

# Food Safety Recovery Plan

## Introduction

With the covid-19 pandemic, there has been a knock on effect to services especially around where proactive inspection regimes are in place, being mainly:

- Food Safety Inspections
- Health and Safety Inspections

Food Safety and Health & Safety inspections are determined by a risk rating inspection regime and are statutory. For these, the governing bodies (Food Standards Agency and Health & Safety Executive) have set the way forward. Health and Safety inspections have been maintained throughout the covid-19 pandemic, with increased visits related to covid-19 risk assessments, safe operating procedures and general risks. Therefore, no specific recovery plan is required for this element.

There is also the overarching MHCLG January 2021 priority list for regulation, which sets out the overall priorities based on the following:

Category	Definition
A	<b>Covid-19, Transition and highest priority reactive work: please focus effort and resource on these activities.</b>
B	<b>High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.</b>
C	<b>Recognition that elements of these activities may be paused or deprioritised following a risk-based approach, and that activity in Categories A and B may take priority.</b>

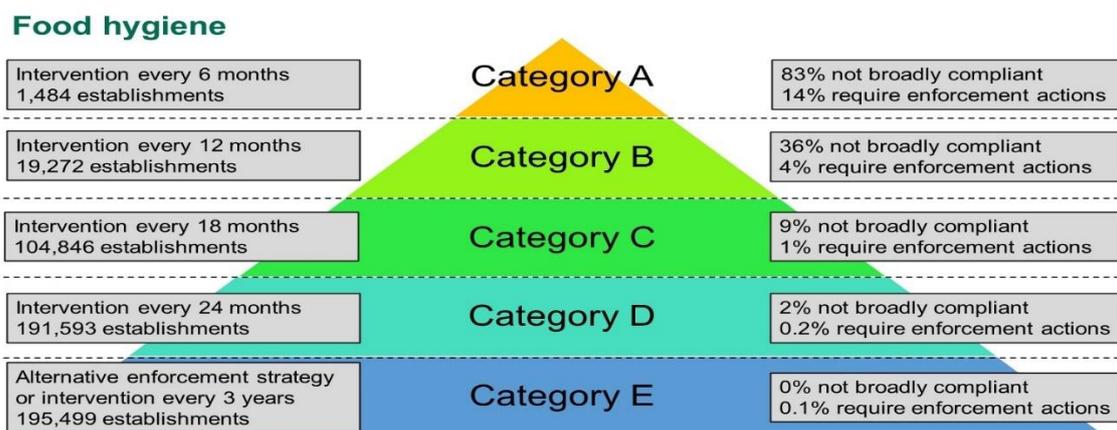
# 1. Food Safety Inspections

## 1.1 Food Standards Agency Approach

The Food Standards Agency (FSA) have set out in June 2021 their proposal for LA recovery around statutory inspections. The following have shaped their approach:

- the number of 'new' food businesses has significantly increased – a large proportion of which are home-based – and although some of these may cease trading when the hospitality sector starts to recover, and lockdown restrictions are otherwise lifted, the risks associated with them remain largely unknown as initial inspections have not been undertaken
  - **Dacorum has over 196 new food businesses started in the last 12 months alone**
- the number of 'new' food businesses on the 'high street' may increase as some existing businesses may change hands while others may start up to capitalise on potential additional trade from staycations etc over the coming months
- existing businesses will gradually be re-opening, many after prolonged closure, as restrictions in the hospitality sector on eating onsite are lifted, while other businesses will continue to diversify activities to adapt to ongoing changes in the market
- LA resources have been diverted from delivery of food official controls during the pandemic to activities related to reducing the spread of COVID
- the highest risk establishments may have missed one, two or potentially three planned interventions
- LAs are anecdotally reporting that significant resource is currently being used for non-statutory but important wider government priorities such as export certification and support for businesses navigating the new arrangements
- LAs are anecdotally reporting a general trend of reducing hygiene standards in food establishments since the onset of the pandemic.

The FSA approach is also mindful of the profile of establishments across the risk categories, the levels of compliance and the typical annual percentages for enforcement actions within each pre-pandemic. The diagram below shows the national picture pre-pandemic as the basis for the recovery approach.



## 1.2 Objectives and Assumptions of the FSA recovery plan

The approach by the FSA takes on board the following objectives:

- ensure that LAs:
  - return diverted resources to food teams
  - can identify and focus on those businesses that are trading by continuing to undertake ongoing proactive surveillance
  - revert to the expected inspection frequencies in the Food Law Codes of Practice for those businesses posing the greatest risk to public health/consumer protection
- improve hygiene and standards compliance and reduce risks by focusing activity where non-compliance is identified and by undertaking appropriate follow-up and enforcement action

- Ensure more routine operation of the Food Hygiene Rating Scheme (FHRS).

The FSA has assumed the following:

- there will be additional demands and expectations on LAs in relation to compliance and enforcement of COVID rules as sectors re-open over the next few months
- urgent reactive food safety work will increase as restrictions in the hospitality sector are lifted
- planned interventions for food hygiene and food standards will be more complex to undertake and will take longer as they must be undertaken in a COVID safe way
- compliance standards have dropped so levels of required follow-up and enforcement action needed to address the risks to public health/consumer protection will be greater

### 1.3 Timelines

The proposed plan covers 1 July 2021 to April 2023 and beyond with recovery in two phases:

- Phase 1 - 1 July to 30 September 2021
- Phase 2 – 1 October 2021 to April 2023 (until the revised food hygiene intervention rating scheme are in place)

There will be a focus on securing compliance in persistently non-compliant businesses. The proposal for recovery aims to reflect that direction of travel.

### 1.4 Plan in summary

The key elements of the plan are summarised below:



### 1.5 Principles underpinning the recovery plan

We propose that the following principles underpin both phases of the recovery plan:

- when intelligence suggests risks have increased – and irrespective of the risk category – interventions should be undertaken to assess and address those risks
- when an onsite intervention is undertaken, subsequent interventions should be programmed as per the Codes of Practice requirements
- new food hygiene ratings should be given where appropriate interventions are undertaken
- where non-compliance is found at any intervention, appropriate enforcement action should be taken
- The use of remote assessments will not be used at Dacorum as it duplicated a lot of the work and didn't yield the results expected when tried after Lockdown 1.

### 1.6 Impact on Dacorum

Based on the FSA **Phase 1 plan**, the priority up to the end of the 2021/22 financial year will be:

- conditional and full approval visits (limited for Dacorum - 7 approved premises in total)

- management of food incidents and hazards (including outbreaks of foodborne illness)
- investigation and management of complaints
- enforcement action in case of non-compliance
- ongoing proactive surveillance to obtain an accurate picture of the local business landscape and identify: open/closed/recently re-opened/new businesses; as well as businesses where there has been a change of operation, activities or FBO.

Dacorum will also have to:

- a) Manage the expected increase in necessary reactive work resulting from the lifting of restrictions in the hospitality sector, which will include carrying out some of the overdue planned interventions. The table 1.1 below shows the number of premises that are overdue by 30<sup>th</sup> September 2021.

Table 1.1

Risk Band	Number overdue at 30 <sup>th</sup> September 2021
A	0
B	13
C	31
D	185

This does not include the total number of interventions due this year, new premises or category E premises, which are dealt with by alternative enforcement interventions. This is shown in Table 1.2 below. The implementation of this recovery plan will stagger the March 2022 due dates in line with FSA guidance.

Table 1.2

Risk Band	Total number of inspections due by March 2022
A	2
B	25
C	63
D	219
E	144
Unrated	218

- b) assess new businesses and those with change in operation, activities or FBOs so that onsite visits can be undertaken where there are concerns around public health/consumer protection and, for others, the initial inspection can be prioritised and undertaken in accordance with the Codes of Practice.
- c) plan for resumption of planned intervention programmes for high risk category and non-compliant establishments in Phase 2.

Based on the FSA **Phase 2 plan**, the priority from April 2022 to April 2023 will likely be:

- a) implementing planned intervention programmes for high risk category and non-compliant establishments, and
- b) implementing an intelligence-based approach for low risk category establishments.
- c) official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that are undertaken to support trade and enable export
- d) reactive work including, enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- e) sampling in accordance with the local authority sampling programme or as required in the context of assessing food business compliance, and any follow-up necessary in relation to the FSA Surveillance Sampling Programme
- f) ongoing proactive surveillance to obtain an accurate picture of the local business landscape and also to identify open/closed/recently re-opened/new businesses, as well as businesses where there has been a change of operation, activities or FBO
- g) for 'new businesses', consideration of registration information and intelligence with appropriate onsite interventions carried out where there are concerns around public health/consumer protection
- h) for 'new businesses' where consideration of registration information and intelligence does not raise concerns about public health/consumer protection, initial visits should be prioritised and undertaken in accordance with the Codes of Practice and Practice Guidance taking account of the flexibilities provided
- i) implementing planned intervention programmes for high-risk category and non-compliant establishments in line with the timelines set out in the Recovery Plan
- j) implementing an intelligence/information based approach for lower risk category establishments

It is to be noted by members that this is the plan to recover the Food Service from the effects of Covid 19. The department is very much still involved in the Local Outbreak Plan response, it is envisaged that this workload will decrease in 22/23. However if it does not this plan will need to be revised to take into account the number of available staff that can deliver this project and their important role in dealing with the Outbreak phase of the pandemic response.

The above phases are detailed in the table below with initial impact assessment:

Activity/Category	Timeline	Expectation	Impact for Dacorum
Conditional and full approval visits	Ongoing	In accordance with relevant legislative requirements	Limited due to very few approved premises (7)
Proactive surveillance to obtain an accurate picture of the local business landscape and to identify <ul style="list-style-type: none"> <li>- open/closed/recently re-opened/new businesses</li> <li>- change of operation, activities or FBO</li> </ul>	Ongoing	Consideration of registration information and intelligence on the food business establishment identified through surveillance Undertake appropriate onsite interventions where there are concerns around public health/consumer protection	Basic surveillance conducted as part of LAEMS return. Move to new database by the end of the year will tidy up this area.
New food business establishments where consideration of registration information/intelligence indicates low risk	Ongoing	Initial visits should be prioritised and undertaken in accordance with the Codes of Practice requirements	Fed into the inspection programme. All inspections assigned to officers and initial risk assessment conducted. All new food businesses have been contacted and Pay Per Inspection contractors are due to start week commencing the 4 <sup>th</sup> October 2021
Management of food incidents and hazards (including outbreaks of foodborne illness)	Ongoing	In accordance with the Food Law Codes of Practice	Business as usual
Investigation and management of complaints	Ongoing	In accordance with the Food Law Codes of Practice	Business as usual
Enforcement action in case of non-compliance	Ongoing	In accordance with the Food Law Codes of Practice and the local authority's enforcement policy	Business as usual
FHRS requested revisits	Ongoing	Within three months of request if a charge is made and within six months of no charge but with use of remote assessment in place of onsite visit in limited circumstances on a trial basis (with evaluation in place)	Business as usual
Sampling	Ongoing	In line with local authority sampling programme or as required in the context of assessing food business compliance	Due to a combination of recent staff retirement and the need to recruit and train staff PHE are no longer accepting samples for National and Local studies for the rest of the year. DBC was due to participate in these studies in October 2021 but this has now been pushed back to early 2022 once PHE start accepting samples again.
Category A for hygiene	Over the period to end of March 2022	All establishments should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Codes of Practice	This date is achievable.

Activity/Category	Timeline	Expectation	Impact for Dacorum
Category B for hygiene	Over the period to end of June 2022	All establishments should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Codes of Practice	Dacorum intend to inspect all B rated premises by the end of March 2022.
Category C for hygiene – less than broadly compliant (FHRS 0, 1 or 2)	Over the period to end September 2022	All establishments should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Codes of Practice	Dacorum are prioritising all C rated premises regardless of FHRS score along with A's and B's. This date should be achievable.
Category D for hygiene – less than broadly compliant (FHRS 0, 1 or 2)	Over the period to the end of December 2022	All establishments should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Codes of Practice	Dacorum do not currently have any that fall within this definition.
Category C for hygiene – broadly complaint or better (FHRS 3, 4 or 5)	Over the period to the end of March 2023	For establishments with two consecutive food hygiene ratings of 5 (or equivalent stands if outside scope of FHRS) one intervention may be missed and then the establishment put back in the system for interventions in accordance with the Codes of Practice  For other establishments – those with hygiene ratings of 3 or 4 (or equivalent of outside the scope of FHRS - should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Codes of Practice	Dacorum are prioritising C rated premises a long with A's and B's and aim to inspect all C rated premises by September 2022.
Category D for hygiene – broadly complaint or better (FHRS 3, 4 or 5)	Ongoing	No interventions will be required unless intelligence suggests that risks have increased	Dacorum will carry out inspections in D rated premises if capacity allows it. If a complaint is received regarding a D rated premises it will be investigated appropriately.
Category E for hygiene	Ongoing	No interventions will be required unless intelligence suggests that risks have increased	As above, Dacorum will follow up any complaints received regarding premises that are E-rated if received.