

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

Harrogate Borough Council
23-24 February 2016



Table of Contents

1.0	Introduction	3
2.0	Scope of the Audit	3
3.0	Objectives	3
4.0	Executive Summary	4
5.0	Audit Findings and Recommendations	5
5.1	Organisation and Management	5
5.2	FHRS implementation history	6
5.3	Authorisation and Training	6
5.4	Inspection Procedures	6
5.5	Notification of ratings and follow up	8
5.6	Food Premises Database	8
5.7	Consistency Framework	9
5.8	Local Authority Website	9
5.9	FHRS Website	9
5.10	Issues Outside of Scope	9
ANNEX A - Action Plan for Harrogate Borough Council		11
ANNEX B - Audit Approach/Methodology		13
ANNEX C - Glossary		13

1.0 Introduction

- 1.1 This is a report on the outcomes of the Food Standards Agency's (FSA) audit of Harrogate Borough Council conducted between the 23rd and 24th February 2016 at Springfield House, Kings Road, Harrogate, HG1 5NX. 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 by emailing the FSA at LAAudit@foodstandards.gsi.gov.uk or telephoning 01904 232116

- 1.2 The audit was carried out under section 12(4) of the Food Standards Act 1999 and section 11 of the Food Hygiene Rating Scheme (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 ensuring that 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

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.
- Interventions 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 Authorities were selected to provide a representative sample of authorities based on a number of factors. Harrogate Borough Council was selected for audit as it had a relatively low proportion of 0 and 1 rated establishments in its area and had an average roll out of the scheme (85%) when comparing Local Authority Monitoring Scheme (LAEMS) data for 2014/15 against FHRs for restaurants and retailers & caterers.

4.2 The Authority was found to be operating the FHRs largely in accordance with the obligations placed on it by participation in the Scheme. Evidence of detailed and thorough inspections being carried out was noted during the audit, with officers clearly assessing and helping businesses to achieve the highest ratings possible. In each of the cases reviewed the FHRs scores seemed appropriate given the findings recorded on file.

4.3 The Authority should continue to address its overdue low risk interventions to ensure the accuracy of the data held on FHRs. An administrative improvement was identified to enable the Service to meet the requirements of the FHRs Brand Standard. A summary of the main findings and key improvements necessary is set out below.

Strengths: The Authority provided evidence of comprehensive communications with businesses following inspections regarding the FHRs and the ratings given to businesses by officers. An area of potential good practice was also identified involving the use of inspection reports to possibly provide cost effective and targeted advice to food businesses and to advertise other elements of the Food Safety Service.

4.4 **Key area for improvement:** The Authority should ensure that businesses are made aware of the need to formally contact the Authority to request revisits if required, providing the Authority with supporting evidence as necessary.

5.0 Audit Findings and Recommendations

5.1 Organisation and Management

- 5.1.1 Harrogate Borough Council is situated in North Yorkshire. The Borough is largely rural in nature and along with includes the tourist towns of Harrogate, Ripon, Knaresborough, Boroughbridge, Pateley Bridge and Masham and many areas classified as having “Outstanding Natural Beauty”. At the 2011 census the population of the Borough was approximately 157,869. There is a varied mix of food premises within the LA area with catering and retail being the dominant sectors. Businesses are predominantly small to medium sized establishments. The Authority is responsible for 20 established approved under Regulation EC 853/2004 and has Primary Authority Agreements in place with two large national food businesses in the area with plans in place for a further two arrangements in the future.
- 5.1.2 The Authority had developed a Food Service Plan for 2015-2016. The Plan generally followed service planning guidance contained within the Framework Agreement. The Plan identified and explained any variations in meeting its targets from the previous year including the reasons for the backlog of 221 lower risk category D and E interventions due. The LA had been heavily involved in food safety arrangements for the Tour de France in 2014 which had led to the delay in low risk interventions being carried out.
- 5.1.3 The Service Plan contained a reasoned estimate of the resources required to provide the food law enforcement service. The Service was delivered by seven officers including the Lead Food Officer, each spending a proportion of their time to the delivery of the Food Safety Service including the delivery of the FHRs and part of their time on other aspects of the Environmental Health Service work. The Plan identified and justified the need for approximately 4.06 FTE officers to deliver the Food Safety Service effectively. Although the Plan did not identify any current shortfall in resources it did describe the significant pressures being experienced by the Service on the resources needed to monitor and help maintain the current high levels of business compliance in the area.
- 5.1.4 The Service Plan contained suitable reference to the Authority’s commitment to delivering and maintaining the FHRs. The Plan also included some basic analysis of the current food hygiene ratings in the area.
- 5.1.5 The Authority stated that it had invested time and resources tackling its high risk businesses in the past to improve levels of compliance, ensuring that most businesses had suitable food safety management system (FSMS) in place. These efforts, along with low business churn and a stable inspection regime were cited as the reasons for the relatively low number of 0 and 1 rated establishments in the area.

5.2 FHRs implementation history

5.2.1 The Authority implemented the FHRs in 2011. Implementation was on a critical mass basis, all relevant food businesses were included at the launch of the scheme. The Authority expressed no particular concerns regarding the roll out of the scheme. Auditors identified that the small percentage of businesses outside the scheme largely consisted of unrated businesses or businesses with negligible food safety risk, deemed outside the programme.

5.3 Authorisation and Training

5.3.1 A total of six officer authorisation and training records were examined. All officers had received a wide range of relevant food safety training, including consistency training in relation to FHRs.

5.3.2 All officers were found to be suitably authorised for their level of qualification and experience. We did note that one officer had received the wrong authorisation document but the Authority was able to provide evidence that this was simply an administrative error.

5.4 Inspection Procedures

5.4.1 The Authority outlined its intervention strategy as consisting of full inspections at category A-D premises with category E premises being subject to a suitable AES, involving a mix of physical inspections and questionnaires.

5.4.2 The Authority had developed a specific intervention procedure dated October 2015 for officers. The procedure included appropriate references to the Brand Standard and suitable working instructions for officers on the implementation and maintenance of FHRs in the area. It contained detailed instruction on the requirements at all stages of the scheme.

5.4.3 Intervention records relating to the last two interventions carried out at five different food establishments in the area were assessed as part of the audit. All the interventions had been carried out at the correct frequency prescribed by the FLCoP.

5.4.4 Inspection details were recorded using a useful aid memoire, which prompted officers to record their assessments against all relevant food hygiene legislation, including detailed hazard analysis and critical control point (HACCP) assessments and assessment of the implementation of the FSA's E-coli O157 guidance. Inspection reports and letters to businesses contained appropriate sections to record officers' decisions regarding the three scoring elements of the FHRs.

5.4.5 Evidence of detailed and thorough inspections being carried out was noted in each case, with officers clearly recording and justifying the

reasons for the ratings given and the works required to address any issues and to help businesses to achieve the highest ratings possible. In each of the cases reviewed the FHRs scores seemed appropriate given the findings recorded on file.

- 5.4.6. An area of potential good practice was noted during the assessment of intervention records, involving the Authority's use of its report of inspection left with businesses following inspections. The inspection report is used to promote and advertise other relevant activities carried out by the Service and to invite FBO's to contribute to the Authority's Food Safety Forum. This can provide a highly targeted and cost effective method of ensuring that food businesses that receive an inspection are made aware of any key messages from the Service.
- 5.4.7 An assessment of the database during the audit revealed that the number of overdue inspections had fallen significantly to approximately 70 low risk businesses, in line with the aims identified in the Service Plan. We discussed the importance of ensuring that interventions are carried out in a timely manner to ensure that up to date ratings are provided for consumers under the FHRs.

Recommendation 1 - Carrying out interventions at the correct frequency to help ensure that the FHRs contains up to date information

[The Standard - 7.1]

Carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance.

Reality Visit to a Food Premises

- 5.4.8 A verification visit was undertaken at a local hotel with an officer from the Authority who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements and resultant FHRs score.
- 5.4.9 During the visit the officer was able to demonstrate a good and effective working relationship with the FBO. The officer was able to justify previously identified non-compliances and the advice given at the last inspection had resulted in improvements being made.

5.5 Notification of ratings and follow up

- 5.5.1 A review of intervention records and letters showed that ratings were notified to the FBO in good time on all occasions. Evidence showed that appropriate information on the safeguards of the scheme was given within the required timeframe.
- 5.5.2 Four premises records for FHRs revisits were checked in detail. The Authority had followed the guidance in the Brand Standard and revisits were carried out in a timely manner with good communication with FBO's. However, information recorded by the Service was inconsistent and insufficient as some FBO's had used emails and telephone calls to request the revisits and to explain why a revisit was justified, contrary to the Brand Standard. The Authority had acknowledged this prior to the audit and had introduced measures to address this issue and was now using the standard form within the Brand Standard for food businesses to request a revisit.
- 5.5.3 The Authority confirmed that in the two years prior to the audit it had not received any appeals of ratings or requests for right to reply. The Authority believed that this was largely due to the efforts made by officers to fully explain the ratings given at the end of each inspection.

Recommendation 2 - Business requests for revisits

[The Standard 16.1 & FHRs Brand Standard Section 8 and p.52 Question 9]

Ensure that businesses are informed of the need to contact the Authority formally to request a FHRs revisit, providing the Authority with the reasons and any supporting evidence for any revisit requests. The Authority should keep appropriate records of any requests made and subsequent actions taken.

5.6 Food Premises Database

- 5.6.1 The Authority was able to provide database reports of premises included in the FHRs scheme in advance of and during the audit.
- 5.6.2 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 Officer during the audit.
- 5.6.3 Reality Upload

A reality upload to the FHRs portal was included in the verification checks on the LA database. The Lead Food Officer was able to

demonstrate that accurate data could be uploaded within expected time frames.

5.7 Consistency Framework

- 5.7.1 Although the Authority did not have a specific stand-alone consistency framework document, the Authority was able to demonstrate a range of procedures and systems in place that showed its commitment to the principle as defined in the Brand Standard. This included the Authority's commitment and investment in the provision of relevant FHRs training for its officers. All officers had attended consistency training either directly or through cascade training at the initial rollout of the scheme and had taken part in the FSAs recent consistency training exercise.
- 5.7.2 The Authority also carried out a range of internal monitoring activities to ensure the quality and consistency of officers' work, which included monitoring some inspection records and FHRs scoring by officers. Other monitoring included regular shadowed inspections and joint visits by officers to aid consistency in risk scoring between officers.
- 5.7.3 In addition the Authority was able to demonstrate its commitment to ensuring FHRs consistency through regular liaison and meetings with neighbouring Authorities. The Authority was a member of the North Yorkshire Food Liaison Group, with meeting agendas including a standing item on FHRs issues.

5.8 Local Authority Website

- 5.8.1 The Authority's FHRs webpage was found to be consistent with Brand Standard guidance and the template text found in the toolkit resource¹. There was a link to the FHRs portal to enable look up of ratings.

5.9 FHRs Website

- 5.9.1 A sample of five premises records were checked. In all cases they were found to have the correct rating and status in accordance with Brand Standard guidance.

5.10 Issues Outside of Scope

- 5.10.1 No issues were found outside the scope of the audit.

¹ <http://www.food.gov.uk/enforcement/enforcework/hygienscoresresources/hygieneratingtemplates#toc-4>

Audit Team: **Andrew Gangakhedkar – Lead Auditor**
John Ashcroft – Auditor

Food Standards Agency
Local Delivery Division
Aviation House
125 Kingsway
London
WC2B 6NH

ANNEX A - Action Plan for Harrogate Borough Council

Action Plan for Harrogate Borough Council

Audit date: 23-24 February 2016

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>Recommendation 1 - Carrying out interventions at the correct frequency to help ensure that the FHRIS contains up to date information [The Standard - 7.1]</p> <p>Carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance.</p>	31 March 2017	It was noted in the report that the backlog of low risk interventions/inspections, which was caused by the workload brought about by the Tour de France, had reduced from 221 to 70 in the two month period running up to the audit. The authority had to carry out an extra 200 interventions/audits to ensure safe delivery of the Tour de France in 2014. It is anticipated that all of the low risk backlog will be addressed by 31 March 2017.	Already reduced from 221 to 70.

<p>Recommendation 2 - Business requests for revisits [The Standard 16.1 & FHRS Brand Standard Section 8 and p.52 Question 9]</p> <p>Ensure that businesses are informed of the need to contact the Authority formally to request a FHRS revisit, providing the Authority with the reasons and any supporting evidence for any revisit requests. The Authority should keep appropriate records of any requests made and subsequent actions taken.</p>	<p>Complete</p>	<p>Prior to the audit this had been identified and the prescribed forms in the Brand Standard with regard to requests for revisits are now issued to all businesses. Forms are on the Council website and info on how to find the forms are on the record of visit. This will ensure that the evidence required will be submitted and recorded by the authority.</p>	<p>Implemented prior to audit.</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.