Report on the Regulating our Future Pilot to Test the Consistency between Local Authority Interventions and First and Second Party Audit Processes

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1. Executive summary

1.1   A pilot project was carried out between September and December 2016, with the aim of testing the consistency between local authority food hygiene interventions, second party (external) audits and first party (internal) audits. The pilot activities aimed to explore in principle the potential for first and second party audits of food businesses carried out by private sector providers to provide a credible food hygiene inspection regime capable of informing food hygiene ratings (FHRS).

1.2   The pilot was carried out by Bristol City Council, NSF International and Mitchells and Butlers, and was supervised by the Industry Assurance Team of the Food Standards Agency.

1.3   The pilot comprised of 3 key elements:

- A desktop analysis and comparison of relevant legislation and Mitchells and Butlers (MAB) food safety policy.
- Shadow inspections of MAB businesses within the Bristol City Council (BCC) catchment area, in which MABs first (internal Safety Technicians) and second party (external) auditors (NSF) were accompanied by LA officers. Before and after questionnaires were used to gauge changes in the confidence in MAB systems and audit regimes of BCC officers who participated in the shadow inspections.
- Comparison of historical inspection data between BCC and NSF (MABs external audit providers).

1.4   Due to this project's status as a pilot there were a number of limitations. It was based on the findings from one big business within a particular sector, and one local authority. Some areas were out of scope, including the qualifications and competency of the internal and external auditors.

1.5   The MAB food safety policy was assessed against relevant legislative requirements and was found to meet or exceed expected standards.

1.6   The pilot confirmed that there was aligned use of the FHRS Brand Standard and a high degree of consistency between FHRS ratings provided during BCC interventions and those provided during second party audits carried out by NSF. MAB's first party Safety Technicians take a different approach due to their specific role, and there was less consistency between these audits and BCC interventions.

1.7   At the start of the exercise all of the 11 MAB establishments in the pilot had an FHRS rating of 5. Following the shadow inspections there was a change in rating for some of the establishments, including the need for follow-up action and a significant change in FHRS rating for one of the sites. This may have influenced the reported confidence of BCC officers in MAB food safety and audit systems following the pilot as there was a reported downwards shift captured in the post-shadow audit

questionnaires completed. On subsequent review and discussion of the question set, it was suggested that the post exercise question wording may in hindsight have been over simplistic and would not necessarily capture the officers' views on the audit processes themselves as originally intended, rather than the immediate outcome of the visits.

1.8   Anecdotally BCC officers have been very positive about participation in the pilot project, the opportunity provided to experience joint working with the MAB Safety Technicians and NSF, and to witness the processes in place to identify and address non-conformances. All parties involved have also indicated that they are keen to build upon the relationships established through participation in the pilot and intend to continue to share information on compliance of relevant establishments.

1.9   Participation in the pilot has confirmed that all parties want the same things; they are all are striving to ensure that food is safe. The observed consistency between BCC and NSF FHRS ratings demonstrates that there is potential for second or third party audits to provide an alternative inspection regime to those currently carried out by local authorities. However, further work is needed to develop and flesh out options for future models of delivery which continue to ensure independence and adherence to set standards, which were seen by participants as strengths of the current system.

1.10   Discussions around the outcome of the pilot raised some potential areas for further deliberation relating to the development of a new delivery model as part of the wider Regulating our Future (RoF) programme. Whilst outside of the limited scope of this pilot, they have been outlined in 6.2 of this report for further consideration.

2.   Introduction

2.1   The Regulating our Future programme provides the opportunity to reform and improve the current system of food regulation, so we keep making sure that people have safe food, food they can trust, and that it is what it says it is. It involves looking at the whole system, understanding what information is now available from a wider range of sources and how using this can add value to protecting public health and consumer interests. This means developing tailored & proportionate regulation that reflects relative risk, reinforces accountability, and delivers more for public health.

Achieving better outcomes demands working together, with businesses of all types and shapes and sizes, local authorities, trade associations, assurance providers and other parts of government. In developing the programme the FSA is undertaking a number of pilots such as this one, to test the feasibility of ideas and approaches.

2.2   There are five principles underpinning the new model:

1. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of that information.

2. FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses.

3. Regulators should take into account all available sources of information.

4. Businesses doing the right thing for consumers should be recognised; action should be taken against those that do not.

5. Businesses should meet the costs of regulation, which should be no more than they need to be.

2.3   The Food Standards Agency is exploring whether there is potential for food businesses' own food hygiene inspections to play a role in its future enforcement regime. This was discussed during a RoF 'Hot House Event' on the 26th August 2016, and several 'pain points' around the consistency of food hygiene inspections and ratings were raised, including consistency of enforcement, lack of governance over consistency and differing approaches to enforcement actions. Extracts from the 'canvas' produced at the event can be found at appendix 2.

Aims of the pilot

2.4   The purpose of the pilot exercise was to quantify the range and consistency of inspections between EHO, external second party (NSF) and internal first party (MAB Safety Technicians). The pilot would thereby establish whether existing second party audits have in principle, the potential to provide a credible food hygiene inspections

regime to inform Food Hygiene Ratings, and also determine the potential benefits of establishing such a regime to BCC and MAB.

Stakeholders

2.5   The following stakeholders agreed to participate in the pilot:

- **Mitchells and Butlers** (MAB) is a leading operator of pub restaurants within the UK with 1,800 businesses and several well-known brands including All Bar One, Browns, Harvester, and Toby Carvery. MAB has a Primary Authority Partnership with Westminster City Council and has obtained assured advice for its Food Safety Policy.

- **NSF International** is a public health and safety company committed to protecting and improving human health around the globe through the provision of food safety assurance, certification services, training, testing and advisory services to the food industry. NSF services provide consumers with the confidence that what they eat and drink meets or exceeds globally accepted standards of health, safety and provenance.

- **Bristol City Council** (BCC) is a unitary authority with a directly elected mayor. As a food authority it has regulatory responsibilities in over 5000 establishments covering a very broad range of food operations from primary production to manufacturing to catering and retail. With one of the highest premises to officer ratios in the country, Bristol is experiencing significant capacity and budget pressures and is heavily reliant on contractors to help deliver its inspection programme.

2.6   The Food Safety Management System and inspection regime within Mitchells and Butlers is typical of larger companies within the pub restaurant and leisure dining out sectors. Mitchells and Butlers food hygiene ratings are upper quartile within the pub restaurants sector. An overview of the MAB Food Safety Management system is shown in appendix 3.

2.7   Whilst it is recognised that one company, assurance provider or local authority will never be fully representative of their sector, these particular organisations are amongst the largest within their respective sectors and provided a solid framework for the pilot.

3. Description and approach

Scope of the project

3.1 The Regulating our Future, 'Hot House Event', held on the 26th August 2016 agreed the following scope for the pilot.

Scope	
In scope • Real world mini trial • Shadow visits comparison between EHOs, 1st or 3rd party audits • Access to data – greater understanding by LA of Big Business (BB) • Compare & contrast the entire data-sets • Share 1st party data • Shared definitions • BB data • Policy – procedures • Use of NSF/ST reports for the 12 sites x2 • FSA-LA: assure business processes • Audits reviewed against NFHRS (assured scheme?) • LA (review) BB FSA • Quantify time/resource saving in business • Joint visits LA-BB • Are all M&B premises doing the same things i.e. ARE they comparable? • Pilot "joint inspection" for consistency	**Out of scope** • H & S • Trading standards • Anything outside of Bristol • Non M&B businesses • Anything outside this financial year • Guest complaints • Qualifications & training of auditors

3.2 MAB operates 13 businesses within the Bristol area, however, 2 of these were closed for refurbishment during the pilot and so 11 were included.

3.3 NSF carries out a minimum of two inspections per annum on behalf of MAB, supported by 'wildcard' audits and re-audits to businesses not achieving the minimum criteria. For the food element of the inspection a predictive food hygiene rating is issued based on the Brand Standard. Each inspection is carried out to an inspection plan which measures non-compliance to the company's food safety policy. The inspection covers food safety, fire safety and health & safety and should take 3.5 hours to complete. For the purposes of the pilot, only the food safety element was included and a guide time of 2 hours 45 minutes allocated.

3.4 Bristol City Council has rated all MAB businesses a 'D rating' under the Food Law Code of Practice[1] intervention rating scheme. This means the establishments are considered to be lower risk and are assigned an intervention frequency of every two years. BCC uses contractors to undertake these inspections. All establishments

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[1] For more information on intervention ratings see https://www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015/5-6-food-establishment-intervention-rating-schemes

had an FHRS rating of 5 at the start of the project. This is the top rating in the scheme and means the business is rated as being 'very good' by the local authority[2].

3.5   Three years' historical food audit data from NSF inspections was used for analysis. NSF carry out 2 inspections per annum plus revisits for the businesses scoring less than a 4 rating.

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[2] For more information on FHRS see https://www.food.gov.uk/multimedia/hygiene-rating-schemes/ratings-find-out-more-en

Approach

3.6   The project consisted of three stages:

STAGE	OBJECTIVE	METHODOLOGY
Stage 1 A gap analysis of the Code of Practice and EC. 852/2004 and the Mitchells and Butlers Food Safety Policy.	To establish whether the MAB Food Safety Policy provided an adequate platform for compliance with EC. 852/2004. If not, then the pilot would stop at this point.	A desktop analysis of the MAB Food Safety Policy was carried out by Bristol City Council to ensure that it met the requirements of EC 852/2004 and the Food Safety and Hygiene (England) Regulations 2013. MAB provided their own 'gap analysis' to BCC to assist.
Stage 2 Shadow inspections of MAB businesses within the BCC catchment area by Environmental Health Officers from Bristol City Council, Auditors from NSF and Safety Technicians from Mitchells and Butlers.	To identify the consistency of the NSF and MAB inspections and to establish confidence in their findings. Only if Bristol officers had a good level of confidence in the NSF and MAB inspections would the pilot proceed to stage 3. Confidence was measured by pre-inspection and post-inspection questionnaires.	Shadow inspections were carried out to a pre-planned programme using an auditor brief and a standard visit capture form (Appendix 4, 5 and 6). Eleven MAB businesses were used in the pilot. Before and after questionnaires were completed by the officers participating in the pilot to gauge their level of confidence.
Stage 3 Comparison of historical data of audits/interventions at MAB businesses from both NSF and BCC between 2013-2016.	To establish if there is consistency in ratings and inspection findings by BCC and NSF.	Desktop analysis of inspection data from NSF and BCC of the 11 establishments included in the pilot survey.

4. Outcomes/outputs

4.1 The Hot House event identified some desired outcomes and possible key performance indicators for the pilot. These, and achievement against them are set out in the table below.

Outcomes	Measures (KPIs)	Achievement
Reduction in range of 1st & 3rd[3] party disparity.	Aligned FHRS	• Consistency noted in FHRS ratings between BCC and NSF external audits. • First party internal audits were less aligned. By their nature scores are more severe as the food safety technician's role is to improve sites that have issues with compliance.
Alignment in COP, policy, question set (assured advice).	Major & minor non-compliance Risk weighting (desktop) COP risk rating score	• Desktop comparison confirmed that the MAB safety policy is aligned to 852/2004 and the Food Safety and Hygiene (England) Regulations 2013. • MAB safety policy goes above legal requirements.
LA confidence increased in 1st & 3rd party audit.	Survey results	• Audits revealed compliance issues at some of the sites. • The results of the pre- and post-shadow audit exercise indicated a decrease in confidence. • The wording of the question may have prompted officers to consider the local compliance of the business in their response rather than assessing confidence in the overall process and outcomes from MABs food safety systems and audits.

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[3] To note that during the course of the pilot, the terminology relating to the definitions for first, second and third party audits were refined, and references to third party in the Hot House canvas and the survey questions in appendix 7 would now be defined as second party. These definitions are set out in the glossary in appendix 1.
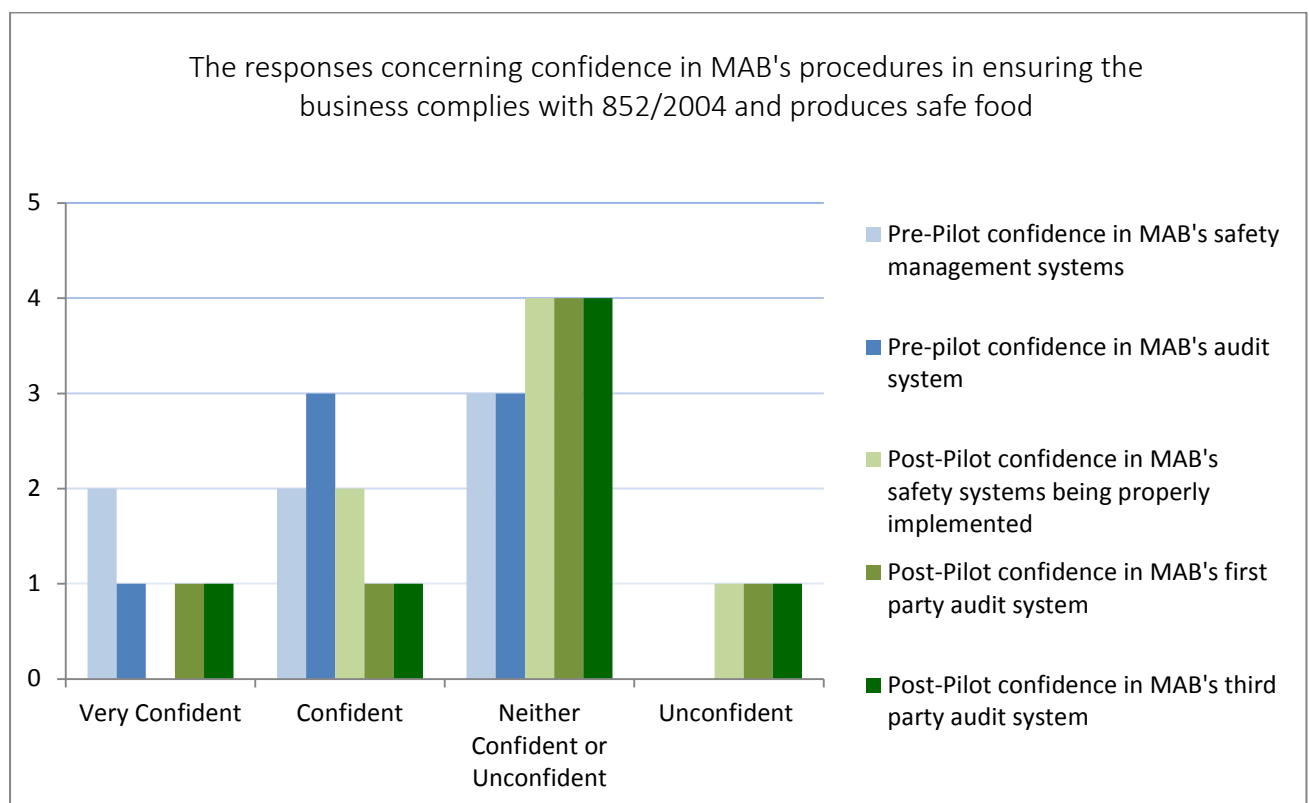
Detailed comments:

Stage 1: The gap analysis

4.2   This exercise did not raise any significant issues. The MAB Safety Policy was found to meet or exceed the requirements of EC 852/2004 and the Food Safety and Hygiene (England) Regulations 2013, and it was confirmed that it provided a suitable platform for compliance. This meant that the pilot could continue from this point.

Stage 2: The results of the shadow inspections at 11 MAB sites.

4.3   The two questionnaire templates can be found at appendix 7. Due to differences in the scope of questions between the pre- and post- shadow audit questions it is not possible to carry out direct comparisons, however it appears that there is a shift towards officers being less confident in MABs food safety management and audit systems post-pilot:

The responses concerning confidence in MAB's procedures in ensuring the business complies with 852/2004 and produces safe food

4.4   Comments from officers before the shadow audit exercise drew upon their previous positive experience from MAB premises inspections and their knowledge of the food safety system in place, although there were comments that any system can only be as successful as its local implementation:

"I would expect that the FSMS for a large company would require standards and practices that comply with legal requirements, but it is the local implementation of that FSMS that will determine whether safe food is delivered."

4.5   Likewise, whilst confidence in the MAB audit system was high, there were non-specific comments made by officers relating to the potential impact of local management and implementation of systems at individual establishments and auditor quality in general. For example:

"It depends on the individual auditing and the individual manager, if both are poor compliance could be poor, if both are competent and thorough it would be ok".

4.6   In relation to the post-shadow audit questionnaire, the comments from officers were clearly influenced by the findings on site. There was a change in rating for some of the establishments, including the need for follow-up action and a significant change in FHRS rating for one of the sites. This appears to have influenced the reported confidence of BCC officers in MAB food safety and audit systems after the pilot and there was a reported downwards shift captured in their completed questionnaires.

4.7 One officer commented:

"The inspector was very able and thorough in the inspection of the premises. The premises has a good history of FH compliance and I am sure this is partly due to the regular internal audits carried out. However I would have expected the joint inspection carried out to confirm the expected high rating of 5 which it did not. I have ticked the confident button because I believe the willingness and sense of responsibility for all parties to move this project forward and ensure food hygiene are apparent".

4.8   Feedback tended to focus on the issues identified on inspection and local implementation of the MAB safety policy rather than the generality of the systems in place, for example:

"First party audits are as much a snapshot in time as LA audits and management and staff changes and turnover may mean that even recent historic inspection data is very inaccurate. Reliant on staff understanding of requirements. Some evidence during audits that monitoring and reporting system slightly flawed and not always able to indicate that out of spec food has been discarded".

"Because day to day responsibility for producing safe food lies with the staff on site and standards can (and do) slip between periodic verification checks. Whilst audits can help maintain standards and identify and address non-compliances they can't "ensure" compliance in their own right".

"It all depends on management and staff understanding and implementation. Some staff were much more knowledgeable than others".

4.9 Both the first party (Safety Technician) and second party (NSF) audits received one similar response that the officer was very confident in the audits following the visits and noted:

"The audits identified the same issues as myself".

Stage 3 – Comparison of historical audit data.

4.10   In general most MAB establishments were found to be consistently compliant throughout the period, averaging a 4 or 5 rating, except for one site with structural issues. However it was clear from the historical data that compliance doesn't stay the same in an establishment and will vary over time. The variance is illustrated in the graphs at appendix 8 of this report.

4.11   With greater exposure and familiarity with the business afforded by the more frequent 1st and 2nd party audit checks, there is more potential for a higher number and wider range of issues to be picked up through these processes than by local authority checks, which are carried out less frequently. This wasn't explored further in this pilot but could be investigated further as part of the RoF programme.

4.12   Consistency between FHRS ratings derived from LA inspections and those carried out by NSF auditors was high. There was inconsistency between MAB safety technicians' ratings and BCC and NSF scores. This may be attributed to MAB auditors working to internal standards that are set higher than the legal minimum. The safety technician's role is to improve standards at non-compliant sites and their ratings are not necessarily equivalent to external audit or LA ratings.

5.   Discussion and Outcome

5.1   In general, from informal discussions, there was positive feedback on the exercise from LA officers and the internal and external auditors, who valued the opportunity to increase their understanding of MAB assurance systems, share good practice and identify ideas for improvement, for example LA officers were keen to explore the potential for use of hand held technology for recording inspection findings. There was an acknowledgement that everyone wants to achieve the same goal – to maintain standards in the interests of protecting consumers by producing food that is safe, and all parties expressed a desire to continue to build on the relationships established by the exercise including the sharing of data. One officer commented after shadowing a first party audit:

"I have a better understanding of what the auditor is looking for and how issues are followed up".

5.2   There was a comment made that the way the questions on both surveys were worded was incorrect, as it asked officers to comment on their confidence that systems and audits *ensured* compliance with legislation:

"I am not sure that the correct question is being asked. I do not think that an audit can ensure food safety. It can verify that standards are being met or not and indicate what actions needs to be taken as appropriate but the ongoing production of safe food is surely the responsibility of the FBO, its management, and the food handlers. I see audits as a tool in assessing whether systems are working as designed and delivering what is required. They will not, of themselves, ensure compliance or production of safe food. If this was the case, then the alteration in ratings seen during the course of the week would be unlikely to have occurred. What the audits have done is identify food safety issues which can now be addressed …".

5.3   The reported confidence in MAB food safety and audit systems captured in the questionnaire completed by BCC officers after the pilot demonstrated a downwards shift. On subsequent review and discussion of the question set, it was suggested that post exercise question wording may in hindsight have been over simplistic and would capture reflections on the immediate outcome of the visits rather than the officer's wider views on the audit processes themselves as originally intended. Further specific exploration of the officers' opinions on the wider processes may have resulted in a deeper appreciation of their confidence in MAB systems following the exercise.

5.4   In addition, officers would not necessarily see what follow-up action is taken in line with the management system unless immediate action was required. This may have led to a more guarded comment on their confidence with the processes in place:

"I would need to see actions and outcomes to form an opinion".

5.5   The development and implementation of appropriate standards was seen as critical to the success of any new delivery model. The current system has a number of strengths, including the benefit of credibility and independence, and it was seen as critical that any new system retains a means of ensuring that interventions remain independent and measures are in place to ensure that second or third party audits are not unduly influenced by other motives such as financial gain or client relationships.

5.6   Participation in the pilot provided the opportunity for discussion around possible ideas for future models of delivery using businesses own assurance systems to varying degrees:

- Wholesale transfer of the current food authority role to third parties;
- Transfer of all routine programmed inspections from the LA to a second or third party; with LAs remaining to carry out reactive work e.g. food complaint and infectious disease investigations;
- Shared responsibility/alternate interventions between LAs and second/third parties;

- Adoption of national inspection strategies under the Primary Authority scheme;
- Private providers to share audit data with LAs to provide an assurance model which recognised that compliant establishments could receive less/no interventions in recognition of their reduced risk. This would require some analysis of actual resource benefits to the LA, taking into account the need to assess the shared data and potential follow-up activities.

5.7 **What worked well:**

- Confirmation and acknowledgement that all parties want the same things and are working towards the same goal of protecting consumers and producing safe food.
- Shared experience between LA officers and first and second party auditors.
- Opportunities for LA officers to assess the practical use of IT tablets to record audit findings etc.
- Joint working and shared enthusiasm between MAB, BCC, NSF and the FSA.
- Defined scope to assist with realistic achievement of activities within tight deadlines.
- Prompt action and collaborative working between MAB, NSF and BCC to act upon non-compliance.
- Opportunity to discuss wider issues for consideration by the RoF programme.
- Willingness for all parties to continue to work closer together in the future and share other data.

5.8 **What didn't work so well:**

- Questionnaire development and consideration of wording to enable effective analysis and direct comparison between the pre- and post-pilot surveys.
- Unexpected findings at the start of the shadow audit programme may have focused officers' opinions onto the outcome of the interventions rather than MAB's processes and the measures in place to address non-compliance.
- The pilot was resource intensive for all participants, and was a challenge to deliver alongside 'business as usual' activities.
- The short planning stage resulted in some inspections being carried out in quick succession by the contractor before the pilot, closely followed by project staff during the pilot.
- The short duration of the pilot resulted in officers being unable to experience the complete first and second party audit processes, in particular follow-up action on any non-compliance found. This may have had an influence on officers' post-pilot reported level of confidence in MAB systems.

6.   Further considerations/recommendations

6.1   Areas of interest emerging from the pilot for potential consideration by the RoF programme:

- Further work on exploring the ideas for future models of delivery within other industry sectors, including businesses that are not part of a chain.
- Exploration of 'gold plating' of company standards which may influence ratings if audits are delivered by second or third parties and potentially 'crowd out' legally mandated core controls.
- Work on the potential loss of independence through use of second or third party auditors, and the impact of this on compliance.
- There is potential for this pilot to contribute to work undertaken by the FSA which is comparing MAB audit data with LA FHRS ratings. This work aimed to use sample data from first and second party audits and to compare these assessments of hygiene standards to those made by LA EHOs during inspections over a similar time period. In particular it considered whether industry auditors and LA EHOs:
  - Rate premises in similar proportions across the different FHRS equivalent ratings;
  - Broadly rate individual premises similarly and, where there are differences, whether there is any systematic bias.
- The pilot focused on the potential benefits of consistency from the perspective of local authority enforcers and big business. The research could be expanded to consider potential benefits to consumers, in line with the RoF principles.
- The outcomes from this pilot could be considered for further development as a RoF pathfinder project, to include further work on approaches to consistency, what consistency will look like in the future, and how this will be communicated.

6.2 Recommendations for further areas for discussion/development that were out of scope for this pilot:

The pilot raised the following matters that were out of scope but may merit discussion/ development as part of the RoF programme:

- Development of an 'app' to more easily feed back LA inspection findings to Primary Authorities and businesses.
- Further consideration of consumer perception of potential alternative models for the delivery of official controls.
- Exploration of the perception of the Primary Authority on potential alternative delivery models and how the Primary Authority scheme could contribute.
- Exploration of the potential impact of second and third party inspections on FHRS, including issues relating to independence of auditors and the impact on display of poor ratings and follow up actions.
- Second and third party audits could potentially produce inspection reports and publish FHRS ratings within the timelines in the Brand Standard, which can present a challenge for some LAs. The potential impact of the incorporation of private sector audit data into the FHRS regime on the frequency and scope of first and third party food hygiene audits could be further considered. In particular, whether publication of the results of private sector audit results might create either incentives or disincentives for food businesses to conduct additional inspections, and if so how these unintended effects might be mitigated.
- The introduction of a permit to trade system and charging.
- The potential impact of national inspection strategies on compliance, FHRS and reduction in inspections by LAs.
- The development of effective standards for second and third party inspections, including auditor qualifications and competence.

7. Acknowledgements

The Food Standards Agency is grateful for the time, resources and input into this pilot by:

- Mitchells & Butlers
- Bristol City Council Food Safety Team
- NSF International.

Appendix 1: Glossary

Brand Standard	This guidance represents the 'Brand Standard' for the Food Hygiene Rating Scheme (FHRS). Local authorities in England and Northern Ireland operating the FHRS are expected to follow it in full.
First party audit	Internal audits where companies audit themselves. First party audits are used to confirm the effectiveness of internal systems of control and are carried out by the companies own employees, hired consultants or contractors. These audits are not independent.
Food Safety Management System (FSMS)	A system that enables food business operators to look at how they handle and produce food and introduces procedures to make sure the food produced is safe to eat.
Food Hygiene Rating Scheme (FHRS)	FHRS helps consumers choose where to eat out or shop for food by giving them information about the hygiene standards in restaurants, takeaways and food shops. The food hygiene rating given to a business reflects the standards of food hygiene found on the date of inspection or visit by the local authority.
Food Law Code of Practice	A Government Code of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation, including the frequency of interventions at food establishments.
Second party audit	External audits usually performed by customers of a company or by others on the customers behalf - they are not totally independent. Audits carried out by bodies having a business association with a company would also be 2nd party audits.
Third party audit	External, independent audits performed by organisations such as certification bodies who are usually paid a fee and formally certify the company against a widely recognised private standard (eg ISO 9001; BRC Global Standard).

Appendix 2: Extracts from the Hot House Pilot Canvas

Pilot Scoping and Planning Canvas – Mitchells & Butlers (part 1)

Scope		Pain Points	Benefits
In scope • Real world mini trial • Shadow visits comparison EMOs 1st or 3rd party audits • Access to data – greater understanding by LA of BB • Compare & contrast the entire data-sets • Share 1st party data • Shared definitions • BB data • Policy – procedures • Use of NSF/ST reports for the 12 sites x2 • FSA-LA: assure business processes • Audits reviewed against NFHRS (assured scheme?) • LA (review) BB FSA • Quantify time/resource saving in business • Joint visits LA-BB • Are all M&B premises doing the same things I.e. ARE they comparable? • Pilot "joint inspection" for consistency	**Out of scope** • H & S • Trading standards • Anything outside of Bristol • Non M&B businesses • Anything outside this FY • Guest complaints • Qualifications & training of auditors	• Consistency of enforcement • Inconsistent approach • Lack of governance over consistency (need checks and balances) • Differences in enforcement in LAs e.g. London vs District (formal/ informal?)	• Less resource required in business • All food "players" on same page • Data is MORE robust & comparable • Consistent enforcement anomalies • 1st party/3rd party data exists on using FHRS • More efficient for all (surely) • Confidence (all) • Confidence / Trust • Clear understanding from all regarding requirements – LA, BB • Allow focus of resources • Improved relationship btw FSA/ LA/BB... • Business can focus resources dealing with poorer premises • Less appeals • Better use of data (access) • Room to find improvement elsewhere in the system • Prioritise resources – more efficient – BB

Enablers	Risks	Mitigating Actions
• Agreement on FOI • Resource M&B, Bristol LA • Time and resource to analyse/ evaluate/ agree • Operational lead and sponsor • Agreement from Bristol to participate • Operational agreement • Variety & quantity of inspections • Data definitions (meta data) • Subject matter experts • EHO buy-in • Understanding from Bristol on M&B audit process & NSF • Timetable of LA inspections to schedule joint visits	Inspection process too far apart	Up-front sense check
	Resistance to change	Briefing & coaching
	Language/ terminology	Glossary of definitions
	Seasonal/ Christmas	Timescale/ milestones & reporting
	Operational risks/ LA	Remove businesses or LA if required
	Unforeseeable risks/ events	Risk register
	BCC availability willingness/ timing	Identify substitutes

Pilot Scoping and Planning Canvas – Mitchells & Butlers (part 2)

Outcomes	Measures (KPIs)	Activities		
		Planning	**Delivery**	**Evaluation**
Reduction in range of 1st & 3rd party disparity	Aligned FHRS	• Form project team • Collect data & review reporting • Kick off meeting (who?) • Inspection timetable (availability) • Open surveys • Logistics • Develop terms of reference • Identify responsibilities	• Common ground & differences • Do inspections • Explore deviations • Assess alignment • Analyse issues (process, people, system) • Explore historic data • Mid survey	• Key insights • Closing survey
Alignment in COP, policy, question set (assured advice)	Major & minor non-compliance Risk weighting (desktop) COP risk rating score			
LA confidence increased in 1st & 3rd party audit	Survey results			

Person	Role	Governance
Pilot PM	Co-ordinate, report, comms, "hub", "glue"	• Terms of reference • Simple governance model • Working group • Independent survey (FSA) • Weekly update calls
M&B Operational data lead	Data reports (review, provide, collate)	
LA, M&B, 3rd party inspectors	Co-ordinate LA inspections, collate results	
LA lead officer		
NSF account manager	NSF set-up & run visits	
Additional resources (data analysis)	Provide analytical support	
Independent reviewer (FSA)	Pull out additional insights/ implications, high level review	
Primary authority	Assured advice	

Appendix 3: Overview of the Mitchells and Butlers Food Safety Management System

Mitchells and Butlers operates a HACCP based Safety Management System designed to ensure that high standards of food safety are implemented and monitored. The system consists of:

- **Food Safety Policy**
  This is an operational manual that deals with the day-to-day running of the business. Food safety hazards, controls, critical controls, critical limits, corrective actions and monitoring procedures are identified for every process step in the business. The critical controls are highlighted in red – within the policy, and these controls are the ones that are monitored.

- **Roles and Responsibilities**
  The role and responsibilities for all levels of employees involved in the supply of safe food are recorded, and communicated.

- **'Cook Books'**
  The critical controls identified within the company's HACCP based safety policy are included within the 'cook books' which detail the cooking procedures for every dish. The 'cook books' are used by the kitchen teams on a day to day basis.

- **Monitors & Due Diligence**
  All critical controls are monitored and results recorded electronically with corrective actions where necessary, using the company's own data systems. All kitchens have a PC tablet device for this purpose.

- **Safety Training Policy**
  A comprehensive Safety Training Policy is in place for all levels of employees, training is based on their job role and responsibilities and the food risks they manage.

- **Second Party Inspections**
  A second party inspection body is used to validate that the Food Safety Management System is working. Businesses are visited twice a year on a random, unannounced basis. Businesses are rated in line with the FHRS guidance (0-5) and are targeted to achieve a minimum 4 rating. Businesses scoring less than 4 receive coaching support and are revisited. The audit question set mirrors the HACCP based safety policy.

- **Coaching Support**
  The company employees 11 internal 'Safety Technicians', whose

role is to provide coaching and support to businesses not achieving the company target rating of 4 or 5.

- **'Training Shorts'**
  A series of 'training shorts' which mirror the second party audit question set are also used to provide corrective training once a non-compliance has been identified.

- **HACCP Team**
  The Food Safety Management System is under the supervision of a multi-functional 'HACCP Team'. The HACCP team constantly monitors the safety system and keeps it under review on an ongoing basis; high risk processes are referred to the HACCP team by Food Development, Safety Assurance or Marketing. The HACCP team is sponsored by the Company Secretary and General Council and reports its findings to the Executive Committee, it provides assurance that the safety system remains effective and makes recommendations for changes where appropriate.

- **Primary Authority Partnership**
  The company has a Primary Authority Partnership with Westminster City Council for its Food Safety Management system. Review meetings are held every two months.

Appendix 4: Auditor Brief

Regulating our Future Pilot - Mitchells and Butlers & Bristol City Council

Stage 2 – Shadow Audit Brief

Stage 2 Completion Dates	**Monday 31st October - Friday 4th November 2016**
Visit Duration	Time on site to complete inspections/audits will be in line with the normal inspection/audit protocol of the **Lead Inspector**. The NSF led inspections will last for approx 2 hours 45 minutes.
Access Times	09:00 – 17:00 Monday to Friday
Announced/ Unannounced	All visits are to be **UNANNOUCED** to the business sites. Senior operators in MAB will be briefed and will agree this audit brief.
Allocation	The allocation of sites to inspectors has been agreed and arranged through MAB, see RoF Pilot Inspection Programme Schedule.
Stage 2 Pre Inspection	All visits will be completed in pairs consisting of a **Lead Inspector** and a **Shadow Inspector**. **DATE** - Visit dates for the sites will be based on the agreed schedule. **TIME** - The start time of the visit will be agreed between the **Lead Inspector** and **Shadow Inspector** and fall in line with the Lead Inspector's normal inspection protocol. **PRE READ** – The **Lead Inspector** will share the previous inspection/audit history and other appropriate information with the Shadow Inspector prior to the visit in line with their normal inspection protocol. This information can be shared in a short meeting just prior to the visits start.
Stage 2 Inspection/Audit	The Lead and Shadow Inspector will meet at the business on the scheduled date at an agreed meeting point outside the business site. During visits the Lead Inspector will dictate • the flow and structure of the visit • lead any questioning of site staff • review of documentation • follow their normal visit procedures. The Shadow Inspector will aim to be a silent observer of the visit however it is agreed that where there are points that need to be discussed or clarified the Shadow Inspector can interject.

Stage 2 Audit Write up and FHRS	On completion of the visit the Lead Inspector will write up the inspection/audit in their normal manner whether this be on site during the visit or off site at a later time. In the case of the later then the timescale for completion will be shared with the Shadow Inspector in advance but this should be completed no more than 7 days from the visit. On completion of the visit both the Lead Auditor and Shadow Inspector will complete a 'RoF Pilot FHRS Capture Form' to document their FHRS formulation with justification and list any areas of non-compliance that were identified during the visit.
Stage 2 Visit Information Sharing	On completion of all visits copies of the supporting information • 'RoF Pilot FHRS Capture Form' Appendix 1 completed by Lead Inspector • 'RoF Pilot FHRS Capture Form' Appendix 1 completed by Shadow Inspector • Lead Inspectors Report Should be emailed within 7 days of completion.
No Access Procedures	In the event that the Lead and Shadow Inspector cannot access a business for inspection, a call shall be made to the MAB contact for a decision to be made on how to proceed.
Stage 2 Visit Follow up	Any businesses with a rating of less than 4 are to be reported for a follow up Safety Technician visit.

Appendix 5: Shadow audit programme schedule

ROF Pilot Shadow Inspection Programme

No	Day	Date	Businesses	EHO	NSF	Safety Technician
1	Monday	31-Oct	Site 1	Officer 1	**NSF Auditor 1**	-
2	Monday	31-Oct	Site 2	**Officer 2**	NSF Auditor 3	-
3	Tuesday	01-Nov	Site 3	Officer 3	**NSF Auditor 2**	-
4	Tuesday	01-Nov	Site 4	**Officer 4**	NSF Auditor 1	-
5	Wednesday	02-Nov	Site 5	Officer 5	**NSF Auditor 3**	-
6	Wednesday	02-Nov	Site 6	**Officer7**	-	Technician 1
7	Wednesday	02-Nov	Site 7	-	NSF Auditor 3	**Technician 2**
8	Thursday	03-Nov	Site 8	**Officer 5**	NSF Auditor 1	-
9	Thursday	03-Nov	Site 9	Officer 3	-	**Technician 2**
10	Friday	04-Nov	Site 10	Officer 8	**NSF Auditor 2**	-
11	Friday	04-Nov	Site 11	**Officer 2**	-	Technician 3

The lead inspector is shown in bold

Appendix 6: Audit Visit Capture Form

Form completed by				
Lead Inspector		**Shadow Inspector**		
Site Name		**Visit Date**		

		Score	Inspectors Justification
FHRS	Score for compliance with food hygiene and safety procedures		
	Score for compliance with structural requirements	I	
	Score for confidence in management		

	Legal Requirements	Recommendations	Policy (NB Only relevant for MAB/NSF)
List of any issues of non-compliance identified during the visit.			

Appendix 7: Pre/post questionnaire templates

Pre Pilot Survey

Mitchells and Butlers (MAB), Bristol City Council (BCC) and the Food Standards Agency (FSA) are developing and delivering a pilot as part of FSA's Regulating our Future programme. The pilot will investigate the level of consistency between local authority (BCC), first party (MAB Safety Technicians) and third party (NSF under contract with MAB) food hygiene inspections. The pilot will take place during September and December 2016.
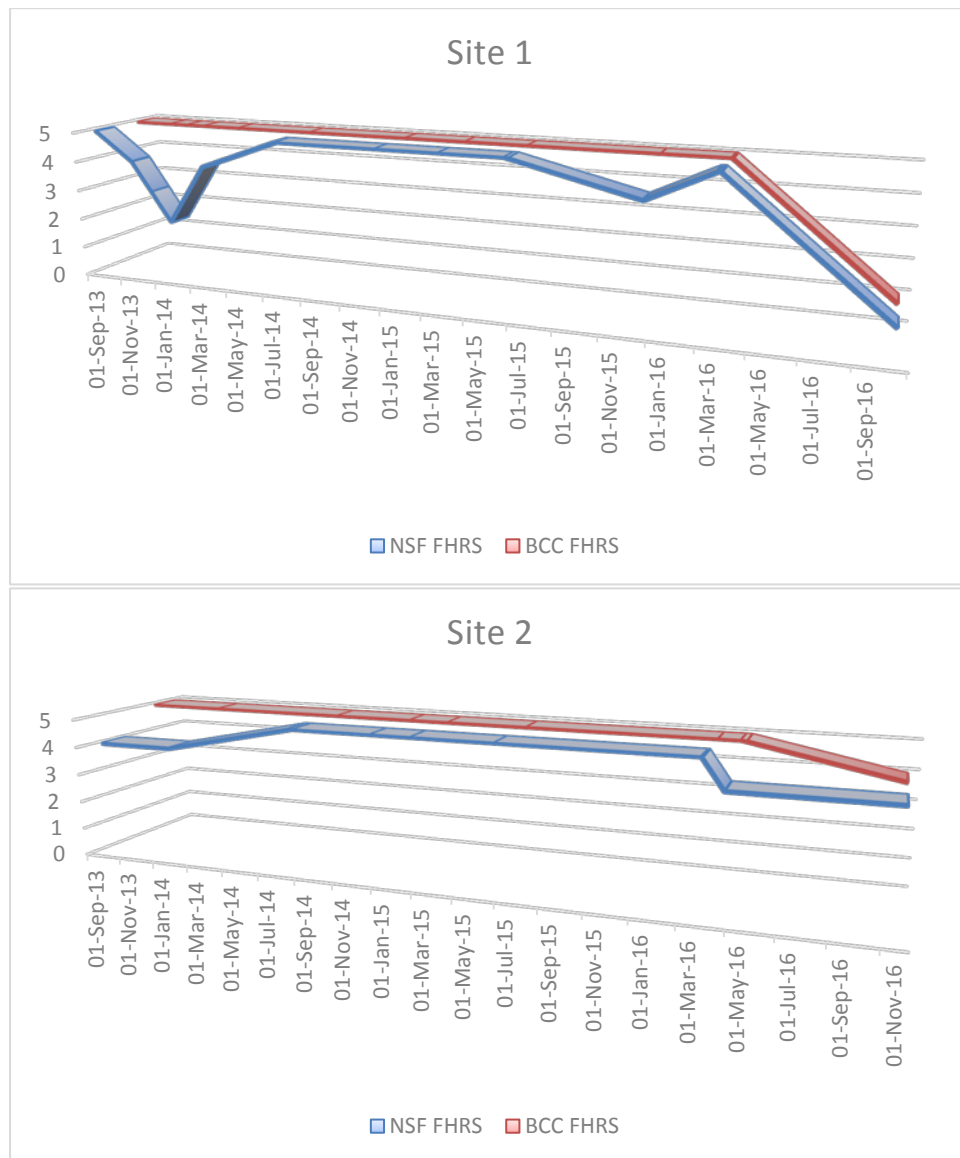
As part of the pilot we are carrying out research into the levels of general confidence BCC's authorised food (hygiene) officers have that MAB's first and third party audit systems ensure the business complies with 852/2004 (including Article 5) and produces safe food. The survey results will help future decision making in this area. All the information we collect will be kept in the strictest confidence and used for research purposes only.
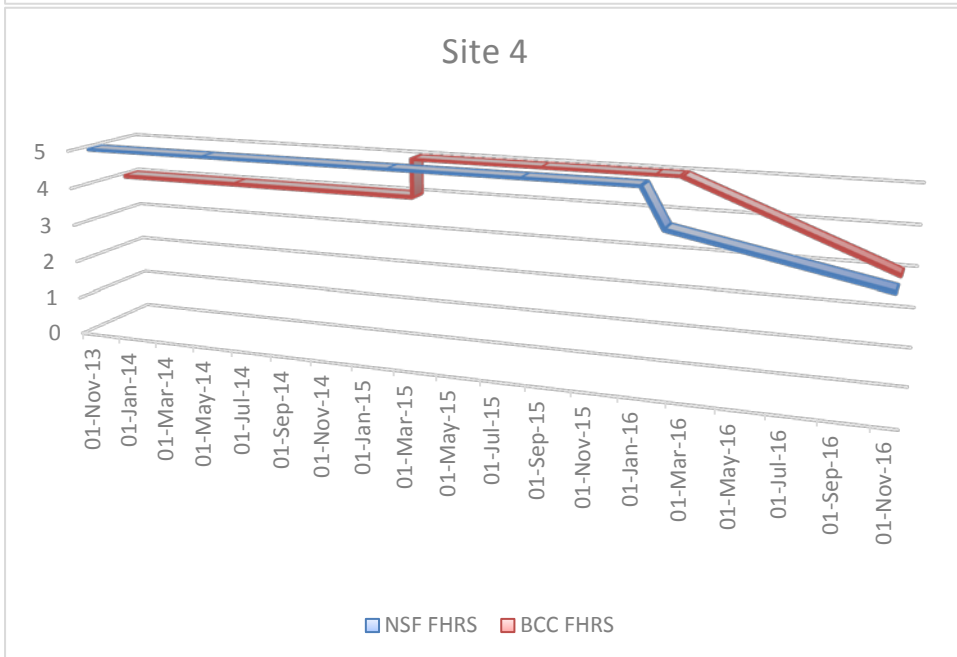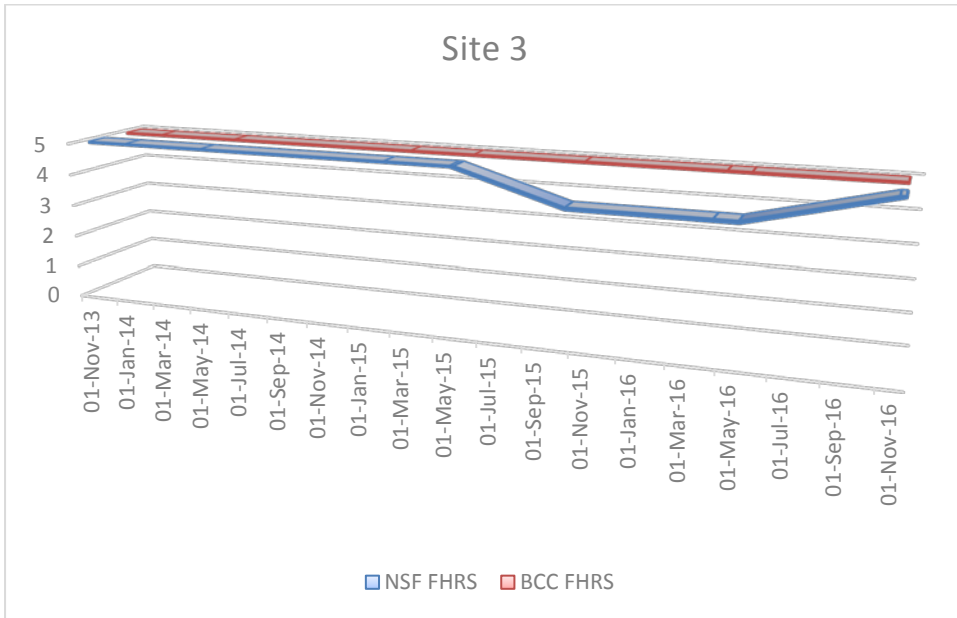
Are you happy to continue?

1. How confident are you that MAB's safety management system ensures the business complies with 852/2004 and produces safe food – (Very unconfident), (Unconfident), (Neither confident nor unconfident) – (Confident) – (Very confident).
2. Could you explain why this is (fee text answer)
3. Were you aware that MAB have an audit system in place as part of their safety management system (if no to Q4 if yes to Q5
4. What do you think the audit system includes (free text answer)
5. How confident are you that MAB's audit system ensures the business complies with 852/2004 and produces safe food – (Very unconfident), (Unconfident), (Neither confident nor unconfident) – (Confident) – (Very confident).
6. Could you explain why this is? (free text answer)

Appendix 7 Cont.

Post Pilot Survey

Mitchells and Butlers (MAB), Bristol City Council (BCC) and the Food Standards Agency (FSA) are developing and delivering a pilot as part of FSA's Regulating our Future programme. The pilot will investigate the level of consistency between local authority (BCC), first party (MAB Safety Technicians) and third party (NSF under contract with MAB) food hygiene inspections. The pilot will take place during September and December 2016.

As part of the pilot we are carrying out research into the levels of general confidence BCC's authorised food (hygiene) officers have that MAB's first and third party audit systems ensure the business complies with 852/2004 (including Article 5) and produces safe food. The survey results will help future decision making in this area. All the information we collect will be kept in the strictest confidence and used for research purposes only.
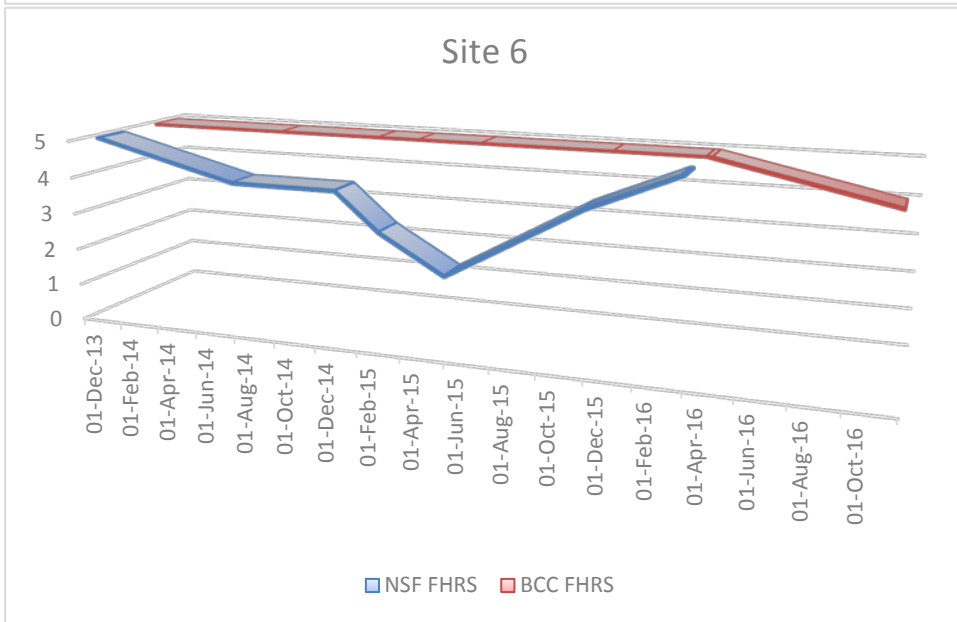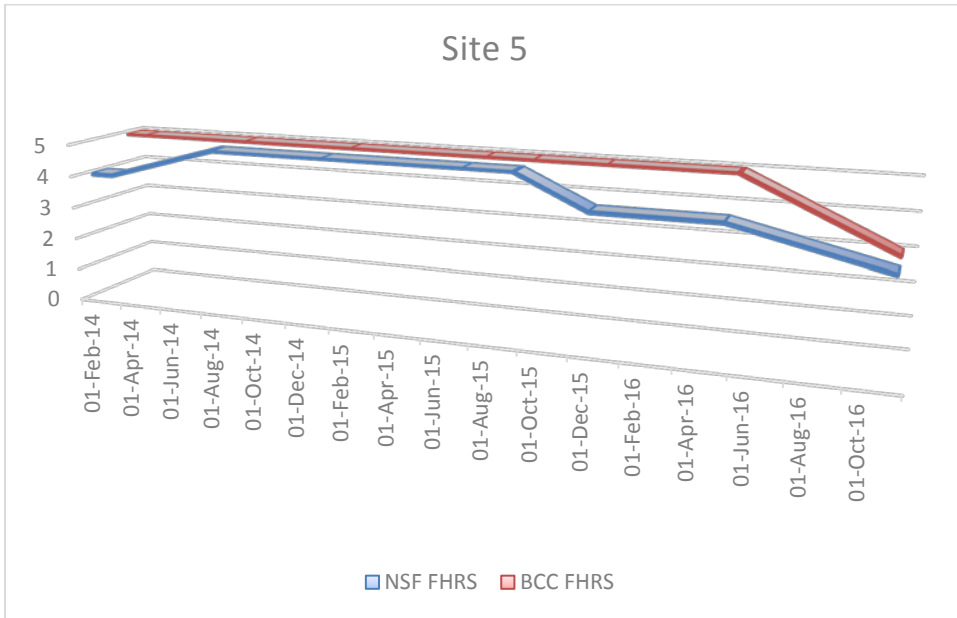
Are you happy to continue?

1. How confident are you that MAB's first party audits ensure the business complies with 852/2004 and produces safe food – (Very unconfident), (Unconfident), (Neither confident nor unconfident) – (Confident) – (Very confident)?
2. Could you explain why this is?
3. Has the pilot study changed your level of confidence of MAB's first party audits in ensuring the business complies with 852/2004 and produces safe food? Yes or no
4. If the answer was yes to Q3, please could you explain why your confidence level has changed?
5. How confident are you that MAB's third party audits ensure the business complies with 852/2004 and produces safe food – (Very unconfident), (Unconfident), (Neither confident nor unconfident) – (Confident) – (Very confident)?
6. Could you explain why this is?
7. Has the pilot study changed your level of confidence of MAB's third party audits in ensuring the business complies with 852/2004 and produces safe food? Yes or no
8. If the answer was yes to Q7, please could you explain why your confidence level has changed?
9. From your experience of the pilot what level of confidence do you have that MABs' safety systems are properly implemented – (Very unconfident), (Unconfident), (Neither confident nor unconfident) – (Confident) – (Very confident)?
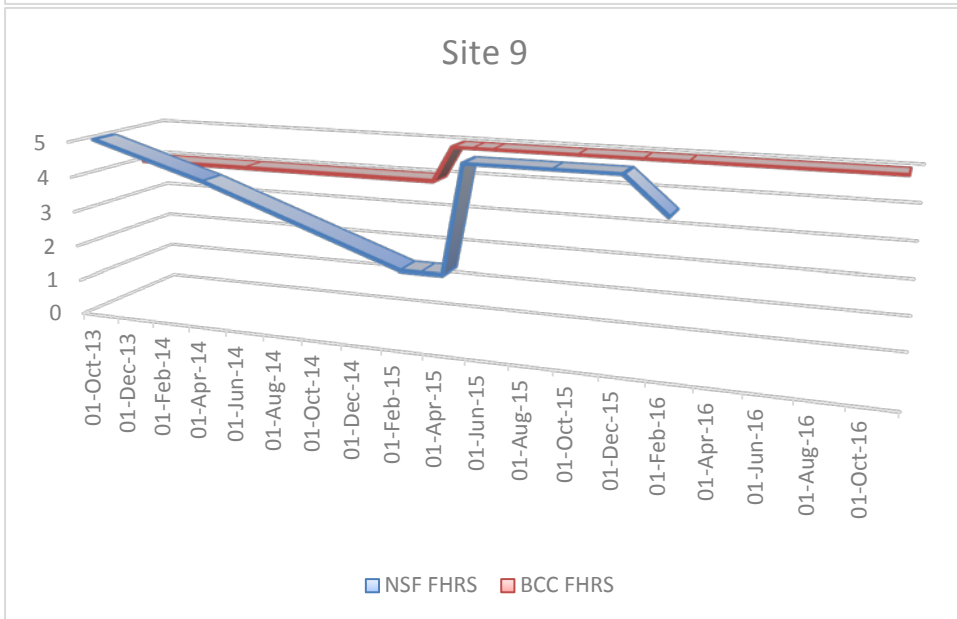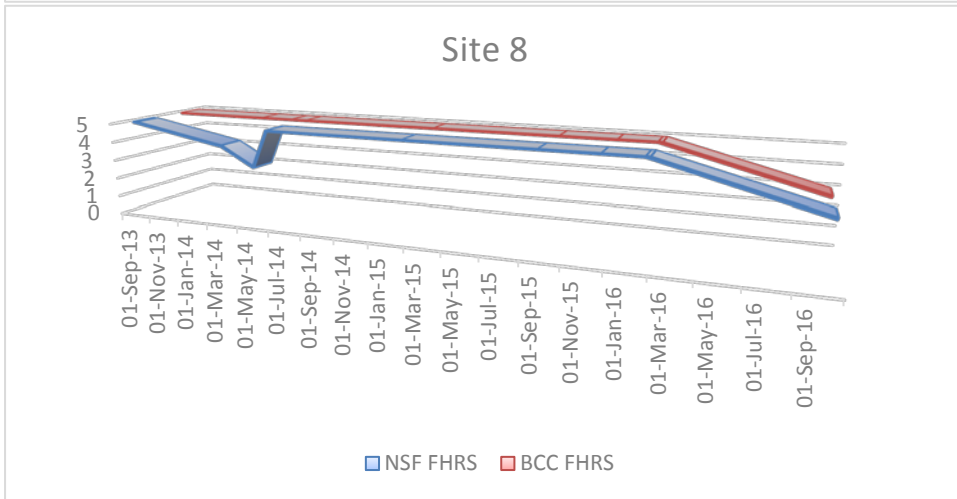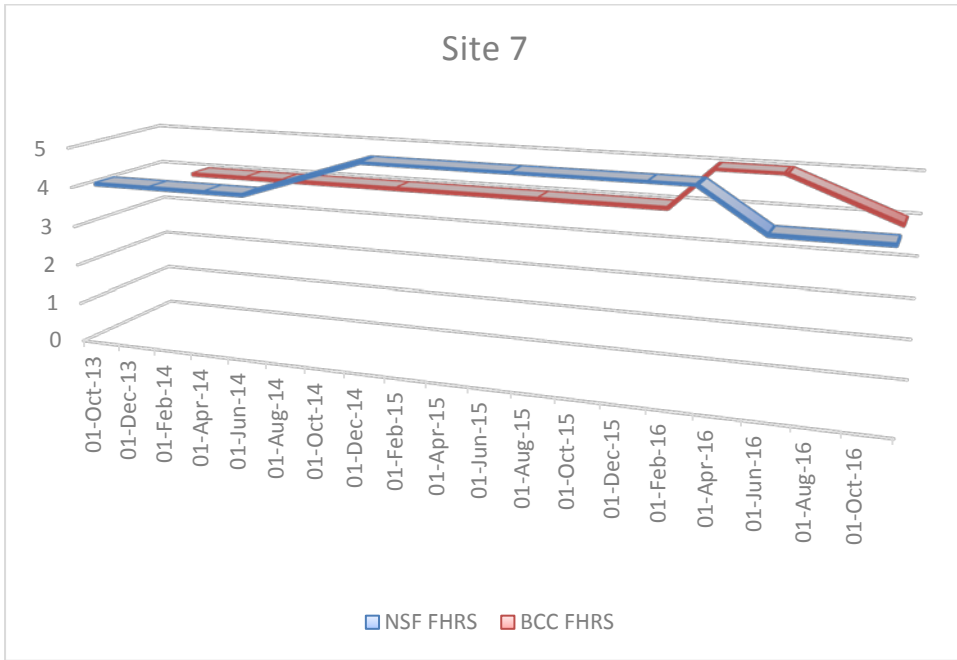10. Could you explain why this is?

Appendix 8: Results of historical inspection data

This series of graphs shows the change in FHRS rating assigned by both NSF auditors and BCC officers following interventions which took place over the period September 2013 – October 2016 at the 11 sites that were included in the pilot:
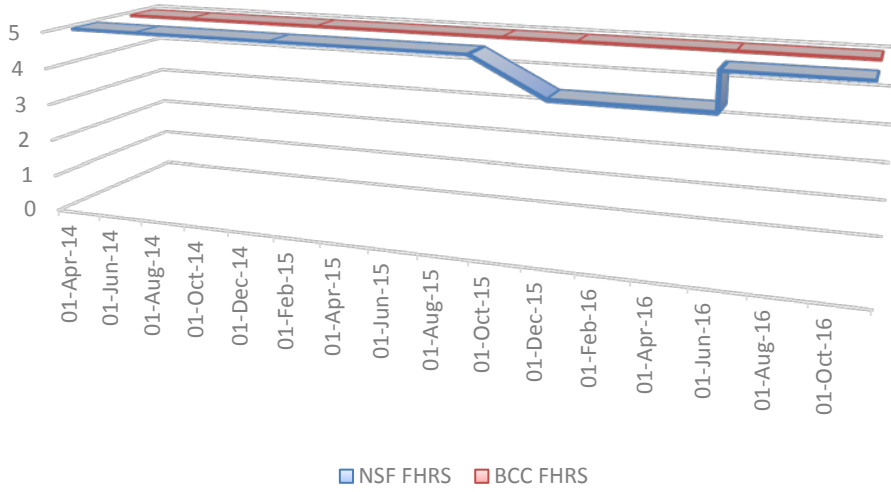
Site 3

Site 4

Site 5

Site 6

31

Site 7

Legend: ☐ NSF FHRS ☐ BCC FHRS

Site 8

Legend: ☐ NSF FHRS ☐ BCC FHRS

Site 9

Legend: ☐ NSF FHRS ☐ BCC FHRS

Site 10

NSF FHRS   BCC FHRS

Site 11

NSF FHRS   BCC FHRS