

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Cabinet Member for Safe and Attractive Neighbourhoods</b>
2.	<b>Date:</b>	<b>21<sup>st</sup> March 2011</b>
3.	<b>Title:</b>	<b>Food Standards Agency Audit – update on actions taken</b>
4.	<b>Directorate:</b>	<b>Neighbourhoods and Adult Services</b>

### 5. Summary

On the 18<sup>th</sup> and 19<sup>th</sup> May 2010, the Authority was subjected to a focussed audit by the Food Standards Agency. This report details the findings of the audit and provides an update on the progress made with regard to the implementation of the audit recommendations.

### 6. Recommendations

- **That Cabinet Member has regard to the findings of the Food Standards Agency audit as detailed in the Final Audit Report attached as Appendix A and acknowledges the actions undertaken since the publication of the audit report and action plan.**
- **That Cabinet Member accepts the action plan produced in response to the recommendations with respect to meeting the Standard in the Framework Agreement.**

## 7. Proposals and Details

A focused audit of the Authority's food law enforcement services was undertaken by The Food Standards Agency (FSA) on 18<sup>th</sup> and 19<sup>th</sup> May 2010. The Agency carries out these audits to improve consumer protection and confidence in relation to food. The food hygiene and food standards services are both delivered by the Food, Health and Safety team in Rotherham.

The audit assessed the local arrangements that were in place for officer authorisation and training, inspection of food businesses and internal monitoring. Following the audit, the Agency produced a final report that made a number of recommendations. The final report is attached as Appendix A.

Since the publication of the report, the Food, Health and Safety team have undertaken a programme of work in order to implement the recommendations made by the Food Standards Agency.

The Programme Area has recently undertaken an organisational review of the service and the staff are committed to delivering the recommendations outlined in the FSA Audit Report; details on the progress made are given below:

### Recommendation 1

*The Authority should ensure that future Food Service Plans are fully in line with the Service Planning Guidance in the Framework Agreement, including a reasoned estimation of the staffing resources required to deliver all aspects of its food law enforcement service compared with the staffing resources available to the Authority.*

The auditors found that the Authority had developed a Food Safety Service plan for 2010/2011 which was broadly in line with the Service Planning Guidance in the Framework Agreement. Information in line with this recommendation will be included in the 2011/2012 plan. However, staff have given assurances that priority will be given to deliver the requirements of the Food Service Plan.

### Recommendation 2

*The Authority should liaise with its legal department to ensure that all its officers are suitably authorised under all relevant food safety legislation. Officers' levels of authorisation should be consistent with their qualifications, training and experience, in accordance with the Food Law Code of Practice and centrally issued guidance.*

The audit acknowledged the Authority had developed a system of identifying officer competency requirements and issuing legal authorisations. The Authority liaised with its legal department to ensure all its officers were suitably authorised under all relevant legislation. This was undertaken to ensure officers' levels of authorisation were consistent with their qualifications, training and experience in accordance with the Food Law Code of Practice.

A report updating the recent legislation has been written and authorisations will be amended in accordance with this.

### Recommendation 3

*The Authority should ensure that food hygiene inspections of establishments in their area are undertaken at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice or other centrally issued guidance.*

Resources will be directed towards those premises that present the highest level of risk. Through directing resources in this way, staff have committed to delivering 100% of category A, B and C premises inspections in accordance with the Food Law Code of Practice.

The inspections in Rotherham are prioritised in accordance with their risk rating and are undertaken in accordance with this. At the time of the audit there were a significant number of unrated premises which have now all been inspected.

Any new premises are included in the inspection programme in accordance with the time they are due to open. However, some premises do not start trading when they indicate on their registration form. Officers are now given inspection lists which state the risk category and last inspection date to assist officers meet the standard.

### Recommendation 4

*The Authority should further review and develop its inspection aides-memoire for all types of food establishments in its area, to prompt and require officers to record all relevant inspection findings including detailed assessments of establishments' compliance with legislation related to HACCP and FSMS.*

Exemplar aides-memoires from other authorities were reviewed. A new aide-memoire has been introduced for butchers' premises using these exemplar models. We are currently developing specific sector questionnaires incorporating the information from the aides-memoire for the lower rated category E premises such as childminders; we will continue to develop these in accordance with service needs. The requirement to fully complete the inspection aide memoire has been reinforced with all relevant staff. The information recorded on the aides-memoire which officers complete is being monitored.

### Recommendation 5

*The Authority should ensure that observations made and/or data obtained in the course of an inspection/intervention is recorded in such a way the records are retrievable. Determination of legal compliance or any non-compliance should be recorded.*

Currently officers record the risk rating electronically; the information observed during inspections is kept on hard copy files. This will be reviewed when the

Council installs the new Electronic Document Records Management System. Officers' files are periodically monitored to check the records are retrievable.

#### Recommendation 6

*The Authority should take appropriate action on any non-compliance found during interventions, in accordance with the Authority's Enforcement Policy, the Food Law Code of Practice and any centrally issued guidance. All decisions on enforcement should be made following consideration of the Authority's Enforcement Policy. The reasons for any departure from the criteria set out in the policy should be documented.*

The Council's General Enforcement Policy and the South Yorkshire Food Authorities Enforcement Protocol were reinforced with all staff. Actions have been also taken to reduce the delay in relation to the issuing of letters following inspection visits. Internal processes, where appropriate, will be streamlined to further reduce unnecessary delay with regard to enforcement action.

#### Recommendation 7

*The Authority should implement its new internal monitoring procedures to include qualitative monitoring of all areas of food law enforcement activity and ensure that appropriate records are retained to verify conformance with the Standard and relevant Codes of Practice and centrally issued guidance.*

Internal monitoring is being undertaken of letters, notices, etc. The monitoring procedure also includes verification that appropriate action is taken following an inspection/intervention, and that this action is taken in a timely manner and in accordance with the Authority's Enforcement Policy, the Food Law Code of Practice and any centrally issued guidance.

The Food Standards Agency are expected to return to the Authority in May 2011 in order to assess progress against the action plan, however a date is yet to be confirmed.

### **8. Finance**

The audit report and recommendations made therein have not resulted in any additional resource implications for the authority. Implementation of the recommendations has been achieved within existing budgets.

### **9. Risks and Uncertainties**

Failure of the authority to implement the recommendations may result in the Authority failing in its statutory duties in relation to the official control of food safety. In addition, the Food Standards Agency may consider it necessary to take further action against the Authority should it be considered to be failing to deliver its obligations.

## **10. Policy and Performance Agenda Implications**

The work undertaken by the Food, Health and Safety Service increases public protection by providing greater business understanding and compliance. We contribute to customers consistent with the **ALIVE** priority theme.

## **11. Background Papers and Consultation**

Audit report (attached as Appendix A)

Food Law Code of Practice

The Food Law Enforcement Standard contained within the Food Standards Agency Framework ([www.food.gov.uk/enforcement/auditand monitoring.](http://www.food.gov.uk/enforcement/auditand%20monitoring))

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