

South Lanarkshire Council – Audit of Local Authority implementation of Interventions Food Law Code of Practice (Scotland)

Food Law Enforcement Services

February 2023

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Foreword

Audits of Local Authorities food law enforcement services are part of Food Standards Scotland's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of Local Authorities. These Local Authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services.

The audit scope is detailed in the audit brief and plan issued to all Local Authorities under reference [FSS/ENF/22/011](#) on 22 July 2022. The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that Local Authorities are providing an effective food law enforcement service. This audit was developed to verify and validate the implementation by Local Authorities of the following planned arrangement: the Interventions – Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019).

The Audit scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Food Standards Scotland policy on food safety, standards and feeding stuffs.

Specifically, this audit aimed to;

- Verify that Local Authorities have implemented the Interventions Code 2019 and fully transferred all applicable food establishments to a food law risk rating.
- Verify Local Authorities' application and adherence to the Interventions Code 2019.
- Identify and disseminate good practice applied by Local Authorities.
- Identify information, evidence and potential recommendations to aid future Food Standards Scotland's policy and operational development.

Food Standards Scotland audits assess Local Authorities' conformance against retained [Regulation \(EU\) 2017/625](#) and the [Food Law Code of Practice \(Scotland\) 2019](#) and the [Interventions Food Law Code of Practice \(Scotland\) 2019](#)

It should be acknowledged that there will be considerable diversity in the way and manner in which Local Authorities may provide their food enforcement services reflecting local needs and priorities.

Following the audit, it is expected that for any recommended points for action the Local Authority will prepare and implement an action plan, which will incorporate a root cause analysis of any non-compliance.

Root cause analysis is a technique that senior management should use to identify the root causes of non-conformities identified at the audit have been effectively addressed. An important aspect is that there is a need to ensure that the non-conformity does not recur. This should be achieved by the accurate identification of the cause(s) of the non – conformity (i.e., the root cause) and the introduction of effective preventative action.

Contents

1.0	Introduction	5
2.0	Executive Summary	7
3.0	Audit Findings	9
3.2	Section 2. Registration of Food Business Establishments	9
3.3	Section 3. Interventions	10
3.4	Section 4. Food Law Rating System	13
3.5	Section 5. Action Following an Intervention: Minimum Standards of report writing and record keeping	15
3.6	Section 6. Internal Monitoring	17
3.7	Section 7. Items to take back to Food Standards Scotland	18
4.0	Annex A – Action Plan	21
5.0	Acknowledgements	27

1.0 Introduction

- 1.1 The primary objective of this audit will be to verify and validate the implementation by Local Authorities of the following planned arrangement: the Interventions – Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019).
- 1.2 The Interventions Code 2019 was issued under Section 40 of the Food Safety Act 1990 (“the Act”), Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009, which empowers Scottish Ministers to issue Codes of Practice concerning the execution and enforcement of Food Law by Food Authorities.
- 1.3 The Interventions Code 2019 sets out instructions, processes and criteria to which Food Authorities are required to have regard to when they carry out Official Controls relating to all Registered Food Businesses. The Interventions Code 2019 does not apply to establishments at the level of Primary Production or Approval
- 1.4 Implementation represents Phase 2 of a wider project by Food Standards Scotland to review and overhaul the Food Law Code of Practice (Scotland) 2019.
- 1.5 The Interventions Code 2019 introduced the Food Law Rating System (FLRS). FLRS combines the rating systems for Food Hygiene and Food Standards into one Food Law Intervention scheme based upon a new Food Business Performance Model that targets resources on high to medium risk and non-compliant businesses. The initial agreed implementation date was 1st July 2019 with ratings to be assigned as Inspection Programmes progressed. Further detail is provided within [FSS-ENF-19-007](#).
- 1.6 During the Covid-19 epidemic Inspection Programmes were halted but as part of the Covid-19: Local Authority Recovery project, four deadlines were set by which Local Authorities should have undertaken specific tasks. Two of these deadlines related specifically to implementation of the Code with a target completion date of 1st July 2021:
 - Desktop Transfer (of Registered Businesses to FLRS)
 - Creation of an Intervention Programme (as required by the Interventions Code)
- 1.7 The audit aim will primarily be to cover the following points:

- Verification that official controls are being carried out in compliance with planned arrangements.
- Verification that planned arrangements are applied effectively.

1.8 The final report will be made available on the Food Standards Scotland website at: www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la

Reason for the Audit

1.9 The provisions for exercising the audit function are provided for in Article 3 of the Food (Scotland) Act 2015. Under that Article the general functions of Food Standards Scotland include a requirement to monitor the performance of, and promote best practice by, enforcement authorities in enforcing food legislation. Similar powers are also contained within Regulation 7 of the Official Feed and Food Controls (Scotland) Regulations 2007.

1.10 Retained Regulation (EU) 2017/625 on official controls performed to ensure the verification of compliance with feed or food law also includes a requirement for competent authorities to carry out internal audits or to have external audits carried out.

1.11 To fulfil this requirement Food Standards Scotland, has established external audit arrangements in respect of competent authorities. These arrangements are intended to ensure competent authorities are providing an effective and consistent service for the delivery of official controls and are meeting the general criteria laid out in retained Regulation (EU) 2017/625.

1.12 The previous audits of South Lanarkshire Council's Food Service were a Dairy audit in October 2014, and a desktop Food Standards audit in 2013.

Scope of the Audit

1.13 It is intended that the audit scope will cover:

- Verification that Local Authorities have implemented the Interventions Code 2019
- The verification of application and adherence to, the Interventions Code 2019
- An assist in the identification and dissemination of good practice with regards to the Interventions Code 2019

- The provision of information, evidence and potential recommendations to aid future Food Standards Scotland (FSS) policy and operational development.
- 1.14 The audit examined South Lanarkshire Council's arrangements for official controls in relation to Retained Regulation (EU) 2017/625, the Interventions Food Law Code of Practice (Scotland) 2019 and the Food Law Code of Practice (Scotland) 2019 on the verification of compliance with feed and food law.
 - 1.15 The audit took place on-site over the course of two days.

2.0 Executive Summary

Registration of Food Business Establishments

- 2.1 Although it appears that all Food Law Code of Practice (FLCoP) requirements of new food business registration are followed by the Authority, there is no documented procedure on Food Business Registration.
- 2.2 An up to date list of registered food establishments within the Local Authority (LA) area is available upon request and the Authority can easily run this list along with other Management Information System (MIS) reports to ensure that up to date information is provided.

Interventions

- 2.3 A Food Law Service Plan for 2022-23 was prepared and submitted to FSS but due to changes in senior management, this had not been approved by an Executive Director. A Food Law Service Plan for 2023 -24 is being drafted and will likely be approved by Committee.
- 2.4 In terms of resourcing, South Lanarkshire Council currently employ 12.3 full-time equivalent (FTE) (Establishment = 13.3) Environmental Health/Food Safety Officers to conduct food law tasks including interventions, revisits, complaint investigations and other food law service demands. The structure has one manager covering Environmental Protection, Commercial and Trading Standards and three Divisionals for the whole of Environmental Health; this equates to a reduction in management resource of 1.67 Full Time Equivalent (FTE) for Food safety since 2009/2010. A resource calculation was done as part of the LA recovery Process, and it was concluded that South Lanarkshire requires 20.7 officers to fully comply with the FLCoP and therefore has a current deficit of 8.4 food competent officers.

Food Law Rating System

- 2.5 All food establishments (with the exception of Approved establishments and primary producers) are now receiving a full food law intervention as per the Interventions Code 2019. The desktop transfer was completed as part of the Local

Authority Recovery Programme. Detailed Intervention Planning has been carried out and inspection priorities have been correctly identified in line with the Interventions Code. Priorities 1 & 2 of the Recovery Programme have been achieved and the Authority is currently working on Priorities 3 & 4.

- 2.6 The verification visits were conducted in a professional manner. Hazards were assessed in a systematic manner and dealt with throughout the visits. A number of food standards issues such as labelling and traceability, provenance and Quantitative Ingredients Declaration (QUID) were identified and dealt with. Officers followed a logical sequence to the visits with opening meetings, assessment of risks and closing meetings. Good questioning was noted throughout, and officers had good engagement with food staff/business operators.

Action following an Intervention: Minimum standards of report writing and record keeping

- 2.7 It was found during the documentation review that specific timescales for corrective actions were specified in carbonised reports but not in standardised letters to businesses. Prioritisation needs to be given to all businesses as to which contraventions need to be addressed immediately, for example cross contamination, or within a dedicated timescale for contraventions that can be addressed over a longer timescale.
- 2.8 The inspection form and written report form need to be updated to include references to Food Law. Similarly, written warning letter headings should contain references to all applicable food hygiene and food standards legislation.

Internal Monitoring

- 2.9 To ensure that officers are scoring consistently, in the areas mentioned above such as priority timescales and revisits carried out, we recommend that quality checks and internal monitoring checks are further reinstated to ensure consistency across the service and to ensure that any issues are identified and corrected where required.

Level of Assurance

- 2.10 As detailed in the [Audit Charter Document](#) updated in March 2023 the audit has been assigned as below:

Reasonable Assurance Controls are adequate but require improvement	Some improvements are required to enhance the adequacy and effectiveness of procedures. There are weaknesses in the risk, governance and/or control procedures in place but not of a significant nature.
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3.0 Audit Findings

3.1 The findings reported below detail both corrective and preventive actions which are not confined to addressing specific technical requirements, but also include system-wide measures. Conclusions address the compliance with the planned arrangements, the effectiveness of their implementation and the suitability of the planned arrangements to achieve the stated objectives as appropriate.

3.2 Section 2. Registration of Food Business Establishments

Sub Section	Audit Findings
2.1.2	Although it appears that all requirements of new food business registration are followed by the Authority, it was acknowledged that there was no dedicated procedure on Food Business Registration at the time of the audit. It is recommended that a procedure is put in place documenting the Registration process and detailing the requirements set out in Section 2 of the Interventions Code. (See Recommendation 1)
2.1.4	An online Food Business Registration service is available on the Authority's website. This highlights the legal requirement of registration and provides the department's contact details if further information or assistance with the process is required by Food Business Operators (FBOs). The Food Business registration form provided contained a General Data Protection Regulation (GDPR) Privacy Notice as outlined in the Code of Practice, Annex 8 Model Application Form, for the Registration of a Food Business Establishment.
2.1.4	The Food Service Plan 2022/2023 references how new food businesses are included into the Authority's intervention programme. <i>"New food businesses who register with South Lanarkshire Council will be inspected and prioritised on a 'risk based' basis taking account of groups set out in the Interventions Food Law Code of Practice (Scotland) 2019 with Group 1 & 2 premises being prioritised, but also on the basis of risk associated with that premises type."</i>
3.1.6	The Service Plan, which was prepared in accordance with the principles contained within the Food Law Code of Practice (Scotland) 2019 and The Draft Administration and Service Planning – Food Law Code of Practice (Scotland) 2020, included an intervention programme outlining the food business establishment profile and the number of interventions programmed for the current year. It included an estimation of the number of revisits, which is subject to constant revision, that will be made in 2022-23 as being around 300, it was noted that the Authority had achieved 90 revisits and 52 FHIS revisits at the time of the audit, with more planned.

	The reasons for the reduced number of revisits were described as being firstly because under FLRS, poor performers are visited again within one or three months, therefore in some cases, depending on the level of risk, revisits are not required before the next planned intervention and secondly, staff shortages due to maternity leave and long term sick leave have meant that fewer overall revisits have been conducted.
2.2.1	An up to date list of registered food establishments within the Authority's area is available upon request and the Authority can easily run this list along with other Management Information System (MIS) reports to ensure that up to date information is provided.
	Turnover of premises is a known issue, with many FBOs failing to register and business ownership changing regularly, which is reflected in the number of unrated establishments.
2.5.1	There are three markets in South Lanarkshire Council. When a Market Operators (MO) Licence application is received, officers check the LA registration and status of all food vendors. The MO gets a pack and is prompted to provide it to every food vendor. Physical inspections are carried out on Sundays, not every market is covered every time. There are fewer farmers markets than previously.

Recommendation

1. Provide a Food Business Registration Procedure.

3.3 Section 3. Interventions

Sub section	Audit Findings – Service Planning, Interventions Programme.
3.1.5	A Food Law Service Plan for 2022-23 was prepared and submitted to FSS but due to changes in senior management, this had not been approved by an Executive Director. The document was prepared in accordance with the principles contained within the Food Law Code of Practice (Scotland) 2019 and The Draft Administration and Service Planning – Food Law Code of Practice (Scotland) 2020. A Food Law Service Plan for 2023-24 is being drafted and will likely be approved by Committee. (See Recommendation 2)
3.1.5	South Lanarkshire Council currently employ 12.3 full-time equivalent (FTE) (Establishment = 13.3) Environmental Health/Food Safety Officers (although since October last year 0.3 of this figure has been vacant) to conduct food law tasks including interventions, revisits, complaint investigations and other food law service demands. This figure relates only to front line officers and does not make any allowance for the one

	<p>Manager (Lead Food Officer) or 1.8 Team Leaders. The structure has one Environmental Services Manager covering Environmental Protection, Commercial and Trading Standards and three Divisionals for the whole of Environmental Health; this equates to a reduction in management resource of 1.67 FTE for Food safety since 2009/2010. A resource calculation was done as part of the LA recovery Process, and it was concluded that South Lanarkshire requires 20.7 officers to fully comply with the FLCoP and therefore the Authority has a current deficit of 8.4 food competent officers. The Authority chose not to include this information in its Food Law Service Plan for 2022 – 23 because there is no requirement to do so in the Draft Administration and Service Planning – Food Law Code of Practice (Scotland) 2020. Given the deficit in FTE, the current intervention programme is not adequately resourced. The Authority should continue working towards addressing the resource deficit required to deliver the requirements of the Interventions Code 2019 and Food Law Code of Practice (Scotland) 2019. (See Recommendation 3)</p>
	<p>The Authority has had two full time post holders on maternity leave since July/September 2022 and tried to fill both of these posts but there were no suitable applicants. The inability to fill these two posts has had a detrimental impact on the resilience of the service, particularly since there are no longer lull periods and the Authority has faced an intensive series of consecutive events, namely: E. coli O157 in blue cheese, Brexit, Covid Pandemic and LA Recovery.</p>
	<p>There are currently three students training with the Authority – one EHO placement student, one Graduate Trainee and one Higher Certificate in Food Practice who wants to become a qualified Technical Officer (Food Safety). The Authority is commended for continuing to support student development and training of Environmental Health Officers (EHOs) and Environmental Health (EH) Practitioners for the future.</p>
3.7.2	<p>The total number of registered food establishments within South Lanarkshire is 3072 ((on the Scottish National Database (SND) the number is 3069)) including 86 primary production and 27 Approved establishments). Prior to the desktop transfer there were 400 unrated premises on the MIS, and these are being incorporated into the inspection programme. Currently 361 premises are unrated for Food Law (FL) on SND due to constant turnover and approximately 350 - 400 new premises being added on a yearly basis. (See Recommendation 4)</p>
	<p>The Authority did not participate in the FLRS pilot and 1917 premises were required to be given a notional rating as part of the desktop transfer process. The desktop transfer from Annex 5 to FLRS scoring has been completed. All Group 1 and Approved Establishments have been inspected since September 2021.</p>
3.5	<p>Following completion of the desktop transfer, an outline intervention programme was prepared for the years 21/22, 22/23, 23/24, 24/25.</p>
3.1.6	<p>An intervention programme exists for the whole fiscal year 2022-23 and was received as an audit submission. It is appreciated that the Authority</p>

	also provided an intervention programme for its Approved Establishments as evidence that these have all been planned to be inspected.								
3.7.2	There are 176 Group 3A premises and controls exist to ensure that higher risk establishments are not given this group and band. Consideration should be given, after appropriate checking, to reducing the number of unrated establishments by making more use of the Group 3A rating. (See Recommendation 5)								
	All food establishments (with the exception of Approved establishments and primary producers) are now receiving a full food law intervention as per the Interventions Code 2019.								
	Intervention Planning and inspection priorities have been correctly identified in line with the Interventions Code.								
3.11	The Authority has documented its out of hours arrangements in its service plan. The normal working hours are 8.45 am – 4.45 pm Monday – Thursday and 8.45 am until 4.15 pm on a Friday. Staff work within flexitime bands between 8 am and 7 pm. Staff carry out a number of enforcement visits out of hours and at weekends. Environmental Services have an out of hours contact number for emergencies that arise outwith normal service delivery times.								
3.12	Evidence was provided that 872 higher risk inspections were planned to be allocated in 2022/23 as well as incorporating new unrated food businesses. <table border="1" data-bbox="316 1167 1370 1350"> <thead> <tr> <th>Food Law Risk Rating Group</th> <th>Group 1</th> <th>Group 2</th> <th>Group 3</th> </tr> </thead> <tbody> <tr> <td>No of inspections planned</td> <td>35</td> <td>835</td> <td>2</td> </tr> </tbody> </table>	Food Law Risk Rating Group	Group 1	Group 2	Group 3	No of inspections planned	35	835	2
Food Law Risk Rating Group	Group 1	Group 2	Group 3						
No of inspections planned	35	835	2						
	<p>A master list provided by the Authority contains data showing that 770 inspections have been carried out in 2022/23, with good correlation to the 766 received in SND. 85% of visits allocated since the 1st of September 2021 have been done, but with two officers on maternity leave, the Authority is unlikely to sustain this. At the start of LA recovery, 137 inspections were being allocated per month based on the available resource then. Now, only 100 inspections are able to be allocated each month.</p> <p>Evidence was provided to show that five Hygiene Improvement Notices (HINs) had been served since 1 April 2022 and one Voluntary Closure had been done, which correlates with the data that was pulled through to SND.</p>								

Recommendation
2. On its completion, the Food Law Service Plan for 2023-24, that is being currently drafted, should be agreed and approved as deemed necessary.
3. Continue addressing the current resource deficit of 8.4 FTE officers identified via the resource calculation as well as an additional two officers who are now on maternity leave, required to deliver the new FLRS implementation in full.
4. Give further consideration to scheduling inspections of unrated establishments prioritised in terms of risk, the LA Recovery Plan, available resources and local intelligence with targets determined.
5. Consideration should be given, after appropriate checking, to reducing the number of unrated establishments by making more use of the Group 3A rating.

3.4 Section 4. Food Law Rating System

Sub Section	Audit Findings
3.11	FLRS interventions in South Lanarkshire re-commenced on the 1st September 2021.
	Ten food business establishments were selected for review during the audit. The last intervention for each of the ten premises was assessed by means of its accompanying documentation and computer records. For all ten establishments, the last inspection form, letter and risk rating was assessed for compliance against the standard of the Interventions Code of Practice 2019.
	The Authority routinely liaises with FSS to ensure that the data on its MIS correlates as accurately as possible with the data being pulled through to SND. There are 3072 establishments on the Civica APP database, which closely corresponds to the 3069 establishments that exist on SND. In 2022/23 only 53 enforcement actions have been uploaded to SND, comprising five HINs, one Voluntary Closure and 47 Food Hygiene contravention letters. An incorrect Officer Responsible Name was identified in SND, subsequently determined to be as a result of a configuration error somewhere in the MIS. There were no contravention letters for the 629 FL inspections that had been carried out. On checking SND, the Authority did not have any Food Law mapping options. These issues are being investigated by liaising with Digitalisation and Technology Workstream Management colleagues at FSS and the Software Implementation Consultants at the MIS provider. (See Recommendation 6)
	Evidence was provided to demonstrate that the Authority holds detailed records for their Approved Establishments

	<p>The Authority anticipates that 35 Group 1 and 27 Approved Establishments as well as food standards at 7 FSS approved establishments will be inspected in 2022/23. An intervention programme for the Approved Establishments was submitted as evidence that these have all been planned to be inspected.</p>
	<p>The Authority is currently using Civic APP Version 8.9, and is working towards upgrading to the web based Civica Cx system. Recognising the importance of data management and reporting, the Lead Food officer and Team Leaders are fully competent in running reports and interrogating the database.</p>
	<p>Officers conducting food law interventions undertake a minimum of 10 hours Continual Professional Development (CPD) per annum, and in the past two years, 11 officers within the Food and Business Regulation team have completed Official Control Verification (OCV) training provided by FSS. One of the remaining officers has newly qualified and is currently undergoing Level 4 HACCP training to allow her to undertake the OCV training.</p> <p>In addition, five officers have successfully completed Level 4 HACCP training, and training is also sought and provided for officers required to inspect specialised processes.</p> <p>Three officers have specialist training in cheesemaking and a further three attended specialist training on Bivalve Shellfish Hygiene and Verification Course.</p> <p>All officers completed FLRS training in October 2021.</p>
	<p>South Lanarkshire Council is currently chair of the West of Scotland Food Liaison Group (WSFLG), which includes representatives from 13 LAs, and is represented on the Scottish Food Enforcement Liaison Committee (SFELC). The Authority also chairs one of the SFELC working groups on Specialist Cheese and chaired a sub group of a SFELC working group looking at Local Authority Food Law recovery, following the easing of restrictions during the pandemic. In addition, the Authority was represented on the SFELC Interventions working group, as well as the Approved Premises working group. More recently, South Lanarkshire has been involved in a working group chaired by Food Standards Scotland looking at the future of interventions at dairy farms. The Lead Food Officer has also volunteered to be on a Scottish Health Protection Network (SHPN) Shiga toxin-producing E. coli (STEC) guidance development group representing the Society of Chief Officers of Environmental Health in Scotland (SoCOEHS). South Lanarkshire Council is a co-signatory to Lanarkshire's Joint Health Protection Plan.</p> <p>The auditors commend South Lanarkshire Council for its positive ongoing commitment, contribution to and representation on these important work forums.</p>

3.8	<p>Two unannounced verification checks were carried out during the audit. The first was to a School Nursery where the Authorised Officer demonstrated a good knowledge of the hygiene legislation whilst conducting a thorough inspection. The requirements of the Intervention Code of Practice 2019 were suitably and appropriately followed and the subsequent letter, data entry and FLRS scoring were also carried out correctly.</p> <p>The second verification check was to a Group 2 C butcher, which was determined to be 2 D following the inspection. A letter was to be sent following the visit. The visit could have been longer due to some of the documents and Food Safety Management System (FSMS) not being available. The auditor estimated that the officer would be dedicating the equivalent of at least six-seven hours to this inspection, partly as a result of a deterioration in standards since the Covid pandemic.</p> <p>The verification visits were conducted in a professional manner. Hazards were assessed in a systematic manner and dealt with throughout the visits. A number of food standards issues such as labelling and traceability, provenance and QUID were identified and dealt with. Officers followed a logical sequence to the visits with opening meetings, assessment of risks and closing meetings. Good questioning was noted throughout and officers had good engagement with food staff/business operators.</p>
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Recommendation

6. Ensure adequate arrangements are put in place to ensure the weekly transfer of Food Law enforcement activities to the Scottish National Database (SND).

3.5 Section 5. Action Following an Intervention: Minimum Standards of report writing and record keeping

Sub Section	Audit Findings
	<p>Documented procedures were provided as part of the audit and were found to be well presented. However, the Food Safety Enforcement & Inspection Guidelines were last revised in 2008 and are in need of review and updating. It was also noted that the Enforcement Policy was last revised in 2016 and it would be beneficial for this to also be reviewed, updated and approved as necessary. (See Recommendation 7)</p>
4.1.1	<p>The seven compliance categories are all being assessed as per the Food Law rating system. The inspection form and written report form require to be reviewed and updated to include references to food law legislation. Similarly, written warning letter headings should contain references to all</p>

	applicable food hygiene and food standards legislation. (See Recommendation 8)
14.6.2 Food Law Code of Practice	It was found during the documentation review that specific timescales for corrective actions were specified in carbonised reports but not in standardised letters to businesses. Prioritisation needs to be given to businesses as to which contraventions need to be addressed immediately, for example cross contamination, or within a dedicated timescale for contraventions that can be addressed over a longer timescale. At the conclusion of every Intervention, the Authorised Officer should discuss and document any contravention of Food Law with the Food Business Operator highlighting the timescale for corrective action. (See Recommendation 9)
4.1	An appropriate and detailed food law intervention form is used by officers to gather and record information on the inspection. Of the inspection forms reviewed, evidence was gathered to conclude that headings need to be updated to reflect EC regulations including Food Information for Consumers; that the seven FLRS categories are being considered and documented, with the final score (Group and Band) given. In all cases, officer contact details, including name, contact telephone number and email address were given. A number of forms contained blank boxes, with no indication whether the officer had asked the questions or not. In some cases, the time of inspection and its duration were not detailed. In many cases, carbon reports are left with businesses following inspections, some containing as many as fourteen contraventions. The auditors considered that it would be good practice to ask a representative of the business to sign the carbon report as evidence that it has been received by the business. It was not clear whether copies of letters are being sent to business headquarters, area managers, etc. In other cases, letters are issued using a standard template. In one case, it was noted that a letter was sent about a month after the visit. In another case, a HIN had expired and it was identified that the FBO needed more time to comply but the HIN was not re-issued.
	All officers have recently been issued with smart phones, which is considered to be beneficial in terms of efficiency, access to e-mails and good communications with colleagues. Officers use a scanning app on their smart phones to upload business records examined during inspections, to scan QR codes on menus, etc. and to take photos of street traders. The auditors considered that it would be beneficial for letters to businesses to include photos of conditions found at the time of inspection. It was noted that Authorised Officers were aware of and documented references to the presence of colours in food. This is something that Auditors rarely evidence and indicates that the LA Officers have a depth of knowledge and awareness that is of a very high level in relation to this area of food standards.

Good Practice:

The references to the Southampton Six colours within enforcement documentation indicates knowledgeable and informed Authorised Officers.

Recommendation

7. Update the documented procedures to include references to food law with document control features that clearly show when the document was created and approved.

8. The inspection form and written report form require to be reviewed and updated to include references to food law legislation. Similarly, written warning letter headings should contain references to all applicable food hygiene and food standards legislation.

9. Specific timescales for corrective actions require to be provided in all written warnings to businesses.

3.6 Section 6. Internal Monitoring

Sub Section	Audit Findings
39 Food Law Code of Practice	A documented procedure for internal monitoring exists but has not been fully implemented since lockdown.
	Monthly inspections lists are allocated to ensure that all D and E inspections can be planned and allocated.
	Monthly checks have been conducted since September 2021 to ensure that all high risk establishments are inspected within the timescales indicated in the Food Law Code of Practice; to ensure that inspections are not overdue or missed; and to check that high risk establishments are being prioritised by officers for inspection.
	Accompanied inspections are regularly carried out by the Service's two team leaders to provide mentoring and assistance with complex cases, and all notices issued are reviewed and approved by the Divisional Environmental Health Officer or Team Leaders prior to being served.
	To ensure that officers are scoring consistently, areas identified during the audit such as priority timescales, quality checks, letter timescales, notice procedures and internal monitoring checks, are to be further reinstated to ensure consistency across the service and to ensure that any issues are identified and corrected where required. (See Recommendation 10)
	Officers are instructed to prioritise newly allocated D or E inspections allocated to their lists. Current workload comprises approximately 11 inspections per month. Service requests are allocated as equitably as possible on an area basis via a spreadsheet and this also equates to 12 to 18 per officer per month.

	Officers are finding their workload to be increasingly demanding. Management has recognised this and give officers ongoing opportunities to discuss their workloads.
	Environmental Services use South Lanarkshire Council’s corporate system ‘IMPROVe’ to monitor performance against the overall Council Plan, as well as at Resource/Service level. The measure currently reported through ‘IMPROVe’ by the Food and Business Regulation Team, is the % of businesses inspected within South Lanarkshire Council who are broadly compliant with Food Law requirements. The target set for this measure is currently 85% of all businesses inspected. Since the implementation of the Food Law Rating Scheme in 2019 this service has seen a notable increase in the percentage of premises reaching this target. Currently the number of premises broadly compliant with Food Law requirements is in the region of 90%. The Authority is basing this on its own definition of broadly compliant in terms of FLRS for food businesses rated as band A, B or C.

Recommendation

10. Quality checks and internal monitoring checks require to be reinstated to ensure consistency across the service and to ensure that any issues are identified and corrected where required.

3.7 Section 7. Items to take back to Food Standards Scotland

1.	The re-start process revealed that compliance within premises was significantly lower, as expected. It is believed this is a result of limited intervention having taken place during the pandemic period, combined with current economic factors associated with the National recovery and a reduction in available workforce. As a result, a more intensive intervention regime has been required than had been considered during the recovery planning phase.
2.	Food premises are now subject to a rating scheme which combine food hygiene and standards. Consequently, no premises are rated specifically for food standards. However, there are 7 establishments approved by Food Standards Scotland for which South Lanarkshire Council is the enforcing Authority for food standards.
3.	The Authority requests confirmation that officers doing FHIS revisits can also rescore Ds more than 28 days prior to the 3 month deadline.
4.	There are currently six of the twenty five Primary Production premises with no means of scoring – this was raised at Liaison Group and SFELC. No

	training has been provided and the LA asked about how these should be scored.
5.	South Lanarkshire's number of unrated establishments are being artificially inflated on SND due to out of scope premises being included e.g. street traders that don't trade within the South Lanarkshire boundary and overarching Market Operator "premises".
6.	The Administration and Service Planning – Food Law Code of Practice (Scotland) 2020 requires to be finalised and published.
7.	The Authority's Key Performance Indicators (KPIs) are based on its own definition of "Broadly Compliant" but, in terms of FLRS scoring, no such definition exists in the Interventions Food Law Code of Practice.
8.	<p>There are a number of premises types which would be better suited to Group 3, rather than Group 2, meaning that these premises will require to be inspected at a minimum intervention frequency of every 18 months. Examples are:</p> <ul style="list-style-type: none"> • Ice cream vans selling hot dogs, • Masonic lodges heating and providing scotch pies (as they don't fit into public houses and similar licenced business not providing catering) • Breakfast and after school clubs providing foods such as cereals, yoghurt, toast, etc. (low risk catering operations that don't take place in a domestic premises do not fit into group 3 at present) • Lunch clubs where the foods are prepared in SLC school kitchens before being hot held briefly (if at all) and then plated up and served to clients (catering, not retail and not in a domestic premises so don't fit into group 3). <p>All of the above examples would previously have been Annex 5 Band D premises which could have been subject to non-official controls every two years with full inspection required every 4 years. Including them in our FLRS recovery plan created a burden, which we do not feel is predicated on risk, particularly when you look at the fact that bed and breakfasts, childminders and supporting living establishments cooking meals are included in Group 3.</p> <p>These are areas that we feel would benefit from being addressed in any review of FLRS.</p>
9.	FSS recently offered to review LA authorisations if we sent them into you. If you have a standard list of legislation that you have compared other LA's authorisations against, I would be grateful if you could do the same for ours. I have discussed authorisations in the past with our legal team and was advised that individual sets of Regulations that are made under overarching Acts only require to be listed in our authorisations where the term 'Authorised Officer' is defined in the Regulations themselves. This is the approach we have taken in recent years when being made aware of

	<p>new pieces of legislation. That is not to say we may not have missed some more obscure pieces of legislation that should be included so I would be grateful if you could advise in this regard.</p> <p>(Officer authorisations were submitted to FSS for review on 24th February 2023).</p>
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4.0 Annex A – Action Plan

Action Plan for South Lanarkshire Council Audit of Local Authority Implementation of Interventions Food Law Code of Practice (Scotland) Audit

South Lanarkshire Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
<p>1. Provide a Food Business Registration Procedure.</p> <p><u>SLC's Comment</u> – we have established a food registration procedure that includes an action diary template, standard letters and online registration information complete with a registration form with privacy notice for businesses. We have simply not pulled all of this together into one fully documented procedural document.</p>	<p>South Lanarkshire Council are pleased to note that the findings of this audit indicate that the requirements of Section 2 of the Interventions Code have been met. We agree that whilst we have an established registration procedure which we follow, aided by an action diary template, standard letters, online information, registration forms and privacy statements, pulling all of this together into one detailed procedural document, would be good practice. Our food registration process evolved rapidly from a predominately office-based system to a remote system in 2020 as a result of the pandemic but is currently working well. It is our intention to set out what we do already, but is currently not fully documented, into one food registration procedural document, which going forward can then be used as a training tool for employees.</p>	<p>31/10/23</p>	<p>Divisional Environmental Health Officer</p>

South Lanarkshire Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
2. On its completion, the Food Law Service Plan for 2023-24, that is being currently drafted, should be approved as deemed necessary.	Our Food Law Service Plan for 2023-24 once completed will be submitted to the Community and Enterprise Resources Committee for approval in November 2023. The plan itself will be finalised by the end of May 2023.	07/11/23	Divisional Environmental Health Officer
3. Consider addressing the current resource deficit of 10.4 FTE officers identified via the resource calculation as well as an additional two officers who are now on maternity leave, required to deliver the new FLRS implementation in full.	<p>The service will continue attempts to recruit for vacant posts in the agreed establishment for the Food & Business Regulation team.</p> <p>There is no scope to increase the establishment to cover the estimated deficit from the resource calculation.</p> <p>The estimated deficit highlights the pitfall in the new food law rating scheme, which was intended to be resource neutral, whilst focussing on higher risk businesses when agreed at SFELC many years ago. The resultant impact of the new system, rather than being resource neutral as intended has been to increase the burden on Local Authorities to a level that surpasses our available resources.</p> <p>The service will lobby for FSS to address the resource burden introduced by the new system, through the SAFER project. A marked issue is the need to inspect 'broadly compliant' businesses at a higher frequency than was</p>	04/09/23 will be the date when all vacant posts will be recruited and full establishment restored. Whilst the Authority has considered recruiting additional officers there is currently no scope to increase the establishment to cover the resource calculation deficit.	Environmental Services Manager/ Divisional Environmental Health Officer

South Lanarkshire Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
	required under Annex 5 of the Food Law Code of Practice (Scotland) 2019.		
4. Give further consideration to scheduling inspections of unrated establishments prioritised in terms of risk, the LA Recovery Plan, available resources and local intelligence with targets determined.	The Service included all unrated establishments identified in the LA Recovery Plan in our outline intervention programme for the years 21/22 until 24/25 and provided them with inspection dates in line with the LA Recovery Plan timescales. Since completing our Recovery Plan in the summer of 2021 the Service has continued to receive approximately 350-400 new food business registrations per annum, generating the same number of unrated establishments. We did in 22/23 include in our Service Plan targets for inspecting unrated establishments and will do so again in 23/24. We do already schedule and prioritise unrated establishments based on risk and are currently adding unrated establishments to our officer inspection lists on a monthly basis. We always strive to prioritise interventions on the basis of risk and where necessary will delay the inspection of previously inspected broadly compliant premises who have received a Food Hygiene Intervention Rating Scheme 'Pass' standard in favour of higher risk unrated establishments. We will continue to prioritise in this manner based on the spread/scope of interventions	31/10/23 (Sufficient evidence exists in the Service Plan for 23/24 Section 3.1, which describes how unrated establishments are included in intervention plans. This will be incorporated within the Food Business Registration Procedure to be provided as per Recommendation 1).	Divisional Environmental Health Officer

South Lanarkshire Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
	due on a month by month basis, local knowledge/experience and our available resources.		
5. Consideration should be given, after appropriate checking, to reducing the number of unrated establishments by making more use of the Group 3A rating.	The Service currently makes use of the Group 3A rating when new food business registration forms are submitted to us. We will in addition to this, work on reviewing all older low risk unrated establishments to consider whether they may also be placed into this category. It was always our intention to do this at some point however to date, since we began implementing the Recovery Plan in September 2021, our primary focus has been on high risk establishments.	31/10/23	Divisional Environmental Health Officer
6. Ensure adequate arrangements are put in place to ensure the weekly transfer of Food Law enforcement activities to the Scottish National Database (SND).	The Service had an issue at the time of the audit whereby certain food law enforcement activities conducted by the Service were not being transferred to SND. This was identified by our MIS provider as being due to a group code being missing from the utility configuration resulting in SND not picking up the required codes, and has since been rectified. Since that date all enforcement activities conducted have been transferred to SND on a weekly basis, however historical records have not been. The Service are continuing to liaise with our MIS provider to	31/5/23 Completed	Divisional Environmental Health Officer

South Lanarkshire Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
	obtain a transfer of historical enforcement activity information to SND as soon as possible and have in fact just been informed that the transfer will happen before the end of April 2023.		
7. Update the documented procedures to include references to food law with document control features that clearly show when the document was created and approved.	The Service will update our Food Safety Enforcement & Inspection Guidelines and ensure references to food law are included. In doing so we will include document control features that clearly show when the document was created and approved. In relation to our Enforcement Policy the next review of this document will be triggered by any changes required once the ongoing review of HSE's enforcement handbook is complete. The Service is not aware of any other significant changes to guidance in relation to enforcement activity that would trigger a review of this document at present.	31/12/23	Divisional Environmental Health Officer
8. The inspection form and written report form require to be reviewed and updated to include references to food law legislation. Similarly, written warning letter headings should contain references to all	The Service will update our inspection form and written report form left at the time of inspection and written warning letter headings to include references to the main applicable pieces of food hygiene and food standards legislation, to include The Food Information (Scotland) Regulations 2014, in addition to references already included for the Food	31/7/23 Completed	Divisional Environmental Health Officer

South Lanarkshire Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
applicable food hygiene and food standards legislation.	Safety Act 1990 and Food Hygiene (Scotland) Regulations 2006. All applicable legislation is currently included in the schedule of typed reports issued following inspections; however a column will be added to our hand written details of matters raised schedule to include a section specifically for referencing legislation.		
9. Specific timescales for corrective actions require to be provided in written warnings to businesses.	A new template will be added to the schedule of our typed written warning letters to include a column for officers to record specific timescales for each individual contravention. This already exists on our handwritten inspection reports.	31/7/23 Completed	Divisional Environmental Health Officer
10. Quality checks and internal monitoring checks require to be reinstated to ensure consistency across the service and to ensure that any issues are identified and corrected where required.	The service will restart a formal process of internal monitoring to include quality checks on paperwork, adherence to Food Law Codes of Practice and issues highlighted during the audit. Our internal monitoring procedures will require to be updated before this monitoring re-commences.	31/12/23	Divisional Environmental Health Officer
Satisfactory evidence was received from South Lanarkshire Council following the Audit to allow for the closure of all Recommendations – May 2024.			

5.0 Acknowledgements

The Audit Assurance Team would like to acknowledge the help and co-operation of all staff involved for their assistance while conducting this audit.

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Food Standards Scotland
Audit Assurance Branch

August 2023

Abbreviations

CPD	Continual Professional Development
EHM	Environmental Health Manager
EHO	Environmental Health Officer
EU	European Union
FBO	Food Business Operator
FL	Food Law
FLCoP	Food Law Code of Practice
FLRS	Food Law Rating System
FSMS	Food Safety Management System
FSO	Food Safety Officer
FSS	Food Standards Scotland
FTE	Full Time Equivalent
GDPR	General Data Protection Regulation
HACCP	Hazard Analysis Critical Control Point
HIN	Hygiene Improvement Notice
KPI	Key Performance Indicator
LA	Local Authority
LFO	Lead Food Officer
MIS	Management Information System
MO	Market Operator
OCV	Official Control Verification
PI	Programmed Intervention
QUID	Quantitative Ingredients Declaration
SEHO	Senior Environmental Health Officer
SFELC	Scottish Food Enforcement Liaison Committee
SHPN	Scottish Health Protection Network
SLC	South Lanarkshire Council
SND	Scottish National Database
SoCOEHS	Society of Chief Officers of Environmental Health in Scotland
STEC	Shiga Toxin - Producing E. coli
WSFLG	West of Scotland Food Liaison Group