

The Feasibility Study

1. Background and context - The Regulating our Future programme

- 1.1. This feasibility study report details the work carried out by the FSA to date to begin exploring how the Primary Authority scheme, and in particular, national inspection strategies, could play a role in the Regulating Our Future programme, and new regulatory regime for food.
- 1.2. The Regulating Our Future programme is one year into a major transformation programme to modernise and re-shape the regulatory regime for food. The programme will change the way food businesses are regulated and inspected across England, Wales and Northern Ireland. The FSA aims to have a new system in place by 2020.
- 1.3. The FSA is taking a whole system approach, understanding what information is available from a wider range of sources and how this can be used in the future to gain assurance that food is safe and what it says it is, and public health is protected.
- 1.4. The FSA is committed to working in an open policy making way. This means that the FSA has a commitment to openness and transparency so all policy discussions and decisions are made in public.
- 1.5. By working with stakeholders during this feasibility study, the FSA aimed to take on board fresh ideas, best practice and lessons learned by others, enabling the development of the best possible regulatory model for food.

2. National inspection strategies

- 2.1. A primary authority is well placed to generate a picture of compliance across the business' operations and to make informed decisions about what compliance checks are actually needed in order to properly regulate the business and ensure public safety.
- 2.2. After considering all the information available, the primary authority could take the view that it has sufficient evidence that the business is being well managed, and consider that a lower number or a more tailored style of regulatory interventions are warranted.
- 2.3. A national inspection strategy could be put in place by a primary authority in relation to the activities of a partner business (via an inspection plan), which controls the number of proactive visits across all of the premises operated by the business. Such a programme would benefit local authorities by allowing them to free up resources for dealing with other establishments which may pose a greater risk.

3. The National Inspection Strategy ‘Feasibility Study’

- 3.1. During November 2016 the FSA wrote to all local authorities asking for primary authority partnerships to nominate themselves to attend a national inspection strategy workshop. The letter can be viewed via [FSA letters to local authorities](#).
- 3.2. The aim of the workshop was for the FSA, Regulatory Delivery (the Department of Business, Energy and Industrial Strategy), primary authorities and their partner businesses to work together in an open policy making way, to explore how Primary Authority can support the Regulating Our Future programme. In particular, the event aimed to explore activities to develop effective primary authority national inspection strategy approaches.
- 3.3. Partnerships needed to demonstrate that they were active, able, and willing to work with the FSA and Regulatory Delivery to consider national inspection strategies in the context of the Regulating Our Future programme.
- 3.4. The expectation was that they should be able to test national inspection strategy implementation later in 2017.
- 3.5. Those selected to join the FSA and Regulatory Delivery at the workshop were the following partnerships –
 - Waitrose and their food hygiene primary authority Bracknell Forest Council
 - Morrison’s and their food hygiene primary authority Wakefield Council
 - Caffé Nero and their food hygiene primary authority Eastleigh Borough Council
 - Busy Bees Nurseries and their food hygiene primary authority Lichfield District Council
 - Sainsbury’s and their primary authorities Oxfordshire County Council (food standards) and Cherwell District Council (food hygiene)
 - The National Federation of Fish Fryers and their food hygiene ‘co-ordinated’ primary authority City of Bradford Metropolitan District Council
 - Tesco and their primary authorities Hertfordshire County Council (food standards) and Luton Borough Council (food hygiene)
 - Boots and their food hygiene primary authority Rushcliffe Borough Council
- 3.6. At the event, attendees worked in groups on a number of themed discussions, including ‘*Discuss what national inspection strategies could look like in practice*’ and ‘*What should be in place for a primary authority to develop and implement a national inspection strategy?*’
- 3.7. The discussions led to the drafting of a set of ‘criteria’ that could form the basis of an FSA ‘standard’ for considering national inspection strategies delivered via primary authority inspection plans, and suggestions as to how the FSA should retain oversight of primary authorities with national inspection strategies in place.

4. The draft national inspection strategy criteria

- 4.1. The attendees worked together to produce a set of ‘criteria’ that they feel would need to be in place before a national inspection strategy could be implemented.
- 4.2. In producing a national inspection strategy, a primary authority would need to provide evidence as to how they meet these criteria in their inspection plan rationale document. A rationale document

is required by any primary authority that is producing an inspection plan, and it is submitted to Regulatory Delivery for consent, with the FSA as a statutory consultee.

4.3. The criteria that the attendees drafted were –

- The national inspection strategy is appropriate for the business type
- Primary authority demonstrates its competency
- Business has food safety ‘pre-requisites’ in place
- Primary authority to have reviewed and issued Primary Authority Advice on the food safety management system
- Primary authority to have verified implementation of the food safety management system (and other elements as needed)
- Primary authority to have reviewed and verified compliance history
- Robust process for issuing Primary Authority Advice and overseeing compliance in the business is in place (e.g. data access, complaints, audits (1st, 2nd or 3rd party), sampling, feedback from regulators)
- Business’s own audit ‘maps’ to legislative requirements
- Evidence that non-compliances are dealt with
- Evidence of peer review or benchmarking

5. Feasibility study tasks

5.1. The January workshop was the launch event for the FSA’s national inspection strategy work. During the months that followed, partnerships were also tasked with working to –

- Provide the FSA with feedback on the draft criteria.
- Complete a business/partnership analysis to test the draft criteria, determining whether they are reasonable, achievable, robust enough etc.
- Determine the type of evidence that they might have to satisfy the FSA that the criteria have been met.
- Propose what a national inspection strategy could look like for their partnership, or propose a small scale pilot that could test how a national inspection strategy could work later in the year.

6. Next steps

6.1. The next steps for the national inspection strategy work includes -

- Working with up to 7 primary authorities to develop and test the concept of national inspection strategies during 2017/2018.
- Evaluating these exercises and determining how national inspection strategies can have a role in the new target operating model.
- Considering how the food hygiene rating scheme will operate for premises that fall within a national inspection strategy.
- Seeking views on the draft criteria for food safety national inspection strategies (see section 4.3 above).

- Developing guidance (with stakeholders) for primary authorities who wish to develop national inspection strategies for their partnerships.
 - Working with stakeholders to develop FSA mechanisms for assessing national inspection strategy proposals.
 - Establishing how the FSA will maintain oversight of primary authorities who develop and implement national inspection strategies.
 - Communicating with all relevant stakeholders that this work is taking place, and is being led by the FSA.
- 6.2. The FSA will continue to work closely with Regulatory Delivery, primary authorities, local authorities, and other relevant stakeholders as this project develops. For any comments or queries relating to this piece of work, please contact the FSA's Industry Assurance team, via primaryauthoritiesupport@foodstandards.gsi.gov.uk.

Ends.