

# Aberdeen City Council – Audit of Local Authority implementation of Interventions Food Law Code of Practice (Scotland)

## Food Law Enforcement Services

**November - December 2022**

Final Report issued March 2023



# Foreword

Audits of Local Authorities food law enforcement services are part of Food Standards Scotland's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of Local Authorities. These Local Authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services.

The audit scope is detailed in the audit brief and plan issued to all Local Authorities under reference [FSS/ENF/22/011](#) on 22 July 2022. The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that Local Authorities are providing an effective food law enforcement service. This audit was developed to verify and validate the implementation by Local Authorities of the following planned arrangement: the Interventions – Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019).

The Audit scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Food Standards Scotland policy on food safety, standards and feeding stuffs.

Specifically, this audit aimed to;

- Verify that Local Authorities have implemented the Interventions Code 2019 and fully transferred all applicable food establishments to a food law risk rating.
- Verify Local Authorities' application and adherence to the Interventions Code 2019.
- Identify and disseminate good practice applied by Local Authorities.
- Identify information, evidence and potential recommendations to aid future Food Standards Scotland's policy and operational development.

Food Standards Scotland audits assess Local Authorities' conformance against retained [Regulation \(EU\) 2017/625](#) and the [Food Law Code of Practice \(Scotland\) 2019](#) and the [Interventions Food Law Code of Practice \(Scotland\) 2019](#)

It should be acknowledged that there will be considerable diversity in the way and manner in which Local Authorities may provide their food enforcement services reflecting local needs and priorities.

Following the audit, it is expected that for any recommended points for action the

Local Authority will prepare and implement an action plan, which will incorporate a root cause analysis of any non-compliance.

Root cause analysis is a technique that senior management should use to identify the root causes of non-conformities identified at the audit have been effectively addressed. An important aspect is that there is a need to ensure that the non-conformity does not recur. This should be achieved by the accurate identification of the cause(s) of the non – conformity (i.e. the root cause) and the introduction of effective preventative action.

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## 1.0 Introduction

- 1.1 The primary objective of this audit was to verify and validate the implementation by Local Authorities of the following planned arrangement: the Interventions – Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019).
- 1.2 The Interventions Code 2019 was issued under Section 40 of the Food Safety Act 1990 (“the Act”), Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009, which empowers Scottish Ministers to issue Codes of Practice concerning the execution and enforcement of Food Law by Food Authorities.
- 1.3 The Interventions Code 2019 sets out instructions, processes and criteria to which Food Authorities are required to have regard to when they carry out Official Controls relating to all Registered Food Businesses. The Interventions Code 2019 does not apply to establishments at the level of Primary Production or Approval.
- 1.4 Implementation of the Interventions Code 2019 represents Phase 2 of a wider project by Food Standards Scotland to review and overhaul the Food Law Code of Practice (Scotland) 2019.
- 1.5 The Interventions Code 2019 introduced the Food Law Rating System (FLRS). The FLRS combines the rating systems for Food Hygiene and Food Standards into one Food Law Intervention scheme based upon a new Food Business Performance Model that targets resources on high to medium risk and non-compliant businesses. The initial agreed implementation date was 1st July 2019 with ratings to be assigned as Inspection Programmes progressed. Further detail is provided within [FSS-ENF-19-007](#).
- 1.6 During the Covid-19 epidemic Inspection Programmes were halted but as part of the Covid-19: Local Authority Recovery project, four deadlines were set by which Local Authorities were required to undertake specific tasks. Two of these deadlines related specifically to implementation of the Code with a target completion date of 1st July 2021:
1. Desktop Transfer (of Registered Businesses to FLRS)
  2. Creation of an Intervention Programme (as required by the Interventions Code)
- 1.7 The audit aim will primarily cover the following points:
- Verification that official controls are being carried out in compliance with

planned arrangements.

- Verification that planned arrangements are applied effectively.

1.8 The final report will be made available on the Food Standards Scotland website at: [www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la](http://www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la)

### Reason for the Audit

1.9 The provisions for exercising the audit function are provided for in Article 3 of the Food (Scotland) Act 2015. Under that Article, the general functions of Food Standards Scotland include a requirement to monitor the performance of, and promote best practice by, enforcement authorities in enforcing food legislation. Similar powers are also contained within Regulation 7 of the Official Feed and Food Controls (Scotland) Regulations 2007.

1.10 Retained Regulation (EU) 2017/625 on official controls performed to ensure the verification of compliance with feed or food law also includes a requirement for competent authorities to carry out internal audits or to have external audits carried out.

1.11 To fulfil this requirement Food Standards Scotland, has established external audit arrangements in respect of competent authorities. These arrangements are intended to ensure competent authorities are providing an effective and consistent service for the delivery of official controls and are meeting the general criteria laid out in retained Regulation (EU) 2017/625.

1.12 The previous Audit of Aberdeen City Council's Food Service was undertaken by Food Standards Scotland in July 2015. The food related audit prior to that was a Food Standards Desktop Audit completed in 2013.

### Scope of the Audit

1.13 The audit scope covered:

- Verification that Local Authorities have implemented the Interventions Code 2019
- The verification of application and adherence to, the Interventions Code 2019
- An assist in the identification and dissemination of good practice with regards to the Interventions Code 2019
- The provision of information, evidence and potential recommendations to aid future FSS policy and operational development.

- 1.14 The audit examined Aberdeen City Council's arrangements for official controls in relation to Retained Regulation (EU) 2017/625, the Interventions Food Law Code of Practice (Scotland) 2019 and the Food Law Code of Practice (Scotland) 2019 on the verification of compliance with feed and food law.
- 1.15 The audit took place on-site over the course of two days.

## 2.0 Executive Summary

- 2.1 The Authority has a current 2022/2023 Food Regulatory Service Plan which was approved by the Authority's Public Protection Committee on the 5 October 2022.
- 2.2 The current intervention programme submitted by the Authority is not adequately resourced. The Authority is currently operating with a Full Time Equivalent (FTE) deficit of 4.78 as per a resource calculation completed by the Authority as part of the Local Authority Recovery project.
- 2.3 The Authority is actively trying to increase capacity and has successfully submitted a business case to employ a trainee Authorised Officer who they will put through the Higher Certificate in Food Practice. They are also in the process of employing a Compliance Officer who can carry out a proportion of food law work easing the burden on existing Officers.
- 2.4 The Authority has completed 16% of its current Food Law Intervention Programme to date (April - December 2022). Based on the figures provided for the first 8 months of the current Intervention Programme, an average of 22 inspections per month are being completed which is falling far short of its monthly programmed target. This is due to the competing demands on the staff resource which is diverted as necessary to deal with high risk activities which are not always food related. This has meant that the Authority has not managed to maintain their intervention programme in line with the priorities set out in the Local Authority Recovery Project Guidance.
- 2.5 There are a number of unrated Group 2 establishments which have not been completed as per priority 2 of the recovery programme. 369 un-banded Group 2 establishments were identified on the full database spreadsheet, however only 232 were programmed into the current intervention programme. Group 2 unrated establishments were expected to be completed within 12 months of restart.
- 2.6 The Authority does not use any Alternative Enforcement Strategy, as all businesses are included in the intervention process, but lower risk premises (3 As) are currently not being inspected. There are 575 rated Group 3 A establishments which equates to 20% of the overall number of establishments within Aberdeen City.

- 2.7 Whilst reviewing the Authority's database, it was found that four high risk Group 2 D rated inspections were missed. In addition, no paperwork was provided to support a Group 2 D inspection completed in October 2022.
- 2.8 Some food law inspections lacked documentary evidence of a full assessment of food standards. In the majority of files reviewed only allergens were picked up under food standards. It is expected that as the Food Law Rating System (FLRS) has introduced a combined Food Hygiene and Food Standards inspection that food standards is assessed in full during all interventions.
- 2.9 It was identified, during a check on the Scottish National Database (SND) as part of the audit that no data is coming through for Food Law Contravention and Advice letters. It is acknowledged that the Authority was aware of this issue prior to being audited and has provided evidence that they are trying to resolve these issues.
- 2.10 The Food Service has an internal monitoring system in place, however, the Intervention Paperwork Audits are not assessing Officers' contemporaneous notes.
- 2.11 Verification checks were carried out professionally and in accordance with the Interventions Code 2019 and Food Law Code of Practice (Scotland) 2019.

### Level of Assurance

- 2.12 As detailed in the Audit Charter Document of March 2020 (reference FSS/ENF/18/001) the audit has been assigned as below:

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| <b>Insufficient Assurance</b><br>Controls are not acceptable and have notable weaknesses | There are significant weaknesses in the current risk, governance and/or control procedures, to the extent that the delivery of objectives is at risk. Exposure to the weaknesses identified is sizeable and requires urgent mitigating action. |
|--|--|

## 3.0 Audit Findings

- 3.1 The findings reported below detail both corrective and preventive actions which are not confined to addressing specific technical requirements, but also include system-wide measures. Conclusions address the compliance with the planned arrangements, the effectiveness of their implementation and the suitability of the planned arrangements to achieve the stated objectives as appropriate.



### 3.2 Section 2. Registration of Food Business Establishments

| Section  | <b>Audit Findings – Food Business Registration</b>  |
|--|---|
| 2  | As required by the Interventions Code 2019, the Authority has a Food Business Registration procedure provided for Food Business Operators (FBOs) to follow when applying for the registration of their establishments. This is documented on the Authority’s website along with an online Food Business registration form which can be submitted electronically or downloaded and posted. |
| 2  | An up to date list of registered food establishments within the Local Authority area is available upon request and can easily be extracted from the Authority’s Management Information System (MIS).  |
| <b>Recommendation</b>                          |   |
| There are no recommendations for this section. |   |

### 3.3 Section 3. Interventions

| Sub section | <b>Audit Findings – Service Planning, Interventions Programme</b>   |
|-------------|---|
| 3.1.5       | The Authority has a current 2022/2023 Food Regulatory Service Plan which was approved by the Authority’s Public Protection Committee on the 5 October 2022.   |
| 3.8.2       | <p>The current portion of full-time equivalent (FTE) staff to the Food Service is 6.59 out of a required 11.37 as per the Authority’s Recovery Resource Calculation. This equates to a deficit of 4.78 FTE.</p> <p>The team is multidisciplinary and covers a range of other Environmental Health functions such as licensing, health and safety, port health and animal health and welfare. This added responsibility and workload of Officers, the Authority say is impacting on the number of inspections being completed.</p> <p>It is recognised that there is a national shortage of suitably qualified enforcement staff. The Authority is actively trying to increase capacity and has successfully submitted a business case to employ a trainee Authorised Officer who they will put through the Higher Certificate in Food Practice. The Authority is also in the process of recruiting a Compliance Officer who can carry out low risk work, intelligence/information gathering and assist with MIS maintenance which will reduce the burden on current Enforcement Officers and free additional time for further inspections.</p> <p>Furthermore, an Environmental Health Officer (EHO) who hasn’t carried out food related work for a number of years is currently undergoing a structured reintroduction to allow them to undertake food law inspections</p> |

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|       | <p>and other food related duties. Two other EHOs who do not work in the Commercial Team are also helping out with port health work and sampling duties.</p> <p>Given the deficit in FTE, the current intervention programme is not adequately resourced. The Authority should continue working towards addressing the resource deficit required to deliver the requirements of the Interventions Code 2019 and Food Law Code of Practice (Scotland) 2019. <a href="#">(Recommendation 1)</a></p>   |
| 3.1.6 | <p>It is evident from the information provided that the Authority is not meeting its current intervention programme. From the 1<sup>st</sup> of April 2022 to present, the Authority has completed 16% of its current FLRS intervention programme. On average 22 food law inspections are being achieved per month out of the programmed average of 89 per month. These are being prioritised to include Group 1 establishments and Group 2, E, D &amp; C establishments. However, four Group 2 band D inspections were found to be missed on closer examination of the Authority's database.</p> <p>The Authority has not managed to maintain their intervention programme in line with the priorities set out in the Local Authority Recovery Project guidance.</p> <p>There are a number of unrated Group 2 establishments which have not been completed as per priority 2 of the recovery programme. There are 233 un-banded Group 2 establishments in the current intervention programme. However, 369 un-banded Group 2 establishments were identified on the full database spreadsheet provided during the audit. Group 2 unrated establishments were expected to be completed within 12 months of restart.</p> <p>70/260 programmed Group 2 C inspections have been completed to date. Group 2 C establishments are due within 18 months of recovery equating to March 2023. This leaves 190 Group 2 C establishments due before the end of March 2023.</p> <p>The Authority is not allocating and completing enough inspections per month to achieve their current inspection programme. If the Authority continues on the current trajectory of 22 inspections per month, it is clear the intervention programme will not be achieved. This will also have an effect on subsequent years' programmes. <a href="#">(Recommendation 2)</a></p> |
| 2.3.1 | <p>The Authority does not use any Alternative Enforcement Strategy, as all businesses are included in the intervention process, but lower risk premises (3 As) are not all inspected. The Authority currently has 575 Group 3 band A establishments which have been placed on a 60 month intervention frequency and the Authority has chosen not to undertake a proactive inspection. If no inspection is carried out, the business must be notified accordingly.</p>  |

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|           | The Authority should consider the requirements of Section 2.3.1 of the Interventions Code for establishments that are rated Group 3 Band A. It is also recommended that all 3 A risk rated establishments are reviewed to ensure they are rated in the appropriate category. <a href="#">(Recommendation 3)</a>   |
| 3.5.3 & 5 | The Scope of the Food Service documented in the Authority's Service Plan identifies 95 Manufacturing and Packing establishments, however, on inspection of the Authority's full establishment database, there are only 14 Group 1 establishments which the auditors feel is low for the number of manufacturers and packers registered. It is recommended that the Groups allocated for manufacturing and packing premises are reviewed to ensure that the allocated Group is correct. <a href="#">(Recommendation 4)</a>   |
| 3.11      | The Authority's approach to interventions out-of-hours is documented in its Food Regulatory Service Plan. Telephone calls outside working hours (8.30 am to 5 pm Monday to Friday) are dealt with by the Contact Centre. At weekends and evenings an Environmental Health Duty Officer is on standby for emergencies. There is also provision for some 'charged for' non-emergency visits to be conducted out of hours (Export Certification and Ship Sanitation Certificates).   |
| 3.3       | The Food Regulatory Service Plan states that the majority of official controls are undertaken unannounced. However, in some circumstances an appointment may be necessary. For example, if the business is a domestic establishment or successive attempts to gain access have been unsuccessful.   |
| 3.8.2     | The Service Plan did not contain details of new Food Business establishments and how these are to be included in the intervention programme. As per the Interventions Code 2019, the Authority's Service Plan must contain details on how new Food Business establishments are to be included in the Authority's planned Intervention Programme. <a href="#">(Recommendation 5)</a>   |
| 3.1.6     | The Authority estimated around 20% of premises will require a revisit following a food hygiene intervention under the current rating scheme this year (2022 – 2023) post pandemic.  |
| 3.7       | Two unannounced verification checks were carried out during the audit. The first was to a programmed inspection of a butchers who was manufacturing their own products including mince, sausages and baked pies. Conditions were found to be poor onsite, and the Officer had to deal with a number of food law contraventions arising throughout the inspection.<br><br>The second verification visit was a programmed inspection of a Group 2 Café. During the inspection, the café was found to be producing a large number of sandwiches to local offices with the City Centre. Following the intervention, the Authority may need to consider the allocated Group of this establishment given the change in production operations. |

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|  | Both Officers conducted the inspections appropriately and in line with Section 4 of the Interventions Code 2019.   |
|  | In line with the Local Authority Recovery Project process, the Authority has started to implement Official Control Verification (OCV) inspection cycles for approved establishments. 19/30 approved establishments have received a visit since the restart of interventions on the 1 <sup>st</sup> September 2021. Approved establishments are allocated equally amongst Officers. |

| Recommendation |  |
|----------------|--|
| 1.             | Continue working towards addressing the current resource deficit identified via the original resource calculation, required to deliver the Interventions Code 2019 and Food Law Code of Practice (Scotland) 2019.  |
| 2.             | Ensure that all due interventions are allocated and completed in line with the Local Authority Recovery Project and within the frequencies outlined in the Interventions Code 2019.  |
| 3.             | Review the list of Group 3 A rated establishments to ensure they are rated in the appropriate category. It is also recommended that the Authority make use of an alternative enforcement strategy as outlined in the Interventions Code 2019 for risk rated 3 A establishments to ease the burden on the intervention programme. |
| 4.             | Review the Groups allocated for Manufacturers and Packers.   |
| 5.             | Ensure the Service Plan details how new food businesses will be incorporated into the Intervention Programme.  |

### 3.4 Section 4. Food Law Rating System

| Sub Section | Audit Findings   |
|-------------|--|
| 3.7.1 & 4   | All food establishments (with the exception of Approved establishments and primary producers) are now receiving a food law rated intervention as per the Interventions Code 2019. Aberdeen City Council was part of the Food Law Rating Scheme Pilot which launched in 2017.   |
| 3.7.1       | Ten food business establishments were selected for review during the audit. The last intervention for each of the ten premises was assessed by means of its accompanying documentation and computer record. For all ten establishments, the last inspection record and risk rating was assessed for compliance against the standard of the Interventions Code of Practice 2019. All seven compliance categories as outlined in the Interventions Code are recorded after each intervention in the Business Information and Premises Profile sheet. |

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| 3.4                                      | <p>A Food Law Interventions procedure is in place which details the requirements and responsibilities involved in delivering programmed food law inspections in accordance with the Food Law Code of Practice (Scotland) 2019 and the Interventions Code 2019.</p> <p>The Authority do not complete an inspection form for each food law intervention, instead contemporaneous notes are taken in a notebook with the use of an aide memoir.</p> <p>On review of contemporaneous notes as part of the documentation review, a complete assessment of the evidence identified and examined during the inspection was missing. In particular, food standards and Hazard Analysis Critical Control Points (HACCP) assessments were not documented in Officers' notes. There were also areas marked as satisfactory in the food law inspection summary document that were not detailed in the notebooks. Records pertaining to official control interventions must include detailed notes and demonstrate the evidence identified and or examined to demonstrate both compliance and non-compliance with Food Law. <a href="#">(Recommendation 6)</a></p> <p>In addition, Officers' notes were kept in the Officers' notebooks and were not available on the premises file or the MIS. It is recommended that inspection notes should be maintained on the premises file or the MIS record so as to be readily available for the next inspecting Officer and for internal monitoring purposes. <a href="#">(Recommendation 7)</a></p> |
| 3.7.1.1                                  | <p>Some food law inspections lacked documentary evidence of a full assessment of food standards. In the majority of files reviewed only allergens were picked up under food standards. As FLRS has introduced a combined Food Hygiene and Food Standards inspection it is required that food standards is assessed in full during all interventions. <a href="#">(Recommendation 8)</a></p>   |
| 4.7.5 (D)<br>(Food Law Code of Practice) | <p>It was identified, by the Authority several months ago that data (e.g. food law contravention and advice letters) is not being pulled from the MIS to SND. This is due to incorrect mapping settings which has recently been discovered and dates back several years. Discussions have been ongoing with FSS and the MIS provider regarding this issue which potentially requires development work by the provider to secure a resolution. <a href="#">(Recommendation 9)</a></p>  |

### Recommendation

6. The evidence identified and or examined by Officers to demonstrate both compliance and non-compliance with Food Law and to justify the FLRS risk rating should be adequately documented in Officers' notebooks.

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| 7. Consider storing Officers' notes on the MIS premises file so as to ensure they are readily accessible for the next inspecting Officer and for internal monitoring purposes. |
| 8. Ensure food standards is assessed in full during each programmed food law intervention as per the Annex 3 of the Interventions Code 2019.                                   |
| 9. Ensure adequate arrangements are put in place to ensure the weekly transfer of Food Law enforcement activities to the Scottish National Database.                           |

3.5 **Section 5. Action Following an Intervention: Minimum Standards of report writing and record keeping**

| Sub Section | Audit Findings  |
|-------------|---|
| 6.1         | <p>The Authority has a documented Food Law Interventions procedure in place which details the actions required to be taken following an intervention.</p> <p>A written record (Food Law Visit Summary) of each programme inspection will either be left at the time of the visit or sent shortly afterwards via email or post. In addition to the Food Law Visit Summary, an inspection letter is issued if there are regulatory requirements and recommendations identified.</p> |
| 6.1.2       | <p>Inspection letters were found to be well formatted and very easy for food businesses to follow and understand, titled with "what was wrong, why it was wrong and what you need to do to comply?" Each letter also had a timescale for corrective actions. Inspection letters are also hyperlinked to further information on food safety requirements with regard to retained Regulation 852 kept on the Council's website.</p>   |
| 6.1         | <p>No inspection documentation was provided to support a Group 2 D inspection completed in October 2022. The business in question was inspected 21/07/2022 and risk rated a Group 2 D. It was due for inspection again in October 2022, inspected 29/10/2022, but no paperwork was provided to support this programmed inspection. Ensure that the appropriate documentation is completed post inspection and maintained. (<a href="#">Recommendation 10</a>)</p>                 |

**Recommendation**

10. Ensure that a Food Law Inspection documentation is completed for each Food Law Intervention and maintained in the premises file.

### 3.6 Section 6. Internal Monitoring

| Section                        | Audit Findings  |
|--------------------------------|---|
| 39 (Food Law Code of Practice) | <p>Food Authorities must ensure that Interventions are carried out to a consistently high standard and that the planned Intervention programme is being maintained. Food Authorities must maintain documented procedures for monitoring progress of the planned intervention programme and the quality and consistency of interventions undertaken by their Authorised Officers or staff supplied under contract, to ensure, so far as practicable, that Interventions are carried out competently.</p>   |
|                                | <p>The Service has established a Quality Monitoring System for intervention activity, which is designed to ensure:</p> <ul style="list-style-type: none"> <li>a) Properly planned and resourced risk-based food hygiene interventions are undertaken;</li> <li>b) Officers with the appropriate levels of experience and training are selected to carry out interventions;</li> <li>c) The consistent application of the Council's Food Enforcement Policy;</li> <li>d) That the intervention itself is viewed as more than a specific visit;</li> <li>e) Appropriate training, guidance and coaching is provided to enforcement officers in the furtherance of the objective of continuous professional development;</li> <li>f) Consistency of enforcement approach between enforcement officers.</li> </ul>                              |
|                                | <p>The Food Law Inspection Procedure states that a proportion of Intervention Reports issued by Officers will be monitored by a designated Officer as a form of evaluation of the quality system. The target monitoring level is 5% of reports, however this will vary depending upon the experience and performance of each Authorised Enforcement Officer. This level of monitoring may also vary depending on the findings of the review of the quality system.</p> <p>It was identified during the audit, that Officers' contemporaneous notes are not reviewed as part of these Intervention Paperwork Audits. To ensure a comprehensive qualitative review is completed, all records relating to official control interventions including Officers' contemporaneous notes should be reviewed. <a href="#">(Recommendation 11)</a></p> |
|                                | <p>The Food Law Inspection Procedure also states that throughout the year a number of accompanied Validation Audits will take place. These audits will be carried out by the Principal Environmental Health Officer (Food Safety). The Monitoring Officer will complete an accompanied visit validation audit report form as soon as possible after the audit. The contents of the report should be discussed with the Inspecting Officer in advance of the report being produced and any concerns expressed by the</p>   |

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|  | inspecting Officer considered before the report is complete. The completed form should be used as a basis for identifying training needs and linked to the Services' training procedure relating to food enforcement staff.   |
|  | The Food Regulatory Service Plan states that technical update meetings will continue to be held every month to disseminate information on policy, new legislation and new developments in food enforcement and the food industry in a structured way. Minutes of Food Safety Technical Meetings were provided as part of the audit. |

### Recommendation

11. All records relating to official control interventions including Officers' contemporaneous notes should be reviewed as part of the Authority's Internal Monitoring Procedures.

### 3.7 Section 7. Items to take back to Food Standards Scotland

| Section | Audit Findings   |
|---------|--|
|         | The Food Law Rating Scheme is more resource intensive and is certainly not resource neutral. The Authority feel they are spending most of their time going back to the same businesses and not able to complete the full interventions' programme moving to bands B's & A's. |
|         | The Authority raised the question – Is the increase in frequency needed?   |
|         | The majority of businesses are now receiving an improvement required food hygiene information scheme rating as standards have declined due to the absence of interventions during the pandemic.  |
|         | This drop in standards is mentally tiring on staff and having an impact on Officer welfare leading to the potential for burnout. The Lead Food Officer made the point that the quality of inspections is considered more important than quantity for the Authority.          |



## 4.0 Annex A – Action Plan

### Action Plan for Aberdeen City Council’s Audit of Local Authority Implementation of Interventions Food Law Code of Practice (Scotland).

| Aberdeen City Council Recommended Point for Action  | Planned Actions  | Target Date for Completion   | Responsible Officer(s) |
|---|--|--|------------------------|
| <p>1. Continue working towards addressing the current resource deficit identified via the original resource calculation, required to deliver the Interventions Code 2019 and Food Law Code of Practice (Scotland) 2019.</p> | <p>Compliance Officer preferred candidate selected.</p>                            | <p>30 April 2023</p>   | <p>Lead Officer</p>    |
|   | <p>Trainee Authorised Officer preferred candidate selected.</p>                    | <p>Training to commence August 2023<br/>Officer will be unable to conduct full range of duties until Sep 24 following completion of exams.</p> | <p>Lead Officer</p>    |
|   | <p>EHO currently undergoing structured re-introduction to food related duties.</p> | <p>April 2023</p>  | <p>Lead Officer</p>    |
|   | <p>Second Trainee Authorised Officer post to be advertised May 2023.</p>           | <p>July 2023</p>   | <p>Lead Officer</p>    |

| Aberdeen City Council Recommended Point for Action   | Planned Actions  | Target Date for Completion                | Responsible Officer(s)                                       |
|--|--|---|--|
|  | <p>Plans to advertise EHO vacancies in August 23 ahead of the next diet of Professional exams.</p> <p>Attendance at Robert Gordon University's recruitment Fair.</p>   | <p>October 23</p> <p>Feb 23</p>           | <p>Lead Officer</p> <p>Lead Officer</p>                      |
| <p>2. Ensure that all due interventions are allocated and completed in line with the Local Authority Recovery Project and within the frequencies outlined in the Interventions Code 2019.</p>  | <p>Interventions will continue to be planned in accordance with the available staff resource. Those in higher priority/risk groups will be addressed first, along with those where valid complaints have been received by the Service.</p> | <p>December 2023</p>                      | <p>Lead Officer</p>  |
| <p>3. Review the list of Group 3 A rated establishments to ensure they are rated in the appropriate category. It is also recommended that the Authority make use of an alternative enforcement strategy as outlined in the Interventions Code 2019 for risk rated 3 A establishments to ease the</p> | <p>The Group 3A premises will be reviewed. It is the intention that the newly appointed Compliance Officer will be able to do some alternative enforcement work.</p>   | <p>December 2023</p> <p>December 2023</p> | <p>Lead Officer / Compliance Officer</p> <p>Lead Officer</p> |

| Aberdeen City Council Recommended Point for Action   | Planned Actions  | Target Date for Completion  | Responsible Officer(s) |
|--|--|-----------------------------|------------------------|
| burden on the intervention programme.  |  |                             |                        |
| 4. Review the Groups allocated for Manufacturers and Packers.  | Work is currently underway to review the Groups. However, several businesses in this category showing on SND have ceased trading which is indicated on the MIS. The issue with ceased trading businesses not being accurately “pulled” through to SND has already been discussed with colleagues at FSS. | 31 <sup>st</sup> March 2023 | Lead Officer           |
| 5. Ensure the Service Plan details how new food businesses will be incorporated into the Intervention Programme.   | This will be incorporated in the 2023/2024 Service Plan.   | 30 <sup>th</sup> June 2023  | Lead Officer           |
| 6. The evidence identified and or examined by Officers to demonstrate both compliance and non-compliance with Food Law and to justify the FLRS risk rating should be adequately documented in Officers’ notebooks. | The procedure of using mainly notebooks to record actions will be abandoned and we will revert to the use of Aide Memoires.  | 1 <sup>st</sup> April 2023  | Lead Officer           |
| 7. Consider storing Officers’ notes on the MIS premises file so as to ensure   | This will be addressed as per point 6 above.   | 1 <sup>st</sup> April 2023  | Lead Officer           |

| Aberdeen City Council<br>Recommended Point for<br>Action   | Planned Actions   | Target Date for<br>Completion | Responsible<br>Officer(s)     |
|--|---|-------------------------------|-------------------------------|
| they are readily accessible for the next Inspecting Officer and for internal monitoring purposes.  |   |                               |                               |
| 8. Ensure food standards is assessed in full during each programmed food law intervention as per the Annex 3 of the Interventions Code 2019.         | This will be addressed as per point 6 above.  | 1 <sup>st</sup> April 2023    | Lead Officer                  |
| 9. Ensure adequate arrangements are put in place to ensure the weekly transfer of Food Law enforcement activities to the Scottish National Database. | Discussions have been ongoing for some months with FSS regarding the transfer of data between the MIS and SND. It has just recently been discovered that this problem dates back a number of years and potentially requires development work by our MIS provider. | 30th September 2023           | Lead Officer<br>/MIS Provider |
| 10. Ensure that a Food Law Inspection documentation is completed for each Food Law Intervention and maintained in the premises file.                 | Enhanced monitoring of Officers' work.  | Immediately                   | Lead Officer                  |
| 11. All records relating to official control interventions including Officers' contemporaneous notes   | This will be addressed as per point 6 above. Aide Memoires containing all relevant information will be filed in the premises file and   | 1 <sup>st</sup> April 2023    | Lead Officer                  |

| Aberdeen City Council<br>Recommended Point for<br>Action                            | Planned Actions  | Target Date for<br>Completion | Responsible<br>Officer(s) |
|---|--|-------------------------------|---------------------------|
| should be reviewed as part<br>of the Authority's Internal<br>Monitoring Procedures. | be available for assessment as part of the<br>Internal Monitoring procedure. |                               |                           |

## 5.0 Acknowledgements

The Audit Assurance Team would like to acknowledge the help and co-operation of all staff involved for their assistance while conducting this audit.

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Administration: Neil Douglas

Food Standards Scotland  
Audit Assurance Branch

March 2023

## Abbreviations

|              |   |
|--------------|---|
| <b>EHO</b>   | Environmental Health Officer            |
| <b>EU</b>    | European Union                          |
| <b>FBO</b>   | Food Business Operator                  |
| <b>FLRS</b>  | Food Law Rating System                  |
| <b>FSS</b>   | Food Standards Scotland                 |
| <b>FTE</b>   | Full Time Equivalent                    |
| <b>HACCP</b> | Hazard Analysis Critical Control Points |
| <b>LA</b>    | Local Authority                         |
| <b>MIS</b>   | Management Information System           |
| <b>OCV</b>   | Official Control Verification           |
| <b>SND</b>   | Scottish National Database              |