Food Standards Scotland

For safe food and healthy eating

Local Authority Audit: Summary report – findings and analysis

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Contents

1. Executive Summary 2
2. Strategic Context 3
3. Root Cause Analysis 3
4. Key Themes around the role of Food Standards Scotland 8
5. Emerging SAFER Evidence Conclusions 9
6. Overall Audit Judgement 10
7. Overall Legislative Mapping Conclusion 10
8. Annex 1 - Cross-Mapping Evidence to Legislation 11

1. Executive Summary

This review draws together evidence from Local Authority (LA) audit activity undertaken by Food Standards Scotland (FSS) between 2019 and 2026 and findings arising from recent DG SANTE audits of export control systems. The evidence demonstrates that many individual findings are symptoms of a relatively small number of recurring systemic causes which affect both the delivery of official controls by Local Authorities and the effectiveness of national oversight arrangements.

Across both evidence sources, there is remarkable consistency in the nature of the issues identified. The recurring themes include:

- Insufficient workforce capacity, capability and competencies
- Increasing complexity and resource demands within the official control system.
- Variability in delivery and quality of official controls, and enforcement decisions.
- Weaknesses in performance intelligence, data quality and oversight.
- Inconsistencies in training, competency assurance and continuous professional development.
- Fragmented information sharing and assurance arrangements.
- Limitations within the current governance model for securing nationally consistent delivery.

The evidence suggests that while Local Authorities generally remain committed to delivering food law enforcement and official controls, the current delivery model is increasingly challenged in meeting the requirements of the effective, risk-based, evidence-led official control systems envisaged by Regulation (EU) 2017/625.

Importantly, many of the issues identified cannot be attributed solely to individual Local Authorities. Rather, they reflect structural weaknesses of the wider Scottish food control system, including the relationship between national policy design, resource availability, local delivery arrangements and the oversight responsibilities of FSS under the Food (Scotland) Act 2015 and associated official controls framework.

The evidence therefore provides a strong rationale for the SAFER Programme to focus not only on operational delivery within Local Authorities but also on the future design of performance monitoring and standard setting, assurance, oversight, governance, data and workforce arrangements across the Scottish food regulatory system.

2. Strategic Context

Under Regulation (EU) 2017/625, competent authorities must ensure official controls are:

- Risk-based.
- Effective.
- Appropriate in frequency.
- Consistently applied.
- Supported by adequately trained staff.
- Subject to verification and audit.
- Capable of providing reliable assurance regarding compliance.

The Food (Scotland) Act 2015 established Food Standards Scotland as Scotland's national food body with statutory objectives that include protecting the public from risks to health arising from the consumption of food.

- Monitoring the performance of enforcement authorities and therefore providing assurance over the delivery of food law and official controls
- Developing guidance and setting standards.
- Promoting consistency across Scotland.

The Official Feed and Food Control Regulations 2009 also provide a legal basis for

- FSS assurance, oversight, and monitoring of local authorities
- Information-gathering activities in relation to local authority enforcement performance.

The evidence gathered should be viewed through two interconnected lenses:

- The effectiveness of Local Authority delivery.
- The effectiveness of national oversight, monitoring and assurance provided by FSS.

3. Root Cause Analysis

Root Cause 1: Structural Workforce Capacity Deficit

Evidence

The strongest and most consistent finding across all evidence sources relates to workforce capacity.

FSS audit evidence found:

- 16 of 17 audited authorities reported staffing deficits.

- Four authorities explicitly state their inability to achieve planned intervention frequencies is directly attributable to workforce capacity
- Two authorities were considered at risk of service failure.
- Inspection backlogs and unrated premises were widespread.

DG SANTE similarly identified:

- Vacant Food Authorised Officer posts.
- Failure to achieve planned inspection frequencies.
- Failure to address low risk sectors (e.g. primary production) almost entirely due to the priority allocated to higher risk establishments
- Inadequate depth of official controls.
- Failure to identify significant non-compliances.

Impact

This capacity deficit directly contributes to:

- Overdue inspections.
- Reduced intervention frequency.
- Prioritisation of only the highest-risk establishments.
- Reduced sampling activity.
- Reduced supervisory review and internal monitoring.
- Missed opportunities to identify significant non-compliances.

Systemic Implications

The evidence suggests this is not a temporary operational issue but a structural workforce challenge affecting the sustainability of the current model.

Local Authorities individually have limited ability to address national shortages of qualified Environmental Health Officers and Food Safety Officers.

FSS Considerations

The evidence indicates that workforce resilience represents a national system risk.

From an assurance perspective, the evidence suggests that national workforce planning, competence development and resource modelling would benefit from greater strategic coordination than is currently in place.

Root Cause 2: Regulatory Demand Has Increased Faster Than Available Resources

Evidence

Multiple Local Authority audits found that the introduction of:

- The Food Law Rating Scheme (FLRS).
- The use of Official Control Verification (OCV) methodology.
- Approved Establishment controls

  have collectively increased inspection and prioritisation demands.

Authorities consistently reported:

- More frequent interventions required
- Interventions require more time and resource
- Increased administrative burden and verification requirements associated with the use of Official Control Verification methodology.
- Increased turnover of food businesses

Authorities also reported that the actual resource requirement associated with these changes exceeded original estimates.

Impact

This has created a misalignment between:

- Required activity.
- Available staffing capacity; and.
- Funding provision.

The consequence for some Local Authorities is growing inspection backlogs and reduced delivery against planned arrangements with a significant and escalating public health, legal and reputational risk as a result. There is also a risk that a light touch approach to inspections because of resource pressure may lead to less effective official controls and enforcement.

Systemic Implications

The evidence presented at audit suggests that there is a need for a systemic review of both FLRS and OCV because of increased assurance expectations and resource impact. To date, there has been no post-implementation review of either FLRS or OCV by FSS.

The evidence suggests that many observed compliance issues may be symptoms of systemic overextension rather than failures of commitment or competence.

FSS Considerations

The evidence highlights a need for stronger regulatory impact assessment and ongoing evaluation of operational consequences when introducing new control methodologies.

Root Cause 3: Variability and Inconsistency in Official Control Delivery

Evidence

Both DG SANTE and FSS audits highlight variation in:

- Inspection quality.
- Inspection depth.
- Enforcement decision making.
- Application of risk assessment methodologies.
- Control of approved establishments.

DG SANTE identified:

- Significant non-compliances not being detected.
- Incomplete HACCP assessment.
- Inadequate traceability verification.
- Weak approval processes.
- Inconsistent and inadequate follow up activities and enforcement responses.

Impact

Variability creates significant legal and reputational risk in association with:

- Inconsistent public health protection.
- Inconsistent regulatory outcomes.
- Reduced confidence in certification systems.
- Reduced confidence in export assurances.

Regulatory Relevance

Article 5 and Article 9 of Regulation (EU) 2017/625 place strong emphasis on effectiveness and consistency of official controls.

The recurring theme within audit evidence suggests that both are a significant challenge under the current model.

FSS Considerations

The findings indicate that assurance mechanisms focused on compliance with process alone may not be sufficient. Greater emphasis may be required on assessing control effectiveness and inspection quality. Qualitative assessment has been limited, primarily as LA Audit programmes have had to be driven by available resource within FSS.

Root Cause 4: Weaknesses in Performance Intelligence and Data Infrastructure

Evidence

Every FSS audit programme has identified issues and discrepancies with data transfer from LA Food Establishment Databases to SND.

The horizontal Enforcement Action audit (covering 6 Local Authorities) identified approximately one-third of enforcement records missing from SND.

Incorrect establishment records and incomplete intervention information have also been consistently evident on SND. This may be considered a systemic issue.

DG SANTE findings concerning certification assurance, export lists and compliance information similarly identify weaknesses in information availability and assurance chains.

Impact

Poor data quality undermines:

- National performance monitoring.
- Risk assessment.
- Resource allocation.
- Assurance reporting.
- Policy development.

Most significantly, it limits FSS's ability to effectively discharge its monitoring and oversight responsibilities.

Systemic Implications

The evidence suggests that national assurance is constrained by limitations in the quality and reliability of the underlying data, both at LA and FSS level.

Without reliable data, oversight becomes reactive rather than preventative.

FSS Considerations

This represents both a Local Authority delivery issue and a national assurance, and monitoring, issue.

There is a need to consider the suitability, effectiveness and ability of using SND for these purposes.

Root Cause 5: Training and Competency Frameworks Are Not Sufficiently Mature

Evidence

Recurring issues include:

- Requests for OCV training.
- Lack of approved establishment expertise.
- Need for refresher training.
- Limited sector-specific training.
- Insufficient funding for training.

DG SANTE specifically noted:

- Lack of recent dairy-specific training.
- Failure to detect significant HACCP shortcomings, suggesting a need for additional HACCP training.
- Inadequate verification activities, suggesting a need for additional Official Control Verification (OCV) training.

Impact

Competency gaps contribute directly to:

- Reduced inspection quality and effectiveness.
- Inconsistent controls.
- Missed non-compliances, potentially leading to unsafe food.
- Weak certification assurance.

Systemic Implications

A system increasingly reliant on specialist knowledge requires stronger national competency frameworks than may currently exist.

FSS Considerations

The evidence potentially points towards an enhanced national role for FSS in:

- Competency frameworks.
- Continuous professional development.
- Standardised training.
- Technical advice and support provision

4. Key Themes around the role of Food Standards Scotland

The evidence indicates that most identified failures originate at operational level, but the root causes often lie higher within the system.

Many findings relate to areas where FSS has direct influence through:

- National policy.
- Guidance.
- Training.
- Performance Monitoring.
- Audit.
- Assurance.
- Data systems.
- Performance management.

The evidence therefore suggests that SAFER cannot be viewed solely as a reform programme for Local Authorities.

Rather, it should be viewed as a redesign opportunity for the entire Scottish official controls system, including the FSS role as strategic regulator, performance monitor, assurance provider and system steward.

5. Emerging SAFER Evidence Conclusions

Taken collectively, the audit evidence indicates:

The current system remains functional but increasingly fragile.

The system continues to deliver core public health protections, but resilience is reducing and risks are increasing.

Workforce sustainability is the principal systemic risk.

Most operational findings can be traced back, directly or indirectly, to workforce and capacity constraints.

Assurance and monitoring arrangements rely on inconsistent and unreliable data.

Reliable oversight is constrained by weaknesses in national management information systems and data quality.

Consistency remains a fundamental challenge.

Variability between authorities continues despite the existence of national codes and guidance.

Many root causes extend beyond Local Authority control.

A significant proportion of findings reflect national system design issues rather than isolated local performance failures.

DG SANTE findings reinforce domestic audit evidence.

The convergence between FSS audit findings and DG SANTE observations provides strong independent corroboration that the issues identified are systemic and enduring.

6. Overall Audit Judgement

The evidence gathered from both Local Authority audit programmes and DG SANTE audits indicates that the primary risks facing the Scottish official control system arise not from isolated operational failures, but from systemic weaknesses in workforce capacity, consistency of delivery, assurance infrastructure, competency management and national oversight arrangements.

While Local Authorities remain responsible for frontline delivery of official controls, the evidence suggests that many of the root causes sit at a system level and require coordinated action between Local Authorities and Food Standards Scotland.

These findings provide a substantial evidence base supporting SAFER's consideration of reforms to governance, oversight, workforce planning, performance assurance, data management and the future operating model for food law enforcement in Scotland.

7. Overall Legislative Mapping Conclusion

The evidence demonstrates that most recurring audit findings map directly to the key legislative themes:

- **Regulation (EU) 2017/625** provides the primary legal requirements governing the delivery of official controls, particularly Articles 5, 9, 12, 13 and 14.

- **The Official Feed and Food Controls (Scotland) Regulations 2009.** Regulations 6, 7, 8 and 9 provide the domestic legal basis for FSS assurance, oversight, monitoring and information-gathering activities in relation to local authority enforcement performance.

- **The Food (Scotland) Act 2015** Sections 3(1)(e), 19 and 23 establish the strategic framework for performance monitoring, information review and the setting of performance standards.

This mapping demonstrates that many findings are not solely Local Authority delivery issues, but system-level challenges affecting compliance with both Regulation (EU) 2017/625 and Food Standards Scotland's statutory oversight responsibilities.

They are best characterised as failures in the delivery of official controls under **Regulation (EU) 2017/625**, evidenced and monitored through **The Official Feed and Food Controls OFFC (Scotland) Regulations** 2009 Regulations 6-9, with associated strategic oversight responsibilities arising under the **Food (Scotland) Act 2015**

8. Annex 1 - Cross-Mapping Evidence to Legislation

Audit Finding	Food (Scotland) Act 2015	Regulation (EU) 2017/625	OFFC (Scotland) 2009	Legislative Requirement
Failure to achieve planned intervention frequencies	s.23	Arts. 5, 9, 12	Reg.7	Official controls must be delivered at appropriate frequencies using a risk-based approach and be subject to monitoring of enforcement performance.
Backlogs of overdue inspections	s.23	Arts. 9, 12	Reg.7	Enforcement authorities must maintain effective delivery arrangements, with performance monitored by FSS.
Unrated premises awaiting inspection	s.23	Arts. 9, 13	Regs.4, 7, 8	Regulatory records must be maintained accurately and enforcement activity monitored and reported.
Higher-risk establishments not inspected within target timescales	ss.2, 23	Arts. 5, 9	Reg.7	Official controls must prioritise public health risks and be subject to performance monitoring.
Vacant EHO posts affecting delivery	s.23	Arts. 5(4), 12	Reg.7	Competent authorities must have sufficient resources to discharge official control responsibilities effectively.
HACCP deficiencies not identified	s.2	Arts. 9, 12, 14	Reg.7	Inspections must effectively verify compliance with food safety requirements and

during inspections				assurance systems should identify weaknesses.
Weak inspection quality and control depth	s.3(1)(e)	Arts. 5, 12, 14	Regs.6, 7	Enforcement activity should be conducted consistently and in accordance with the Food Law Code of Practice, with performance subject to monitoring.
Variability between authorities	ss.3(1)(e), 23	Arts. 5, 12	Regs.6, 7	FSS promotes best practice and consistency through the Code of Practice and monitoring functions.
Reduced food sampling activity	s.23	Arts. 9, 14	Reg.7	Sampling forms an integral official control technique and should be monitored as part of enforcement performance.
Weak data quality and inaccurate enforcement records	ss.19, 24	Arts. 11, 13	Regs.4, 5, 8	Authorities must maintain reliable information and provide information relating to enforcement activities when requested.
Certification weaknesses	ss.19, 20	Arts. 88, 126, 127	Regs.5, 7, 8	Certification systems must be robust, evidence-based and subject to effective assurance and oversight.
Weak performance monitoring and management oversight	ss.19, 23	Arts. 5, 6, 12	Regs.7, 8, 9	Official control systems must be monitored, information provided when requested, and assurance activities facilitated.
Workforce competency gaps	ss.3(1)(e), 23	Arts. 5(4), 12	Regs.6, 7	Staff undertaking official controls must be appropriately trained and competent, in accordance with Code of Practice expectations.

Key Legislative Provisions

Food (Scotland) Act 2015

Provision	Relevance

Section 2	Protection of public health and consumers where inadequate controls create food safety risks.
Section 3(1)(e)	FSS duty to monitor enforcement authority performance and promote best practice.
Section 19	Acquisition, review and maintenance of information relevant to food safety and assurance activities.
Section 20	Observations and information-gathering activities supporting assurance work.
Section 23	Setting and monitoring performance standards for enforcement authorities.

Regulation (EU) 2017/625

Article	Relevance
Article 5	General obligations on competent authorities.
Article 9	Risk-based official controls at appropriate frequencies.
Article 12	Documented procedures and consistency of official controls.
Article 13	Recording and retention of official control information.
Article 14	Control methods including inspections, audits and sampling.
Articles 88, 126, 127	Requirements concerning official certification and controls supporting certification.

Official Feed and Food Controls (Scotland) Regulations 2009 (SSI 2009/446)

Regulation	Relevance
Regulation 4	Exchange and provision of information between authorities.
Regulation 5	Powers to obtain information relevant to enforcement and official controls.
Regulation 6	Power to issue Codes of Recommended Practice, including the Food Law Code of Practice (Scotland).
Regulation 7	Monitoring of enforcement action undertaken by local authorities.

Regulation 8	Powers to request information relating to enforcement action.
Regulation 9	Powers of entry for persons undertaking monitoring of enforcement action.

FSS Audit and Assurance Division

Food Standards Scotland

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