

To: All local authorities in England
Port Health Authorities in England

Title: Regulating our Future (ROF) - change expectations for local authorities for 2019-2020. Update on the outcome of the consultation on the Food Law Code of Practice		Date: 17 December 2018
Summary: Summary ROF programme update to inform Local Authority Food Law Enforcement Service Plan and Official Control resource planning for 2019-2020		Notification <ul style="list-style-type: none"> • Hygiene • Standards • FHRS
Key words: ROF, Food law enforcement service plan, Official Controls, Food Law Code of Practice		URN: FSAEN18059
Classification: <ul style="list-style-type: none"> • Official 	Notification type: <ul style="list-style-type: none"> • Digest (daily/weekly) 	Letter category: <ul style="list-style-type: none"> • Corporate

Dear Colleague,

I wanted to update you on two issues prior to the Christmas holiday break.

Regulating our Future (ROF) - change expectations for local authorities for 2019-2020

You will be aware that over the last year we have progressed from planning for food regulatory reform under the Regulating Our Future Programme (ROF) to delivery and implementation of some of the key elements of the modernised system. We want to provide you with some detail of what will be happening over the next twelve months and the changes we anticipate for local authorities. We hope that this will help for planning your work activities and programmes for the new financial year.

The appended table provides information on the areas of work that we will be taking forward next year where local authority change activity will be needed. It also outlines other areas of work where further development work will be taking place and on which we anticipate consultation/engagement with you over the next year.

Consultation on the Food Law Code of Practice (England)

We are very grateful to all those who responded to the consultation that took place between July and September this year and for your views on changes that we proposed to align the Code with ROF changes to the regulatory system.

We are currently finalising the formal response and anticipate that we will issue this in early January.

In the meantime, I can confirm that following analysis of the responses and further consideration of the issues, we propose at this stage only to take forward amendments related to enhanced registration and Primary Authority national inspection strategies. These changes will not be made, however, until after April 2019 and should not have an impact on your planning for 2019/20.

We will also be giving further consideration to the other issues that we consulted on and will come back to you about those in due course.

Should you have any questions on the above, please direct your enquiry via the dedicated ROF mailbox: futuredelivery@food.gov.uk

In relation to the UK's exit from the EU, we will write to you about the short-term impact on local authorities once we have more clarity on the terms of exit.

Finally, I should like to take this opportunity to thank all our local authority colleagues for the important work that they have undertaken over the last year in protecting public health and consumer safety, and for all your contributions to helping us shape a modernised system through the ROF programme.

Yours faithfully,

Michael Jackson
Head of Regulatory Compliance Division

Appendix: ROF activity in 2019/20 and local authority service delivery planning

ROF programme changes that will affect local authorities in 2019/20	Issues that will not directly impact local authority services in 2019/20
Enhanced Registration / Register a food business service (RAFB)	
<p>During 19/20 the ambition is to enable all local authorities to adopt the new digital registration service.</p> <p>For local authorities this will mean:</p> <ul style="list-style-type: none"> • reduced administrative burdens from not having to re-key data on their Management Information Systems (MIS) • automatic confirmation of registration for the food business operator that includes the issue of a unique food business registration number • automatic confirmation of registration for the local authority that includes a pdf of the registration data for their records • ability for a copy of the registration information to be sent simultaneously to food standards colleagues (if required) • knowing that food business operators have been provided with access to relevant guidance and support documentation • an easy way for food officers to formally register a business whilst on inspection or during a visit. <p>Our expectations of local authorities are to:</p> <ul style="list-style-type: none"> • provide support, in partnership with their MIS provider, to introduce the new registration service • adopt the new registration link and encourage food business operators to use it • connect their MIS (databases) to the new digital registration system via the RAFB Application Programming Interface (API) • change registration processes to embed the new digital approach in their ways of working • amend local authority websites to reflect changes to the registration process and signposting to new pages for business support on food.giv.uk 	<ul style="list-style-type: none"> • The link between registration and segmentation/risk assessment of new businesses will not be implemented during 2019/20. • We will continue to gather evidence in relation to the introduction of a Permit to Trade system in England, Wales and Northern Ireland but there will be no changes for local authorities over the next year. • Similarly, we will keep policy on sanctions for food businesses that fail to register under review including the possibility of introducing fixed penalty notices but again, there will be no changes for local authorities over the next year.

ROF programme changes that will affect local authorities in 2019/20	Issues that will not directly impact local authority services in 2019/20
National inspection strategies	
<ul style="list-style-type: none"> • The changes to the Codes of Practice in England and Wales are expected to achieve better alignment between Primary Authority and the requirements of the Codes – although there has been the potential for any primary authority partnership to develop a national inspection strategy in England or Wales since 2009, the Codes of Practice have not specifically referenced them. National inspection strategies will now be referenced in the Codes for the first time. • FSA expects one or two primary authority partnerships will develop the first ‘pilot’ national inspection strategies for trialling during 2019. FSA will work collaboratively with these partnerships to support and learn from these trials. • FSA expects local authorities with businesses included in a national inspection strategy to engage in the national inspection strategy pilot, and to follow the national inspection strategy as required by both Primary Authority legislation, and the requirements of the Codes. • FSA has published a first draft of the FSA’s standards for primary authority partnerships who wish to develop and implement a national inspection strategy, and those that relate to the FSA’s oversight and assurance roles. • FSA encourages local authorities to continue to provide their views on these draft standards, and any views they have during the trialling of the first national inspection strategies. 	<ul style="list-style-type: none"> • FSA does not expect the number of national inspection strategies to be significant during 2019/2020, and therefore is unlikely to impact significantly on planned interventions required by local authorities.
Segmentation	
<ul style="list-style-type: none"> • Volunteer authorities will be working with a research company between January and April 2019 to help build the predictive models for future versions of the risk engine. • Inspection findings from new businesses registering through the RAFB service with early adopter local authorities will be used to validate the basic version of the rules engine. 	<ul style="list-style-type: none"> • The FSA has committed not to introduce the changes to the risk assessment system until the new LA performance framework is in place • Further consideration will be given to the proposed changes to the Food Law Code of Practice relating to concept of ‘full compliance’, recognising sustained compliance and removing the score for vulnerable groups.

ROF programme changes that will affect local authorities in 2019/20

Issues that will not directly impact local authority services in 2019/20

Food standards

- Local authorities will have the opportunity to discuss the development of the new approach to food standards delivery through engagement events in early 2019.

Food Hygiene Rating Scheme (FHRS)

- We will be working with local authorities to explore options for adapting the FHRS to ensure it continues to operate successfully as part of the modernised regulatory system.

- No significant changes to operation of the FHRS are anticipated in 2019/20.
- We will be continuing to seek opportunities to progress to a statutory scheme in England.

Sustainable Funding

No significant activity/change for local authorities

- We will continue to explore options for sustainable funding of regulatory activities based on businesses bearing the costs but will be introducing any new funding model during the next year.

Competency framework

- Work to define the competency arrangements to support a sustainable future delivery model will be undertaken.
- We will involve local authority representatives through development forums and informal consultation routes.
- There will be formal consideration of the eventual proposed direction on competency arrangements.
- Where a need exists, we will address specific issues that arise earlier than this to ensure the effective operation of the current delivery model – an example here would be the changes announced by CIEH to the EHRB arrangements.

Third party assurance

No significant activity/change for local authorities.