

## Food Inspections Contract

### 1. Introduction

- 1.1. The 12 June Tri-Cabinet report requested that a review of the food inspection contract to enable a consistent delivery of the service across all authorities. Currently Swale's food contract costs £30,000 to carry out food inspections for premises risk rated as B, C and D, where as Maidstone and Tunbridge Wells deliver this within their Food and Safety teams.
- 1.2. The critical success factors for this Shared Service are to improved resilience that meets financial and functional flexibility, improve quality, create a culture of high professional standards and is self funding through achieving service efficiencies and potential savings.
- 1.3. One of the main benefits of delivering food interventions in the Shared service is the flexibility this provides the authorities; professional officers have an interest in supporting businesses to better standards. They have a sense of responsibility to the organisation and accountability to members and the community. A contractor is only as robust as the contract procured and standards specified. Discussions with the Swale contract manager at Red Snapper have explored potential improvements to a contract that would include a more qualitative interventions arrangement that could deliver improved quality for businesses.
- 1.4. The recommendation of the Project Board is that the food inspection programme be brought within the service and a more focused and targeted approach is taken to implementing the interventions to support businesses in comply with the law.

### 2. Background

- 2.1. The purpose of food regulation is to ensure that the public can consume and purchase food in our districts which is safe. To this end the Food Standards Agency closely control the discharge of food enforcement through the national Food Law Code of Practice.
- 2.2. The introduction of the Food Hygiene Rating Scheme has had a significant influence on hygiene standards in recent years. Businesses are more accountable to the public through the publication of the ratings on the Food Standards Agency website and the ability of good businesses to promote their high standards at their premises by displaying the stickers and certificates.
- 2.3. Regulatory enforcement is moving more towards outcomes, for example the percentage of improved FHRS scores or broadly compliant businesses within a district (table 1) rather than outputs i.e. inspections and audits. This does not mean that formal enforcement actions should not be considered when appropriate. Rather an acknowledgement that regulators need to carry out their activities in a way that supports those they regulate to comply and grow.

### 3. Current Food Contract

- 3.1. The Swale contract with Red Snapper that will run until May 2014, with budget costs of £30,000 for food inspections with B, C and D risk profiles being carried out to a standard to comply with the Food Law Code of Practice. This includes carrying out the inspections in the identified time frame, completion of paperwork, completion of letters and revisit to business to check on compliance with contraventions. The contract does not include enforcement action such as serving improvement notices, evidence preparation for

prosecution. If the contractor finds conditions that require the service of a notice this will involve the Commercial Team duplicating the visit and then serving the notice.

- 3.2.** The contract is supported by an officer in the Commercial team of at Swale. They collate the last inspection information for the contract, input data and administer the upload of information to the FHRS website for the contractor inspections. The Contract is monitored by the Commercial Manager to ensure that standards for inspection, documentation and scoring are accurate. This level of monitoring needs to be carried out to ensure that Swale's legal responsibilities under food legislation is being met as Swale is subject to audit of its service delivery by the Food Standards Agency.
- 3.3.** Returned reports of inspection are frequently not returned to the admin officers within two weeks of the inspection, which means there is an unnecessary time delay in uploading these scores onto the FHRS website and delaying the process of publishing the information.
- 3.4.** There is still a substantial amount of food inspection or intervention work carried out by officers at Swale. Category A risk rated premises inspections, reactive food investigations (complaints, food safety alert, food poisoning), inspections of approved premises as well as new business visits and delivering an alternative enforcement programme for low risk businesses. In summary a significant amount of work is still delivered through the Commercial Team.
- 3.5.** Since the contract has been made (in 2012) there has been a significant change in government guidance. Under the new Regulator's Code brought out in July 2013 and in force in April 2014. Authorities will have to demonstrate that we communicate clearly with businesses, providing information, guidance and advice to enable them to meet their responsibilities to comply with the law. The inspection frequency for broadly compliant food businesses is likely to be reduced, from eighteen months to every two years for a significant number of businesses in the three authorities.
- 3.6.** Any new contract will have to be more outcomes focused, rather than output based, to reflect these proposed changes in responsibility being placed on regulators and to reflect the critical success criteria for the project.

#### **4. In House Delivery Food Interventions**

- 4.1.** At Maidstone and Tunbridge Wells all the food inspections and interventions are carried out by the officers within the service. Inspection rates are consistently good with over 90% of all due interventions being achieved during the year, also true for Swale, compared with the England average of 82%<sup>11</sup> (see table 1). . Due to database inaccuracies and business closures 100% is not realistically viable.
- 4.2.** Officers are committed to improving the hygiene of businesses in their districts and year on year returns to the Local Authority Enforcement Monitoring System (LAEMS) show an improvement in risk profiles of food businesses. This demonstrates the effectiveness of the officer's interventions with businesses and their ability to provide advice and guidance on complying with the law.
- 4.3.** Officers are able to identify other matters of evident concern when inspecting premises, whether health and safety hazards or breaches of other legislation (planning, housing,

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<sup>1</sup> Annual Report on UK Local Authority Food Law Enforcement 1 April 2012 to 31 March 2013, FSA board paper 5 Nov 2013

environmental). They act as the eyes and ears for the authority and provide an integrated approach for front line services having a greater awareness of corporate needs than contractors. It is likely that contractors who are paid per inspection are not likely to provide the corporate approach.

- 4.4. In house delivery can be more responsive and flexible to emerging issues, delivering project based interventions such as inspections and microbiological sampling of vacuum packing machines in food businesses in response to the South Wales E.coli outbreak, or assisting businesses in product recalls for unfit imported food.
- 4.5. Visits to food businesses by officers can support public health outcomes through the implementation of schemes such as the Tunbridge Wells Healthy Food Choices Award, or through officers' signposting food business operators to appropriate government information on healthy eating.
- 4.6. In house delivery provides resilience for the authority for emergency events such as food poisoning outbreaks, providing assistance to flooded communities. If there are adequate numbers of officers the resilience can be sustained for longer term emergency responses. As one shared service this will be a resource that each individual organisation can call on.
- 4.7. Officers have a strong desire to deliver the inspection services to all the authorities believing that this provides better control over service delivery and provides flexibility to management in adapting the delivery to meet local needs. Officers also have a professional will to improve service delivery.
- 4.8. One of the reasons that Swale initially opted to commission part of the service from an external provider was due to problems in recruiting to a vacant post. This situation has changed with the development of a Shared Service.

**Table 1: Comparison of Broadly Compliance Standard in Food Businesses (2012/13 Data from LAEMS)**

Local Authority	Total No. Premises	% Broadly Compliant (excluding unrated)	% B premises Broadly Compliant	%C premises Broadly Compliant	% Interventions Achieved
Maidstone	1232	89.61	18.92	80.20	90.4
Swale	1259	92.34	50.75	87.10	95.3
Tunbridge Wells	1106	98.06	69.23	95.81	93.8

## 5. Contract Costs

5.1. An approach to Swales current contract provider Red Snapper suggests that the same contract quotes will be applied to a service covering three districts, the current rate being:

Per Premises inspections:

Risk Rated A £56

Risk Rated B £52

Risk Rated C £45

Risk Rated D £40

Void inspections £20 & Re-Visits £25

These costs cover the inspection time, completing the inspection records and any letters sent to the businesses.

5.2. Using the average number of B, C and D risk profiles for the three local authorities (last three year data) the contract costs are in the region of £88,000 to 91,000 for the three local authorities.

5.3. The impact on the Shared Service will mean the loss of 2.0 FTE between Maidstone and Tunbridge Wells, with no loss of posts at Swale. The reduction is less than two posts due the significant level of smart client contract monitoring required, in terms of inspection monitoring and document quality checks, business feedback, database monitoring and controls..

**Table 2: Premises Risk Profiles 2010 - 2013**

	Food Premises Risk rated A	Food Premises Risk rated B	Food Premises Risk rated C	Food Premises Risk rated D	Food Premises Risk rated E	Total contracted food inspections B, C & D
LA Data averaged & combined over 3 years	5	149	1304	691	1351	2145

## 6. Shared Service Food Inspections In-House Delivery

The critical success criteria for the food inspections can be measured through:

### 6.1. Resilience

- Increasing the number of frontline officers delivering inspections by 1.0FTE funded through the contract cost of £30,000

- Improved service standards through standardising inspection processes
- Flexible provision of officers across the district to support project initiatives, for example targeting resources to non-Broadly Compliant premises, or supporting sickness absence, emergency situations
- Flexibility to change service delivery in line with government guidelines
- Provide officer development and expertise through a wider range of food inspections risk ratings

This will not be achieved through outsourcing the food inspections in the shared service as the funding would be provided through reducing establishment posts in Maidstone and Tunbridge Wells.

## **6.2. Quality**

- Demonstrating that shared service policies and procedures are in line with the Regulator's Code
- improved through outcome measures like Broadly Compliant percentages for high to medium by assisting businesses to comply with regulation
- maintaining the professional competence of officers through peer support and training programmes
- providing accurate database information to inform targeting of resources
- review low risk food interventions policies to ensure that resources are targeted and meet the needs of the businesses
- reduce the levels of unrated food businesses and make the initial contacts with the service

## **6.3. Cost**

- That the service can be provided in house within the current budget set for the shared service
- Achieve efficiencies through standardising procedures
- Use of technology to reduce processes and improve quality of inspections

## **7. Conclusion**

Having reviewed the food service contract provided for Swale and the in house food inspection services provided in all three authorities the Project Board consider that bringing food inspections within the shared service will support the needs of the critical success criteria better than contracting out the inspection of medium risk food businesses across the districts. This is balanced against the critical success factors identified by the MKIP Board.

## **8. Recommendation**

That the Committee supports the recommendation of the Project Board to bring food inspections in house.

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