

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

Basingstoke and Deane Borough Council  
18 -19 February 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 Basingstoke and Deane Borough Council conducted on 18-19 February 2016 at Civic Offices, London Road, Basingstoke RG21 4AH. The audit was carried out as part of a programme of audits on local authority (LA) operation of the Food Hygiene Ratings Scheme (FHRS). The report has been made available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports). Hard copies are available from the FSA's Local Delivery Division, Email: [LAAudit@foodstandards.gsi.gov.uk](mailto:LAAudit@foodstandards.gsi.gov.uk) / 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 the operation of the FHRS were sought to inform FSA policy development.

## **3.0 Objectives**

- 3.1 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 LAs. A key focus was on consistency with the Brand Standard.

## 4.0 Executive Summary

4.1 The Authority had been selected for audit due to a reported low rollout of 43% at the time of selection for audit.

4.2 The Authority are generally delivering the service effectively in accordance with the FLCoP and operating the FHRs broadly in accordance with the obligations placed on it by participation in the Scheme. Interventions were being carried out at the correct frequency and ratings given to businesses in the Scheme appeared timely and accurate based on the officers' inspection records.

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:

Despite a reduction in resources over the years, the Authority delivers a full intervention programme and utilises some of the flexibilities contained in the FLCoP, and they intend to recruit to a new post shortly. Auditors noted that the officers were enthusiastic and committed to delivering a quality service.

### 4.3 Key areas for improvement:

A significant number of premises (51%) had been excluded from FHRs that consisted of small retailers, restaurants, pubs/clubs, mobile food units, takeaways, supermarkets and caring premises which would be expected to be either 'included', 'exempt' or 'sensitive'.

The LA should ensure that inspections/interventions are recorded in sufficient detail to demonstrate establishments have been fully assessed to legally prescribed standards, in accordance with the FLCoP and centrally issued guidance.

There was evidence that officers were risk rating and issuing FHRs scores following an alternative enforcement strategy, which is inconsistent with both the FLCoP and the Brand Standard.

In cases where the top rating had not been achieved, businesses should be more clearly informed of the actions needed in order to achieve legal compliance for each of the three Chapter 5.6 compliance elements that are used to arrive at the FHRs score.

## **5.0 Audit Findings and Recommendations**

### **5.1 FHRs implementation history**

5.1.2 The Food and Safety Service at Basingstoke and Deane Borough Council is delivered by a team responsible for delivering food safety official controls and occupational health and safety. The Food Service Plan highlights a total of 2.6 FTE for food hygiene work at 1390 food premises.

5.1.3 The LA had implemented the FHRs in 2012, by a staged approach, with those businesses that have been subject to other types of intervention such as questionnaires as part of an alternative enforcement strategy (AES) not included in the scheme until they have received an inspection. At the time of the audit, the Authority had uploaded details of 1295 premises onto the FHRs portal. This included two premises that were sensitive, 586 premises that were included and 707 premises that were excluded. Of the premises that had been excluded there were 666 premises that consisted of small retailers, restaurants, pubs/clubs, mobile food units, takeaways, supermarkets and caring premises which would be expected to be either 'included', 'exempt' or 'sensitive'. Following the audit the Authority provided assurances to review and amend the data as appropriate. Significant progress had been made in reviewing and reducing the number of premises excluded from the FHRs.

#### **Recommendation 1 – Exclusion of establishments from the Scope of FHRs**

[FHRs Brand Standard Section 2]

Review the FHRs excluded scope anomalies and ensure that all food premises are scoped in line with the FHRs Brand Standard.

## 5.2 Organisation and Management

- 5.2.1 The Authority had developed a Food Service Plan for 2015-2016 which broadly followed service planning guidance contained within the Framework Agreement. However the Service Plan had not been approved by either the relevant member forum or the relevant senior officer.
- 5.2.2 Although the Service Plan highlighted how the resource of 2.6 FTE was being used, it did not contain a reasoned estimate of the resources required to provide the food law enforcement service including proactive and reactive demands on the service, such as operation of the FHRs. Auditors highlighted the importance of communicating this information to the Portfolio Holder and/or senior delegated officers, particularly if resources were under pressure.
- 5.2.3 The Service Plan highlights that the Authority has adopted the FHRs and detailed the FHRs profile of the businesses in the area. The Plan would benefit from more detail in regard to the demands on the Service incurred through the administration of the FHRs, including consistency procedures, training implications, FHRs safeguards and the significant monitoring requirements that fall to the Lead Food Officer to enable effective implementation of the scheme.

### **Recommendation 2 - Service planning**

[The Standard - 3.1 and 3.2]

Ensure that the Service Plan gives consideration to the operation of the FHRs and associated resource demands including;

- Scheme administration
- Consistency procedures
- FHRs training
- Lead Officer FHRs monitoring and governance responsibilities

## 5.3 Authorisation and Training

- 5.3.1 Authorisation and training records were examined for four officers. Generally officers had completed a minimum of 10 hours continuing professional development in accordance with the FLCoP. All officers were currently undertaking online training for HACCP.
- 5.3.2 All officers had attended FHRs consistency training organised by the liaison group at the time the authority launched the scheme. Officers

have also attended FSA risk rating consistency training and took part in the National Consistency Exercise in which they came to the agencies expected outcome. Auditors discussed the benefits of undertaking refresher training, ensuring that it also includes other elements of the FHS such as determining the scope of food businesses. This training could be undertaken in team meetings and within the local food liaison group to ensure consistency between officers and neighbouring LAs.

5.3.3 All officers were found to be suitably authorised for their level of qualification.

## **5.4 Inspection Procedures**

5.4.1 Analysis of local authority enforcement monitoring scheme (LAEMS) data coupled with database reports provided did show that generally the LA were undertaking interventions at a frequency in accordance with the FLCoP.

5.4.2 The LA had in place various procedures for officers to follow that are relevant to the FHS including:

- Food hygiene assessments
- Qualitative and quantitative monitoring
- FHS Appeals and right to reply
- FHS requests for revisits
- alternative enforcement strategy (AES) in low risk food premises

5.4.3 The Authority would benefit from updating its procedures to include the detail of upload frequency and a procedure for upload to the FHS portal.

5.4.4 Auditors reviewed five premises files and checked the last two intervention records for each file. All interventions were undertaken within 28 days of their due date, and generally risk ratings were consistent with the officers' findings.

5.4.5 The LA aide memoire in use had a specific section for the assessment of businesses compliance with the FSAs E.coli O157 guidance, and a section for officers to detail their justification for the risk rating. Auditors noted that there was inconsistency within the Team on the amount of detail that was recorded on the aide memoire, with some examples not being completed to their fullest. Auditors discussed the benefits of updating the aide memoire to allow officers to record more detail of what is discussed during the intervention.

**Recommendation 3 – Recording of evidence from official controls**

[The Standard - 7.2, 7.3 and 16.1]

Ensure 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.

- 5.4.6 The Authority had not put in place documented arrangements for liaison with other LAs' regarding mobile food premises. Although the Authority appeared to have good liaison with neighbouring Authorities and would carry out suitable interventions at mobile food premises as required.

**Recommendation 4 – Liaison with other Authorities**

[FHRS Brand Standard Section 2, Question 5]

Update the operational FHRS procedures to detail the arrangements for liaison with other LAs' regarding mobile food premises.

- 5.4.7 Officers had developed a useful "officers inspection pack", which contained copies of the authorities procedures and forms such as HEPNs and other enforcement notices.
- 5.4.8 Auditors' queried a number of businesses that had been subject to AES as a category E but appeared to now undertake activities that would suggest they should receive a higher risk rating. Auditors' highlighted a need to review the AES to ensure that it was effective at identifying changes to business activities to ensure that businesses are brought within the inspection programme as required.
- 5.4.9 There was evidence that officers were risk rating and issuing FHRS scores following AES interventions, which is inconsistent with both the FLCoP and the Brand Standard. The Authority gave assurances that the AES procedure had been updated to reflect how to record an AES intervention on the database without changing both the intervention rating score in accordance with Chapter 5.6 of the FLCoP and also the FHRS rating.



### **Recommendation 5 – Alternative Enforcement Strategy**

[The Standard - 7.2]

Ensure that AES is used effectively to identify changes to business activities to ensure that premises are brought within the inspection programme as required.

#### **5.4.10 Reality Visit to a Food Premises**

5.4.11 As part of the audit a reality visit to a local food business was carried out. The purpose of the visit was to verify that an adequate assessment under the FLCoP had been made by the inspecting authorised officer to allow an appropriate FHS rating to be given. The officer was able to demonstrate good knowledge of the business and the risks and hazards associated with the activities being carried out. The officer was able to justify and explain the reasons for the scoring given to the business in accordance with the FLCoP.

#### **5.5 Notification of ratings and follow up**

5.5.1 The Authority's Food Hygiene Assessments procedure detailed that businesses were notified of their rating by a hand written report left on site following the inspection. In addition all premises that are rated 2 or below received a letter.

5.5.2 At the conclusion of an intervention the Authority used a carbonised post inspection report form, which did not contain all the required information that the Brand Standard requires to be notified to the FBO. The Authority was already aware of this and had started to implement changes, such as ensuring that officers record the priority actions/improvements needed/ required under the three compliance areas that determine the food hygiene rating. Auditors also highlighted that the details of when the rating was to be published were not always included in the notification report.

5.5.3 Documents showed that ratings were notified to the FBO in good time. Auditors noted evidence that the Authority translated notification reports into the FBOs first language e.g. Chinese.

5.5.4 Following checks of the back office database auditors noted a couple of anomalies with notification of ratings. On one occasion an incorrect rating was advertised on the FHS portal. Auditors also noted that one premises that had been rated a category E had been notified of their rating following a revisit request; however it was not included on the FHS website. The Authority provided assurance that these anomalies would be investigated and rectified.

- 5.5.5 The Authority confirmed that there had not been any formal appeals or right to replies received.
- 5.5.6 The Authority had changed to re-rating by revisit in line with the Brand Standard rather than full inspection and had put together a new form for this purpose. The LA would benefit from updating its procedures with instructions of how to record re-rating revisits on the premises database consistently.
- 5.5.7 Five premises records for FHRS revisits were looked at in detail. On all occasions the FBO had submitted a revisit request form, revisits had been carried out promptly by officers in accordance with the Scheme, and the business had been notified of their new rating.

**Recommendation 6 - Notification of food hygiene ratings**

[FHRS Brand Standard Section 5, page 41 Question3]

Ensure that:

- Details of when the Food Hygiene Rating will be published are included in all notification reports,
- In cases where the top Food Hygiene Rating has not been achieved, the actions needed in order to achieve legal compliance are detailed for each of the three Chapter 5.6 compliance elements that are used for the FHRS.

## **5.6 Food Premises Database**

- 5.6.1 The Authority was able to provide database reports on premises included in the FHRS scheme in advance of and during the audit. A detailed report was prepared on potential anomalies of data submitted to the FHRS portal in advance of the visit. This was provided to the Authority and was discussed with the ALO during the audit. A number of these anomalies related to premises that had a status of 'Excluded' for establishments which would be expected to be either 'Included' or 'Exempt' or 'sensitive'. The Authority explained that this was due to the use of AES at category E premises and they did not wish to display ratings with old/historic dates on the website.

## **5.7 Consistency Framework**

- 5.7.1 Although the Authority did not have a specific consistency framework in place, several procedures did generally contain the information based on the principles contained within section 11 of the Brand Standard. However the procedures need to be updated to include detail the training requirements and participation in consistency exercises.

5.7.2 The Lead Food Officer had devised a detailed monitoring system that encompassed shadowed visits, file checks, and performance reports that were discussed in 1-1s. Auditors reviewed examples of monitoring records.

5.7.3 The Lead Officer had developed useful automated internal monitoring reports including access reports to help with the quality of FHRs data prior to submission. Auditors discussed the benefit of detailing in the procedure the frequency that the lead officer runs these reports in relation to monitoring FHRs scope codes and risk ratings, and that a record is kept of this monitoring. The lead officer outlined the intention for officers to peer review inspection files. Officers also highlighted that all premises that are rated 2 or below are now subject to an internal panel to review the case file including risk rating consistency.

**Recommendation 7 - Consistency Framework**

[FHRs Brand Standard Section 11]

Ensure the training requirements and participation in consistency exercises are specified in the operational FHRs procedure.

**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 resource. Safeguard application forms were available for download and there was a link to the FHRs portal to enable access to the ratings.

**5.9 FHRs Website**

5.9.1 The FHRs website contained the LAs contact details but the Authority had not uploaded their logo to the site. Auditors encouraged the LA to contact the FHRs team if they required assistance with this.

5.9.2 A sample of five premises records were checked to ensure that the rating was correctly calculated, the FBO properly informed, and ultimately, the correct rating published. All five ratings were found to be published on the FHRs website correctly.

**Recommendation 8 – FHRs IT Platform**

[FHRs Brand Standard Section 10, Q9]

The Authority should upload their logo/banner to the local authority's own page at [food.gov.uk/ratings](https://www.food.gov.uk/ratings)

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**ANNEX A - Action Plan for Basingstoke and Deane Borough Council**

**Audit date: 18-19 February 2016**

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p><b>Recommendation 1 – Exclusion of establishments from the Scope of FHRS</b> [FHRS Brand Standard Section 2]</p> <p>Review the FHRS excluded scope anomalies and ensure that all food premises are scoped in line with the FHRS Brand Standard.</p>	<p>Completed</p>		<p>All premises have been re-scoped in line with brand standard requirements, the majority were category E premises that previously had been excluded from the FHRS. A few B&amp;B premises remain excluded and will be brought within scope as they become due for a programmed intervention.</p> <p>Staff have been re-familiarised with the scoping requirements of the brand standard and routinely check to ensure that premises are correctly scoped. Periodic consistency exercises will incorporate a scoping element.</p> <p>A system check can be carried out to identify premises with LAEMS use codes that should be included but are excluded from the FHRS on the database, this is run prior to each FHRS upload to ensure scope anomalies are detected and rectified.</p>

<p><b>Recommendation 2 - Service planning</b> [The Standard - 3.1 and 3.2]</p> <p>Ensure that the Service Plan gives consideration to the operation of the FHRs and associated resource demands including;</p> <ul style="list-style-type: none"> <li>• Scheme administration</li> <li>• Consistency procedures</li> <li>• FHRs training</li> <li>• Lead Officer FHRs monitoring and governance responsibilities</li> </ul>	<p>July 2016</p>	<p>The resource requirements will be incorporated into the 2016-17 service plan. It is envisaged this will be signed off by the portfolio holder in June 2016 once the annual LAEMS submission has been completed.</p>	
<p><b>Recommendation 3 – Recording of evidence from official controls</b> [The Standard - 7.2, 7.3 and 16.1]</p> <p>Ensure 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.</p>	<p>Completed</p>		<p>A revised inspection proforma has been designed with more space for officer comments. Existing peer review arrangements will verify that more detail has been included.</p>
<p><b>Recommendation 4 – Liaison with other Authorities</b> [FHRs Brand Standard Section 2, Question 5]</p> <p>Update the operational FHRs procedures to detail the arrangements for liaison with other Las' regarding mobile food premises.</p>	<p>Completed</p>		<p>FSGuide14 has been revised to incorporate the guidance on this topic given in the Brand Standard.</p>

<p><b>Recommendation 5 – Alternative Enforcement Strategy</b> [The Standard - 7.2]</p> <p>Ensure that AES is used effectively to identify changes to business activities to ensure that premises are brought within the inspection programme as required.</p>	Completed		<p>All premises that are currently a subject of an AES have been desktop reviewed to ensure that they have been brought into the inspection programme if necessary. These premises are then scheduled for inspection and discussed with officers during monthly review meetings.</p>
<p><b>Recommendation 6 - Notification of food hygiene ratings</b> [FHRS Brand Standard Section 5, page 41 Question3]</p> <p>Ensure that:</p> <ul style="list-style-type: none"> <li>• Details of when the Food Hygiene Rating will be published are included in all notification reports,</li> <li>• In cases where the top Food Hygiene Rating has not been achieved, the actions needed in order to achieve legal compliance are detailed for each of the three Chapter 5.6 compliance elements that are used for the FHRS.</li> </ul>	Completed		<p>Notifications of intended dates of rating publication are now included in all written post inspection correspondence for ratings other than 5, including on report of visit forms left with the FBO at the time of the inspection.</p> <p>The Authority had already revised post inspection correspondence to include a breakdown of scoring justification in the three compliance areas prior to the audit.</p>
<p><b>Recommendation 7 - Consistency Framework</b> [FHRS Brand Standard Section 11]</p> <p>Ensure the training requirements and participation in consistency exercises are specified in the operational FHRS procedure.</p>	Completed		<p>The requirement for all staff to have attended the FSA consistency training course, to attend any locally arranged initiatives and for the LA to participate in national consistency exercises has been added to FSGuide11b.</p> <p>All staff would have received consistency training by the end of June 2016.</p>

<b>Recommendation 8 – FHRS IT Platform</b> <b>[FHRS Brand Standard Section 10, Q9]</b>  The Authority should upload their logo/banner to the local authority's own page at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a>	Completed		Uploaded
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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"> <li>• Food and Feed Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> 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 <b>Audit Scheme</b> 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.