

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

Tamworth Borough Council
25-26 April 2016



**Food
Standards
Agency**
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Table of Contents

1.0	Introduction	3
2.0	Scope of the Audit	3
3.0	Objectives	3
4.0	Executive Summary	4
5.0	Audit Findings and Recommendations	5
5.1	FHRS implementation history	5
5.2	Organisation and Management	5
5.3	Authorisation and Training	6
5.4	Inspection Procedures	6
5.5	Reality Visit to a Food Premises	7
5.6	Notification of ratings and follow up	7
5.7	Food Premises Database	8
5.8	Consistency Framework	9
5.9	Local Authority Website	10
5.10	FHRS Website	11
	ANNEX A - Action Plan for Tamworth Borough Council	12
	ANNEX B - Audit Approach/Methodology	15
	ANNEX C - Glossary	15

1.0 Introduction

1.1 This is a report on the outcomes of the Food Standards Agency's (FSA's) audit of Tamworth Borough Council conducted on 25-26 April 2016 at Marmion House, Lichfield Street, Tamworth, B79 7BZ. 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

Hard copies are available by emailing the FSA at LAAudit@foodstandards.gsi.gov.uk or telephoning 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

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 high percentage (106.9%) rollout of the FHRs scheme at the time of selection for audit. However this had reduced to 94% following an upload onto the FHRs portal on 18/2/16.

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. 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:

The Authority delivers a full intervention programme to category A-E premises and had developed a range of policies and procedures relevant to FHRs.

4.3 **Key areas for improvement:**

The Authority needed to ensure that all food premises are uploaded onto the FHRs website.

Inspections/interventions need to be recorded in sufficient detail to demonstrate establishments have been fully assessed to legally prescribed standards, in accordance with the FLCoP and centrally issued guidance.

The Authority needs to ensure that its internal monitoring procedures are fully implemented.

The authority individually inputs and displays all inspection ratings on the Rate My Place Website, and information is then exported onto the FHRs website on a daily basis. The content of rate my place should be reviewed to ensure that terminology is in line with the FHRs brand standard.

5.0 Audit Findings and Recommendations

5.1 FHRs implementation history

5.1.2 The Food and Safety Service at Tamworth Borough Council is delivered by a team responsible for delivering food safety official controls and occupational health and safety. There is a total of 2.1 FTE for food hygiene work at 500 food premises.

5.1.3 The Authority implemented the FHRs in 2011 on a critical mass basis, having previously operated a local food hygiene rating scheme. The authority individually inputs and displays all inspection ratings on the Rate My Place Website, and information is then exported onto the FHRs website on a daily basis. We discussed some of the risks associated with dual inputting of data and discussed the benefits of having proactive quality control checks in place.

5.1.4 A number of premises including childminders were not uploaded to the FHRs portal. Auditors highlighted the importance ensuring that all food businesses are appropriately scoped and uploaded onto the FHRs website. This would assist with data accuracy checks between the two websites.

5.2 Organisation and Management

5.2.1 The Authority had developed a Food Service Plan for 2015-2016. It broadly followed service planning guidance contained within the framework agreement. The Authority delivers a full intervention programme at category A to E premises.

5.2.2 The Service Plan highlighted the FHRs including the requirements for revisits, indicating that the demand for such was low. Auditors encouraged the Authority to highlight in future Service Plans the FHRs business profile and to estimate the demands of revisits and other FHRs safeguards in terms of approximate number they anticipate to receive. It would also be beneficial to highlight the monitoring requirements that fall to the Lead Food Officer / SEHO to enable effective implementation of the scheme.

5.2.3 The Service Plan highlighted that the Authority utilised social media to promote FHRs through the corporate twitter account. Auditors noted that the authority had made good use of the Agencies press release

templates and had issued press releases relevant to FHRS at appropriate times in the year.

- 5.2.4 The Service Plan also highlighted the Authority's commitment to Inter Authority Audits (IAA), having previously undertaken audits on application of the E.coli guidance, enforcement notices and with a further IAA planned later this year.

5.3 Authorisation and Training

- 5.3.1 Five officer authorisation and training records were examined. Officers had completed the 10 hour CPD minimum in accordance with the FLCoP.
- 5.3.2 All officers were found to be suitably authorised for their level of qualification, with the exception of not being specifically authorised for detention of food under the 2013 Food Hygiene Regulations, which was resolved during the audit.
- 5.3.3 All officers had attended risk rating consistency training. The Authority had also taken part in the National FHRS consistency exercise and had rated the scenario in line with the Agency's expected outcome.

5.4 Inspection Procedures

- 5.4.1 Analysis of LAEMS data coupled with database reports provided did show that generally the Authority were undertaking interventions at a frequency in accordance with the FLCoP.
- 5.4.2 The Authority had developed a specific operational Food Safety procedure for inspections, which had been approved by all officers within the team. It was encouraging to see that all officers had been involved in approving such procedures as it clearly demonstrates that consultation has taken place and that officers have had sight of and understand the contents of the procedure.
- 5.4.3 Five premises intervention records were checked. All interventions were undertaken within 28 days of their due date. Based upon the information gathered during the inspections auditors did question the validity of some of the scores given, in terms of on occasions it was found that officers had given an individual rating of 5 in hygiene, structure or confidence in management indicating non-compliance but had not recorded any information on inspection documents to detail the nature of the non-compliance. This generally related to historic inspection records.
- 5.4.4 Auditors noted that the aide memoire included a section for officers to record their justification for the three compliance elements of the risk rating. Auditors discussed the benefits of officers making more detailed notes of the discussions that take place during the inspection on the

aide memoire rather than simply only recording issues. This was supported by the Authority's FHRs consistency framework which highlights the importance of officers recording sufficient notes on the intervention paperwork in order to justify the FHRs. Auditors highlighted the importance of capturing food hygiene intervention inspection outcomes to justify all ratings and not just the poorer ones.

- 5.4.5 At the conclusion of an intervention the Authority used a carbonised post inspection report form which provided the business with key action points and was signed by the business.

Recommendation 1 – 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.

5.5 Reality Visit to a Food Premises

- 5.5.1 A reality visit of a wet sales only pub was carried out. The purpose of the visit was to verify that an adequate assessment under the FLCoP had been made by the officer to allow an appropriate FHRs 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. Auditors noted a number of non-compliances to the structure of the cellar which may have deteriorated since the last visit, which would potentially now impact on the FHRs score. Information detailed on the displayed FHRs rating sticker was as required in the Brand Standard.

5.6 Notification of ratings and follow up

- 5.6.1 The Authority's FHRs operational procedure details that food businesses are notified of their rating by letter following the inspection within 14 days.
- 5.6.2 From an audit sample of ten records, three showed that ratings had not been notified to Food business Operators (FBOs) in good time. Notification reports provided all the relevant information as required by the brand standard.

Recommendation 2 – Notification of Food Hygiene Ratings
[FHRS Brand Standard Section 5, Q&A2]

Ensure that food hygiene ratings are communicated in writing without undue delay and within 14 days from the date of the intervention.

- 5.6.3 One record of a FHRS appeal was reviewed. Despite the business failing to formally detail their grounds of appeal it appeared that the Authority had processed the correspondence from the business as a formal appeal. Auditors reminded the Authority that the brand standard requires for the outcome of the appeal to be communicated to the business within seven days.
- 5.6.4 The Authority confirmed that there had not been any right to replies received.
- 5.6.5 Five records for FHRS revisits were reviewed. Generally the FBOs had submitted a revisit request form and revisits had been carried out promptly by officer in accordance with the scheme. Occasionally it was found that officers had given an individual rating of 5 in hygiene, structure or confidence in management indicating non-compliance but had not recorded any information on inspection documents to detail the nature of the non-compliance. When a re-rating visit had taken place the FBOs had been notified of their new rating. Auditors reminded the Authority that for multi-site businesses, they must ensure that the food hygiene rating is also communicated to the head office by sending a copy of the notification letter.

Recommendation 3 - Notification of Food Hygiene Ratings
[FHRS Brand Standard Section 5, Q&A 2]

For multi-site businesses, the Authority must ensure that the food hygiene rating is also communicated to the head office by sending a copy of the notification letter, together with a copy of any other documents, such as a separate inspection report, sent to the outlet or left on-site.

5.7 Food Premises Database

- 5.7.1 The Authority provided 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 for future resolution.

- 5.7.2 Auditors discussed queries around scope codes of premises such as childminders, and various queries with Chapter 5.6 risk ratings. Auditors noted that the officers had already identified queries with risk rating scores on the food premises database which had been discussed with individual officers in preparation for the audit.
- 5.7.3 The Authority had developed a written procedure for officers to follow on how to input interventions onto the M3 database. It was encouraging to see that the procedure included advice to officers on the use of LAEMs and FHRS scope codes. Additionally the Authority had also produced written instructions for officers to follow on how to input inspections onto the Rate my Place website. This procedure should be updated to reflect terminology of the FHRS brand standard including removing the reference to FHRS certificates.

5.8 Consistency Framework

- 5.8.1 The Authority had a consistency framework in place which was last reviewed 8th June 2015 and was generally based on the principles contained within section 11 of the Brand Standard. The document highlighted the importance of officers recording sufficient notes on the intervention paperwork in order to justify the FHRS.
- 5.8.2 The officer procedure for consistent operation of FHRS also detailed:
- That officers were required to undertake an approved FHRS consistency exercise. Officers explained that this was to either attend an FSA run consistency course or to complete an online version of the training.
 - A commitment to undertake consistency exercises during team meetings.
 - A commitment to take part in planned consistency exercises within the food liaison group. Officers provided evidence of minutes that highlighted proposals for such a consistency exercise to be undertaken in January 2016. The authority explained that this was postponed due to Inter Authority Audit commitments.
- 5.8.3 Auditors highlighted the importance of keeping a record of the consistency exercises that are undertaken.
- 5.8.4 As part of the consistency framework, the Lead Food Officer had devised a detailed monitoring system which was last reviewed 10th June 2014. The monitoring encompassed relevant checks in relation to the FHRS such as accompanied inspections, desk top file audits and customer satisfaction questionnaires.

- 5.8.5 Examples of monitoring records were examined for shadowed visits from 2015, however there were no records available for the desktop file check monitoring as detailed in the Authority's procedures. Officers explained that in practice monitoring of risk ratings is undertaken more frequently than detailed in the Authority's procedure, and that it is simply feedback verbally. Auditors discussed the importance of maintaining records of monitoring checks as detailed in the LAs procedures.
- 5.8.6 Auditors also discussed the risks to the Authority due to dual entry of data onto both the Authority's M3 database and the rate my place website. Auditors discussed potential monitoring checks that could be undertaken periodically in order to proactively monitor for inconsistent ratings between the two databases.

Recommendation 4 – Internal Monitoring

[The Standard Section 19.1]

Ensure the implementation of the Authority's internal monitoring procedures.

5.9 Local Authority Website

- 5.9.1 Auditors noted that the Rate my Place website made reference to 'star ratings'. The Authority provided assurance the content of Rate my Place would be reviewed to ensure that terminology is in line with the FHRs brand standard.

Recommendation 5 – FHRs Branding

[FHRs Brand Standard Section 9]

Review and amend the Rate my Place website to ensure proper use of FHRs branding.

- 5.9.2 Officers also noted that the authority was not uploading all food premises onto the Rate my Place website such as childminders. Auditors reminded the Authority that all premises including their appropriate scope code should be uploaded onto the FHRs website.

5.10 FHRIS Website

5.10.1 The FHRIS website contained the Authority's contact details but the authority had not uploaded their logo to the site. This issue was resolved at the time of the audit.

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ANNEX A - Action Plan for Tamworth Borough Council

Action Plan for Tamworth Borough Council

Audit date: 25-26 April 2016

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>Recommendation 1 – Scope of FHRS [FHRS Brand Standard Section 2]</p> <p>Ensure all food premises are uploaded onto FHRS with an appropriate scope code in line with the FHRS Brand Standard.</p>	<p>31 July 16</p>	<p>This recommendation is based on Version 3 of the Brand Standard. Version 4 of the Brand Standard differs in its advice.</p> <p>On checking there were only a few premises in scope that were missing, these were exempt premises.</p> <p>Clarification from the FSA in relation to childminders has been received as the new standard Page 17 A.21 clearly states that establishments that fall outside of the scope of the scheme should not be listed.</p> <p>The Authority was shown to be correct on this matter.</p>	<p>Premises in scope have been checked and any missing have been noted and process begun to enter.</p>

<p>Recommendation 2 – Recording of evidence from official controls [The Standard - 7.2, 7.3 and 16.1]</p>	<p>Done</p>	<p>Whenever a score of 5 or higher is given in the three categories a justification will be provided. When the FSA introduced the SFBB for businesses it was based on a reporting by exception model. We will still only be reporting by exception as a tick in the good/suitable box on the report is the justification for the score. If the tick is in the poor/not suitable box reasons will be given, This is our preferred option and do not feel the need to change.</p>	<p>Officers have been informed to ensure they provide a justification for any score. They have also been advised they can record any good points that are considered over and above that is required of the business. (see email attached)</p>
<p>Recommendation 3 – Notification of Food Hygiene Ratings [FHRS Brand Standard Section 5, Q&A2]</p> <p>Ensure that food hygiene ratings are communicated in writing without undue delay and within 14 days from the date of the intervention.</p>	<p>Done</p>	<p>Officers are aware of the need to send info out within 14 days.</p> <p>Officers will try to ensure that they do complete inspections immediately prior to leave.</p> <p>If an officer is sick they will be requested to provide information of any outstanding actions that can be picked up by other officers.</p>	<p>Officer already informed (see email attached)</p>

<p>Recommendation 4 - Notification of Food Hygiene Ratings [FHRS Brand Standard Section 5, Q&A 2]</p> <p>For multi-site businesses, the Authority must ensure that the food hygiene rating is also communicated to the head office by sending a copy of the notification letter, together with a copy of any other documents, such as a separate inspection report, sent to the outlet or left on-site.</p>	<p>Done</p>	<p>Offices will provide all information to head offices to now include a copy of the carbonated report</p>	<p>Officer already informed (see email attached)</p>
<p>Recommendation 5 – Internal Monitoring [The Standard Section 19.1]</p> <p>Ensure the implementation of the Authority’s internal monitoring procedures.</p>	<p>Done</p>	<p>As admitted in report these checks were already being carried out more frequently than policy dictates but not written down. These checks will now be reduced to number as per policy but will now be written down.</p>	<p>SEHO had reduced number of checks to concentrate on recording the fewer number now being undertaken. (see email attached)</p>
<p>Recommendation 6 – FHRS Branding [FHRS Brand Standard Section 9]</p> <p>Review and amend the Rate my Place website to ensure proper use of FHRS branding.</p>	<p>31st August</p>	<p>Local Authority that controls this website has been requested to make amendments on 2 separate occasions.</p>	<p>Website out of the control of this Local Authority. Requests have been made to Local Authority in charge but without response to date. Further request to be made at a higher level. (see email attached)</p>

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.