

To: Local Authority Heads of Service and Lead Food Officers.

CC: SFELC, REHIS

14 July 2023

FSS/ENF/23/004

Dear Colleague

Application of OCV Principles and Approved Establishment Risk Rating

Application of OCV Principles

The OCV Implementation guide (Version 1), published in January 2020, proposed a three-phase approach to implementation of the OCV method in Approved Establishments throughout Scotland. The strategy anticipated a full implementation date of April 2022. However, given the impact of the Covid 19 pandemic on Food Law Enforcement, this implementation date was not achieved in most Local Authorities.

The Implementation Guide, stated that *the proposed inspection cycle length is 12 months, however, it is anticipated that this will be clarified in the approvals chapter of the Food Law Code of Practice*. Whilst the Code has not yet been updated, it is expected that the 12 month inspection cycle remains the appropriate frequency. As part of SAFER, consideration is being given to extending the length of the inspection cycle for some lower risk approved establishments beyond 12 months, but at present all approved establishments remain at a 12 month inspection cycle.

One factor in proposing the phased approach was to allow for the roll-out of OCV training to relevant officers. To date 265 officers from all 32 Scottish LAs have been trained in OCV, through a mix of in-person and online training.

The phased approach also considered the need for agreement to be reached as to how the inspection cycle would be accommodated within existing risk rating schemes. This has been addressed through this ENF letter (see below).

Given these developments, it is considered that a phased approach is no longer appropriate or necessary in most cases. **It would, therefore, be expected that Local Authorities who have not already implemented OCV, apply the principles within approved establishments on an annual inspection cycle, from the next intervention.**

Officers are encouraged to make use of the resources available on the OCV khub page which will be updated regularly. <https://khub.net/group/sfelc-approvals-pilot-working-group> Any difficulties accessing the khub page should be directed to Jessica.MoralesSanchez@fss.scot

Where LAs believe they will not be in a position to apply the principles of OCV across their approved establishments estate from the next intervention, a response from the LA detailing their proposed approach is expected to be submitted to FSS for consideration at Enforcement@fss.scot

Where an approved establishment is not subject to OCV due to an agreed phased plan for OCV implementation, these establishments should be inspected and rated in accordance with FLRS, and not given a notional rating.

Background

When introduced in 2019, The Interventions Food Law Code of Practice noted that the scope of the Food Law Rating Scheme (FLRS) did not extend to Approved Establishments. As such, these businesses continued to be rated in accordance with Annex 5 of the Food Law Code of Practice. When combined with the introduction of Official Control Verification (OCV), this has resulted in a variation in the method of recording interventions at these establishments. Therefore, the data in the Scottish National Database (SND) is unable to represent the current status of interventions at approved establishments. A separate request will be made in the near future requesting confirmation of the accuracy of the information held by FSS and provide information on the last intervention and whether the establishment has been / is currently subject to OCV.

In order to improve consistency and reporting, it is necessary to incorporate approved establishments within the scope of FLRS. The Interventions Code will be amended to accommodate this, but until that is completed, the Interventions Code should be considered in conjunction with this letter.

Approved Establishments should be identified as being within Group 1.

The OCV approach for Approved Establishments does not support a risk rating applied at a single moment in time, as provided for both by Annex 5 and by FLRS, due to the fact that it introduces the concept of a 12 month inspection cycle and that different aspects of the controls are assessed at different times throughout the year. The requirement for additional official control oversight is accommodated within the OCV resource calculation. The calculation also allows consideration of an 'other resource demands' factor where officers can consider the impact of any establishment-specific issues or concerns. An excel resource calculator tool has been developed to assist Local Authorities and can be found on the OCV khub page <https://khub.net/group/sfelc-approvals-pilot-working-group>

Therefore, until an alternate mechanism for recording OCV interventions is available (being considered within the SAFER programme), it is necessary for establishments subject to OCV to be awarded a notional rating to equate to an annual inspection in order to facilitate inspection planning.

At the commencement of the inspection cycle, an intervention 'OCV start' should be recorded and a notional rating of 1B be applied to give a 12 month frequency, to provide a date to commence the next cycle.

As this is a notional rating, the facility within FLRS for establishments rated 1B on three occasions to move to a 1A should not be applied. It is understood that under some circumstances certain Management Information systems (MIS) may automatically apply a 1A rating. In these circumstances, this will require to be manually revised back to 1B.

The various assessments and interventions applied under OCV should continue to be recorded as normal, ensuring that any site visits are recorded within the MIS as 'OCV' visits. The method of recording visits subsequent to the first intervention of the cycle is at the discretion of the Local Authority. However, this will be subject to further discussion through the SND and Approved Establishments Working Groups to consider options for the consistent recording and reporting the actual resource demands associated with inspection of Approved Establishments.

Once the full OCV assessment has been complete, this should be recorded within the MIS as 'OCV Complete'.

Impact on Existing Inspection Cycles

Where a Local Authority is already implementing the 12-month inspection cycle for Approved Establishments, there is no suggestion that the current cycle be restarted. The date of the FLRS entry can be amended to reflect the start date for the current inspection cycle.

It is also recognised that some lower risk Approved Establishments which have been rated using Annex 5 may not have a due date during 2023/2024. There is no expectation for these dates to be brought forward, although Local Authorities are encouraged to do so where feasible.

As inspection cycles will commence throughout the year, it is recognised that these may not be completed within a single financial year.

FSS Approved Establishments

Further consideration of how Food Standards interventions should be applied to FSS approved establishments. Further communication on this will be issued in the near future.

Exports

Local Authorities issuing support attestations in accordance with the DEFRA Risk-Based Fish Export Certification ET196 guidance will be aware that the period of validity of the attestations is directly linked to elements within the Annex 5 risk rating. Accordingly, until APHA amend the guidance to accommodate FLRS and OCV, it will be necessary for LAs to continue to provide an Annex 5 Risk Rating for support attestation purposes and to document any risk assessments used for this using a separate spreadsheet. The Approved Establishment Working Group will seek to simplify this situation going forward to work with APHA to align OCV/FLRS with support attestation validity periods.

Review

FSS and the SFELC Approved Establishments Working Group will continue to keep OCV, and its implementation under review.

Yours sincerely

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