‘Making Every Inspection Count’

Internal Monitoring Advice for Local Authority Food and Feed Law Enforcement Team Managers

Audit and Monitoring Branch
Food Standards Agency

Food Standards Agency (FSA) audits of local authorities’ feed and food law enforcement arrangements have identified core Service areas that are critical to maintaining effective service provision and improving food business compliance. This guidance highlights some simple and practical issues which have featured most frequently in published audit reports as critical areas of strength or areas for improvement.

This summary seeks to provide local authority Service managers with some key information or prompts that may assist in managing and monitoring these areas.

We would be pleased to receive any comments on the usefulness of this advice or, more widely, suggestions for any additional guidance that would be welcomed by local authority Service managers.

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Core Service Areas

FSA audit programmes\(^1\) have focused increasingly on three service areas which, experience has shown, are critical to effective service management and achieving business compliance. In each of these areas there are some fundamental questions for any manager:

1. **Database Management**
   - Does the Service know what food/feed businesses are in their area?
   - Is the LA food/feed business database maintained and up to date?
   - Are sufficiently detailed and accurate records of key business operations and their compliance histories being maintained and managed?

2. **Inspections/Interventions, Follow-up Action and Enforcement**
   - Are LA inspections/interventions being carried out at a frequency that prioritises and reflects the risks presented by individual food businesses?
   - Do inspection assessments identify the significant issues of business non-compliance with food/feed law, especially in relation to business safety management systems, and are these recorded on file?
   - Are appropriate follow-up actions being taken to deal effectively with persistent and/or significant non-compliance?
   - Are officers’ records of observations made during inspections/interventions retrievable?

3. **Internal Service Monitoring**
   - Is there a system in place and implemented to monitor enforcement activities qualitatively and quantitatively, and to ensure that any identified issues result in Service improvements?

Managers should be able to answer ‘yes’ to all of these questions. These points are expanded upon over the next few pages to help with this process.

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\(^1\) The FSA reports of individual local authority audits are published and available from the Agency’s website, together with audit programme summary reports at: [http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/)
Core Service Areas: Key Issues and Common Problems

Database Management

Complete, up to date, accurate and reliable databases of local food/feed businesses\(^2\) are essential to enable managers to know of all the relevant businesses located in their area and to provide the basis for comprehensive risk-based inspection and intervention programmes. The databases need to be monitored and maintained to ensure that changes of business use and ownership, closures and new businesses can be tracked.

**Key issues:**

- Databases(s) are subject to database management procedures and processes to *monitor routinely both the accuracy of the premises database, and the action/information entries inputted* and maintained for each business;

- Occasional checks carried out to identify any *inconsistencies between hardcopy file records and database entries* of inspection details, enforcement activities and actions.

**NOTE:** Published FSA audit protocols and checklists provide examples of more thorough checks that can be undertaken across all food/feed law enforcement service areas, including database management reports devised by Agency auditors to identify data inconsistencies, anomalies and errors\(^3\).

**Common Problems:**

- Businesses duplicated on the electronic database;

- Database records of inspections/interventions inconsistent with data held on hardcopy files (e.g. dates of actions, risk ratings);

- No routine monitoring of data entries and/or anomalies and inaccuracies not picked up;

- Illegible handwritten inspection reports scanned onto the system at ‘paperless offices’.

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\(^2\) Businesses registered and approved in accordance with Article 31(1b) of 882 & Article 31(2c) of 882 respectively.

\(^3\) FSA Audit protocols and checklists are available from: [http://www.food.gov.uk/enforcement/auditandmonitoring/auditscheme/auditdocs](http://www.food.gov.uk/enforcement/auditandmonitoring/auditscheme/auditdocs)
Useful Tips:

- Routine **cross-referencing checks of businesses held on the premises database** against other listings of local businesses e.g.:
  - The Valuation Office website;
  - Local tourism websites – food business listings;
  - Other internal LA databases e.g. Planning, Business Rates and Building Control;
  - Other LAs covering the same administrative areas e.g. District and County authorities;
  - ‘Yellow Pages’ and web-based caterer guides (particularly for home caterers and other ‘less visible’ food businesses);
  - Assurance schemes operated by industry.

- Use of the database software manager reporting facility, or a simple spreadsheet, to monitor for consistency issues and to routinely check for anomalies and inaccuracies in electronic inspection records - such as duplicate premises entries, data inputting errors and missing or inappropriate risk rating scores. Guidance in the *Annex* provides some basic examples of how simple spreadsheets can be used to identify consistency issues.

Inspections/Interventions

Inspection/Intervention programmes must be risk-based; central to this are the assessments of businesses’ food/feed safety management and control arrangements.

**LA record keeping**: sufficiently detailed, accurate and retrievable documentation for key business operations and activities, inspection and assessment records, particularly in relation to food safety management systems, and any enforcement actions, are essential to:

- *demonstrate that food businesses comply with the law*;
- *ensure that subsequent inspecting officers are aware of individual business compliance histories*;
- *to inform each step of a graduated enforcement approach*;
- *to provide the evidence base for formal enforcement*, and
- *to permit effective internal qualitative monitoring*. 
Key issues:

- Comprehensive inspection/interventions programmes that consider all relevant businesses in the LA area;

- Inspection/intervention frequencies prioritised by risk;

- Inspection procedures and aides-memoire\(^4\) provide sufficient prompts to help ensure that inspections are effective, and to facilitate sufficiently detailed records of key business, inspection and compliance data – particularly in relation to businesses’ documented food/feed safety management systems;

- Officers are familiar with the legislation they enforce, the Food Law Code of Practice and relevant guidance – that officers are competent and appropriately authorised for the businesses they inspect and the legislation they enforce;

- Approved establishments are inspected in accordance with the specific legislation that applies; that due Approvals process is strictly adhered to and that the additional business and food operations details required for Approved establishments are held on file;

- Food business operators receive timely notification of inspection findings and know what actions need to be taken (with legal requirements distinguished clearly from recommendations).

Common Problems:

- Failure to consider all food businesses when devising annual inspection/intervention programmes, particularly businesses overdue inspection/intervention and/or those that were low risk when last inspected, but which have not been re-assessed for several years;

- Lower risk businesses inspected ahead of known high risk, and/or at the expense of following up and addressing persistent problems with higher risk businesses;

- Repeated or lengthy non-compliance not being tackled effectively and inadequate monitoring by line management;

- Unclear/minimal inspection/intervention records that are insufficient to inform subsequent inspections/interventions and actions, especially where these fall to a different officer;

\(^4\)LACORS’ Food Hygiene Inspection Forms and Aides Memoire can be downloaded from: http://www.lacors.gov.uk/lacors/ContentDetails.aspx?id=7762
• Approval assessments carried out as desktop exercises that do not adhere to the relevant ‘due process’ and/or without sufficient consideration of the specific requirements of the relevant legislation (e.g. because generic inspection forms/aides-memoire have been used);

• The legibility of handwritten inspection/intervention reports, and legal requirements not clearly distinguished from recommendations;

• Inspection/intervention reports/letters not specifying the follow-up action and/or time allowed for remedial works;

• Failure by inland authorities to consider and undertake appropriate action in relation to imported feed and/or food, including appropriate liaison between authorities.

**Useful Tips:**

• Inspection/intervention forms include an ‘inspection/enforcement summary sheet’ to provide an easily retrievable, clear and concise summary of the key issues for the next inspection/intervention, without the officer needing to trawl through all the relevant file/database records. Valuable as a means to highlight any outstanding issues that need further checking, to facilitate a graduated approach to enforcement and as a reference point for internal monitoring.

• A ‘fly sheet’ on the hardcopy premises files/electronic files provides an easily accessible summary of key pre-inspection/intervention details:
  • Name and address of FBO;
  • Contact/management details (and/or the current business registration form);
  • Size/scale and main food operations of the business;
  • Summary of food safety management and staff competence/training compliance levels;
  • Article 18 traceability data – main suppliers/customers;
  • Where appropriate – ‘red-flagging’ of significant issues.

• Where Scores on the Doors (SotD) schemes are operated, inspection forms include a section for officers to summarise the reasons for the score awarded and any areas of non-compliance. This provides a quick and useful monitoring and consistency check for managers.

• Ensure that ‘Safer food, better business’ (SFBB) is offered selectively to specific businesses and not as a replacement for existing food safety management systems (FSMS) that achieve satisfactory controls. As with any FSM system, officers should challenge SFBB systems to ensure they are appropriate and implemented effectively in practice.
Follow-up Action and Enforcement

LAs should have the capacity to use the full range of enforcement actions available, from support and advice through to legal action. Formal enforcement should be instigated where support or informal advice are either not appropriate (due to the seriousness and/or persistence of the failings) or when advice has not achieved a satisfactory response over a reasonable period of time. Serious and/or persistent non-compliance needs to be addressed effectively to protect consumers and to enable other businesses to compete fairly.

Key issues:

- Identified instances of non-compliance are acted upon, and all instances of significant non-compliance addressed in a timely and effective manner;

- An enforcement approach is taken, in accordance with local enforcement policies and national guidance, and appropriate to the severity and persistence of the offences;

- Any decisions to deviate from the approach prescribed in the enforcement policy are duly considered and the reasons documented. Proposed officer action, or inaction, that does not conform with an authority’s enforcement policy should normally be referred for higher level agreement;

- The respective due legal process for each of the range of formal enforcement options is strictly observed;

- Formal notices are followed up in a timely manner (i.e. immediately following the date of expiry), with a presumption that enforcement will ensue in the event of continuing non-compliance.

Common Problems:

- Leaving businesses with poor levels of compliance - not tackling the identified instances of serious non-compliance and repeated poor risk ratings;

- Failure to take a graduated approach to enforcement and/or utilise the full range of enforcement tools;
The ratcheting up of enforcement action undermined by gaps in the LA’s records of a business’s compliance history and a lack of documented evidence, particularly where there have been staff changes;

Lack of timely follow-up actions that would permit enforcement of the notice’s requirements e.g. checks at the time formal notices expire;

Treating the symptoms of non-compliance (‘short term fix’) rather than addressing the root cause, resulting in repeated and continuing problems.

Useful Tips:

Regular (e.g. monthly) case conferences between managers and staff. For example, to discuss the compliance progress of all high risk businesses in each officer’s area;

Include an ‘enforcement review’ section on inspection forms/files for officers to provide brief reasons for any action taken/not taken, to inform subsequent inspecting officers and to facilitate manager checks of consistency against the local enforcement policy;

Consult with legal services early in formal enforcement actions to ensure that cases can meet all evidential and procedural criteria, and to avoid unnecessary ‘technical’ challenge to well-founded cases;

Develop formal enforcement checklists to ensure due process is checked prior to each step of formal actions (e.g. adapt the relevant Agency audit checklists to include local Enforcement Policy criteria, and use before a notice is served);

Officers schedule and diarise follow-up visits/compliance checks against notices/formal actions to ensure they are carried out on time (and where appropriate, that these dates are notified to the business in the relevant inspection report or notice covering letter);

Ensure each authorised officer has an appropriate programme of continuing professional development.
Internal Service Monitoring

LAs carry out internal monitoring checks to verify their conformance with legal duties, official guidance and their own policies and procedures across the full range of service activities. There are also obvious benefits from participating in any relevant and robust peer review and/or inter-authority audit (IAA) schemes for enforcement consistency purposes, to identify good practice that can be adopted and to identify any areas for improvement.

Key issues:

- All relevant service activities subject to proportionate and routine quantitative and qualitative monitoring so that the Service is able to demonstrate its conformance with legislation, codes of practice, the Standard and official guidance;

- Appropriate and proportionate records maintained to verify management oversight of key service activities and actions, and the measures taken to address any identified problems.

Common Problems:

- Insufficient monitoring of the quality of work due to a monitoring emphasis on the numbers of inspections;

- Inflexible and disproportionate monitoring, not varied, targeted and tailored according to personnel or premises risks (often placing unnecessary demands on managers to meet ‘blanket levels’ and frequencies prescribed in local procedures);

- Monitoring undocumented – managers unable to demonstrate the issues identified and addressed through their monitoring, and therefore the steps taken in building a case for any further action.

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5 LA IAA ‘Tool-Kit’ available from: http://www.food.gov.uk/enforcement/auditandmonitoring/auditscheme/iaaudittoolkit/
6 Food Law CoP: http://www.food.gov.uk/enforcement/enforcwork/foodlawcop/
Feed Law CoP: http://www.food.gov.uk/enforcement/enforcwork/feedlawcop/
7 The audit Standard in the ‘Framework Agreement on Official Feed and Food Controls by Local Authorities’: http://www.food.gov.uk/enforcement/enforcwork/frameagree/
Useful Tips:

- **Consistency exercises within and across authorities** e.g. a range of business scenarios to enable a comparison of officer assessments. These might include:
  - Risk scores;
  - Enforcement decisions;
  - Ratings for ‘Scores on the Doors’ (SotD) and equivalent schemes.

- **Focus on internal qualitative monitoring and improvements** (rather than just quantitative checks on the numbers of activities carried out) e.g. monitoring trends in business risk profiles and the quality of officer inspections/interventions.

- **A ‘risk based’ approach to internal qualitative monitoring** e.g. greater emphasis on known problem areas (any issues with particular staff and a greater proportion of higher risk businesses) rather than an inflexible ‘10% of all files’ approach.

- **The use of desktop audit techniques using the food premises database spreadsheet method outlined in the Annex.** This can provide a quick and easy way of cross-checking e.g:
  - officer risk scoring;
  - totals and types of businesses in each risk category;
  - numbers and risk categories of overdue inspections;
  - approximate numbers of broadly compliant businesses;
  - business risk commensurate with inspecting officer’s level of authorisation and competency;
  - SotD data – any anomalies between the database records and published data;

- **Run reports listing the recent risk ratings histories of high risk businesses** (e.g. the last 3 – using ‘Excel’ type spreadsheets where possible). Managers can quickly identify and investigate the reasons for any businesses remaining high risk over a series of inspections.

- **Delegation of some routine monitoring activities** - encourage all staff to participate in self-monitoring and peer checking of each others work: letters, notices, file fly-sheets updating, etc.

- **Monitoring activities that work well for many authorities include:**
  - periodic accompanied inspections;
  - reviews of post-inspection paperwork;
  - post-inspection visits to establishments by managers;
  - manager reviews of all enforcement activities, including checks against the relevant guidance and enforcement policy;
  - routine caseload meetings.

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The Public Inquiry into the 2005 Outbreak of E. coli 0157 in South Wales

Inquiry Report Recommendations Relating to Food Hygiene Inspections:

- Regulatory and enforcement bodies should keep the choice of ‘light touch’ enforcement for individual food businesses under constant review (Recommendation 7).

- The inspection of HACCP plans must be audit-based (8).

- Training provision should be developed to ensure that all officers who check HACCP and HACCP-based plans, including those responsible for overseeing the work of those officers, have the necessary knowledge and skills (9).

- A system of logging issues, concerns or potential problems, whether by “red flagging” specific documents or by file notes, should be standard practice (11).

- Decisions about confidence in a business’s management of food safety should be evidence-based (12).

- All inspections, primary and secondary, must be unannounced unless, exceptionally, there are specific and justifiable circumstances or reasons why a pre-arranged visit is necessary (13).

- Discussion with employees must be a standard part of food hygiene inspection visits (14).

- The Food Standards Agency should develop, as part of its audit scheme or as an adjunct to it, a means of assessing how food hygiene inspections are undertaken by local authorities, including assessment of HACCP and HACCP-based plans (15).
Using a spreadsheet to monitor interventions and database accuracy

1. The Food Law Code of Practice (FLCoP) Annex 5 contains numeric rules and guidelines for determining the risk scores of establishments. These rules can be used to monitor consistency and accuracy in recording various intervention activities. Exporting the food premises database and any linked data to a spreadsheet can provide a quick and relatively easy method of cross checking a range of different parameters linked to food establishment interventions and associated risk scores and ratings. A basic knowledge of using the spreadsheet software (e.g. 'Excel') is required.

2. The adjacent screen-shot illustrates how such a spreadsheet might look once the data has been imported.

3. The examples below are just for illustrative purposes - a wide range of further extremely powerful and effective checks can be carried out once the basic principles have been grasped.

4. There are numerous ways of organising and tagging the column headings, depending on the data that an authority can import. The more types of data that can be imported, the greater the range of analysis that can be done, and the greater the potential benefits. Excel provides an easy way of organising and re-arranging data numerically and alphabetically to allow simple monitoring checks to take place and to help identify any duplicate premises. The following examples are all taken from local authority databases, submitted as part of the audit process, and each highlight some of the potential issues uncovered:
Example 1

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
<th>J</th>
<th>K</th>
<th>L</th>
<th>M</th>
<th>N</th>
<th>O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premises Name</td>
<td>Address</td>
<td>R1</td>
<td>R2</td>
<td>R3</td>
<td>Vulner. Group</td>
<td>Hygiene</td>
<td>Structure</td>
<td>CIM</td>
<td>Sig. Risk</td>
<td>Total Risk</td>
<td>Cat.</td>
<td>Last Insp/Rated</td>
<td>Next Inspection</td>
<td>Days</td>
</tr>
<tr>
<td>The Cake shop</td>
<td>John St.</td>
<td>5</td>
<td>0</td>
<td>5</td>
<td>22</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>20</td>
<td>72</td>
<td>B</td>
<td>20-Jun-08</td>
<td>20-Jun-09</td>
<td>365.00</td>
</tr>
<tr>
<td>Primary School</td>
<td>David St.</td>
<td>5</td>
<td>0</td>
<td>5</td>
<td>22</td>
<td>5</td>
<td>10</td>
<td>5</td>
<td>20</td>
<td>72</td>
<td>B</td>
<td>20-Jun-08</td>
<td>20-Jun-09</td>
<td>365.00</td>
</tr>
</tbody>
</table>

5. This authority was able to export data including the name and address of the premises (column A and B respectively); a breakdown of the overall risk score as per Annex 5 of the FLCoP, (columns C - J); an overall risk total and rating (columns K and L), and the date of the last and next inspection (columns M and N). By inputting a simple formula in the formula bar in the Excel software, the assessor was able to add a new column (O), which calculated the number of days between the last inspection and the next inspection. In these 2 cases, the number of days between the 2 dates is 365, which correctly corresponds to a minimum 1 year inspection frequency, required for a category B establishment. For a category A premises, ie a minimum 6 month inspection frequency, one would expect to see approximately 182 days, category C would be 547 days, Cat D 730 days and so on).

6. In this example, the main area of concern would be the allocation of an extra 20 points (column J) indicating a significant risk of food being contaminated with pathogenic organisms. The FLCoP states that if confidence in management (column I) scores 0 or 5, then an extra 20 for significant risk should not be possible and one of the scores must be wrong. The manager may wish to raise this issue with the officer concerned to discuss the reasons for this entry.
Example 2

<table>
<thead>
<tr>
<th>Ref</th>
<th>Trading Name</th>
<th>Address</th>
<th>Risk Rating</th>
<th>Last Inspection</th>
<th>Next Due</th>
<th>Scores</th>
<th>Comments</th>
<th>No. DAYS</th>
<th>Overdue?</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.99E+11</td>
<td>The Salty Cod</td>
<td>Castle Street</td>
<td>B</td>
<td>07/12/2006</td>
<td>07/12/07</td>
<td>70</td>
<td>wrong cat?</td>
<td>365.00</td>
<td>OD</td>
</tr>
<tr>
<td>999000075927</td>
<td>The Olive Branch</td>
<td>Kray Street</td>
<td>B</td>
<td>16/08/2007</td>
<td>15/08/08</td>
<td>70</td>
<td>wrong cat?</td>
<td>365.00</td>
<td>OK</td>
</tr>
</tbody>
</table>

7. In example 2, the authority was able to provide a premises reference number and address details. The assessor has been able to identify that the risk rating (column D) given to the premises based on the overall risk score (column G) have been wrongly allocated. Both establishments have been given a risk rating of category B, leading to a next visit date of 12 months (column I), despite only scoring 70, which should be category C, with a next visit date in 18 months time. In this case it was discovered that there was a problem with the way the authority’s software had been configured, which was later corrected. Column H was created to allow the assessor to add general comments on any findings, and column J was created using a simple formula to calculate whether or not establishment inspections were overdue, based on the date the audit assessment was made.
Example 3

<table>
<thead>
<tr>
<th>Address</th>
<th>DATE RATED</th>
<th>NEXT VISIT</th>
<th>Days</th>
<th>Off</th>
<th>Tot</th>
<th>Cat</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>R5</th>
<th>R6</th>
<th>R7</th>
<th>R8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Playgroup</td>
<td>18-Aug-08</td>
<td>18-Aug-10</td>
<td>730.00</td>
<td>DP</td>
<td>37</td>
<td>D</td>
<td>5</td>
<td>0</td>
<td>5</td>
<td>22</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Red Lion</td>
<td>19-Aug-08</td>
<td>19-Aug-10</td>
<td>730.00</td>
<td>LA</td>
<td>50</td>
<td>C</td>
<td>10</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>30</td>
<td>0</td>
</tr>
</tbody>
</table>

8. In this final example, the authority has also been able to provide details of the officer who undertook the intervention (column E). This can be useful to confirm that interventions are being undertaken by appropriate officers with the correct level of training and authorisation. The assessor was able to identify that the first premises, the Playgroup had been allocated the extra 22 points associated with supplying vulnerable groups, despite only scoring 5 for the type of food and method of handling (column H) i.e. handling lower risk foods only. The Red Lion has been identified as scoring 30 for confidence in management (column N), i.e. despite being described as having a high standard of compliance for both hygiene (column L) and structure, column M. Both of these scoring examples would not be consistent with guidance provided in Annex 5 of the FLCoP.