

Food Standards Agency assessment of the implementation of the FSA Recovery Plan by local authorities [England]

**Epsom & Ewell Borough Council
(6, 8, 9 June 2022)**

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1.0 Introduction

- 1.1 In response to the Covid19 pandemic, the Food Standards Agency (FSA) has maintained regular contact with local authorities (LAs) in England, Wales and N Ireland to provide them with guidance on the expected standards of delivery for food hygiene and food standards services. On 16 June 2021 LAs were contacted and provided details of the FSA's Recovery Plan guidance¹. This Recovery Plan and associated Q&A sets out the FSA's guidance and advice to LAs for the period from 1 July 2021 to March 2023.
- 1.2 The FSA is delivering a programme of LA assessments between April and early July 2022, looking at the implementation of the Recovery Plan. The programme involves remote assessments of a selection of LAs in England to examine the arrangements put in place by LAs to enable them to implement the Recovery Plan guidance.
- 1.3 In particular, the assessments covered arrangements made in relation to the requirements of Phase 1 and any relevant elements of Phase 2 at the time of the assessments, including an assessment of forward planning for the roll out of any remaining elements of Phase 2 throughout 2022 and up to March 2023.
- 1.4 This is a report on the outcomes of the remote assessment conducted with **Epsom & Ewell Borough Council** between 6 and 9 June 2022. A flexible agenda was used allowing the LA to select assessment timeslots over the period to suit their workload.
- 1.5 Epsom & Ewell Borough Council was included in the Food Standards Agency's programme of assessments of LA food law enforcement services as part of a geographical mix and different types and responsibilities of LAs, and because it reported no significant concerns regarding the delivery of the Recovery Plan at the *FSA October 2021 Temperature Check Survey*.
- 1.6 The objectives of the assessment programme are;
- to gain assurance that LAs in England have implemented the guidance in the Recovery Plan and delivered relevant official controls in accordance with relevant legislation and statutory guidance, including the Food Law Code of Practice (FLCoP).
 - to identify and disseminate any areas of innovation or good practice
 - to establish how LAs had interpreted the Recovery Plan and to gather views on the Plan itself and

¹ COVID-19 response - [Recovery Plan](#) setting out guidance and advice for local authorities on delivery of official food controls and related activities in the period 1 July 2021 to 2023/24.

- to highlight any emerging issues or concerns to inform any future amendments or changes to the Plan.

2.0 Executive Summary

- 2.1 The LA had implemented the guidance and met the appropriate milestones in the FSA Recovery Plan at the time of the assessment. Through discussions with officers about service planning and evidence provided during the assessment, it was clear that the LA was delivering official controls broadly in accordance with relevant legislation, including that of the FLCoP. Assessors were also able to verify the accuracy of the information provided to the FSA during the *October 2021 Temperature Check survey* along with that of the *LA end of year returns 2021-22*.
- 2.2 In line with FSA guidance, the LA had been able to move at a faster pace than the minimum requirements set out by the Recovery Plan. They were able to restart programmed food hygiene interventions during the summer of 2020 by re-employing a contractor. The LA also utilised funding to bolster their experienced core environmental health team with additional resources to deal with the increased service demands of Covid19. Consequently, the resource for reactive food safety work throughout the pandemic was maintained. The Service benefited from having a relatively small number of registered food businesses and a dedicated resource (Contractor) for programmed food hygiene interventions.
- 2.3 The LA found the FSA guidance prior to the Recovery Plan timely and helpful. The Recovery Plan itself was clear and its expectations reasonable, which aligned with the LA's capability and capacity during the pandemic.

3.0 Background

- 3.1 Since the summer of 2019, programmed food hygiene interventions have been allocated to a contractor because of historical LA recruitment issues (salaries and finding competent staff). The contractor was allocated programmed intervention work by the lead food officer. This work was allocated on a monthly basis in conjunction with a deadline for delivery. Prior to the pandemic the LA had a backlog of more than 10% overdue food hygiene interventions and had an action plan in place to address this matter. The action plan was on course to be delivered by end of March 2020, but when the pandemic hit priorities changed and the plan was unable to be completed.
- 3.2 The lead food officer (food hygiene) is a member of a core team of Environmental Health Officers (EHOs). The team is generally responsible for the delivery food hygiene controls and enforcing other aspects of public health such as anti-social behaviour, housing and environmental protection legislation.
- 3.3 At the beginning of the pandemic despite officers immediately adopting home working arrangements, the LA was able to maintain its operational capacity and presence. Officers desk numbers were diverted to mobile phones and along with email, these were the primary methods of communication. As the LA had yet to adopt Microsoft 365 it improvised by utilising other online platforms such as WhatsApp to conduct virtual staff meetings. Microsoft 365 was eventually adopted, enabling a more effective and efficient communication between staff members whilst home working.
- 3.4 Despite staff embracing home working arrangements, members of the public were still able to contact the Service during this period, by telephoning the LAs contact centre and by using the “contact us” or “report it” functions on the corporate website. Service requests were then generated and forwarded to the EHOs for action. The LA organised its services to ensure there was sufficient resources (Monday to Friday) to deal with any reactive activities and service requests concerning food hygiene controls.
- 3.5 At the start of the pandemic, programmed interventions immediately ceased. The contractor employed to conduct programmed food hygiene interventions was released and his contract terminated. All food hygiene work was then allocated to the core team of EHOs, who at the time were also dealing with an

additional Covid19 workload and their business as usual (BAU) duties. As the pandemic progressed, team members experienced in communicable disease were also dealing with “Track and Trace” referrals from county level and completing self-isolation checks within the community. Despite releasing the contractor and the additional workload, the LA was able to maintain a dedicated resource for any reactive food safety related work, in accordance with FSA guidance at the time.

- 3.6 A small number of remote interventions were attempted during the initial stage of the pandemic, but as restrictions began to ease, in person interventions were the preferred choice. The LA felt that remote visits were not beneficial in reducing the overall numbers of visits due on their Management Information System (MIS). During the summer of 2020 as establishments were permitted to reopen, the contractor was re-employed and programmed intervention work was reintroduced.
- 3.7 Containment Outbreak Management Funding (COMF) was allocated to the LA from county level (Surrey) for enforcement of relevant Covid 19 regulations and backfilling for any diverted staff. This funding was utilised by the LA to further resource its core environmental health team with an additional four (redeployed) members of staff who were employed as Covid Marshals.
- 3.8 The Covid Marshals assisted with Covid19 related queries on the high-street in addition to providing advice to businesses regarding social distancing, signage and leaflet drops. The LA also used the funding to employ a Covid19 enforcement officer contracted to 20-30 hours a week who was positioned within the core team.
- 3.9 In addition, the LA also received FSA funding for the prioritisation of new businesses which increased numbers of staff assisting with the planning and prioritisation of food hygiene work.
- 3.10 The LA found the FSA letters received via the smarter communications platform during the pandemic very useful. The information provided the LA with clarification and direction regarding official control activities.
- 3.11 The LAs MIS continued to be used during the pandemic to record any official control activities and risk rate food business as per FLCoP. During the pandemic the LA continued with its programmed intervention programme generated by their MIS and are now using it to deliver a programme of work to meet the Recovery Plan milestones. The LA also used their MIS to record Covid19 actions and service requests during the pandemic.

4.0 Delivering Against Expectations

4.1 Implementation of Phase 1 Requirements: Planning and Prioritisation

- 4.1.1 Covid19 hampered all work on the service planning arrangements for 2020-21 and 2021-22, as such this has very much had a knock-on effect with regards to the service planning for 2022-23. The Authority had been unable to update its previous documented Service Plan with details about the impact of the pandemic on the Service. The LA however confirmed that plans were now in place to update its service planning arrangements by the end of summer 2022, in line with current FSA guidance expectations.
- 4.1.2 In the summer of 2020, the Authority restarted its routine risk-based food hygiene intervention programme with programmed interventions being allocated to the contractor. This was done by the lead food officer using the LA MIS. Planning arrangements consisted of conversations between the Service Manager and Lead Food Officer. The LA had therefore not felt the need to produce a specific documented intervention plan to show how interventions would be delivered in accordance with the relevant milestones in the Recovery Plan. The re-introduction of the routine intervention programme in 2020 has enabled the LA to move at a faster pace than the current requirements of the Recovery Plan.
- 4.1.3 Work allocated to the contractor for completion is monitored on a weekly basis by the lead food officer. If the contractor is unable to deliver the programme of work to the agreed deadlines, contingencies have been put in place whereby the lead food officer will assist in the delivery of this work.
- 4.1.4 A prioritisation exercise for new businesses was completed by the LA using the FSA funding along with a modified version of the newly developed FSA Business Triage Form. The LA found this funding to be very helpful and was used to employ contact centre staff to undertake the prioritisation exercise with regards to new business registrations. The exercise consisted of contact centre staff telephoning new businesses in order to verify their registration information and prioritise them for interventions using a risk-based approach, in line with FLCoP requirements. The lead food officer produced training (video) for contact centre staff concerning the triaging and prioritisation of new business, helping to ensure the accuracy and consistency of this work.
- 4.1.5 For the period April 2021 to the end of March 2022, the LA received a total of 64 new food registrations, of which 13 were categorised as high risk (and received onsite interventions) and 51 as low risk.

4.2 Implementation of Phase 2 Requirements

- 4.2.1 All category A rated premises (two in total) had received an onsite intervention by March 2022 in line with the Recovery Plan milestone. These were subsequently re-risk rated as category B rated premises. The LA was currently on track to deliver interventions at all B rated premises by the end of June 2022. Based on the training records provided by the LA, interventions were carried out by authorised officers who had received relevant training commensurate with their enforcement activities.
- 4.2.2 Assessors verified a small sample of records and there was evidence that risk scores had been applied correctly. Food Business Operators (FBOs) had been informed of contraventions, best practice, required corrective actions and timescales for compliance in line with the FLCoP requirements.
- 4.2.3 The Food Hygiene Rating Scheme (FHRS) was implemented and remained in operation during the pandemic. Risk ratings were applied based on officer findings and communicated to the FBOs during the intervention. These scores were also monitored by the lead food officer for their accuracy and consistency.

4.3 Any Areas of Faster Progress with the Recovery Plan

- 4.3.1 The Recovery Plan encouraged LAs where possible to move at a faster pace in realigning with the intervention frequencies and other provisions set out in the FLCoP. The key milestone dates within the Recovery Plan, and Phase 2 in particular can be seen in Annex 1.
- 4.3.2 The LA was responsible for enforcement at approximately 500 food businesses. In accordance with FSA guidance, they had been able to move at a faster pace and are able to achieve all the remaining milestones in Phase 2 (subject to any further restrictions imposed due to Covid19).

4.4 Ongoing Expectations: Sector Specific Controls and other Official Controls and Activities

4.4.1 Since the beginning of the pandemic, the FSA has provided LAs with guidance regarding ongoing expectations about sector specific official controls² and other official controls and activities in registered and approved establishments³. These ongoing expectations were placed on LAs before the Recovery Plan was issued, these continued to remain in place alongside the additional milestone requirements of the Recovery Plan:

- **Proactive Surveillance**

The LA confirmed proactive surveillance activities were carried out by officers during the pandemic. These activities included officers regularly travelling across the borough and identifying new businesses in addition to triaging any new complaint information. Partnership working with other departments such as Licensing, Police and Trading Standards at county level also helped to inform on the changing business landscape. The LA confirmed that although these activities were not routinely recorded, the MIS was updated as and when officers actioned official control activities resulting from proactive surveillance – such as interventions at new FBOs / updating FBO details etc.

- **Dealing with incidents, complaints and foodborne disease outbreak investigations**

The LAs policy on dealing with incidents, complaints and foodborne disease outbreak investigations did not change during the pandemic. It was confirmed that no incidents were required to be investigated during this period. The LA received a total of 38 food premises complaints and 15 food complaints between 2020 and the day of assessment, this was a small but insignificant increase on the previous year. Assessors were informed that all complaints had been prioritised and actioned whilst adopting a risk-based approach to public health.

Assessors checked a small sample of food complaints; records described the nature and details of the complaint and there was evidence of appropriate investigation and complainant feedback. Objective evidence demonstrated that

² Table 1 in COVID-19 response: [guidance and advice to local authorities on delivery of official food and feed controls during the lockdown in England announced on 4 January; and issuing of Version 14A of the COVID-19 Local Authority Enforcement Q&A](#)

³ Table 2 in COVID-19 response: [guidance and advice to local authorities on delivery of official food and feed controls during the lockdown in England announced on 4 January; and issuing of Version 14A of the COVID-19 Local Authority Enforcement Q&A](#)

the LA had taken appropriate corrective action to address the complaints and mitigate any further risks to public health.

- **Sampling**

The Sampling Policy also remained in place and did not change during the pandemic. Proactive sampling was not undertaken during the pandemic, however the LA is committed to restarting its proactive sampling activities in due course in line with their sampling policy. Although the capacity for taking reactive samples remained in place, no reactive sampling was required during the pandemic.

- **Enforcement**

The LA had an enforcement policy in place which was in line with centrally issued guidance and had been approved appropriately. Although the policy had remained in place throughout the pandemic, the LA had not needed to carry out any formal enforcement activities to achieve business compliance. The LA did however issue a total number of 26 written warnings between April 21 and March 22 in order to address contraventions found during inspections and to ensure compliance in these businesses.

- **Product specific legislative requirements**

The LA confirmed they had no approved establishments within their area or other sector specific controls that needed to be delivered during the pandemic.

5.0 Monitoring

- 5.1 The LA had an internal monitoring procedure, but since the beginning of the pandemic this had not been fully implemented. Despite not completing any shadowing visits with officers, the lead food officer was regularly monitoring the FHRS uploads from the contractor, ensuring the accuracy and consistency of ratings. Monitoring of the triaging and prioritisation of new business by newly redeployed staff was also being undertaken. Programmed interventions issued to the contractor were also being monitored to ensure timely delivery against agreed deadlines, in line with the Recovery Plan milestones.
- 5.2 Given the circumstances, assessors were satisfied with the LAs approach to monitoring during the height of the pandemic but did discuss the benefits of reviewing their approach moving forward.

6.0 Conclusions

- 6.1 Assessors were able to confirm that the LAs responses to the *FSA October 2021 Temperature Check survey* were accurate along with that of the *LA end of year returns 2021-22*.
- 6.2 Based on discussions with officers and a review of evidence provided, it is clear that the LA is delivering the Recovery Plan in accordance with the guidance and FSA expectations. They have also been able to move at a faster pace than the minimum requirements of the Recovery Plan.
- 6.3 The LA confirmed that at the time of assessment and with the use of the contractor, the Service is resourced to a satisfactory standard and expects to deliver the remaining milestones of the Recovery Plan (subject to any future changes as a result of the pandemic)
- 6.4 Food core officer training during the pandemic was delivered remotely and met the FLCoP requirements. Internal training provided by the Lead Food Officer (video) concerning the triaging and prioritisation of new business for new redeployed staff was noted as good practice by the Assessors.
- 6.5 Moving forward, assessors suggested that the Service could be strengthened further by:
- Developing a documented post pandemic service plan in line with centrally issued guidance, approved by relevant members or senior management, including details of the interventions to be delivered throughout the year and an estimate of the resources required to deliver them.
 - Re-introducing a suitable proactive sampling programme as soon as possible in line with the LA sampling policy, building on the LAs risk-based approach for the delivery of official controls.
 - Re- introduce a risk based and proportionate internal monitoring approach across the whole of its Food Safety Service in line with LA policy.

Assessment Team: Andrew Webb (Lead Assessor)
Aranzazu Sanchez (Assessor)

ANNEX 1- Key milestone dates within the recovery plan

