

Chief Executive Officers
Heads of Food Service
Lead Food Officers
REHIS
SFELC

FSS/ENF/20/011

9th December 2020

Dear Colleagues,

COVID-19: LOCAL AUTHORITY FOOD LAW INTERVENTION RECOVERY PROCESS

Background

The measures taken by UK and Scottish Governments in March 2020 in response to the Covid-19 pandemic resulted in the closure of a large proportion of food establishments. Additionally, physical distancing requirements meant that Local Authority Authorised Officers were prevented from conducting routine, programmed interventions/Official Controls at those businesses which *did* continue to trade.

In April, Food Standards Scotland secured Ministerial agreement to allow a relaxation from the Food Law Code of Practice and the Interventions Code of Practice. This relaxation was, subsequently extended until 31 October 2020 and then until 28 February 2021.

Food Standards Scotland has acknowledged that Local Authority intervention programmes have been adversely affected as numerous interventions have not been undertaken when due during 2020. The backlog of 'missed' interventions created will, in the case of some Local Authorities, supplement an existing quota of establishments which were not inspected when due. It was, consequently, agreed that measures to address this situation should be considered and a methodology produced in order to enable all Local Authorities to rectify the position in a consistent manner.

Working Group Recommendations

A working group was convened under the auspices of the Scottish Food Enforcement Liaison Committee (SFELC). A report produced by this working group was subsequently circulated to Lead Food Officers at all Scottish Local Authorities during October 2020 in order that they may comment upon the approach recommended.

Feedback on this report was received and analysed and final adjustments made. The contents of the Report are now appended to this letter in the form of Local Authority Food Law Intervention Recovery Process Guidance.

Recovery Plan Requirements

The Guidance sets out the recommended process which Local Authorities should apply in order to re-set their intervention programmes – incorporating all interventions missed before and during the Covid-19 hiatus.

There are four main elements to the task as detailed below :

1. Arrange for all food Establishments within the Local Authority area (with certain exceptions) to be risk-rated under the Food Law Rating System (FLRS)
2. Devise an Intervention Programme which incorporates all risk-rated establishments, each with an intervention due date and which will operate from the *Intervention Start Date*
3. Calculate the total Full-Time Equivalent (FTE) officer resource required to satisfy the Intervention Programme and the remainder of the Service Plan by means of an agreed calculation methodology.
4. Draft a revised Service Plan, incorporating the revised Intervention Programme in addition to all other responsibilities, in accordance with the forthcoming Administration and Service Planning, Food Law Code of Practice (Scotland) 2020

Completion and Implementation

The 4 components of the process should be completed by the following dates:

Process Step	Completion Date
Step 1 – Desktop Transfer	28 February 2021
Step 2 – Creation of an Intervention Programme	28 February 2021
Step 3 – Resource Calculation	31 March 2021
Step 4 – Draft Service Plan	31 March 2021

Local Authorities should be ready to commence the implementation of their Intervention Programme at the expiry of any existing Ministerial exemption period. Food Standards Scotland will advise on the designated *Start Date* for Intervention Programmes as soon as it can be agreed and established.

It should be noted that under certain circumstances, extensions of the specified time period may be necessary. Similarly, alternative measures to those detailed in this document may be acceptable. In both instances, any variations should be agreed with FSS.

It is conceivable that certain Local Authorities will experience difficulties in achieving certain tasks within the allocated time period. It is proposed that both SFELC and FSS will make resources available to provide assistance to any Local Authority with such difficulties.

I would ask that any Local Authority experiencing difficulties contact Billy Hamilton on william.hamilton@fss.scot as soon as possible to ensure co-ordination of assistance.

I would also like to acknowledge the work of the SFELC working group and thank them for their technical expertise.

FSS will remain in contact with LAs during this exercise to ensure progress is on-going and that time scales set remain achievable.

If you have any queries in the meantime please contact me on the details at the top of this letter.

Your Sincerely

Lorna Murray

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Head of Enforcement Delivery