

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

London Borough of Hounslow
28-29 January 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 the London Borough of Hounslow conducted between 28th and 29th January 2016 at The Civic Centre, Lampton Road, Hounslow, TW3 4DN. 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 Operations Assurance Division at Foss House, Peasholme Green, York, YO1 7PR. Tel: 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.
- 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 in the upper third percentile of those with a proportion of 0 and 1 rated premises in the FHRS. At the time of selection the London Borough of Hounslow had 13.4% 0 and 1 rated premises.

4.2 The Authority was found to be operating the FHRS broadly 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 Food Law Code of Practice (FLCoP). A summary of the main findings and key improvements necessary is set out below.

Strengths: The LA had an officer performance indicator that required notification of ratings to Food Business Operators within five working days of an intervention.

4.3 **Key area for improvement:** Some inspection records examined showed inconsistency between non-compliance detailed and the FLCoP Chapter 5.6 scores given. Officers should ensure scores are consistent and adequately evidenced.

5.0 Audit Findings and Recommendations

5.1 Organisation and Management

5.1.1 LB Hounslow delivers official controls in an area that is not only rapidly expanding but is also very diverse. There is a varied mix of food premises within the LA area including: nine premises subject to approval under EC 853/2004 and a number of external transport storage facilities for imported food in connection with third country imports from nearby Heathrow Airport. The Food Safety Team issued a significant number of export certificates and regularly provided food hygiene training for local food businesses.

5.1.2 The Food Safety function was under review at the time of the audit. Auditors were informed that as a consequence there had been a recent twenty five percent reduction in full time equivalent officer resource for food hygiene controls. Auditors were also advised that the team did not have any dedicated administrative support function or IT resource. Officers carried out their own administration and the Lead Food Officer was solely responsible for the management of the premises database.

5.1.3 The LA had developed a Food Service Plan for 2015-2016. The plan was subordinate to the higher level Environmental Protection Business Plan for the same year. The Food Service Plan generally followed service planning guidance contained within the framework agreement. The plan did contain a brief review against targets set in 2014/15. Further review was contained in the higher level document.

5.1.4 The Service Plan did not contain a reasoned estimate of the resources required to provide the food law enforcement service in terms of FTE's however, a clear statement was detailed in the Environmental Protection Plan.

5.1.5 The Service Plan would benefit from more detail on delivery of the FHRS in terms of spread of food hygiene rating scores, consistency procedures, training Implications and the significant monitoring requirements that fall to the Lead Food Officer to enable effective implementation of the scheme.

5.1.6 Whilst the Service Plan was not brought to the attention of or ratified by Elected Members the Auditors were advised that the Environmental Protection Plan was signed off at Director level.

5.2 FHRS implementation history

5.2.1 The LA implemented the FHRS in January 2013. Implementation was on a critical mass basis – all relevant food businesses were included at the launch of the scheme. In 2014/15 the LA received grant funding from the FSA to improve display of FHRS stickers at premises rated 3 or above. The key objective of the project was to promote display of stickers particularly in high street locations.

5.3 Authorisation and Training

- 5.3.1 A total of five officer authorisation and training records were examined. Most officers had completed the ten hour continuing professional development minimum in accordance with the FLCoP. All officers had also completed Lead Auditor Training to ISO 9000 or 22000.
- 5.3.2 All officers were found to be suitably authorised for their level of qualification.

5.4 Inspection Procedures

- 5.4.1 The LA had in place a specific operational procedure for officers to follow for the FHRS. The procedure was subject to review and some evidence was seen of version control. It contained detailed instruction on the requirements at all stages of the scheme. The LA FHRS procedure was supplemented by the Operational Procedure for Food Interventions. Both procedures were devised by the Lead Food Officer who was also responsible for review of the documents as appropriate.
- 5.4.2 Five premises intervention records were checked. In the five premises files Auditors looked in detail at a total of ten inspections. Based upon the information gathered and recorded during eight of the inspections Auditors questioned the validity of some of the ratings given. Evidence recorded indicated that officers were not using the full range of chapter 5.6 scores available and appeared to be marking cautiously, leading Auditors to conclude that the scoring was too lenient in the majority of cases. In examples discussed significant non-compliance had been detailed where premises had been scored as broadly compliant.
- 5.4.3 The LA aide memoire form in use was generally quite detailed although it should be reviewed further to ensure that officers gather enough information particularly in regard to the officer's assessment of the HACCP system and implementation of FSA e coli guidance.
- 5.4.4 At the conclusion of an intervention the LA used a carbonized post inspection report form. Examination of the post inspection reports and subsequent letters showed that the officer did not on all occasions differentiate between recommendations and legal non-compliance as required by paragraph 5.8.4 of the LA's own intervention procedure and section 6.3.14 of the FLCoP. The Lead Food Officer attributed this to a perceived lack of clarity on this requirement in the post inspection report standard template, provided in the current and earlier Brand Standard versions. The FSA will review the clarity of the template guidance and the LA gave assurance that they will ensure

officers identify legal requirements and recommendations in future reports that it issues.

5.4.5 Auditors also found two matters detailed on reports had been identified as legal non – compliances; e.g. wearing of headgear and application of Animal by Products Regulations in catering premises that were exempt from those regulations. Based upon the information seen the former should have been detailed as a recommendation only, both of these instances had an impact on the scoring given under the FHRS.

5.4.6 Whilst carrying out analysis of database reports provided, Auditors became aware that some intervention frequencies were not consistent with those in the FLCoP. Taking account of an adjusted figure with intervention frequencies correctly calculated, auditors determined the following breakdown of FLCoP Chapter 5.6 overdue interventions and unrated premises at the time of the audit;

Rating	Number Overdue
A	4
B	11
C	35
D	41
E	240
Unrated	84

5.4.7 The LA gave assurance that the intervention frequency errors would be corrected and further assured that all A-D risk intervention could be completed within the 2015-2016 reporting year. The majority of the overdue interventions were at premises that were low risk and approximately 50% of these were also excluded from the scope of the FHRS.

5.4.8 The above figures represented 21% of the total database (not all premises fell within the scope of the FHRS). Approximately 89% of food businesses in the London Borough of Hounslow were included in the FHRS.

Reality Visit to a Food Premises

5.4.9 A verification visit was undertaken at a retail premises 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.

5.4.10 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.

Recommendation(s)

5.4.11 The Authority should:

- (i) Ensure that inspections/interventions are recorded in sufficient detail to demonstrate establishments have been fully assessed to the legally prescribed standards, the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.2 and 7.3]
- (ii) Carry out interventions/inspections, and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures. [The Standard - 7.2]
- (iii) 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. [The Standard - 7.1]

5.5 Notification of ratings and follow up

- 5.5.1 According to the FHRs operational procedure the officer could inform the FBO of the rating at the conclusion of the inspection and give out the FHRs sticker; however, typically this was done subsequently. Officers indicated that this was preferred as it allowed for reflection and peer review.
- 5.5.2 Following database checks of the MIS system auditors did discover two occasions when incorrect ratings were advised to the FBO although ratings advertised on the FHRs portal were found to be correct in all instances apart from one that had an incorrect intervention date. Assurance was given that these anomalies would be investigated and rectified.
- 5.5.3 Documents showed that ratings were notified to the FBO in good time on all occasions. A performance indicator target of five working days was in operation to encourage timely action by officers for the notification of the rating. Evidence showed that appropriate

information on the safeguards of the scheme was given within the required timeframe.

- 5.5.4 Five premises records for FHRS revisits were checked in detail. On all occasions the FBO had submitted a revisit request form and revisits had been carried out promptly by the officer in accordance with the scheme. In three out of the five revisits it was found that officers had given an individual rating of 5 in hygiene, structure or confidence in management indicating minor non-compliance but had not recorded any information on inspection documents to detail the nature of the non-compliance.
- 5.5.5 The LA confirmed that in the two years prior to the audit it had not received any appeals of ratings or requests for right to reply.

Recommendation(s)

5.5.6 The Authority should:

Ensure the operation of the Food Hygiene Rating Scheme includes periodic monitoring and auditing to verify that ratings notified to Food Business Operators following inspection are accurate and consistent with those advertised on the FHRS website.
[FHRS Brand Standard Section 11 and p.41 Question3]

5.6 Food Premises Database

- 5.6.1 The LA was able to provide database reports of premises included in the FHRS scheme in advance of and during the audit.
- 5.6.3 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. The Lead Food Officer gave assurance that the anomalies detailed had all been rectified at the conclusion of the audit.
- 5.6.4 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 The LA had a consistency framework in place that was based on the principles contained within section 11 of the Brand Standard. A detailed FHRs operational procedure had been developed. Auditors were advised that the policy had been communicated to all officers through 1:1's and team meetings. Interviews with officers confirmed a good working knowledge of the procedure.
- 5.7.2 The Lead Food Officer had devised a detailed monitoring system that encompassed inspection procedures, risk rating, post inspection and follow up validation. Four examples of monitoring records were examined. Some improvements required had been identified by the lead officer on some of the samples seen although corrective action as a result of the monitoring process was not always recorded. The Lead Food Officer advised auditors that the monitoring procedure will be reviewed as there was no longer resource capacity to undertake validation visits.
- 5.7.3 All officers had attended consistency training at the initial rollout of the scheme. This was further supplemented by training that had been hosted by the LA on behalf of the FSA and the local food liaison group. The Lead Food Officer informed Auditors that officers also carried out peer review of case studies and inspections of note during team and appraisal meetings.
- 5.7.4 The Lead Food Officer was a regular participant at the FSA FHRs user group meetings and also attended North West London Sector Food Liaison Group meetings where FHRs was a standing item on the agenda.
- 5.7.5 The LA had participated in the National FHRs consistency exercise, although, when the submission was checked the LA disputed the score received by the FSA. The Lead Food Officer commented that improvements could be made in future exercises if LA submission was confirmed at the time of upload.

5.8 Local Authority Website

- 5.8.1 The Local Authority FHRs webpage was found to be consistent with Brand Standard guidance and the template text found in the toolkit resource¹. Safeguard application forms were available for download and there was a link to the FHRs portal to enable look up of ratings.

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

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 Analysis of the database extract provided in advance of the audit indicated that some premises had been given scoring not appropriate in certain circumstances. For example, on some occasions the additional risk factor score for a vulnerable group had been given where the type of food and method of handling score indicated less than 20 meals a day served. Whilst this did not impact directly on the FHRs score it did affect the intervention frequency.

Audit Team: **Jamie Tomlinson – Lead Auditor**
Michael Bluff – Auditor
James Blackburn – Local Authority Liaison Officer -
(IT Support)

Food Standards Agency
Local Delivery Audit Team
Operations Assurance Division
Foss House
Peasholme Green
York
YO1 7PR

ANNEX A - Action Plan for London Borough of Hounslow

Audit date: 28-29 January 2016

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
5.4.11 (i) Ensure that inspections/interventions are recorded in sufficient detail to demonstrate establishments have been fully assessed to the legally prescribed standards, the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.2 and 7.3]	30/6/16	<ul style="list-style-type: none"> • Review our aide memoir to include more details particularly in relation to the officer's assessment of the HACCP system and implementation of the FSA E. coli guidance. 	Gathering other LA's forms from the Knowledge hub and NWSFLG colleagues for consideration
5.4.11 (ii) Carry out interventions/inspections, and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures. [The Standard - 7.2]	30/6/16	<ul style="list-style-type: none"> • Carry out further in house training in Chapter 5.6 scoring. • Discuss scoring at team meetings • Carryout further consistency training exercises. • Revise monitoring procedure to enhance monitoring in this area and ensure officers are using the full range of scores. 	Discussion of feedback from audit at team meeting 18/2/16

<p>5.4.11 (iii) 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. [The Standard - 7.1]</p>	<p>On-going and by 31/3/16</p>	<ul style="list-style-type: none"> • It is our stated objective to carryout interventions at all of our category A-D premises by 31/3/16. • Reduced resources as acknowledged by the report mean that is increasingly difficult to comply with the requirement to inspect all businesses within the 28 day period as stated in the FLCoP and the Brand Standard. • Monitoring by the LOF will be increased to ensure that the highest category premises are prioritised. 	<p>On-going monitoring of progress and discussions with individual officers through 1-2-1s and PDA.</p>
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<p>5.5.6 Ensure the operation of the Food Hygiene Rating Scheme includes periodic monitoring and auditing to verify that ratings notified to Food Business Operators following inspection are accurate and consistent with those advertised on the FHRS website. [FHRS Brand Standard Section 11 and p.41 Question3]</p>	<p>On-going and by 31/3/16</p>	<ul style="list-style-type: none"> • FHRS policy to be revised to include 3 random checks every upload to ensure that notification letter is consistent with uploaded value. • These instances resulted from a historic problem with Civica not correctly calculating the rating unless the calculate button was pressed twice. I was unaware of this issue at the time and it has been rectified in an upgrade. The incorrect rating was then transferred to the notification letter as a merge field. James Blackburn has provided me with a spreadsheet which should enable me to compare published rating with rating recorded on the database, however I do not envisage a problem going forward and historic issues should be rectified as the interventions fall due. 	<ul style="list-style-type: none"> • Policy reviewed and amended. Commenced at upload dated 15/2/16 • I have reviewed the ratings shown on the Civica database and compared them with the three scores (H/S/CIM) and corrected any anomalies as far as possible. (e.g. there should be no premises rated as a 5 which has a score of 10 in any of the three categories) • All officers reminded to check FHRS notification before sending it out.
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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.