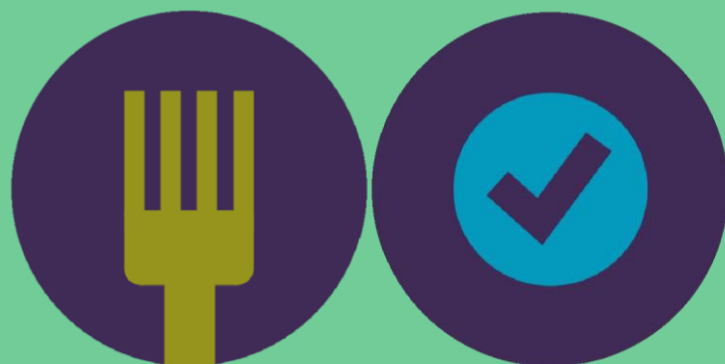


Revised Guidance on Local Authority Food Law Enforcement Resource Calculation

11 August 2022



REVISED GUIDANCE ON LA FOOD LAW ENFORCEMENT RESOURCE CALCULATION

1. Purpose and Scope of the Guidance

1.1. Quantifying Local Authority Resource Demands

The purpose of the Local Authority Resource Calculation Guidance (hereafter referred to as 'the Guidance') is to enable LAs to quantify the FTE resources required to deliver the full range of food law-related activities undertaken by them in a systematic and consistent manner. The methodology below develops previous work on this matter by SFELC/FSS and builds upon the work conducted by Local Authorities during the Covid-19 LA Restart Exercise in 2021.

1.2. Food Law-Related Activities

The 'food law-related' activities which are within the scope of the calculation are as follows:

- 1.2.1. All **programmed interventions** in accordance with the Interventions Food Law Code of Practice;
- 1.2.2. All **other food law-related activities** required by the Food Law Code of Practice (Scotland); and
- 1.2.3. All **other food law-related activities** undertaken by Local Authorities not explicitly required by the Food Law Code of Practice (Scotland)

1.3. Defining 'Time Spent on Activities'

When accounting for the time spent on the activities referenced in paragraph 1.2, Local Authorities should include the following:

- 1.3.1. Time spent by management and supervisory staff in direct relation to any of the 3 in-scope activity types – including the delivery of training, work allocation and monitoring; and
- 1.3.2. Time spent by Administrative staff in direct relation to the 3 in-scope activity types – including data management, FHIS support and EHC processing.

1.4. Relevant Time Period

LAs may apply the calculation methodology to any time period they see fit. In effect, while FSS requests for FTE estimates may relate to a specified time period, e.g. the current calendar or financial year, LAs may benefit from estimating resource requirements over a longer time period – e.g. the next financial year or beyond.

2. Resource Calculation – Purpose and Process

2.1. Enhanced Accuracy and Consistency

It has been acknowledged that the consistent collation of accurate data on LA food law enforcement work is an important measure for future service planning on a local and national basis. The initial request by FSS for FTE estimates during 2020-2021, brought forth useful statistics on the current position in Scotland. However, when considering the subsequent figures, SFELC agreed that there were areas of inconsistency across LAs in relation to the scope and methodology applied. This Guidance document seeks to enable a more consistent and accurate repeat of the 20-21 process.

2.2. Time Standardisation

Perhaps the most critical improvement which can be made is the standardisation of the times taken for each of the food-related activities covered by LA Environmental Health teams. It is understood that there will always be variations between LAs in relation to the processes applied and to the time taken as well as the staff members deployed. The resource calculation proposes to apply recommended averages for as many activities as possible. (It should be noted, however, that each Local Authority may apply its own times for some or all activities if it so wishes.)

2.3. Time Measurement Exercise

In order to obtain sufficient data to establish accurate time averages, it is proposed that Local Authorities undertake a preliminary Time Measurement Exercise (TME) where the time taken to conduct food law activities is measured and the resulting information collated and processed on a Local Authority - then regional - basis. The said exercise will be conducted by a sample of LAs and average activity times calculated for each of the Authority categories. The LA categories for this purpose are specified below:

Small Urban	Small Rural	Medium Urban	City	Large Rural	Islands
Inverclyde W. Dunbartonshire E. Dunbartonshire E. Renfrewshire W. Lothian Midlothian Falkirk	E. Lothian Clackmannanshire Angus N. Ayrshire E. Ayrshire S. Ayrshire	Renfrewshire N. Lanarkshire S. Lanarkshire Stirling Fife	Edinburgh Glasgow Dundee Aberdeen	Argyll and Bute Highland Aberdeenshire Moray Dumfries & Galloway Scottish Borders Perth & Kinross	Na h-Eileanan Siar Orkney Shetland

It is proposed that a **minimum of two Authorities** within each category take part in the exercise:

- Each participating LA will conduct a TME for as many food law activities as possible during a specified, representative period, e.g. two months;
- Each LA should then determine the average time taken by its officers to undertake each type of activity;
- The LA average time figures should be compared with those of other Authorities within the same category grouping and a LA category average obtained for each activity. These category averages should then be agreed by all Authorities within each category, e.g. 'Medium Urban' or 'Island', and then applied when each Authority undertakes the Resource Calculation.

In order to assist consistency, Local Authorities should, where appropriate, consider the **normal working day to be of 7 hours duration**.

3. The Resource Calculation – Process

3.1. Estimating Existing Resource

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 achieved 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. Each Local Authority will require to determine the exact number of FTEs (or parts of FTEs) which are deployed in food law activity at any given time. As referenced in paragraph 1.3, the FTE figure should include personnel time regardless of grade or qualification – as long as the activity is directly related to delivery of any of the food law enforcement activities specified in paragraph 1.2.

Total Officer/Working Days = Total number of working days* in a year X FTE working 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. Consideration should also be given to potential factors such as sickness absence and other exceptional circumstances, e.g. outbreaks etc.

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

3.2. Four Stages to Calculating the Estimated Resource Demands

As stated in Paragraph 1.2, there are 3 categories of food-related activity which should be included within the Estimated Resource Requirement Calculation:

- 1) Programmed interventions in accordance with the Interventions Food Law Code of Practice;
- 2) Other food law-related activities required by the Food Law Code of Practice (Scotland); and
- 3) Other food law-related activities not explicitly required by the Food Law Code of Practice (Scotland)

Annex 1 provides a non-exhaustive list of examples in each of the 3 activity categories above.

Stage 1 – Programmed Interventions		
Sub Stage	Action	Additional Comment
Sub-stage 1.1	<p>Apply the relevant average time* taken to conduct a programmed intervention in each of the 15 FLRS establishment categories</p> <p>*The average times for all programmed interventions will be provided following a Time Measurement Exercise</p> <p>(Unit = Days/Part days. Authorities may choose to conduct calculations using hours as the core unit)</p>	<p>This average time should include preparation, travel, on-site activity, administration, revisits* and enforcement.</p> <p>It should not include non-FLCoP activity such as FHIS administration. (This will be counted under Stage 3 – Other food-related activity not explicitly required by the FLCoP)</p> <p>*LAs may choose to count revisits separately. However, for the purposes of the Time Measurement Exercise referred to in Paragraph 2.3, revisits should be included within the overall intervention measurement</p>
Sub-stage 1.2	Identify the total number of interventions in each FLRS category programmed for the year.	All businesses subject to intervention must be risk rated under FLRS prior to undertaking this process
Sub-stage 1.3	Multiply the total average time for each category of intervention by the number of programmed interventions in that category for that year	This provides the total number of days required to conduct programmed interventions in each of the 15 FLRS categories
Sub-stage 1.4	Add together the total days required to conduct interventions in each of the 15 FLRS categories.	This provides the total working days required to deliver all programmed interventions within the year.

Stage 2 – Other Activities Required by the Food Law Codes of Practice		
Sub Stage	Action	Additional Comments
Sub-stage 2.1	<p>Identify the full range of ‘other activities required by the FLCoP’</p> <p>(Annex 2 provides a non-exhaustive list of activities which should be included within this category)</p>	‘Other Activity types’ includes sampling visits, food alert investigations, food poisoning allegations, complaints about food premises etc. (See Annex 1)
Sub-stage 2.2	<p>Apply the relevant average time* taken to conduct each of the other activity types.</p> <p>*Recommended average times for activities will be provided following a time measurement exercise. (See Paragraph 2.3)</p> <p>(Unit = Days/Part Days)</p>	Consider the travel time, preparation, administration etc for each type.
Sub-stage 2.3	<p>Determine the likely number of such activities in each category which will be undertaken during the specified time period*.</p> <p>*The specified time period may be any time period in the future, e.g. the next calendar or financial year – or periods in the further future.</p>	Estimates of the number of each type of ‘other activity’ likely to occur should be based upon previous years’ statistics and any other intelligence available.
Sub-stage 2.4	<p>Multiply the total average time for each type of ‘other activity’ by the number of such other activities anticipated in the year.</p>	This provides the total number of days required to conduct each of the ‘other activity’ types.
Sub-stage 2.5	<p>Add together the total days estimated for each type of ‘other FLCoP activity’ anticipated in the specified time period.</p>	This provides the total working days required to deliver all ‘other FLCoP activities’ within the specified time period.

Stage 3 – Other Food-related Activities <u>not</u> explicitly required by the Food Law Code of Practice		
Sub Stage	Action	Additional Comment
Sub-stage 3.1	<p>Identify the other food-related activities that are in scope.</p> <p>(Annex 3 provides a non-exhaustive list of activities which should be included within this category)</p>	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 (See Annex 1)
Sub-stage 3.2	<p>Estimate the total number of activities likely within each group.</p>	The calculation should include estimates based upon previous years plus any additional intelligence.
Sub-stage 3.3	<p>Calculate/estimate the average time* taken to conduct each of the other activity (non-FLCoP) types.</p> <p>*Recommended average times for activities will be provided following a time measurement exercise.</p> <p>(Unit = Days/Part Days)</p>	Consider the travel time, preparation, administration etc for each type.
Sub-stage 3.4	<p>Multiply the average time for each type of ‘other activity, non-FLCoP’ by the number of such activities anticipated within the year</p>	<p>Estimates of the number of each type of other activity(non-FLCoP) likely to occur should be based upon previous years’ statistics and any other intelligence available.</p> <p>This provides the total number of days required to conduct each of the ‘other activity, non-FLCoP’ types.</p>
Sub-stage 3.5	<p>Add together the total days estimated for each type of ‘other activity, non-FLCoP’ anticipated in the specified time period</p>	This provides the total working days required to deliver all ‘other activities, non-FLCoP’ within the specified time period.

Stage 4 – Calculate the total number of working days required to meet all requirements of the Food Law Codes of Practice – and to conduct other food-related activities		
Sub Stage	Action	Additional Comments
Sub-stage 4.1	<p>Add together the total working days required to undertake the following:</p> <ul style="list-style-type: none"> • Programmed Interventions • Other Activities (FLCoP) • Other Activities (non-FLCoP) 	<p>This is the accumulation of figures obtained at Sub-stages 1.4, 2.5 and 3.5 above.</p>
Sub-stage 4.2	<p>Divide this total by the number of working days in the year</p>	<p>Suggested number of working days per year is 220</p> <p>The resulting figure constitutes the FTE required to undertake the 3 tasks specified at 4.1.</p>

Annex 1 – 3 Types of Food-related Activity

Programmed Interventions

Each Local Authority should insert the relevant average time estimates* into the table below. This Guidance recommends using days/part days for this purpose. However, LAs may opt to use hours.

[*N.B. It is proposed that relevant time estimates will be available following a time-measurement exercise.]

FLRS Group	FLRS Rating	Estimates in Hours	Estimates in Days
Group 1	A		
	B		
	C		
	D		
	E		
Group 2	A		
	B		
	C		
	D		
	E		
Group 3	A		
	B		
	C		
	D		
	E		

*Consideration should also be given to 'New' and 'Missed' businesses.

Other FLCoP Activities

Each Local Authority should make estimates* of the times taken to undertake other activity types required by the FLCoP

[* It is recommended that LAs undertake a time-measurement exercise in order to obtain reliable average times. It is, however, anticipated that a time-measurement exercise conducted at several LAs will provide indicative figures.]

Other Intervention Category	Estimate (Hours)	Estimate (Days/Part Days)
Service Requests – about food premises		
Service Requests – about food		
Sampling for Microbiological Examination – Formal		
Sampling for Microbiological Examination – Informal		
Sampling for Chemical Analysis – Formal		
Sampling for Chemical Analysis – Informal		
Sample Failure Investigations		
Investigation of Food Complaints		
Home Authority and Primary Authority Scheme requests		
New approvals (advice and pre-approval visits)		
Service of the various food notices		
Seizure of foods		
Voluntary closure		
Witnessing for colleagues		
Commercial waste/ventilation complaints (LAs may prefer to consider this as a Public Health resource issue)		
Food hygiene advice		
Food standards advice.		
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		
Liaison group and SFELC activity		
Liaising with FSS		
Preparing for and participating in FSS audit		
Internal validation/QA work		
Database management		
General business advice between inspections		

This list is not exhaustive

Other Food-related Activities – Non-FLCoP

Each Local Authority should make estimates* of the times taken to undertake other activity types not explicitly required by the FLCoP

[* It is recommended that LAs undertake a time-measurement exercise in order to obtain reliable average times. It is, however, anticipated that a time-measurement exercise conducted at several LAs will provide indicative figures.]

Activity	Estimate in Hours	Estimate in Days/ Part-Days
Shellfish - Temporary Closure Notices and associated work. Shellfish Registration Documents		
Management/Administration of FHIS		
Management of FHIS and Eat Safe		
Export Health Certificates		
Planning Consultations		
Liquor Licensing, S.50 Applications		
Event oversight		

General business advice between inspections		
Export attestations		
Street trader certificates of compliance		
Game dealers' licences		
Student training		
Approved premises 2 nd officer		
Building standards consultations		

This list is not exhaustive

Annex 2 – Example - Any Council Food Law Resource Calculation

Current Resourcing

The current available FTE for the Food Law Regulatory function is as follows:

Environmental Health Manager (0.2)

EHO1 (0.7)

EHO2 (0.4)

EHO3 (0.4)

TO (1.0)

Total FTE – 2.7 Officers

Example Table 1 – Any Council – FLRS Requirement (can be used for longer-term projection)

Group	Rating	Year 1	Year 2	Year 3	Year 4	Year 5
Group 1	New					
	A					
	B					
	C					
	D					
	E					
Group 2	New					
	A					
	B					
	C					
	D					
	E					
Group 3	New					
	A					
	B					
	C					

	D					
	E					
Total						

N.B. When counting businesses under each risk category, Local Authorities must give consideration to those which have been previously 'missed' and which do not have a 'due date' within the projected time period but which are prioritised for intervention nevertheless.

Example Table 2 – Any Council Officer Time Estimates

FLRS Group	FLRS Rating*	Breakdown of Time Estimate (Hours)	Total Time (Hours)
	A	**Admin 10 Travel 1 Visit 3	14
	B	Admin 13 Travel 1 Visit 4	18
Group 1	C	Admin 15 Travel 2 Visit/Revisit 7	24
	D	Admin 19 Travel 2 Visit/Revisit 9	28
	E	Admin 21 Travel 2 Visit/Revisit 10	33
	A	Admin 4 Travel 1 Visit 2	7
	B	Admin 4 Travel 1 Visit 2	7
Group 2	C	Admin 5 Travel 1 Visit 2	8
	D	Admin 6 Travel 1 Visit/Revisit 4	11
	E	Admin 8 Travel 1 Visit/Revisit 5	14
	A	Admin 3	3
	B	Admin 3 Travel 1 Visit 1	5
Group 3	C	Admin 4 Travel 1 Visit 1	6
	D	Admin 4 Travel 1 Visit 2	7
	E	Admin 7 Travel 1 Visit/Revisit 5	13

*New businesses may be added to this table

**Admin includes preparation, drafting form and report, updating uniform, checking in documents to IDOX, emails/telephone calls

The **time** required to undertake each intervention includes:

- inspection preparation;
- travel;
- physical/on-site inspection;
- completion of inspection form;
- additional note-taking and dialogue with FBO;
- report drafting;
- drafting/service of Enforcement Notice; and
- core administration (e.g. **not** FHIS-related admin)
- revisits

In effect, a physical inspection of a food business that may take 1 hour, actually comprises more time when consideration is made of the component parts of the “inspection package” .

The **estimated** time should be based upon the Authority’s experience of the activities – although, a subsequent Time Measurement Exercise (TME) will provide suggested average times for a range of activities in like-Authorities.

Example Table 3 – Resource Calculation

Programmed Food law Interventions						
FLRS Group	FLRS Rating*	Estimated Time in Hours	Estimates in Days	Total No.	Total Time Req. (officer working days)	FTE (No/219)
	A					
	B					
Group 1	C					
	D					
	E					
	A					
	B					
Group 2	C					
	D					
	E					
	A					
	B					

Group 3	C					
	D					
	E					
Total Required						

* Interventions at New and 'Missed' businesses can be incorporated within this table.

Any Council - Assumptions and Considerations (Example)

- The figure of **219 days** was calculated by using 52 weeks for the year,
 - 365 minus 104 for weekends = 261 ,
 - minus 10 public holidays = 251
 - minus 32 annual leave days = 219 working days.
- The number of days estimated for each activity should be divided by 219. This will calculate the FTE for that activity in a year.
- New premises were the subject of a desktop assessment. An assumption has been made that a Group 1 and 2 premises would require the equivalent time of a Band C premises. A Group 3 premises would require the equivalent time of a Band B premises. (Example)
- The Year 1 calculation is based upon experience-based estimates of FLRS inspections. [Note: A Time Measurement Exercise will produce estimates for similar LAs)
- The Full Time Equivalent calculation equates to the number of officer hours allocated to a particular activity over the course of a year. One year for an officer has been measured as 219 days. This assumes that an officer will not take any absence over the year other than their allocated annual leave and public holidays.

Example Table 4 – Any Council - Other Food Law Activities Required by FLCoP

Other Food Law Activities Required by the FLCoP					
Other Intervention Category	Estimate (Hours)	Estimate (Days) (using 7 hour day)	Total No. Undertaken per year	Total Time Required Days	FTE (Total No. Days/219)
Sampling* for Microbiological Examination – Informal/Formal (6 samples from 3 premises)					
Sampling for Chemical Analysis – Informal/Formal (FSS projects etc)					
Primary Production Premises (Farms)					
Investigation of Food/Premises Complaints. Food Poisoning Allegations/Incidents					
Responding to requests for advice from food businesses including registration					
Food Law Management System Administration/PI lists/SND/FSS Data					

CPD/Training Activity					
Service Plan / Policies / Procedures					
Total					

Sampling involves accessing cash, travel, arrangement with Lab, admin SFSD/MIS, results, letter, follow approximately 4 samples from 2 premises are taken on each sampling trip 54 chemical (6 trips) 134 micro (25 trips)

Example Table 5 - Other Food Law Activities Not Required by the FLCoP

Food Law Activity not required by the FLCoP					
Other Intervention Category	Estimate in Hours	Estimate in Days	Total No.	Total Time Req.	FTE No/218
Planning/Licence Applications					
All Officers attending Meetings/Seminars in-house and External (SFELC/FSS/WoSFLG)					
Total					

Example Table 6 – The Food Law Resource Calculation

Food Law Regulatory Service – Full Time Equivalent Calculation	
Activity Group	FTE Required per Activity Group
FLRS Interventions	
Other Food-based Activities (FLCoP)	
Other Food-based activities (Non-FLCoP)	
Total FTE Required	
Total FTE Required - Current FT = FTE Shortfall	
$XX - XX = XX$	
XX FTE shortfall	

Example - Assumptions Made

- No staff will take sickness absence during the recovery period
- No staff will test positive for Covid-19 and be required to isolate or isolate as a result of being a close contact.
- There will be no staff departing from the Food team therefore reducing the FTE of the Food Team.
- The officers FTE commitment to food will not change over the year (in practice it is likely that resources will be moved into other areas if there are incidents/ projects/RIDDOR investigations etc)
- Environmental Health Covid-19 pandemic response will have ended. Therefore no additional Covid-19 response work will be required.
- No staff will be car-sharing for premises requiring a two person visit – this will double the resource estimate for an intervention.