

Environmental Health Food Service Plan 2019/20

Report by Mary Smith, Director Education, Communities and Economy

1 Purpose of Report

To advise Council of the Environmental Health Food Service Plan for 2019/2020 and to recommend approval of the Plan.

2 Background

2.1 The Food Standards Agency (FSA) Framework Agreement on Official Feed and Food Controls provides Food Standards Scotland with a mechanism for implementing its powers under the Food Standards Act to influence and oversee local authority enforcement activity. It also defines a Local Authority's responsibilities in delivering the food enforcement service.

2.2 The Framework Agreement states that the Council has a duty to provide an up to date food service plan and stipulates that *"To help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level."*

2.3 The draft documents are attached as Appendices.

- Appendix A - Food Service Plan for 2019/2020 The provisions of this Plan reflect the planning and delivery requirements of feed and food official controls, based on the existing statutory Code of Practice
- Appendix B - Review of service performance against the 2018/19 Food Service Plan

3 Report Implications

3.1 Resource

3.1.1 In February 2018 the Council approved Financial Strategy determined that the Environmental Health Service must deliver a permanent savings of £145.8K. As 90% of the Environmental Health budget relates to staff costs and the statutory provisions of the mortuary service and the required appointment of a Public Analyst cannot be

avoided, the only way to achieve this level of saving was through a permanent reduction in staffing levels. Overall 24% of Environmental Health FTE has been deleted which means the loss of 33% from the Food & Safety team.

- 3.1.2 From 2019/20 Food Standards Scotland wish local authorities to risk assess food businesses in a different way, combining the hygiene and standards elements into a single “food safety” inspection. In anticipation the inspectorate have been operating in this way for many months. However, there will also be a requirement throughout this plan to spend time changing aspects of the information management system used by the Food Service. In effect two risk assessment regimes will be running in parallel. As a result performance indicators are changed
- 3.1.3 The work as detailed in the draft Food Service Plan has been prioritised to seek to take account of these changes as far as resources allow.

3.2 Risk

- 3.2.1 Environmental Health is a statutory function and the Food Service Plan is produced in pursuance of this function. Failure to produce and implement a food service plan leaves the local authority open to both the challenge of failing in its statutory duty and increased reputational risk.
- 3.2.2 Operating with a reduced inspectorate will result in more difficulty meeting planned objectives and responding to the demands arising from the growth and development in Midlothian. This will provide less opportunity for the Environmental Health Service to:
- detect business non-compliance and failure,
 - investigate complaints,
 - respond to incidents,
 - maintain accurate intelligence about food business activities
 - provide advice to both start up and established businesses, and
 - protect public health.
- 3.2.3 Increased individual workloads, even tempered with such efficiency improvements that can be made, will place greater stress on inspectors. In the event of an incident, for example a food poisoning outbreak, the performance of individual officers is always placed under scrutiny to determine how effectively inspection and enforcement controls have been applied. Staff have recently been reminded of the presence of support mechanisms including Mental Health First Aiders and the Employee Assistance programme.
- 3.2.4 At this time it cannot be said what the implications of a departure from the EU would mean for the Food Enforcement service. Food Standards Scotland and the profession continue to try and prepare for such an event.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☒ Business transformation and Best Value
- ☐ None of the above

3.4 Key Priorities within the Single Midlothian Plan

The adoption of the Environmental Health Food Service Plan, attached as appendices, contributes to the key priorities of Economic Growth and Business Support, and Community Safety.

Business intervention occurs on a pre-determined risk based approach which is transparent, consistent and open to scrutiny.

3.5 Impact on Performance and Outcomes

The current level of staff vacancies and the anticipated outcome of the service review means not all Food Service Plan objectives will be achieved as the anticipated workload exceeds the capacity of the staff to deliver it.

There is an anticipated negative impact on the wellbeing of staff.

3.6 Adopting a Preventative Approach

Through the implementation of the Food Service Plan- Midlothian Council delivers a statutory function which seeks to focus services to the most high risk food premises thereby aiming to prevent crises through timely intervention.

The approach to 'identify' businesses prior to significant failure occurring through inspection and intervention has been diminished as a direct result of the reduction in staffing available. A reduced inspectorate means that businesses currently classified as medium or low risk will remain uninspected and changing circumstances may remain undetected.

3.7 Involving Communities and Other Stakeholders

Consultation with the Public Analyst service takes place as part of the preparation for the plan. A copy of the plan is published on the Council's website for business, public information and comment.

3.8 Ensuring Equalities

An equalities impact assessment, a copy of which is attached to this report (Appendix C), indicates there are no known equality issues arising from the provisions of the Plan.

3.9 Supporting Sustainable Development

There are no identified sustainability issues arising from this report.

3.10 IT Issues

There are no identified IT implications arising from this report.

4. Recommendations

It is recommended that Council

- i) note the Review of Performance of the Food Service 2018-19,
- ii) note the reduction in inspectorate, as a result of the Midlothian Council approved financial strategy (February 2018),
- iii) note the likely impact on performance and outcomes as a result of the reduction in inspectorate
- iv) and approve the Environmental Health Food Service Plan 2019/2020.

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Enclosures:

Appendix A: Food Service Plan 2019-20 (as proposed)

Appendix B: Review of Performance of Food Service Plan 2018-19

Appendix C: Equality Impact Assessment (published separately)

Background Papers:

Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities