority of respondents report on the numbers of inspections and revisits achieved, this measurement can be of limited value as it does not reflect the impact these interactions with business have had, for example on their levels of compliance. Likewise, the next most common measure is in relation to the number of interventions/enforcement actions achieved, however this can again be a limited performance measure, as more compliant businesses should reduce the number of enforcement actions required. This may make it appear that the LA has been less productive, when in fact the increase in compliant businesses means that their interventions have had more of an impact, for example due to an increased focus on business advice.

**4.18.3** Measuring impact can be challenging, and there is no clear recommendation as to how best to do this in relation to food standards work. This aspect is considered in relation to trading standards services in more detail in ‘The Impact of LA Trading Standards in Challenging Times’<sup>22</sup>, a report commissioned by BIS<sup>23</sup> and CTSI, published in March 2015. The report states that “...*there was also recognition and acknowledgement of the considerable difficulties in measuring and quantifying the outcomes and impact of trading standards interventions, most particularly those of a proactive and preventative nature that were intended to avoid harm or detriment for people.*”. From looking at the data there appears to be a lack of recognition of positive impact on business or consumers through food standards work, which could be addressed as Primary Authority and Better Business for All schemes become more widespread, allowing for a more collaborative approach to determining the business benefit achieved by regulatory services.

**4.18.4** Those who indicated that they do measure the impact/success of their work were generally more satisfied with the value placed on food standards issues by their council’s Executive Members than those who do not, with responses

<sup>22</sup> <https://www.tradingstandards.uk/media/documents/news--policy/research/inlogov-15-139-the-impact-of-local-authority-trading-standards-in-challenging-times-r2.pdf>

<sup>23</sup> The Department for Business, Innovation and Skills

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23% higher, on average (see 4.4.2). This indicates that the profile of food standards services could be improved by effective performance measurement, as this enables the benefits of effective delivery to be highlighted to senior council members.

## 5 Conclusion

- 5.1. Analysis of the survey responses has provided a useful baseline assessment of the current delivery model, providing an evidence base in relation to the ways in which LAs seek to fulfil their food standards obligations under FLCOP.
- 5.2. Responses to the survey questions have highlighted a number of issues of concern, which will inform how the FSA seek to improve food standards arrangements within the future delivery model.
- 5.3. There are clear issues around the levels of resource available, however it is unlikely that the levels of resource will increase in the near future. Consideration must be given to maximising the effective use of the resources available and addressing the issues around the flow of appropriately qualified and competent persons into the food standards delivery model.
- 5.4. Recognising the increase in EHPs enforcing food standards, there is a clear need to redefine competency requirements within the workforce, reflected in the FLCOP, and a need to give proper recognition to food standards matters in the curriculum of baseline food qualifications.
- 5.5. Responses have shown the extent to which local authorities have moved from a premises-based approach, focusing on inspection activities in line with FLCOP requirements, and have adopted alternative approaches to achieving compliance and dealing with risk. The FSA needs to ensure that, moving forward, we retain oversight of the delivery model through enhanced performance monitoring and audit, including oversight of LA arrangements in relation to food standards official controls, to enable us to consider any variations in delivery and react to issues in an efficient manner where necessary.
- 5.6. There should be explicit recognition of the increased importance of intelligence in the regulatory system, particularly in anticipation of the progression of the NFCU to Phase 2 of its development. Of utmost importance to the effectiveness of intelligence is the flow of information, both from and to LAs, and it is essential that steps are taken to ensure that information can be shared easily, in good time, and in a secure manner.
- 5.7. Consideration needs to be given to how performance and impact can be effectively measured in relation to the delivery of food standards official controls in a consistent and meaningful fashion, to give credence to the work undertaken by LA EH and TS services, and to ensure that consumers are protected and businesses are supported in ensuring the production of food that is safe and what it says it is.

## 6. Glossary

<b>ACTSO</b>	Association of Chief Trading Standards Officers
<b>BBfA</b>	Better Business for All
<b>CPD</b>	Continuing Professional Development
<b>CTSI</b>	Chartered Trading Standards Institute
<b>EHP</b>	Environmental Health Practitioner
<b>EHRB</b>	Environmental Health Registration Board
<b>E/W/NI</b>	England/Wales/Northern Ireland
<b>FLCOP</b>	Food Law Code of Practice
<b>FTE</b>	Full Time Equivalent
<b>LA</b>	Local Authority
<b>LACORS</b>	Local Authorities Coordinators of Regulatory Services
<b>LAEMS</b>	Local Authority Enforcement Monitoring System
<b>N</b>	Number (of respondents)
<b>NAO</b>	National Audit Office
<b>NFCU</b>	National Food Crime Unit
<b>NTS</b>	National Trading Standards
<b>RIO</b>	Regional Intelligence Officer
<b>ROF</b>	Regulating Our Future
<b>SD</b>	Standard Deviation
<b>TSP</b>	Trading Standards Practitioner
<b>TSQF</b>	Trading Standards Qualification Framework

## 7. Annexes

**Annex I:** FSA Smarter Communications letter

<http://WISDOMLIVE:80/Wisdom/DocumentLauncher.aspx?a=b084faf1-c633-11e8-a510-000d3ab76213> (English)

<http://WISDOMLIVE:80/Wisdom/DocumentLauncher.aspx?a=c6def3ef-c633-11e8-a510-000d3ab76213> (Welsh)

**Annex II:** Survey questions

<http://WISDOMLIVE:80/Wisdom/DocumentLauncher.aspx?a=82dc8648-c633-11e8-a510-000d3ab76213> (English)

<http://WISDOMLIVE:80/Wisdom/DocumentLauncher.aspx?a=94d3a1c9-c633-11e8-a510-000d3ab76213> (Welsh)