



**Visit to the City and County of Swansea Council
regarding their 2016/17 Local Authority Enforcement
Monitoring System (LAEMS) Return**

November 2018

1.0 Foreword

- 1.1 The Food Standards Agency (FSA) is an independent government department and the designated Central Competent Authority (CCA) with responsibility for ensuring compliance with food and animal feed law in England, Wales and Northern Ireland.
- 1.2 A key function of the FSA is to monitor and report on the performance of local authority delivery of food and feed law enforcement services. The function of monitoring performance is exercised by the FSA under the Food Standards Act 1999.
- 1.3 Data are collected annually from local authorities (LAs) on food law enforcement activity with food establishments. These data are provided to the European Commission in accordance with the UK's obligations set-out in Regulation (EC) No 882/2004 and published as official statistics.
- 1.4 The arrangements for monitoring LA performance are set out in the 'Framework Agreement on Official Feed and Food Controls by Local Authorities'¹. Data are collected electronically using a web-based system: Local Authority Enforcement Monitoring System (LAEMS).
- 1.5 Analysis of LAEMS data is undertaken by the FSA annually to assess how effectively and consistently official food controls are being delivered. This monitoring activity contributes to the FSA achieving its strategic goal of 'Food We Can Trust'².

¹ The Framework Agreement on Official Feed and Food Controls by Local Authorities:
https://signin.riams.org/files/display_inline/45532

² Food Standards Agency Strategy 2015-2020: Food We Can Trust
<https://www.food.gov.uk/sites/default/files/media/document/Food-Standards-Agency-Strategy%20FINAL.pdf>

2.0 Introduction

- 2.1 LAs provide LAEMS returns for food hygiene and food standards activities. Data includes the numbers of food hygiene inspections and interventions undertaken by LAs, as well as the number of establishments overdue an intervention, according to the frequencies prescribed in the Food Law Code of Practice (Wales).
- 2.2 An analysis of the 2016/17 LAEMS data for LAs in Wales demonstrates an overall reduction in the number of food businesses overdue a food hygiene intervention from 3,993 in 2015/16 to 2,360 in 2016/17. The Food Law Code of Practice (Wales) requires that interventions are applied in a risk based manner and enforcement activity, directed at those businesses that present the highest risk (category A-C rated).
- 2.3 The data has shown that LAs are continuing to adopt a risk based approach, as most overdue food hygiene interventions (80%) relate to lower risk establishments (category D to E rated). Interventions can alternate between official controls and activities that are not official controls at category D rated establishments. Category E rated establishments may be subject to activities that are not official controls e.g. alternative enforcement strategies (AES).
- 2.4 The minimum frequencies of intervention are set-out in the Food Law Code of Practice (Wales) according to the assigned risk category i.e. six monthly for category A rated establishments to once every three years for category E rated establishments. Where food establishments within lower risk categories are overdue an intervention, an inspection or official control may not always be required.
- 2.5 Whilst overall improvements were observed in 2016/17 LAEMS data, five LAs reported more than 200 establishments that were overdue a food hygiene intervention. These ranged from category B to category E rated establishments, as well as unrated establishments i.e. those identified by a LA that have not been subject to a primary inspection from which a risk category rating is assigned.
- 2.6 The FSA took action in respect of these five LAs to explore the reasons for the shortfall in interventions and to require plans be set-out for improving their performance.

Reason for Visit

- 2.7 In its 2016/17 LAEMS return, the City and County of Swansea Council reported to the FSA a total of three establishments that were overdue a food hygiene intervention. Consequently, the FSA did not identify this authority as a priority for follow-up action.

- 2.8 Data to inform an FSA focused audit programme submitted by the authority in October 2017 revealed discrepancies between the 2016/17 LAEMS return and their latest dataset in respect of overdue food hygiene interventions. The latest dataset indicated there were more than 700 category D and category E rated establishments overdue a food hygiene intervention in the same period as the 2016/17 LAEMS return. This figure represents a significant shortfall in comparison to other LAs in Wales for this LAEMS reporting period.
- 2.9 The FSA arranged a meeting with relevant service managers at the authority's offices located at The Guildhall, Swansea on 19 April 2018 to explore the discrepancies in the data.

Aim of Visit

- 2.10 The visit was undertaken to assess the authority's arrangements for the accurate submission of its LAEMS returns; to ascertain the reason(s) for the identified discrepancies and to provide recommendations for any improvements necessary.

Scope of Visit

- 2.11 A review of the authority's processes and procedures for collating, analysing and verifying its food hygiene enforcement monitoring data, and arrangements for scrutinising and appropriate sign-off of the LAEMS return was undertaken. The visit comprised:
- discussions with key officials responsible for reporting food law enforcement activity data through LAEMS, including arrangements for accessing the system, data uploads, checks and adjustments on monitoring return data, and sign-off;
 - an examination of the Food Service Delivery Plan (Service Plan) 2017/18, Food Safety Procedure: Internal Monitoring and draft Procedure for LAEMS; and,
 - an analysis of food hygiene intervention data extracted from the database and records of new establishments awaiting a primary food hygiene inspection.

3.0 Findings

LAEMS Data Submission Process

- 3.1 The authority had appointed a Systems Administrator, and Team Leader Food and Safety who had responsibility for maintaining accurate records of food hygiene enforcement activities on the food service's database. These post-holders were also responsible for producing and checking data for the food hygiene LAEMS return. The Head of Housing and Public Protection had responsibility for ensuring validation checks and sign-off of the LAEMS data.
- 3.2 The users of LAEMS had been assigned the appropriate level of access according to their responsibilities. At the time of the visit the post-holder who was responsible for sign-off of the 2016/17 LAEMS return was no longer in post. Whilst the interim Head of Housing and Public Protection had not been provided access to LAEMS, it was confirmed that the authority had the facility to create a new user account.

Recommendation 1

- 3.3 The authority should ensure that a LAEMS account with the appropriate level of access is created for the interim Head of Housing and Public Protection and instructions are provided to ensure the system is operated in such a way as to provide the required information to the FSA.
- 3.4 The authority had developed a draft procedure for LAEMS, which provided guidance to officers responsible for submitting food hygiene and/or food standards LAEMS data to the FSA, including arrangements for sign-off. The advice contained within the procedure was consistent with the instructions and data requirements in the FSA's LAEMS guidance.
- 3.5 Whilst the authority did not have a documented procedure in place when submitting its 2016/17 LAEMS return, the officers responsible were able to explain the process followed for supplying LAEMS data. The Systems Administrator's role involved extracting and uploading data in the appropriate format from the database. The Team Leader Food and Safety's role was to carry out automated and manual checks to identify and correct any errors or inconsistencies in the data.
- 3.6 When identifying errors following the initial upload of LAEMS data, an authority can apply a correction by uploading revised data or by manual on-screen adjustment. It was confirmed that the authority did not apply any manual adjustments to its 2016/17 LAEMS return.

3.7 The final stage of submitting a LAEMS return, i.e. sign-off, can only be performed by a user with the necessary permissions, usually the Head of Service. As the former Head of Housing and Public Protection was not available, it was not possible to verify how the sign-off process had been undertaken.

Service Delivery Planning

3.8 The authority had developed a Service Plan 2017/18, which had been approved by the Head of Housing and Public Protection and relevant Cabinet Member in November 2017. The Service Plan detailed the risk category profile and numbers of establishments, including unrated that were overdue and due a food hygiene intervention in the year. Information was also included on the authority's planned intervention activity.

3.9 A commitment was provided in the Service Plan to inspect 100% of high-risk establishments due an intervention in 2017/18. However, there was no stated intention to carry out interventions at lower risk establishments in accordance with the required frequencies.

3.10 The Service Plan stated that 'category D and E rated premises had not been routinely inspected since approximately 2002'. It was reported in the Service Plan that 222 category D and 532 category E rated establishments were overdue an intervention.

3.11 Although the requirement relating to timeliness of primary inspections at new businesses was acknowledged in the Service Plan, the authority stated it was unable to meet its obligation.

3.12 During the visit, it was noted there were 139 category D and 587 category E rated, and 186 unrated establishments on the database overdue an intervention at 1 April 2018.

3.13 A review of LAEMS data for 2015/16 revealed the authority had reported more than 500 category D and category E rated establishments overdue a food hygiene intervention. As the authority had not planned to inspect lower risk establishments in the subsequent year, the reported reduction in overdue interventions should have been identified as being inaccurate, when data checks were carried out.

3.14 The authority's 2016/17 LAEMS return had not been subject to amendment by manual on-screen adjustments. Therefore, an error must have occurred in extracting and uploading data from the database to LAEMS. The subsequent data checks and sign-off process were evidently insufficient. The process for checking data in accordance with the guidance is critical to ensure the accuracy of LAEMS returns and provide meaningful information to the FSA on the authority's performance.

Recommendation 2

3.15 The authority should ensure that each stage of the LAEMS submission process is carried out in accordance with LAEMS guidance so that it can provide the required information to the FSA.

Internal Monitoring

3.16 During the visit, the authority advised it had identified the inaccuracy in its 2016/17 LAEMS return before being contacted about the matter by the FSA. However, the authority had not taken steps to notify the FSA that an amendment was required to this LAEMS return.

3.17 An internal investigation to establish the reasons for the inaccuracy had been carried out by the authority. A verbal explanation of the findings was provided, which was consistent with the conclusions of the FSA's visit.

Recommendation 3

3.18 The authority should notify the FSA of any inaccuracies identified in its previous LAEMS returns in a timely manner so that the data can be amended accordingly.

4.0 Conclusion

- 4.1 The FSA's visit identified the need for improvement in the authority's arrangements for producing, checking and validating data in its annual LAEMS return. The authority had not followed FSA guidance to ensure the accuracy of its LAEMS return.
- 4.2 Three recommendations for improvement have been identified and the authority has been requested to produce an action plan to address these recommendations.

5.0 Recommendations

5.1 The visit to the authority identified three recommendations for improvement, as listed below:

Recommendation 1

The authority should ensure that a LAEMS account with the appropriate level of access is created for the interim Head of Housing and Public Protection and instructions are provided to ensure the system is operated in such a way as to provide the required information to the FSA.

Recommendation 2

The authority should ensure that each stage of the LAEMS submission process is carried out in accordance with LAEMS guidance so that it can provide the required information to the FSA.

Recommendation 3

The authority should notify the FSA of any inaccuracies identified in its previous LAEMS returns in a timely manner so that the data can be amended accordingly.

Auditors:

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Annex

Status Key

Action Plan: Visit to the City and County of Swansea Council on 19 April 2018 regarding their 2016/17 Local Authority Enforcement Monitoring System (LAEMS)

Return

	Completed
	Good Progress
	Limited Progress
	No Action Taken

TO ADDRESS (RECOMMENDATIONS)	STATUS / BY (Date)	PLANNED IMPROVEMENTS	PROGRESS TO DATE	OUTSTANDING
<p><u>Recommendation 1</u></p> <p>The authority should ensure that a LAEMS account with the appropriate level of access is created for the interim Head of Housing and Public Protection and instructions are provided to ensure the system is operated in such a way as to provide the required information to the FSA.</p>		<p>LAEMS account with the appropriate level of access has been set up for the Interim Head of Housing and Public Protection.</p>	<p>The authority has created a LAEMS account with the appropriate level of access. This has enabled sign-off of the 2017/18 LAEMS data.</p>	<p>Completed</p>

<p><u>Recommendation 2</u></p> <p>The authority should ensure that each stage of the LAEMS submission process is carried out in accordance with LAEMS guidance so that it can provide the required information to the FSA.</p>	<p>OPEN - 31/5/18</p>	<p>A new procedure covering the LAEMS submission has now been implemented. The procedure follows LAEMS Guidance and all future submissions will follow the procedure.</p>	<p>Unverified</p>	
<p><u>Recommendation 3</u></p> <p>The authority should notify the FSA of any inaccuracies identified in its previous LAEMS returns in a timely manner so that the data can be amended accordingly.</p>		<p>The procedure has been amended to include notifying the FSA in a timely manner if inaccuracies in data are identified.</p>	<p>The authority has notified the FSA of revised 2016/17 LAEMS data relating to overdue food hygiene interventions.</p>	<p>Completed</p>