

Audit Assurance Branch
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To: Heads of Service

Cc: Lead Food Officers, REHIS, SFELC, SoCOEHS

FSS/ENF/21/001

25/03/2021

Dear Colleague,

**AUDIT ASSURANCE INFORMATION
COVID-19: CONTINGENCY MEASURES FOR DELIVERY OF OFFICIAL CONTROLS**

Food Standards Scotland are requesting information in order to establish the on-going activities of all LAs in these extra-ordinary times. It is recognised that the Scottish National Database (SND) is a fundamental source of data and information under normal circumstances, but it is apparent that the use of SND by LAs has varied considerably during the pandemic within the relaxation periods granted by the Minister. Therefore, an alternative reference point is now needed to provide assurance to FSS in relation to the work completed by LAs in relation to the following:

- changes in the enforcement of food law between 1st April 2020 and 31st March 2021
- the additional workloads incurred for Export Health Certificates
- the Covid-19 control activities that involved elements of food law compliance

We request that the completed questionnaire is returned by 30 April 2021.

The information provided will be very valuable in allowing FSS to determine the current regulatory landscape, selected activities of LA partners and also help determine our approach to working with external regulators and stakeholders in the near future. It will also aid awareness and establish the impact of both the allowed current deviations from the Food Law Codes and the forthcoming LA Recovery Plan.

The Minister for Public Health and Sport agreed to a deviation from the Food Law Code of Practice (Scotland) 2019 in March 2020 due to both the unprecedented nature of the COVID-19 pandemic

and national infection control measures which have involved Local Authority Environmental Health Services to a significant extent (Ref: FSS/ENF/20/006).

The Minister originally agreed to the continued deviations until 28th February 2021 from elements of the Code for Local Authorities' to support their essential role in enforcing the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 and their continued support of the National Test and Protect approach to control of COVID-19 (Ref: FSS/ENF/20/010). More recently there has been agreement to the continuation of flexibilities from the Food Law Code of Practice whilst restrictive measures above tier one remain in place under the Strategic Framework.

In order to establish the extent of food law official controls carried out by Local Authorities during the pandemic and since the deviations commenced on 31st March 2020, would you please provide answers to the questions on **Annex A** (attached separately) for the time period **1st April 2020 to 31st March 2021**. If there are any queries please contact the Audit Assurance Branch and they will be happy to discuss these with you.

Food Law Code of Practice deviations are as follows:

- a) Food Law interventions to all care facilities including hospitals, care homes, nurseries, and childminders.
- b) Planned programmed interventions at all lower risk Group 2 and 3 businesses within the Food Law Rating System (FLRS), and all Crown Establishments.
- c) Low risk primary production activities - exception for dairy farms supplying raw milk for the manufacture of raw milk cheese. This includes on farm inspection to assess compliance against primary production controls.
- d) Approved establishments and other high risk manufacturers may limit access to high risk production areas. Therefore, it is recommended that interventions at approved establishments, and higher risk FLRS Group 1 businesses, are based on an initial documentary audit followed up by physical inspection if public health concerns are identified.
- e) Intelligence driven interventions at all food business establishments regardless of category should continue where possible. Intelligence will include information that suggests fraudulent activity or risk to public health, e.g. consumer complaints, credible allegations of food poisoning, failed samples of a serious nature that suggest fraud or health risk.

Please see below a link to a privacy notice regarding information held by Food Standards Scotland.

[Local Authority Contacts Privacy Notice | Food Standards Scotland](#)

I am very grateful for your assistance during these challenging times.

Yours sincerely



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Head of Domestic Assurance

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