

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

<b>1</b>	<b>Meeting:</b>	<b>Cabinet Member for Health &amp; Well Being</b>
<b>2</b>	<b>Date:</b>	<b>12<sup>th</sup> September 2011</b>
<b>3</b>	<b>Title:</b>	<b>Food Standards Agency Audit: Update on Action Plan &amp; Overview of Service</b>
<b>4</b>	<b>Directorate :</b>	<b>Neighbourhoods and Adult Services</b>

### **5 Summary**

Audits of Local Authorities' food law enforcement services are part of the Food Standards Agency's (FSA) arrangements to improve consumer protection and confidence by ensuring that Local Authorities are providing an effective food law enforcement service.

Rotherham Council was included in the FSA's programme of focussed audits of Local Authority food law enforcement services in May 2010. The findings from the audit and the action plan produced in response to the recommendations made were presented to Cabinet Member for Safe and Attractive Neighbourhoods on 21<sup>st</sup> March 2011.

This report provides an update on the progress made with regard to the recommendations in the audit report and details the preparations undertaken for a potential follow-up audit by the FSA.

This report also provides a strategic overview of the food hygiene service, including information on the Scores on the Doors initiative.

### **6 Recommendations**

- **That Cabinet Member receives information on the progress made to meet the FSA's recommendations and the work undertaken to prepare for a potential follow-up audit.**
- **That Cabinet Member receives information with regard to a strategic overview of the food hygiene service.**

## 7 Proposals and Details

A focussed audit of the Authority's food law enforcement services was undertaken by the FSA on 18<sup>th</sup> and 19<sup>th</sup> May 2010. The audits are carried out to improve consumer protection and confidence in food safety. 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 food premises inspections and internal monitoring with regard to food hygiene law enforcement, with particular emphasis on officer competency in assessing food safety management systems. This included a reality check at a food business to assess the effectiveness of official controls implemented by the Council and the checks carried out by officers to verify food business operator compliance with legislative requirements. The scope of the audit also included an assessment of the overall organisation, management and internal monitoring of food law enforcement activities. Following the audit, the Food Standards Agency produced a final report (Appendix A) and the Food, Health and Safety team undertook a programme of work to implement the recommendations made.

Details on the progress made against recommendations includes the following:

### **Recommendation 1 - Ensure that future Food Service Plans are fully in line with the Service Planning Guidance in the Framework Agreement:**

- Food Service Plan was revised to reflect this recommendation. A comparison between the resources required to deliver the food law enforcement service and the staffing resources available to the authority was included. Performance and Quality Team quality assurance checked the plan. **Action complete.**

### **Recommendation 2 - Liaise with its legal department to ensure that all its officers are suitably authorised under all relevant food safety legislation:**

- The Council's Scheme of Delegation to Members and Officers was amended and ratified at the Annual Council Meeting in May 2011. Officer authorisations were altered in accordance with the new schedule. **Original action complete.**

NB: Changes to legislation have come into force since this report and a further report has been written to take account of the changes.

### **Recommendation 3 - 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:**

The Code of Practice stipulates the risk rating system and the minimum inspection frequency, as set out below:

<b>Category</b>	<b>Minimum Frequency</b>
A	6 months
B	12 months
D	2 years
E	3 years or Alternative Strategy

- A performance monitoring framework was developed including internal monitoring and quality assurance activities.
- A new Performance Indicator was also developed with monthly performance reports provided to the Director of Housing and Neighbourhood Services with regard to meeting the timescales within the Code.

From 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2011 100% of category A to D premises inspections were undertaken and the cumulative performance to 30 July 2011 is 100%. An Alternative Enforcement Strategy is applied to category E premises. Since 1 April 2011 all category E premises, with the exception of childminders were also inspected. The alternative enforcement strategy which can be applied to lower risk premises has been applied to childminders. This includes a range of interventions such as telephone calls, 1:1 visits, advisory visits and self-assessment questionnaires. **Action complete.**

**Recommendation 4 - 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 Hazard Analysis and Critical Control Points (HACCP) and Food Safety Management Systems (FSMS):**

- Additional 'aides memoire' were developed to meet specific needs when undertaking interventions at butchers and childminders. The Performance and Quality Team have quality assured these. Internal monitoring procedure includes process for checks. **Action complete.**

**Recommendation 5 - 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:**

- Internal monitoring procedures were implemented, including verification that all relevant documentation is stored appropriately and securely. Quality assurance checks are undertaken on a regular basis by the Service Manager and Principal Officer. **Action complete.**

**Recommendation 6 - 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:**

- General Enforcement Policy and the South Yorkshire Food Authorities Enforcement Protocol reinforced with all staff during specific briefing sessions. Internal monitoring procedure implemented, including verification quality assurance checks against the policy and 'Code of Practice'. Procedure also includes verification that appropriate action is taken following an inspection/intervention in a timely manner. Quality assurance checks undertaken

by the Principal Officer. **Action complete.**

NB The South Yorkshire Food Authorities Enforcement Protocol is currently under revision.

**Recommendation 7 - 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 procedure implemented covering all aspects of monitoring, quality assurance and performance management. **Action complete.**

#### **Preparation for a potential follow-up audit:**

The Food, Health and Safety Team and the Performance and Quality Team have commenced a number of activities in preparation for the potential follow-up audit, including:

- A core group was established to undertake a range of quality assurance activities and peer to peer audits against policies, procedures and FSA Audit Checklist (ongoing).
- The Performance and Quality Team have undertaken a range of independent quality assurance activities and spot checks (ongoing).
- Staff briefing sessions were delivered by the Director of Housing and Neighbourhood Services, the Business Regulation Manager and the Food, Health & Safety Manager.
- Preparation for the Audit is discussed at regular team meetings and during 1:1 sessions.
- Website information was reviewed and improvements made. These were approved by a consumer panel.

A “preparing for audit” timetable was developed with further actions following notification of the potential audit and includes staff briefing messages, preparing for staff interviews, on-site verification visits and reality checking exercises.

Any follow-up visit by the FSA would be notified in writing to the Chief Executive and the lead officer for food hygiene. It is envisaged that a revisit will be undertaken.

#### **Strategic Overview of the Food Hygiene Service**

Authorised Officers are tasked under the Food Safety Act 1990 and other relevant legislation with inspecting food businesses according to the FSA Code of Practice. Following each inspection, the business is assigned risk ratings for food hygiene and food standards which are used to determine the frequency of future programmed inspections.

Environmental Health Officers can prohibit businesses from trading, for example where a rodent infestation is found. In 2010/11 five premises were closed. In other circumstances legal notices may be served to remedy food hygiene or structural matters. In 2010/11 66 Hygiene Improvement Notices were served.

We also monitor compliance with the law each month and produce reports on the percentage of food establishments in the area which are broadly compliant. The performance figures for broadly compliant premises for 2011 are:

July 2011:81%, June 2011: 81% May 2011:80% April 2011: 81%

Officers work with businesses to improve compliance.

The Authority submits food samples to check they meet with the law. In 2010/11 146 samples were taken. We participated in national and local sampling initiatives, which included Health Protection Agency surveys into pathogens in sandwiches from institutional settings and Listeria in ready-to-eat foods. We also participated in the FSA's imported foods survey. This year we have taken 50 samples from various premises including butchers, supermarkets and care homes. We have undertaken surveys on imported foods and materials in contact with food and are participating in various national surveys.

The Authority investigates cases of infectious diseases notifications. In 2010/11 there were 899 cases. A large number of these notifications were cases of Norovirus. There were 382 notifications received up to 31 July 2011.

The Authority receives information from the FSA about action which needs to be taken in certain circumstances. We also receive information about product recalls and allergy reports. Last year six Food Alerts were received; these were assessed and those requiring a response were acted upon.

### **Scores on the Doors**

The Scores on the Doors scheme, launched in March 2007, allows consumers to view the official Local Authority hygiene ratings for food businesses. In July 2011 Rotherham Council displayed information for 889 businesses on the SOTD website. By making available information to which the public has a right to access; Scores on the Doors promotes food safety and improved business standards through informed consumer choice. The FSA operate a similar system known as Food Hygiene Rating Scheme and the Authority may migrate to this scheme.

## **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**

Strategic Objective 5 states that 'We will ensure that Citizens are satisfied with their community as a place to live". The Food Service Plan outlines the functions of the Food, Health and Safety Team, which is part of Regulatory Services.

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

Audit report and Action Plan (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 monitoring))

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