

Audit of Local Authority Service Delivery Operation of the Food Hygiene Rating Scheme

Charnwood Borough Council
8-9 March 2016



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1.0 Introduction

- 1.1 This is a report on the outcomes of the Food Standards Agency's (FSA's) audit of Charnwood Borough Council conducted between 8 and 9 March 2016 at the Council Offices, Southfield Road, Loughborough. The audit was carried out as part of a programme of audits on local authority (LA) operation of the Food Hygiene Rating Scheme (FHRS). The report has been made available on the Agency's website at:

www.food.gov.uk/enforcement/auditandmonitoring/auditreports

Hard copies are available from the FSA's Local Delivery Division, please email LAAudit@foodstandards.gsi.gov.uk or phone 01904 232116.

- 1.2 The audit was carried out under section 12(4) of the Food Standards Act 1999 and section 11 of the FHRS Brand Standard. The FSA is committed to fulfilling its role in monitoring and auditing the implementation and operation of the FHRS. Consistent implementation and operation of the FHRS is critical to ensuring that consumers are able to make meaningful comparisons of hygiene ratings for establishments both within a single local authority area and across different local authority areas, and to ensure businesses are treated fairly and equitably.
- 1.3 The Agency will produce a summary report covering outcomes from the audits of all local authorities assessed during this programme.

2.0 Scope of the Audit

- 2.1 The audit focused on the LA's operation of the FHRS with reference to the FHRS Brand Standard, the Framework Agreement and the Food Law Code of Practice (FLCoP). This included organisation and management, resources, development and implementation of appropriate control procedures, reporting of data, premises database, training of authorised officers and internal monitoring. Views on operation of the FHRS were sought to inform FSA policy development.

3.0 Objectives

- 3.1 The objectives of the audit were to gain assurance that:

- The LA had implemented the FHRS in accordance with the Brand Standard
- There were procedures in place to ensure that the FHRS was operated consistently.

- Notifications of ratings, handling of appeals, requests for re inspection and rights to reply were dealt with efficiently.
- Scoring under Chapter 5.6 of the FLCoP was appropriately evidenced and justified.
- Inspections were carried out at intervals determined by Chapter 5.6 of the FLCoP
- Officers administering the scheme were trained and competent.

The audit also sought to identify areas of good and innovative FHRS working practice within Local Authorities. A key focus was on consistency with the Brand Standard.

4.0 Executive Summary

4.1 The Authority was selected for audit as it was representative of a LA with a medium percentage (2.5%) of 0-1 rated establishments.

4.2 It was clear from the evidence provided the Authority was committed to delivering FHRS successfully in the district. The Authority was found to be generally operating the FHRS in accordance with the obligations placed on it by participation in the Scheme. However, some improvements were identified to enable the Service to provide accurate data, consistent operation and the required level of protection to consumers and food business operators in order to meet the requirements of the FHRS Brand Standard, the Framework Agreement and the FLCoP. A summary of the main findings and key improvements necessary is set out below.

4.3 Strengths:

4.3.1 The Authority was on target to deliver all the food premises interventions due for 2015/16 which will enable consumer's access to up to date FHRS information.

4.3.2 The Authority had local performance indicators based on the FHRS, performance against which it reported quarterly to the senior management team and members, providing high-level visibility in the Authority for the FHRS.

4.3.3 The Authority had awarded a food hygiene rating to all its registered food businesses other than those new businesses awaiting inspection. It had been active in promoting the display of the FHRS sticker through

local campaigns and participation in a regional food liaison group project.

4.4 Key areas for improvement:

- 4.4.1 Ensure officers record the determination of compliance with legal requirements in sufficient detail to justify their choice of rating and confirm adequate assessment of the FHRs compliance elements.
- 4.4.2 Ensure that the level of authorisation and duties of authorised officers are consistent with their qualifications in accordance with the FLCoP.

5.0 Audit Findings and Recommendations

5.1 Organisation and Management

- 5.1.1 The Authority had in place a Service Delivery Plan for 2015/16 which was generally written in accordance with the service planning guidance of the Framework Agreement on Official Feed and Food Controls by Local Authorities (the “Framework Agreement”). The Plan had been endorsed by the relevant Member for Regulatory Services.
- 5.1.2 The Authority had documented a service review within the service plan for 2015/16. The Plan made appropriate references to the FHRs and included an action to maintain and promote the scheme.
- 5.1.3 The Authority had detailed local performance indicators of relevance to FHRs in both the Directorate and Corporate Plan. These included targets for 92% of premises achieving a food hygiene rating of three or more, 95% progress with the intervention programme for high risk and 80% of lower risk premises due. These were reported quarterly to the senior management team and members.
- 5.1.4 The Service Plan also detailed projects which supported FHRs as part of the Leicester and Leicestershire Enterprise Partnership (LLEP) Local Better Business For All Partnership, which aimed to support business growth through an effective regulatory system. These included:
 - New Business Coaching visits to provide start up food businesses not yet operating with training and mentoring and help secure compliance and a good food hygiene rating.
 - Hard to reach visits which targeted repeatedly non-compliant food businesses. The intervention aimed to assist businesses achieve compliance through a series of advisory visits suited to the needs of each business

- 5.1.5 The Plan clearly set out the food premises intervention programme for the year, and it was noted the Service was delivering an intervention programme in accordance with the FLCoP.
- 5.1.6 The Authority had estimated the resource allocation in officer days required for some parts of the food law enforcement service but not all the demands faced and had not compared it with the total resource available. We discussed this issue with managers at the Authority during the audit, pointing out that the provision of such information can help quantify any resource shortfalls for senior managers and elected Members during service and budget planning discussions.

5.2 FHRs implementation history

- 5.2.1 The Authority had launched the FHRs taking the “Critical Mass” approach in 2011. All food premises within the scope of the scheme (with the exception of unrated establishments) had a food hygiene rating assigned. It was clear from the evidence provided the Authority was committed to delivering FHRs successfully in the district.
- 5.2.2 In 2015 the Authority as part of the Leicestershire and Rutland Regional Food Liaison Group took part in a survey project to promote and assess the correct display of the FHRs sticker. The outcome of this survey had not been evaluated at the time of the audit.
- 5.2.3 The Service also held a two day event at Loughborough University, during their annual Health and Wellbeing event for students and staff. The event aimed to promote the FHRs and encourage people to look out for the food hygiene rating sticker.
- 5.2.4 The Authority had also been proactive in promoting FHRs through Christmas and Valentine campaigns and using the social media Twitter feed.

5.3 Authorisation and Training

- 5.3.1 The authorisation and training records of five food safety officers were checked. Three of the files checked did not contain the officer qualification certificate. The Authority had produced a generic list of legislation under which officers were authorised. No officers were separately authorised in writing to deal with matters arising under the Food Safety & Hygiene (England) Regulations 2013 in accordance with the FLCoP. Auditors discussed the need to review the process for the authorisation of officers based upon their competencies and qualifications and training requirements. The Service advised this was currently being carried out.

- 5.3.2 Generally all staff had achieved 10 hours continuous professional development (CPD) over the past year as required by the FLCoP. Training needs were assessed and documented on a training matrix and training records were generally complete apart from one officer whose 2015 CPD was not on file. All inspecting officers had attended risk rating consistency training. Auditors discussed the need for refresher training on hazard analysis critical control points (HACCP).

Recommendation 1 - Qualification and authorisation of officers

[The Standard 5.3]

[See also paragraph 5.3.1]

- (i) Ensure that the level of authorisation and duties of authorised officers are consistent with their qualifications and the relevant Code of Practice.
- (ii) Ensure records of relevant qualifications for each authorised officer are maintained by the Authority in accordance with the relevant Code of Practice.

5.4 Inspection Procedures

- 5.4.1 The inspection procedure had recently been reviewed in 2015 and provided guidance for the inspecting officer in respect of the FHRS both during the planning and follow up actions to an inspection.
- 5.4.2 The Authority also had in place an FHRS Consistency Framework which reflected the requirements of the FSA FHRS Brand Standard and provided officers with comprehensive guidance on the scheme. The Framework was up to date and contained a number of signposts to the Brand Standard and associated FSA documents.
- 5.4.3 Inspectors used an aide-memoire to record inspection findings together with the food hygiene rating awarded.
- 5.4.4 Inspections had generally been carried out at the frequencies prescribed by the FLCoP. At the time of the audit the Service confirmed the following numbers of food premises risk categories still due an intervention were: 0 A, 13 B, 14C, 27D, 55 E and 8 unrated. The Authority gave assurance all the due interventions for 2015/16 would be completed.
- 5.4.5 It was noted new businesses received an email attaching an awaiting inspection letter with links to useful sources of information to support the start-up of business and achieve compliance.

- 5.4.6 Auditors examined liaison arrangements with other local authorities regarding information on mobile, or itinerant, traders. These liaison arrangements are important in ensuring the consistent application of the Brand Standard across local authority boundaries. The Service advised most traders were registered and trading within the Authority's area. On the occasions a trader was operating outside the district an informal transfer arrangement was in place with neighbouring authorities which was confirmed in writing to the trader. The Service discussed formalising this arrangement at the Regional Food Liaison Group.
- 5.4.7 Five food premises files were examined during the audit. All had been correctly risk rated and inspected at the required frequency. Generally the FHS compliance scores allocated were supported with appropriate detail on the inspection aide memoires. However it was noted on occasions the Authority had scored 5 for compliance where no contraventions had been noted and no information had been supplied to the food business operator (FBO) as to how to improve the compliance to a zero. It was noted on one file examined the Service had recently introduced a digital aide memoire. This included the capture of photographic evidence which was incorporated into the follow up letters. Auditors discussed the need to ensure there was sufficient detail recorded on the digital system to support the officer's judgement of the FHS rating.

Recommendation 2 - Recording of scoring evidence

[The Standard 16.1]

[See also paragraph 5.4.7]

Ensure officers record the determination of compliance with legal requirements in sufficient detail to justify their choice of rating and confirm adequate assessment of the FHS compliance elements.

Reality Visit to a Food Premises

- 5.4.8 During the audit, a verification visit was undertaken to a local food business with an officer from the Authority. The main objective of the visit was to evaluate the effectiveness of the Authority's assessment of food business compliance with food law requirements.
- 5.4.9 The officer had a good working relationship with the FBO and was able to demonstrate a detailed knowledge of food safety legislation and food safety management systems at the establishment.

5.5 Notification of ratings and follow up

- 5.5.1 Following inspection, officers where appropriate, confirmed the rating whilst on site and issued the FHR sticker, but would allow further consideration of the inspection findings if necessary before issuing the rating.
- 5.5.2 A report form was left on-site identifying issues requiring attention and distinguished between legal requirements and recommendations. It included details regarding the safeguards as required by the Brand Standard and the annex 4 requirements of the FLCoP.
- 5.5.3 In four of the files examined the follow up notification of the food hygiene rating to the FBO was in accordance with the 14 days required by the Brand Standard and the Authority's internal 10 day performance indicator. One notification was eight days beyond the 14 day target. In all cases there was evidence the sticker had been provided to the FBO.
- 5.5.4 The food hygiene rating score on the Authority's database matched that found on the FHRS website for all five premises.
- 5.5.5 The Authority reported that it was not aware of any food hygiene rating stickers being defaced or tampered with.

Re-Inspection/Re-visits

- 5.5.6 Five food premises re-inspection/re-visit files were examined during the audit. All had been correctly administered in accordance with the Brand Standard. One of the premises files checked had been awarded a confidence in management score of 10 on two consecutive occasions despite not having a fully satisfactory food safety management system, contrary to the FLCoP. A good example of appropriate follow up enforcement was noted in one of the files examined.
- 5.5.7 The Authority was using an FSA template appeal and revisit request model forms in its communications with businesses.

Appeals

- 5.5.8 The Consistency Framework assigned the responsibility for determining appeals against food hygiene ratings to the Lead Food Officers and Senior EHO in their absence
- 5.5.9 Two appeals were examined and it was noted one appeal had been received beyond the 14 days' timescale following the notification of the rating. The appeal submitted within the correct timescale was properly investigated in accordance with Brand Standard.

Right to Reply

- 5.5.10 No right to reply had been made to the Authority in the two years prior to the audit but the associated procedure was outlined in the Consistency Framework procedure in accordance with the Brand Standard.

5.6 Food Premises Database

- 5.6.1 The Authority had in place a food premises database which was capable of providing the information required by the FSA to populate the FHRS database.
- 5.6.2 The database was backed up daily and access permissions were limited with further restrictions permitting only key staff to create new food businesses.
- 5.6.3 The database was generally accurate and up to date. Prior to the audit, a search was carried out using the internet and seven food businesses were checked against the Authority's database. All were included in the food hygiene intervention programme. The correct FHRS status tag had been applied to the businesses checked and had their FHR information correctly presented on the FSA website.
- 5.6.4 The Authority had put in place an FHRS Upload Procedure which prescribed the audit and upload of its data to the FSA FHRS database. This was carried out every two weeks by one of the Food Service Managers. Appropriate contingency arrangements were in place in case the officer was absent.
- 5.6.5 A detailed report was prepared on further potential anomalies of data submitted to the FHRS portal in advance of the visit. This was provided to the LA for future resolution and was discussed with the Lead Food Officers during the audit.
- 5.6.6 Reality Upload

A successful live data upload was carried out during the audit and in accordance with the FSA IT guidance for the Brand Standard. It was noted the upload generated errors in respect of some businesses tagged awaiting inspection which had been inspected and rated. This was due to the officers not updating the database following an intervention. Auditors discussed the benefits of having work instructions for officers regarding the database upload required following interventions.

5.7 Consistency Framework

- 5.7.1 The Authority had a consistency framework in place that was based on the principles contained within section 11 of the Brand Standard. Interviews with officers confirmed a good working knowledge of the procedure. The Service also had an internal monitoring procedure dated 2015 which detailed monitoring of the FHRS.
- 5.7.2 The Service carried out quantitative, as well as qualitative internal monitoring, against the requirements of the FHRS Brand Standard and its own Consistency Framework.
- 5.7.3 This included annual accompanied inspections with each officer, inspection report checks, monitoring during team meetings and Lead Food Officer checks on risk rating category A and B downgrades. Regular monthly 1:1 meetings were carried out with officers which included monitoring of a sample of their intervention reports and ratings issued. Evidence of internal monitoring was provided during the course of the audit. Based on some of the findings auditors discussed the benefits of including further random checks of the implementation of the FHRS as part of the monthly internal monitoring.
- 5.7.4 The Authority had taken part in the national FHRS consistency exercise recently conducted by the FSA and the Regional Food Liaison Group intended to undertake further exercises. All inspecting officers had attended the FSA risk rating consistency training and some further training was planned.

5.8 Local Authority Website

- 5.8.1 The Authority's website contained information for the public and food businesses about the FHRS scheme and how ratings were calculated and included a link to the FSA business web pages and the FHRS ratings website.

5.9 FHRS Website

- 5.9.1 The Authority had published its current e-mail address, website address and logo on the FHRS website.

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<p>Recommendation 2 - Recording of scoring evidence [The Standard 16.1]</p> <p>Ensure officers record the determination of compliance with legal requirements in sufficient detail to justify their choice of rating and confirm adequate assessment of the FHRS compliance elements.</p>	<p>30/04/16</p>	<p>Officers briefed on requirement to record sufficient information to justify business' Food Hygiene Rating Score, whether fully compliant or not. Electronic proforma amended to include additional drop down boxes to record details of compliance.</p> <p>Food Safety Manager to review a sample of each officer's inspection proformas during 1:1 meeting to ensure sufficiently detailed.</p>	<p>Proforma consistency meeting held on 13/04/16 to discuss inspection proforma information inputting.</p> <p>Team meeting held on 27/04/16 to discuss appropriate input of inspection information for non-compliant as well as compliant businesses in order to justify the FHR score.</p>
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ANNEX B - Audit Approach/Methodology

The audit was conducted using a variety of approaches and methodologies as follows:

- (1) Examination of LA plans, policies and procedures.
- (2) A range of LA file records were reviewed.
- (3) Review of Database records
- (4) Officer interviews

ANNEX C - Glossary

Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
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.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.

Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs

legislation.

Trading Standards
Officer (TSO)

Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.

Unitary Authority

A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.