

# Local Authority Recovery Project Recovery Process Guidance

9 December 2020



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## 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. Furthermore, many Local Authority Food Enforcement officers were deployed in other activities aimed at the suppression of the pandemic.

In April, FSS 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 28 February 2021.

Food Standards Scotland has acknowledged that Local Authorities' intervention programmes will be adversely affected as numerous interventions will not be undertaken when due during 2020. The backlog of 'missed' interventions thus created will, in the case of some Local Authorities, supplement the existing quota of establishments which had already fallen outwith the Intervention programme. It was, consequently, agreed that measures to address this situation should be considered and that a recovery process be designed and implemented in order to enable all Local Authorities to rectify the position in a consistent manner.

This Guidance document was produced by a working group convened by the Scottish Food Enforcement Liaison Committee (SFELC).

## Aims of the Local Authority Recovery Process

The principal aim is to enable Local Authorities to recommence food law interventions in an orderly and consistent manner. The secondary aim is to deliver a clear and accurate Local Authority and national view of the food establishment profile – including the Food Law Rating System (FLRS) risk-rating of all establishments and the Local Authority capacity to undertake the necessary Official Controls therein.

Specific aims are:

- To ensure that each Local Authority assesses every food establishment within its jurisdiction and duly categorises each establishment in terms of the Interventions

- Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019) which introduced the FLRS.
- To implement a scalable/flexible methodology to be applied by Scottish Local Authorities which will ensure that Intervention Programmes will be reconfigured in order that all establishments within each LA area are accounted for and programmed for intervention.
- To enable every Local Authority to implement a resource calculation methodology which will be consistent across Scotland.
- To enable every Local Authority to produce a suitable Service Plan which reflects the intended outcomes of the Recovery Process.

## Intended Outcomes of the Recovery Process

The project is designed to facilitate the following by defined completion dates:

- Every Local Authority will present a revised Intervention Programme which will operate from a defined date;
- Every LA Intervention Programme shall include all food establishments, each being accorded a due intervention date;
- Every food establishment on the Intervention Programme shall be risk-rated in accordance with the Interventions Code 2019
- Every Local Authority shall present a 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.
- Every Local Authority shall calculate the total FTE resource required to satisfy the Intervention Programme and the remainder of the Service Plan by means of an agreed calculation methodology.

The methodologies and processes required to achieve these project objectives were designed by the relevant SFELC Working Group. They comprise four key steps:

- Desktop Transfer Analysis
- Production of a revised Intervention Programme
- Resource Calculation
- Service Planning

## Guidance on the 4 Steps

### Step 1 – Desktop transfer

The Guidance sets out proposals for the desktop (i.e. non-intervention) risk rating under the FLRS of all premises which are currently still risk rated under Annex 5 of the Food Law Code of Practice (Scotland) 2019

### Step 2 – Creation of an intervention programme

This Guidance builds upon the outcome of Step 1, the Desktop Transfer. Here, the entire Local Authority complement of food establishments (with the exception of primary production and approved establishments) will be set out within a revised Intervention Programme – with due intervention dates included. (All establishments must have been risk-rated under FLRS prior to this step.)

### Step 3 – Resources calculation methodology

Following the completion of the actions referred to in Annexes 1 and 2, each Local Authority will be required to conduct an analysis of the resources required to undertake the entire revised Intervention Programme. The Guidance provides the framework for carrying out this process. It should be noted that the calculation methodology also addresses the resource demands of meeting all other aspects of the Food Law Codes of Practice. The methodology is based upon a paper on the same matter produced by SFELC in 2017.

### Step 4 – Service planning

Having conducted Steps 1 to 3, each Local Authority should produce a revised Service Plan in accordance with current service planning guidance and/or the proposed Administration and Service Planning Food Law Code of Practice (Scotland) 2020. This Guidance provides guidance on the changes to existing Service Plans that will be appropriate in this context.

## Action required

**Implementation.** Local Authorities should commence the implementation of the requirements on receipt of the relevant Enforcement Letter. The task should be undertaken in the manner and order specified in this Guidance. It should be noted, however, 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

Local Authorities are expected to complete Steps 1 and 2 no later than **28 February 2021**

Steps 3 and 4 should be completed no later than **31 March 2021**

**Recommencement.** Local Authorities should recommence Intervention activity in accordance with their Intervention Programme by the 'restart' date specified by FSS.

# Step 1 - Desktop transfer

**Key Outcome:** *Every food establishment on the Intervention Programme shall be risk-rated in accordance with the Interventions Code 2019.*

## 1.1 Purpose/scope

- 1.1.1 The Desktop Transfer Guidance steers each Local Authority through the process of assessing every food establishment (not including primary production or approved establishments) within its jurisdiction, which to date has not been risk-rated under the Interventions Code 2019.
- 1.1.2 The scope of the Guidance is restricted to food establishments which were previously inspected and rated under Annex 5 of the Food Law Code of Practice, but not yet rated in terms of FLRS, with the aim of ensuring a consistent approach to risk rating these food establishments. Establishments which were previously 'unrated' within Annex 5 should remain 'unrated' under FLRS. It is however expected that any establishments scored as 'unrated' under Annex 5, will be transferred to FLRS and programmed within the Authority's Service Plan (See Guidance on Steps 2 and 4).

## 1.2 The transfer process

- 1.2.1 Given the nature of FLRS, i.e. consisting of business 'groups' and 'bands', the transfer process can be best achieved in two stages.
- 1.2.2 Stage 1 – Applying Groups to Food Establishments
- 1.2.3 Before applying 'risk bands' to food establishments under FLRS, it will be necessary to first assign each establishment a 'Group'. It is envisaged that the process of splitting food establishments into the 3 groups as defined in FLRS can be facilitated by using existing category and sub-category codes within each Local Authority's MIS systems, and/or existing Annex 5 scores, ultimately producing 3 'working lists'. Local Authorities with a smaller number of food establishments to transfer may wish to complete this process using category codes alone and then use their local knowledge to ensure each establishment is in the correct group.
- 1.2.4 It is also possible, however, to use existing Annex 5 scores to assist in producing the 'working lists'. For example, to obtain a list of 'Group 1' premises a Local Authority may choose to run a report for all establishments that, under the Annex 5 Food Hygiene Interventions programme received a score of 40 for 'type of food

and method of handling' and/or a score of 20 for method of processing. This would incorporate manufacturers of high risk foods and anyone undertaking specific methods of processing. They could then add to this list any establishments with a score of 30 for 'Risk to consumers and/or other businesses' under the Annex 5 food standards scoring system, which would incorporate manufacturers of foods for specific groups and foods at enhanced risk of fraud, adulteration or contamination. Unless a Local Authority has specific codes available for exporters, this individual aspect within Group 1 is likely to come down to local knowledge. (N.B. SND has a function to identify importers and exporters which could be used for cross-referencing purposes.)

- 1.2.5 A similar process could then be adopted for Group 2 and 3 premises. For example, again using the Annex 5 Food Hygiene Interventions programme 'Type of food and method of processing' score to differentiate between retailers handling low risk and high risk foods, i.e. - a score of 10 or above for a retailer would denote the handling of high risk foods and a score of 5, low risk.
- 1.2.6 On completion of this process, Local Authorities should have produced a 'working list' for each of the 3 Groups of food establishment defined in FLRS (Groups 1, 2 & 3). It is recommended that these lists be assessed by officers with working knowledge of the businesses and changes made if appropriate. The final part of this stage will be to manually apply a group code to establishments on each 'working list' in turn into the Local Authority's MIS system.
- 1.2.7 Stage 2 – Applying Bands to Food Establishments
- 1.2.8 Once food establishments have been allocated a 'Group', the second stage is to allocate each a band within FLRS. It is envisaged that for Group 1 & 2 premises, all establishments will only be placed initially into bands B, C or D. This is due to the fact that in order to achieve 'Band A' status, an establishment must have 'sustained compliance' under FLRS. This will not be possible for establishments which have not yet received an inspection under FLRS. In addition, due to the fact that 'Band E' applies to establishments where immediate action, such as service of a Hygiene Emergency Prohibition Notice, Voluntary Closure or Remedial Action Notice is required, again it is envisaged that Local Authorities would be actively dealing with such premises and therefore a desktop transfer would not be appropriate. Local Authority Lead Food Officers may wish to use the discretion provided for in the Interventions Food Law Code of Practice (Scotland) to allocate a score of 'Band A' to Group 3 establishments which have previously been included in an Alternative Enforcement Strategy in accordance with section 4.12 and 27.16 of the Food Law Code of Practice (Scotland) 2019.
- 1.2.9 It is recommended that Local Authorities approach Stage 2 in the following manner:



- a) Run a report on your MIS system to find any establishments with an ‘unrate’ score under Annex 5, which have not yet been inspected under FLRS and create a ‘working list’. Manually enter a score of ‘unrate’ for each establishment on this list into your FLRS food inspection programme. (In Northgate systems, a code would not be entered. And so reports would show as unrated)
  
- b) Decide whether you wish to use the discretion provided to you in FLRS to allocate a score of ‘Band A’ to Group 3 establishments which have previously been included in an Alternative Enforcement Strategy in accordance with section 4.12 and 27.16 of the Food Law Code of Practice (Scotland) 2019. Create a ‘working list’ for any applicable establishments and manually enter a score of ‘Band A’ for each establishment on this list into your FLRS food inspection programme.
  
- c) All remaining establishments will require to be split into 3 final ‘working lists’ denoting Bands B, C & D in FLRS. It is recognised that the bands in FLRS are not entirely comparable with those in Annex 5. However, a formula has been developed to try to ensure as close a match as possible to an Annex 5 rating, whilst promoting consistency of scoring across Local Authorities. The formula is based on Annex 5 food hygiene scores for hygiene, structure and confidence in management alone, as it was assessed that a number of the other elements previously contained in Annex 5 had been taken into account at the ‘Group’ stage, and that confidence in management scores were, in the vast majority of cases, consistent between food hygiene and food standards scoring systems. In order to ensure, however, that food standards is given an appropriate level of consideration during the desktop transfer process, Local Authorities should, at the end of the process and when using the formula below, conduct a final check to ensure that any establishment which had previously been given a score of 40 for ‘Level of Compliance’ in the Annex 5 Food Standards Scoring System is allocated a score of ‘Band D’ in FLRS.

The formula referred to in this paragraph can be found in the following table:

FLRS Band	Combined Score
B	Any premises with an Annex 5 FH combined score of: ≤10 for hygiene + ≤10 for structure + ≤5 for confidence in management

C	Any premises with an Annex 5 FH combined score of: ≤10 for hygiene + ≤15 for structure + ≤10 for confidence in management
D	Any premises with an Annex 5 FH score above the criteria required for Band C (and/or a score of 40 for Food Standards level of compliance)

1.2.10 It is envisaged that Local Authorities utilising Civica or Idox as their MIS provider will have the ability to run reports, find establishments with the above scores and combine these to produce ‘working lists’ which can then be used to complete the desktop process on a list-by-list basis. Once each ‘working list’ has been generated, each establishment band can then be applied manually to a Local Authorities MIS system, in the same manner as for the groups in Stage 1. It is recognised, however that for the two Local Authorities utilising the Northgate system, this will not be possible and will be a much more time-consuming process as a value will have to be entered for all 7 scores which currently make up the compliance matrix within FLRS.

### 1.3 Resource Implications

1.3.1 For Local Authorities using Civica and Idox as their MIS provider, it is estimated that, following the generation of ‘working lists’, it will take a full-time officer 1 week to update approximately 1000 establishments with either a group or a band. If, therefore, a Local Authority has 1000 establishments in total to complete, the desktop transfer exercise would take a full-time officer 1 week to update establishments with FLRS groupings, and a further week to update with FLRS bands.

For the two Local Authorities using Northgate however, it is estimated that this process would take considerably longer with a full-time officer expected to take a total of 15 weeks to complete the equivalent process.

## Step 2 – Creating an intervention programme

### Key Outcomes:

Every Local Authority will present a revised Intervention Programme which will operate from a defined date;

Every LA Intervention Programme shall include all food establishments, each being accorded a due intervention date;

Every food establishment on the Intervention Programme shall be risk-rated in accordance with the Intervention Codes Code 2019.

### 2.1 Purpose/scope

2.1.1 This part of the Guidance advises Local Authorities on how to undertake a full 'reset' of their existing Food Hygiene/Food Standards/Food Law Rating Scheme (FLRS) intervention programme. It acknowledges the fact that three different Management Information Systems (MIS) are used by LAs in Scotland.

The SFELC LA Recovery Process provides the potential for a one-off opportunity for LAs to reset their food intervention programme and, in so doing, to ensure that every food business, including any previously missed or unrated businesses, is allocated a programmed intervention date.

This intervention date should not exceed the maximum time period allowed after the **Intervention Programme Start Date**.

2.1.2 It was determined that a 'Priorities Table' should form the basis of this task. During the process of designing the said Priorities Table, it became apparent that if the timescales allocated were to follow those already designated in the existing Code of Practice – i.e. both Annex 5 of the Food Law Code of Practice (Scotland) 2019 and the Interventions Code 2019, LAs would struggle to meet the new dates created. This would result in LAs simply ending up in the same position as before. (Some could, in fact, emerge worse off in respect of missed interventions/inspections.)

It should be noted that the proposed timescales shown in the table at 2.3, titled "Intervention timescales - Interventions Code 2019 and those proposed" relate to the maximum time after the **Intervention Programme Start Date** by which premises in each category must receive an intervention. These time periods are applicable only in the context of the LA Recovery Process. The Intervention Frequencies specified by FLRS have not changed and will be applicable for all subsequent interventions.

- 2.1.3 It is apparent that a larger than usual number of food businesses are currently changing hands and there is also a perceived increase in the number of new food businesses operating from domestic premises – both scenarios generating an increase in ‘unrated’ premises. Additionally, the workload, post-Covid, is unclear in respect of the form and time our interventions will take. For example, food businesses that survive may require more intensive interventions due to the fewer inspections having taken place during 2020.
- 2.1.4 Diminishing resources and competing demands have led to increasing LA difficulty in satisfying existing intervention programmes. This had already created a backlog of missed inspections by the start of the Covid-19 pandemic. In addition, LAs are still unsure of the effect Brexit will have on their workload and this may further impact on the inspection programme, so various factors have been taken into consideration in the development of the priorities.

## 2.2 The priorities table

- 2.2.1 The Guidance provides a risk-based priorities list which considers both Annex 5 and FLRS risk rating systems and also Approved Premises. The resulting Priorities Table is shown below.
- 2.2.2 The Priorities Table can be used by each LA to determine where it sits at present and its starting point from which to start the Recovery Process. This point will vary from one LA to another, i.e. one LA may have to start at Priority 1, whereas another (which has started using FLRS) may only need to start at Priority 3. It is anticipated that the Priorities Table will cover all the different circumstances in which LAs currently find themselves.
- 2.2.3 The Recovery Process requires LAs to undertake a desktop assessment of all businesses which are still risk-rated under Annex 5 of the existing Food Law Code of Practice 2019. This will allow the said businesses to then be risk-rated under FLRS – as per the relevant column of the Priorities Table. If LAs are unable to undertake the desktop ‘transfer’ for whatever reason, then there are columns that deal with Annex 5 Food Hygiene and Annex 5 Food Standards scored premises
- 2.2.4 Approved establishments have been included in the Priorities Table. However, further guidance will be available to LAs on the implementation of OCV for these premises.
- 2.2.5 LAs should use a risk-based approach to the allocation of dates ensuring that the most problematic businesses are visited first.
- 2.2.6 The timescales given in the Priorities Table are the longest permitted. However, LAs should, ideally, undertake interventions as soon after the **Intervention Programme Start Date** as practicable.
- 2.2.7 LAs must identify in their Service Plan how they completed the Recovery Process - this is covered in more detail in a later section of this Guidance.

## Priorities table

Please note that this process should be undertaken only after completing the Desktop Transfer described in Step 1. In effect, the businesses being placed within the Intervention Programme should all have a risk-rating under FLRS. The Priorities Table below includes businesses which are still rated only under FLCoP Annex 5. This is purely for the use by those Authorities which, by virtue of their MIS, are unable to complete the Desktop Transfer prior to this stage. The same applies to the tables at 2.4 and 2.5.

	Annex 5 Food Hygiene	Annex 5 Food Standards	FLRS	Approved Premises
<b>Priority 1</b>			<ul style="list-style-type: none"> <li>a) All Group 1 premises following the timescales in the Interventions Food Law CoP,</li> <li>b) Group 2 and 3 Band Es deal with within 1 month of start date.</li> <li>c) Spread all Group 1 Unrated businesses throughout a 6-month period.</li> </ul>	<p>LAs which have already implemented OCV – continue/restart the programme and schedule each premises within 12-month period.</p> <p>LAs which have not implemented OCV – start the implementation of OCV for Approved Premises and spread evenly over 12-month period.</p>
<b>Priority 2</b>	Category As spread over 6 months.	Food Standards only premises Category As spread over 6 months.	Group 2 and 3 Band Ds spread over a 6-month period. Spread all Group 2 Unrated businesses throughout a 12-month period.	

<b>Priority 3</b>	Category Bs spread evenly over 18-month period .	Category As spread throughout 12 months.	Group 2, Band C over 18 months and Group 3 Band C over 36 months. Spread all Group 3 Unrated businesses throughout a 24-month period.	
<b>Priority 4</b>	Category Cs spread over 24 months.	Category Bs that are Category Es for Food Hygiene spread over 24-month period.	Group 2 Band B over 24 months and Group 3 Band B over 48 months.	
<b>Priority 5</b>	Category Ds spread over 36 months.	Food Standards only Category Bs spread over 36 months.	Group 2 Band As over the period of up to 48 months.	
<b>Priority 6</b>	Category E premises spread over 48 months	Food Standards only Category Cs spread over 60 months.	Group 3 Band As - decide if they need inspections, if so, spread over 60 months or are no proactive intervention.	

2.3 Intervention timescales - Interventions Code 2019 and those proposed (The 'proposed' time periods are the maximum time after the Intervention Start Date when the intervention must take place)

Group	Band	Code of Practice	Proposed
<b>Group 1</b>	A	18 Months	18 Months
	B	12 Months	12 Months
	C	6 Months	6 Months
	D	3 Months	3 Months
	E	1 Month/Intensive	1 Month/Intensive
<b>Group 2</b>	A	24 Months	48 Months
	B	18 Months	24 Months
	C	12 Months	18 Months
	D	3 Months	6 Months
	E	1 Month/Intensive	1 Month/Intensive
<b>Group 3</b>	A	No proactive/60 Months	No proactive/60 Months
	B	36 Months	48 Months
	C	24 Months	36 Months
	D	3 Months	6 Months
	E	1 Month/Intensive	1 Month/Intensive

## 2.4 Intervention timescales - Annex 5 Food Hygiene - and proposed

Category	Code of Practice	Proposed
A	6 Months	6 Months
B	12 Months	18 Months
C	18 Months	24 Months
D	24 Months	36 Months
E	36 Months/Alternative Enforcement	48 Months

## 2.5 Intervention timescales - Annex 5 Food Standards - and proposed

Category	Code of Practice	Proposed
A	12 Months	12 Months
B	24 Months	36 Months (Food Standards only premises)
C	60 Months/Alternative Enforcement	60 Months (Food Standards only premises)



## Step 3 – Resource calculation methodology

**Key Outcome** *Every Local Authority shall have an accurate projection of the total FTE resource required to satisfy the Intervention Programme - and the remainder of the Service Plan - by means of an agreed calculation methodology.*

### 3.1 Purpose/scope

3.1.1 The purpose of Step 3 Guidance is to enable LAs to quantify the FTE resources required to deliver the full range of interventions specified by the Food Law Codes of Practice in a systematic and consistent manner. The methodology below develops previous work on this matter by SFELC.

LAs applying the original SFELC approach have established the average time required to carry out Interventions and other activities. A representative sample of this work has been taken and inserted for information only. The equivalent estimates for programmed interventions within the 15 FLRS establishment categories have not been estimated. This task will fall to each individual Authority when estimating resource demand in Year 1. LAs should, subsequently, undertake a time measurement exercise during Year 1 in order to accumulate sufficient data to enable a more accurate estimate for Year 2.

It is recognised that LAs undertake a range of statutory duties and other activities relevant to Food Law which are not addressed by the Food Law Codes of Practice. These demands are highly variable and less amenable to precise quantification at this stage. However, guidance has been provided on quantifying these demands.

### 3.2 Aims of this methodology

3.2.1 To introduce a process whereby each Local Authority can calculate the resources required to carry out:

- Programmed interventions
- Other requirements of the Food Law Codes of Practice.
- Ancillary food safety-related tasks not explicitly required by the Food Law Codes of

### 3.3 Process outline

3.3.1 Estimating Existing Resource

3.3.2 The underlying requirement is to compare existing resource with required resource. In order to do this, each Local Authority must calculate the total number of working days available in relation to food law delivery.

This can be done by multiplying the total number of working days in the year (excluding public holidays, weekends, annual leave days) and multiplying this by the Full Time Equivalent complement of authorised officers working on food law enforcement.

$$\text{Total Officer/Working Days} = \text{Total number of working days* in a year} \times \text{FTE in food law}$$

\*The typical total number of working days per officer per year has been estimated as 220. This will vary between Local Authorities.

### 3.3.4 Four stages to calculating the estimated resource demands

3.3.4.1 Once the total officer/working days figure for the Authority is calculated, the food law enforcement demand should be evaluated:

Stage 1 – Programmed Interventions		
Sub Stage	Action	Additional Comment
Sub-stage 1.1	<p><b>Calculate/estimate the total average time taken to conduct a programmed intervention in each of the 15 FLRS establishment categories</b></p> <p><b>(Unit = Days/Part days)</b></p>	<p>This estimated average time should include preparation, travel, on-site activity, administration and enforcement.</p> <p>The Year 1 calculation should be based upon estimates or upon the experience of other early adopter Local Authorities. Time studies during Year 1 should be conducted in order</p>

		to enable a more accurate calculation in Year 2
<b>Sub-stage 1.2</b>	<b>Identify the total number of interventions in each FLRS category programmed for the year.</b>	All businesses subject to intervention must be risk rated under FLRS prior to undertaking this process
<b>Sub-stage 1.3</b>	<b>Multiply the total average time for each category of intervention by the number of programmed interventions in that category for that year</b>	This provides the total number of days required to conduct programmed interventions in each of the 15 FLRS categories
<b>Sub-stage 1.4</b>	<b>Add together the total days required to conduct interventions in each of the 15 FLRS categories.</b>	<b>This provides the total working days required to deliver all programmed interventions within the year.</b>

<b>Stage 2 – Other Requirements of the Food Law Codes of Practice</b>		
<b>Sub Stage</b>	<b>Action</b>	<b>Additional Comments</b>
<b>Sub-stage 2.1</b>	<b>Identify the full range of ‘other interventions’ and tasks required by the FLCoP – grouping into categories</b>	‘Other Intervention types’ includes revisits, sampling visits, food alerts, food poisoning allegations, complaints about food premises etc. (See Table 5 below).
<b>Sub-stage 2.2</b>	<b>Calculate/estimate the total average time taken to conduct each of the other intervention types.  (Unit = Days/Part Days)</b>	Consider the travel time, preparation, administration etc for each type.  The Year 1 calculation should be based upon estimates or upon the experience of other Local Authorities (see below). Time studies during

		Year 1 should be conducted in order to enable a more accurate calculation in Year 2
<b>Sub-stage 2.3</b>	<b>Establish the likely number of such activities in each category</b>	Estimates of the number of each type of 'other intervention' likely to occur should be based upon previous years' statistics and any other intelligence available.
<b>Sub-stage 2.4</b>	<b>Multiply the total average time for each type of 'other intervention' by the number of such other interventions anticipated in the year.</b>	This provides the total number of days required to conduct each of the 'other intervention' types.
<b>Sub-stage 2.5</b>	<b>Add together the total days estimated for each type of 'other intervention' types anticipated in the year</b>	<b>This provides the total working days required to deliver all 'other interventions' within the year.</b>

### Stage 3 – Ancillary Food-related activity not included within the Food Law Code of Practice

<b>Sub Stage</b>	<b>Action</b>	<b>Additional Comment</b>
<b>Sub-stage 3.1</b>	<b>Determine and group the other food-related activities that are in scope.</b>	These activities should be food enforcement-related but not directly connected by the Food Law Codes of Practice. They may include processing of Export Health Certificates, Planning Consultations etc

<b>Sub-stage 3.2</b>	<b>Estimate the total number of activities likely within each group.</b>	The Year 1 calculation should be based upon estimates from previous years plus any additional intelligence.
<b>Sub-stage 3.3</b>	<b>Calculate/estimate the total average time taken to conduct each of the ancillary activity types.</b>	Consider the travel time, preparation, administration etc for each type.  The Year 1 calculation should be based upon estimates (or upon the experience of other Local Authorities (see below)). Time studies during Year 1 should be conducted in order to enable a more accurate calculation in Year 2.
<b>Sub-stage 3.4</b>	<b>Multiply the total average time for each type of ancillary activity by the number of such activities anticipated within the year</b>	Estimates of the number of each type of ancillary activity likely to occur should be based upon previous years' statistics and any other intelligence available.  This provides the total number of days required to conduct each of the ancillary activity types.
<b>Sub-stage 3.5</b>	<b>Add together the total days estimated for each type of ancillary activity anticipated in the year</b>	<b>This provides the total working days required to deliver all ancillary activities within the year.</b>

**Stage 4 – Calculate the total number of working days required to meet the requirements of the Food Law Codes of Practice – and to conduct food-related ancillary activities**

<b>Sub Stage</b>	<b>Action</b>	<b>Additional Comments</b>

<b>Sub-stage 4.1</b>	<b>Add together the total working days required to undertake the following:</b> <ul style="list-style-type: none"> <li>• <b>Programmed Interventions</b></li> <li>• <b>Other Interventions</b></li> <li>• <b>Ancillary Activity (non FLCoP)</b></li> </ul>	This is the accumulation of figures obtained at Sub-stages 1.4, 2.5 and 3.5 above.
<b>Sub-stage 4.2</b>	<b>Divide this total by the number of working days in the year</b>	Suggested number of working days per year is 220  <b>The resulting figure constitutes the FTE required to undertake the 3 tasks specified at 4.1.</b>

### 3.3.4 Key principles of resource quantification

3.3.4.1 Accurate quantification of resources requires uniformity and predictability of future demand, standardised methods and techniques for Interventions and activities coupled to available data. However, Food Law activities are delivered according to variable methods and techniques and comprise a mix of proactive (i.e. predictable) resource demands and reactive (less predictable) resource demands.

Accordingly, and recognising this position for the purposes of this process, the activities of Food Law have been grouped into three broad categories:-

3.3.4.2 **Programmed Interventions** – or *official control intervention* activities - principally Inspections - which are relatively proactive, predictable in number, and scheduled.

3.3.4.3 **Other Interventions**, which are required by the Food Law Codes of Practice and vary in predictability. These can be reactive activities, e.g. service requests or partly planned, e.g. sampling.

3.3.4.4 **Ancillary Food Law Activities** which are not explicitly required by the Food Law Codes of Practice and tend to be reactive in nature. Examples include the inputting to planning applications and licence applications regarding Food Establishments and the production of Export Health Certificates. (The status of certain activities such as the production of EHCs may be open for future debate. LAs should be aware of the potential complications and

changes when undertaking this task. A national position should and will be provided by FSS on any such issue if required.)

### 3.4 Quantifying resources relating to FLRS-based programmed interventions

#### Practical Steps

3.4.1 Firstly, consider any estimates available amongst other Local Authorities.

Some LAs may have already established the time required in order to carry out Food Safety-Hygiene and Food Standards inspections but there is no knowledge of any having estimated time for interventions under FLRS. However, in the absence of any examples, each Local Authority should make estimates of times for each category of FLRS programmed interventions for the purposes of the Year 1 calculation. A time measurement exercise conducted during Year 1 will facilitate a more accurate estimate for Year 2.

#### 3.4.2 Programmed Intervention Time Estimates for Food Hygiene (Annex 5)

Annex 5 Risk Rating	Estimates in Hours	Estimates in Days*
A	10.5	1.5
B	8.0	1.1
C	6.0	0.85
D	4.5	0.65
E	2.5	0.35

\* One day = 7 hours

3.4.3 **Programmed Intervention time estimates for Food Standards (Annex 5)**

Annex 5 Risk Rating	Estimates in Hours	Estimates in days
A	7.0	1.0
B	5.5	0.8
C	2.00	0.3

3.4.4 These estimates are for demonstration purposes only. The estimates for each Local Authority would depend upon a number of factors including travel time and administrative processes

3.4.5 **Programmed Intervention Time Estimates for food law interventions (FLRS)**

3.4.6 Each Local Authority must produce its own time estimates for programmed interventions in each of the establishment categories under FLRS:

FLRS Group	FLRS Rating	Estimates in Hours	Estimates in Days
<b>Group 1</b>	A		
	B		
	C		
	D		
	E		
	A		



<b>Group 2</b>	B		
	C		
	D		
	E		
<b>Group 3</b>	A		
	B		
	C		
	D		
	E		

3.4.7 Then:

- a) Count the number of establishments falling into each category;
- b) Multiply the total average time for each establishment category by the number of establishments in each category
- c) Add together the 15 totals to obtain the total time (in days) required to undertake the full programmed intervention programme for the year.

### 3.5 Quantifying resources relating to other FLCOP interventions

#### Practical Steps

- 3.5.1 Some LAs may have established the time required in order to carry out other FLCoP interventions. However, if not choosing to use these examples, each Local Authority should make estimates of times for the purposes of the Year 1 calculation. A time measurement exercise conducted during Year 1 will facilitate a more accurate estimate for Year 2.

**3.5.2 Suggested Groupings for Other FLCoP Interventions and Existing Time Estimates**

Other Intervention Category	Estimate (Hours)	Estimate (Days)
Sampling for Microbiological Examination – Formal		
Sampling for Microbiological Examination – Informal		
Sampling for Chemical Analysis – Formal		
Sampling for Chemical Analysis – Informal		
Investigation of Food Complaints		
Home Authority Principle and Primary Authority Scheme requests		
Food Incidents		
Food Alerts for Information		
Food Alerts for Action		
Control and Investigation of Outbreaks and Food Related Infectious Disease		
Complaints against the Service		
Food business registration		
CPD/Training Activity		

**3.5.3 Then:**

- a) Estimate the likely number of other FLCoP interventions in each category to be carried out during the year.
- b) Multiply the total number of other interventions in each group by the estimated time (in days) taken to undertake such interventions.

- c) Add the total estimated time for each category to establish the total time spent on other FLCoP interventions during the year.

### 3.6 Quantifying resources in relation to ancillary non-FLCOP food control activities

#### Practical Steps

- 3.6.1 Firstly, consider any national estimates available for each category of ancillary activity.

Some LAs may have established the time required in order to carry out the ancillary activities. In the absence of any examples, each Local Authority should make estimates of time for Non-FLCoP ancillary activities for the purposes of the Year 1 calculation. A time measurement exercise conducted during Year 1 will facilitate a more accurate estimate for year 2.

- 3.6.2 Suggested Groupings for Non-FLCoP Ancillary Activities and Time Estimates

Activity	Estimate in Hours	Estimate in Days
Shellfish – Temporary Closure Notices and associated work. Shellfish Registration Documents		
Management of FHIS		
Management of FHIS and Eat Safe		
Export Health Certificates		
Planning/Licence Applications		

- 3.6.3 Then:

- a) Estimate the likely number of ancillary activities in each category to be carried out during the year.
- b) Multiply the total number of ancillary activities in each group by the estimated time (in days) taken to undertake such activities.
- c) Add the total estimated time for each category to establish the total time spent on non-FLCoP ancillary activities during the year.

## Step 4 – Service planning

**Key Outcome:** *Every Local Authority shall present a revised Service Plan, incorporating the revised Intervention Programme - reflecting the actions taken under Annexes 1 to 3 - in addition to all other responsibilities, in accordance with the Food Law Code of Practice;*

### 4.1 Purpose/Scope

- 4.1.1 Having undertaken the activities required by the LA Recovery Plan (Steps 1 to 3), each LA should commit all necessary changes to their existing Service Plan and/or produce a new Service Plan.

Step 4 Guidance seeks to advise LAs on how this should be done. Please see the table below.

## Step 4 - Service Planning

4.1 Service Aims and Objectives	Content	Covid-19 Recovery Considerations
<b>4.1.1 Aims and Objectives</b>	A statement of the service’s aims and objectives.	In addition to the usual aims, details of the intention to protect public health and affirm the continuing commitment to assist businesses in their recovery from the pandemic should be inserted.
<b>4.1.2 Links to corporate objectives and plans</b>	This section should identify how the service plan(s) fit into the Authority’s corporate planning process and how it plays its part in meeting the Authority’s objectives. This should include meeting any relevant national indicator. It should also identify any cross linkage with other plans that have been adopted by the Authority.	National and local updated plans and strategies relevant to the recovery process post pandemic should be considered. Detail the link to service provision.

4.2 Background	Content	Covid-19 Recovery Considerations
<b>4.2.1 Profile of the Local Authority</b>	This section should include details of the population, size and nature of the Authority.	Not affected
<b>4.2.2 Organisational Structure</b>	A simple chart showing the council services and committee structure which shows where the food service fits in. The structure should identify the Chief executive officer and Senior Manager(s) Controls. Lead Officers and the Authorised Officer(s) with specialist responsibility for Food Law, and the provision made for specialist services provided, for example, by public analysts, food examiners and agricultural analysts.	Not affected
<b>4.2.3 Scope of the Food Service</b>	A brief statement that sets out the scope of the responsibilities and service provided. This should identify where areas of the food service are provided by another organisation e.g. contractors. Any other services that are delivered	Detail should be included regarding how businesses are being assisted during the pandemic. This should highlight the temporary deviation from the Interventions Code 2019 and the Food Law Code of Practice (Scotland) 2019 which focuses predominately on intervention and audit of premises to the 4 E's approach of Encourage, Engage, Educate and

	<p>alongside the food service, e.g. health and safety inspections, can also be described here.</p>	<p>Enforce. Recognition should also be given to the amount of resource dedicated to dealing with Covid-19 related complaints where authorised officers carrying out food law interventions also have responsibility for inspecting premises under Health and Safety Legislation. Other services, for example Trading Standards, assisting with the post pandemic recovery should also be mentioned.</p> <p>Looking to the future inspections will resume on 1<sup>st</sup> October 2020 (or alternative date) following the Desktop Transfer and revised Intervention Programme.</p>
<p><b>4.2.4 Demands on Food Service</b></p>	<p>This section should include a brief outline of the Food Business Establishments profile, the number of Approved and Registered establishments in the Authority's area; any particular local requirements associated with specialist or complex processes.</p> <p>The section should detail the service delivery Key Performance Indicators, used by the Authority and the times at which the service is available.</p> <p>the service delivery points used</p>	<p>This section should include details of how the authority has changed from the Annex 5 rating scheme to the FLRS based on guidance provided by the SFELC Covid-19 Recovery Working Group and the impact that this has had on officer time</p> <p>The section should detail the service delivery Key Performance Indicators taking into account the effects on the Covid-19 pandemic and the authorised deviation from the Code for the first ** months of the year.</p> <p>Times at which the service is available should include details of the Authority's response to the Covid-19 pandemic such</p>

	<p>the times at which the service is available from these points</p> <p>This section also enables the Authority to describe any external factors that may impact on their service. For example: the percentage of food establishments that are manufacturing high foods, imported or exported food responsibilities, or seasonal activities.</p>	<p>as home working, closing offices to the public and the effect this has had on service delivery</p> <p>External factors that have impacted the service should include details of how the effect of the Covid-19 pandemic has resulted in a reduced service due to office closures and home working etc. and staff being involved on Covid-19 related work and the impact that this has had on the food service</p> <p>Other external factors impacting on the service to be included could be the requirement for EHCs and the impact this will have on the service and the requirement to inspect registered fishing vessels before 31<sup>st</sup> Dec 2020 - see 3.9.</p>
<p><b>4.2.5 Enforcement Policy</b></p>	<p>A brief reference statement to the Authority's documented Enforcement Policy</p>	<p>Not affected</p>



4.3 Service Delivery	Content	Covid-19 Recovery Considerations
4.3.1 Interventions at Food establishments	<p>A statement in relation to the Authority's policy on interventions and how they will be selected in individual cases, including details of programme of interventions for Food Business Establishments to be undertaken. This should include the establishments profile, the numbers of interventions programmed, an estimation of the number of revisits that will be made, and an estimation of resources required. The plan should also detail any targeted intervention activity that the Authority intends to carry out including any extra resources this may require; this could include specific project work.</p> <p>The Authority should identify any priorities relating to nationally or locally driven outcomes, such as compliance with new legislation or improved compliance with existing legislation and other central government initiatives. The section</p>	<p>The statement should include details of how the Covid-19 pandemic has affected the inspection programme and give reference to the letter from Lorna Murray FSS/ENF/20/006 allowing LAs to deviate from the Code during the pandemic. The work of the SFELC Covid-19 Recovery Working Group developing an Intervention programme to assist LAs devising their work programme and help the authority recover from the pandemic should also be highlighted.</p> <p>The estimation of staffing resources required should be based on the SFELC Covid-19 Recovery Working Group guidance for calculating staffing resources.</p>

	<p>should include, where appropriate, the arrangements the Authority has made to ensure that they have access to adequate appropriate expertise to enable a competent inspection of any specialised processes identified in Section 2.4 Demands on Food Service above.</p>	
<p><b>4.3.2 Food Complaints</b></p>	<p>A statement in relation to the Authority's policy regarding the investigation of food complaints including an estimation based on previous years' trends of the likely demand on the service and an estimation of the resources required.</p>	<p>Difficult to base resources on last year's trends as we don't know the effect that Covid-19 might have on the number of complaints made and so the resources required</p> <p>However other routes of complaint investigation and recall processes that may be required should be considered, as during the Covid-19 pandemic, many food businesses have changed their operation, now having a greater presence on social media/ digital platforms.</p>
<p><b>4.3.3 Home Authority Principle and Primary Authority Scheme?</b></p>	<p>A statement in relation to the Authority's policy on the Home and/or Originating Authority Principle including an estimation of the resources required in relation to meeting and advising those businesses</p>	<p>Not affected</p>

	for whom it acts and responding to enquiries from other enforcing authorities.	
<b>4.3.4 Advice to Business</b>	A statement in relation to the Authority's policy regarding advice to business (as part of the overall interventions policy) including an estimation of the number of contacts from business and the resources necessary to provide the service. This section should include, where appropriate, any input the Authority has to business partnerships or forums.	During each phase of the Covid-19 pandemic services will have provided advice, information and support to help secure the confidence of those operating in the food and drink sector. As the demand on the service is likely to be significant this should be detailed in the Service Plan.
<b>4.3.5 Food Sampling</b>	A statement in relation to the Authority's sampling policy including the basis of the sampling programme and an estimate of the numbers of samples that will be taken from establishments, as a result of imported food responsibilities and control arrangements or submitted in relation to complaints, and any relevant resource allocation including staffing. It should also detail the arrangements that the Authority has made for the analysis and/or examination of the samples.	<p>The likely deviations from the intended sampling programme should be identified because of the restrictions imposed on normal sampling activity due to the current Covid-19 pandemic.</p> <p>Similarly, any changes to intended resource allocation should also be highlighted as a result of the pandemic.</p> <p>Any other surveillance systems intended to be used as an alternative to sampling, including novel means should also be documented.</p>

<p><b>4.3.6 Control and Investigation of Communicable Disease including Outbreaks and Food Related Infectious Disease</b></p>	<p>A statement in relation to the Authority’s policy on the investigation of food poisoning notifications and outbreak control including an estimation based on previous years’ trends of likely demand on the service and an estimation of the resources required.</p>	<p>A separate statement in relation to the current Covid19 pandemic and the Authority’s policy of mutual aid and assistance to the local health board should be detailed with reference to their Joint Health Protection Plan.</p> <p>The level of anticipated support should be explained including already committed resources such as staff deployed to contact tracing and the likely service demand in the event of local outbreaks. An estimation of total resources that may be required should be detailed.</p>
<p><b>4.3.7 Food Law Incidents</b></p>	<p>A statement in relation to the Authority’s policy on handling food alerts to confirm that it complies with the relevant Codes of Practice; an estimation of the likely demand on the service and an estimation of the resources required.</p>	<p>Not affected</p>
<p><b>4.3.8 Liaison with Other Organisations</b></p>	<p>The Authority should set out the arrangements it has made to ensure that enforcement action taken in its area is consistent with those of neighbouring local authorities. This section should include:</p>	<p>A separate statement in relation to the current Covid-19 pandemic should also be detailed.</p> <p>This statement should include the additional liaison the Authority has with other governmental bodies and Health</p>

	<ul style="list-style-type: none"> <li>• any liaison the Authority has with other authorities.</li> <li>• any liaison, where appropriate, with LGA</li> <li>• any arrangements with other Official Control bodies or other government departments to co-ordinate Official Controls (where applicable).</li> <li>• any representation on Government working groups or committees;</li> <li>• liaison with professional body working groups;</li> <li>• liaison and involvement/participation with SFELC advisory groups and similar or related bodies;</li> <li>• any formal liaison with voluntary groups and other public sector bodies e.g. Health Authorities;</li> <li>• any formalised liaison with other services within the Authority e.g. review of building control applications;</li> <li>• any commitment to local/regional groups.</li> </ul>	<p>Boards as part of its obligations in terms of their Joint Health Protection Plans.</p> <p>The degree of mutual aid and assistance should be detailed and an estimate of the resource allocation over and above normal liaison arrangements should be stated.</p>
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	An estimation of the resource allocation should be included.	
<b>4.3.9 EU Exit including Fishing vessel inspection</b>	A statement in relation to the Authority's policy on the inspection of fishing vessels and other EU Exit related work including the provision of Export Health Certificates.	<p>The Authority should provide an outline of the additional inspection demand as a result of the requirement to inspect 100% of the registered fishing fleet before the end of 2020 and outline the additional demand for Export Health Certificates that is anticipated to arise should the United Kingdom leave the EU without a deal.</p> <p>The supply of Export Health Certificates may place a major ongoing demand on the Environmental Health Service.</p>
<b>4.3.10 Food Law promotional work, and other non-Official Controls interventions</b>	A statement of any promotional work, or information/intelligence gathering work, which the Authority intends to carry out in the year and the measures it will use to evaluate effectiveness, with an estimate of the resource allocation including staffing to undertake this work.	The Authority should provide a statement of any promotional work, or information and intelligence gathering work, which the Authority intends to carry out in the year, with a particular focus on virtual contact as a consequence of pandemic restrictions. This area of work may be severely impacted as a consequence of the pandemic and the available capacity to undertake these tasks will be dependent on the outcome of the Resources Work stream. Measures should be identified that will be used to evaluate effectiveness.
<b>4.3.11 Food Crime and Fraudulent activities</b>	A statement in relation to the Authority's policy on food crime and fraud to confirm that it complies with the relevant Codes of	A statement in relation to the policy on food crime and fraud should be devised to confirm that it complies with the relevant Codes of Practice. An estimation of the likely demand on the

	Practice; an estimation of the likely demand on the service and an estimation of the resources required.	service and of the resources required should be made, taking into account the possible increase due to pandemic and EU Exit.
<b>4.4 Finance and Staffing</b>	<b>Content</b>	<b>Covid-19 Recovery Considerations</b>
<b>4.4.1 Financial Allocation</b>	This section should set out the overall level of expenditure involved in providing the service and examine the trend of growth or reduction in real terms. Detail shall be provided in terms of the non-fixed costs including staffing, travel and subsistence, equipment including investment in IT, sampling budgets and the financial provision made by the Authority for any legal action necessary as part of their enforcement function	The Resources Methodology Guidance will assist with determining the FTE posts required to deliver the service
<b>4.4.2 Staffing Allocation</b>	A statement of the number of FTE posts required to deliver the service, and the number of staff working on delivery of Official Controls and related matters. This	The Resources Methodology Guidance should be used to calculate the staffing allocation.

	should distinguish qualified staff from support staff. These figures should be expressed in terms of levels of competency and authorisation levels with reference to the appropriate Codes of Practice, including support staff.	
<b>4.4.3 Staff Development Plan</b>	A statement in relation to any relevant ongoing training, including that to be provided in-house and externally for authorised and trainee officers in the year ahead.	The Authority should ensure that adequate time is set aside to allow officers to familiarise themselves with new legislation and guidance following the pandemic and EU exit and this should be documented
<b>4.5 Monitoring</b>	<b>Content</b>	<b>Covid-19 Recovery Considerations</b>
	A statement specifying the measures to be taken to assess the quality of the	Not affected



<b>4.5.1 Quality assessment and internal monitoring</b>	<p>Authority's service including any relevant internal or external independent monitoring arrangements developed by the Authority to assess performance against the this code. This should include any agreed inter-authority audit or peer review arrangements. The Authority should include details of any externally accredited or self-assessment models used.</p>	
<b>4.6. Review</b>	<b>Content</b>	<b>Covid-19 Recovery Considerations</b>
<b>4.6.1 Review against the Service Plan</b>	<p>The Authority should set out the process, for reviewing and reporting delivery of the service plan. This should include timescales, structures and information on the previous year's performance against the service plan and any specified performance targets, performance standards and targeted outcomes should include information on the previous year's performance against the service plan and any specified performance targets and</p>	<p>This will be affected as the Covid-19 pandemic will have affected inspection programmes from the 2019-20 Service Plans.</p>

	performance standards and targeted outcomes	
<b>4.6.2 Areas of Improvement</b>	The Authority should set out plans for any relevant improvement or service development identified as necessary by the review or the quality assessment.	<p>Plans for relevant improvements or service development should be identified as necessary by the review or the quality assessment. For example, advancing digital interventions as part of a drive towards smarter ways of working during pandemic restrictions or the development and implementation of a digital intervention strategy.</p> <p>Further development opportunities for joint working with other agencies, stakeholders and Services across the Council should also be outlined.</p>

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