



Orkney Islands Council

Planning and Community Protection Service

Environmental Health

Food Regulatory Service Plan for 2023/24

Contents

1	Foreword.....	4
2	Service Aims and Objectives.....	5
2.1	Aims of the service	5
2.2	Service Objectives.....	5
2.3	Strategic planning and links to the council priorities	6
3	Background.....	6
3.1	Local Profile.....	6
3.2	Organisational Structure	6
3.3	Service Delivery Points.....	7
4	Scope of Service	7
4.1	Key functions of the council in relation to food law	8
4.2	Key functions of the council in relation to animal food and feed	9
5	Demands on the Food Service	11
5.1	Approved Premises	11
5.2	Milk Production Holdings	11
5.3	Programmed interventions.....	11
5.4	Service requests and infectious disease	12
5.5	Port health	12
5.6	Backlog and legacy premises	12
5.7	Non inspection interventions.....	12
5.8	Food law database	13
5.9	Food hygiene information scheme	13
5.10	Primary Authority Scheme	13
5.11	Advice to Business	13
5.12	Food Sampling	14
5.13	Control and Investigation of Outbreaks and Food Related Infectious Disease	14
5.14	Food Safety Incidents	14
5.15	Food and Feedingstuffs Complaints	14
5.16	Liaison with Other Organisations	15
5.17	Food Safety Promotion	15
6	Enforcement Policy	16
7	Service Delivery for 2023/24	16
7.1	Approved premises.....	16
7.2	Programmed interventions.....	17
7.3	Backlog and legacy premises	17
7.4	Service requests, infectious disease and food poisoning	18
7.5	Support to new, existing and developing businesses	18

7.6	Sampling	18
7.7	Food safety promotion	19
7.8	Licensing consultations.....	19
7.9	Staff training and development	19
7.10	Port health	19
8	Staffing Allocation and resources.	21
8.1	Resources required	21
8.2	Resources available	21
8.3	Staff Development Plan	22
8.4	Financial Allocation.....	23
9	Quality Assessment.....	23
10	Review	23
11	Review of the year 2022/3.....	23
11.1	Notable activities throughout the year	23
11.2	Key data	25
11.3	Review against the previous service plan	26
12	Planned work in 2023/24.....	27
13	Glossary.....	29

1 Foreword

Orkney Islands Council recognises the importance that the local food industry plays in relation to employment, economic growth and the “Orkney brand”. The council also recognises that poorly managed and non-compliant food businesses create risks to the public and economic disadvantage to those businesses who wish to comply with the law. Therefore, the Council takes its duties and responsibilities as a statutory Food Authority and a regulator of food law seriously and commits to delivering a food law service which is appropriate for the needs of Orkney businesses, residents and visitors.

This Food Service Plan provides sets out our strategy for the coming year and our intention to target the council’s resources towards frontline services and the regulation of the higher-risk activities. It provides the framework for monitoring the impact of the service and the level of regulatory compliance.

The plan fits with, and adds support to the Environmental Health Team Plan, setting out the standard of performance that is expected to maintain public protection, professionally balancing the most effective means of engagement, be that through education, encouragement or, ultimately, enforcement. Through this Service Plan and the adopted enforcement policy the council acknowledges and supports the idea that assisting and encouraging business to meet food safety requirements is as important as identifying non-compliance, thereby contributing to the Council’s overall vision of working together for Orkney.

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2 Service Aims and Objectives

2.1 Aims of the service

This plan commits to the following overall strategic aims:

- To deliver the council's duties and responsibilities as a statutory Food Authority and regulator of food law.
- To help ensure that food placed on the market at local, national, or international level which is produced, stored, distributed, or handled within Orkney, is compliant with necessary food law.
- To support local business and encourage sustainable economic growth including through issuing certification to help local businesses trade in markets overseas and encouraging local businesses to meet best practice in regard to food law compliance.

2.2 Service Objectives

The aims will be achieved through the following supporting objectives:

- Providing advice and support to help businesses comply with their legal obligations.
- Delivering a programme of official control verification (OCV) interventions at approved premises and higher risk manufactures
- Delivering programme of risk-based inspections and interventions in relation to food businesses
- Ensuring that any action following an intervention is consistent, transparent, and proportionate to the risk.
- Maintaining an up to date register of food premises and list of approved premises
- Investigating complaints and taking appropriate and proportionate action regarding food, food standards or food premises/practices.
- Undertaking targeted environmental and food samples as part of a planned programme or to support a specific incident or investigation.
- Investigation of the causes of notified infectious diseases and assisting in educating on the prevention of their potential spread.

2.3 Strategic planning and links to the council priorities

The Council has published a new council plan for 2023-28 which sets out how the council will deliver its ambitions for Orkney's future and deliver the very best for communities and businesses. Although the plan highlights in some detail the important strategic priorities for the council, it also emphasises that the essential services provided by the council are a top priority. This includes the council's function as a Food Authority and regulator of food law.

Critically the Council plan emphasises the council's ambitions to help improve the local economy and maintain our existing high standards of service. The themes of the Council plan, including delivering front line statutory services are reflected through the Council Delivery Plan, Directorate Action plan(s) and Individual team plans.

Whilst the majority of food law activity is undertaken by the council's Environmental Health Team, the Council recognises acknowledges the valuable support from other Council teams and partners such as FSS, NHSO, the Police, Marine Scotland, COPF service and the Scottish Authorities in their assistance in meeting our obligations and duties in relation to food law.

3 Background

3.1 Local Profile

Orkney is located six miles north of the mainland of Scotland and is an archipelago of 54 islands, of which 18 are inhabited. Orkney covers an area of 974 square kilometres, with more than half being taken up by the mainland of Orkney. The main island is known as Mainland, with the south isles of Burray and South Ronaldsay joined by the Churchill Barriers. The outer islands to the north of Mainland are Shapinsay, Rousay, Egilsay, Wyre, Westray, Eday, Sanday, Stronsay, Papa Westray, North Ronaldsay and to the south of Mainland Hoy, Graemsay and Flotta.

The total population of Orkney is estimated at over 22,000, with approximately 80% living on the Mainland of Orkney and linked islands. Population projections show Orkney overall is ageing at a faster rate than Scotland.

Agriculture is the main source of economic activity, followed closely by tourism. Other industries include oil, fishing, salmon farming, renewable energy production, craft industries and food and drink processing.

Although Orkney is geographically isolated, the islands are well served by transport links to mainland Scotland.

3.2 Organisational Structure

The food law activities of the Council are provided by the "commercial team" within Environmental Health which, along with Trading Standards, is part of the Council's Planning

and Community Protection Service. A structure chart for Environmental Health is in appendix 1 and it will be noted that Environmental Health staff cover the full range of environmental health duties on behalf of the Council. Administrative support is provided by the Council's directorate support service.

The Service Manager – Environmental Health has the responsibility for the operational delivery and strategic direction of the Environmental Health service and the Service Manager – Trading Standards has responsibility for the operational delivery and strategic direction of the Trading Standards Service which includes the regulation of animal feed.

The Lead Food Officer is an Environmental Health Officer within the Commercial Team and that team comprises 3 full time members of staff. However, this does not equate to 3 full time equivalent staff members for food law activities, as the commercial team is responsible for the delivering, amongst other things, the Council's functions as a health and safety enforcing authority, infectious disease control, and also supports the functions of Port Health and Licensing standards.

3.3 Service Delivery Points

Staff are based at the main Council building in Kirkwall and the council has introduced the option of a hybrid working scheme which employees are able to request. The general approach is that engagement with duty holders and food business operators is at the business address rather than at the main Council offices. The Service can also be accessed by telephone, email or in person at the "One Stop Shop". In addition, out of hours inspections/visits also take place according to risk and business need. This includes out of hours work to support the Council's role as a Port Health Authority.

Voice mail systems are in place for calls received out of hours and, with the exception to the port health email account, e-mails will only be dealt with during office working hours. The service does not operate a formalised out of hours emergency response service but informal arrangements are in place for the Council Safety and Contingencies Manager and Emergency Services (including NHS Orkney, FSS, Scottish Water and HSE) to contact Environmental Health or Trading Standards outside normal office hours in response to an emergency however the informal nature of this service does not guarantee a response can be made before the next working day.

4 Scope of Service

The portfolio of food businesses within Orkney fluctuates, but at the time of writing is in the order of 700 and ranges from primary production sites, international exporters, to caterers and "honesty boxes" at the farm gate. Orkney products have international renown and are sold locally as well being exported worldwide.

The numbers and categories of food hygiene/food standards premises, as defined by Food Standards Scotland, are shown in Table 1.

Table 1: Number and Type of Food Businesses

Type of food business	Number
Caring premises	30
Caterer – other	65
Distributor/transport undertaker	4
Fishing vessel	111
Hotel/ guesthouse	55
Manufacturer/packer	57
Mobile food unit	22
Nursery	2
Primary producer	96
Pub/club	15
Restaurant/café/canteen	109
Restaurants and caterers – other	25
Retailer	19
School/college	22
Smaller retailer	50
Supermarket/hypermarket	6
Takeaway	12
	702

4.1 Key functions of the council in relation to food law

The following are the key functions carried out by the environmental health team on behalf of the council as a Food Law authority.

- Inspection of premises where food is manufactured, processed, prepared, or sold to ensure that it is handled and produced safely and that the premises operate in a hygienic manner to at least minimum legal requirements.
- Inspection of food businesses to ensure legal compliance with; quality, composition, labelling, presentation, and advertising.
- Issuing approvals for premises that manufacture or process designated high risk products of animal origin
- Undertaking official control verification at approved premises
- Providing advice and guidance to food business operators on how they can achieve compliance with the law, manage risks and implement best practice
- Investigation of food complaints in respect of contamination, composition, labelling and unhygienic practices.

- Obtaining samples of food and submitting them for examination and analysis to ensure it is free from contamination and that the composition and labelling is accurate.
- Investigation of cases and outbreaks of food poisoning and food borne disease in partnership with NHS Orkney.
- Issuing relevant export certificates to facilitate trade outwith the UK
- Issuing registration documents to allow the movement of certain species of shellfish.
- Responding to food alerts, allergen alerts, food incidents and participation in incident management teams as necessary
- Sharing intelligence and information on food crime, food fraud and other issues of concern with FSS and other relevant partners.
- Responding to information requests
- Implementing product withdrawals
- Liaison with food standards Scotland, in particular the food crimes and incident branch
- Promoting issues of priority or concern to businesses, residents and visitors to Orkney
- Staff training and development to maintain a competent and sustainable cadre of Authorised Officers
- Providing certificates to enable street trading and food sales as part of a premises licence.
- Maintaining an accurate database of food premises and activities.

4.2 Key functions of the council in relation to animal food and feed

The council's Trading Standards Team carries out the following functions in relation to food and feed:

- Inspects premises in which feed is manufactured and stored for sale to establish that procedures are in place to ensure compliance with the compositional and labelling requirements of feed legislation and to ensure compliance with feed hygiene and primary production requirements.

- Inspects livestock and arable farms to ensure safe production of feed and good animal feeding practices.
- Investigates complaints about feed.
- Takes samples of feed when necessary for examination and analysis to ensure freedom from contaminants and compliance with compositional and labelling requirements.
- Provides advice and information to businesses that manufacture, store, distribute and supply feed on the requirements of applicable legislation.
- Has a statutory duty to enforce legislation applicable to fertilisers and can undertake this duty along with feed enforcement at applicable premises.
- Provides the council's animal welfare functions

Animal Feed Update

On 1 April 2021 Food Standards Scotland (FSS) became the authorised body for animal feed enforcement replacing local authorities. This was to address weakness in feed enforcement in some areas of Scotland, mainly urban, where animal feed, animal welfare, and primary production was not considered a priority and had not been resourced with no staff maintaining the annual statutory continuous professional development (CPD) in this area of work.

FSS invited all local authorities to enter into Direct Service Level Agreements (DSLAs) with them to enforce animal feed legislation in their areas and Orkney Islands Council duly contracted to do so, initially entering a 3 year agreement which will be reviewed in 2023/24. Within Scotland 7 local authorities, again mainly urban, opted not to enter into a DSLA and consequently FSS has employed and trained their own staff to undertake animal feed enforcement in those areas.

FSS is now responsible for management of the statutory animal feed register which has almost 800 businesses registered in Orkney and prescribes which registered premises Orkney Islands Council has to visit and inspect each year and how many formal or informal feed samples the local authority has to take. These inspections are programmed to dovetail with animal welfare inspections so the duty is not onerous and FSS provides free training each year to ensure all officers involved maintain the annual statutory 10 hours continuous professional development required. Presently the Trading Standards Manager and the Animal Welfare Officer maintain the necessary CPD.

In 2022/23 Orkney Islands Council undertook all the enforcement activity prescribed in the DSLA and does not expect FSS to have any issues with the service provided on Orkney.

5 Demands on the Food Service

5.1 Approved Premises

There are 34 premises in Orkney that (at the time of writing) hold approval status under Regulation (EC) No 853/2004. These approved premises meet higher legal requirements as they process or handle products of animal origin. Approved premises are subject to Official Control Verification (OCV). Additionally, there are 7 premises which are being supported to go through the approval process.

Products	Number of approvals
Coldstore	2
Dairy	8
Eggs	10
Fishery products	12
Meat preparations	1
Meat products	3
Shellfish	11

Note some premises hold more than one approval.

Premises subject to Official Control Verification have an enhanced system of inspection and auditing deemed necessary to ensure businesses undertaking high risk activities with products of animal origin meet the stringent requirements for food safety. Where previously an inspection could have taken 2½ hours, an official control can take between 5 and 8 days, according to the size and complexity of the operation. This has a great impact on the service demands.

5.2 Milk Production Holdings

In addition to the above Approved premises under Regulation (EC) No 853/2004, there are currently 18 premises approved as milk production holdings. These are not regulated by the council.

5.3 Programmed interventions

Following the creation of Food Standards Scotland on 1 April 2015, the Food Law Code of Practice was issued to ensure an effective, consistent and proportionate approach to the delivery of Food Official Controls by Local Authorities across Scotland to protect food safety and the wider interests of consumers. Its subsequent revisions have updated and consolidated this approach.

Orkney Islands Council considers programmed inspections (also termed “interventions”) of food premises to be an essential element in protecting the food available to consumers in their area. In accordance with the Statutory Codes of Practice, all food premises are either inspected on a risk assessed basis as part of a rolling programme or in the case of approved premises subjected to at least 1 official control verification (OCV) intervention per year.

For premises subject to a risk based inspection, the frequency of inspection is determined in line with the code of practice. The assessment now has three groups, each sub-divided into 5 bands, each having their own inspection frequency. The groups identify the production and handling activities and the band is identified by the compliance achieved by the business in terms of both standards and hygiene. From this matrix the next inspection can be identified, be that a 1-month or up to 60 months intervention frequency in the case of sustained compliance.

5.4 Service requests and infectious disease

The service receives requests of all types relating to food law. These may include requests to provide information and guidance, through to responding to food alerts and participating in Incident Management Teams dealing with serious issues.

5.5 Port health

Although the primary port health function sits within another part of the Environmental Health team, Officers from the food team provide support and assistance to the port health function. Orkney is not a Border Control Point, so the port health work primarily relates to ship sanitation inspections, granting of free pratique and general support to the cruise ship and commercial port operations. This results in pressures, especially during the summer “cruise season” where out of hours work is necessary.

5.6 Backlog and legacy premises

There are a number of premises which, owing to staff shortages and covid19 are still in need of an inspection. These are considered as “backlog/legacy” premises and have been factored into the resource calculation for the coming year.

5.7 Non inspection interventions

Where appropriate the Council also undertakes alternative non inspection interventions including sampling, monitoring, surveillance or education and this enables a lighter touch for compliant premises meaning resources to be targeted on non-compliant premises in line with the enforcement policy.

5.8 Food law database

The council's food law database is currently provided by Civica APP and is automatically linked to the Scottish National Database (SND) meaning that data relating to official controls and other interventions at food businesses across all Scottish Authorities is held centrally in one place for consumers to access. It is recognised that a "de-support notice" may be issued for the Civica APP system and this will entail obtaining a replacement, keeping in mind the FSS SAFER programme and council's IT strategy.

5.9 Food hygiene information scheme

The council participates in the Food Hygiene Information System (FHIS), which is an FSS/local authority partnership initiative for providing consumers with information about hygiene standards in places where they eat or shop for food. The overarching aim is to reduce the incidence of foodborne illness (and the associated cost to the economy) through improved hygiene standards. Relevant businesses are able to display a 'Pass' or 'Improvement Required' certificate which is issued by the council after inspection of a relevant premises.

5.10 Primary Authority Scheme

Orkney Islands Council acknowledges the Primary Authority scheme, but has few businesses that are either eligible or situated within Orkney that are participants of the scheme. Where a business does operate a primary Authority, the officers of the council will take note of any inspection plan produced by the primary authority to improve the effectiveness of inspection, avoid repeated checks and enable better sharing of information.

The service also acknowledges the duty of Orkney Islands Council to respond to requests for originating authority reports from any food authority whose investigations identify a manufacturer or supplier within Orkney.

The Council acts as originating authority for all Orkney food businesses. The current policy is to investigate all authority referrals.

5.11 Advice to Business

The bulk of advisory work is carried out during inspections and visits. This includes advice on compliance with all aspects of food law (ie hygiene, safety and standards). The Service also provides advice, through the planning liaison service to potential business start-ups or when significant refurbishment is being considered.

The Service also provides advice on request to both businesses and consumers.

5.12 Food Sampling

Sampling programmes incorporate the North of Scotland Food Liaison Group initiatives and national surveys initiated by the Scottish Food Enforcement Liaison Committee (SFELC), the Health Protection Scotland (HPS), Food Standards Scotland, and Food Standards Coordinating Working Group (FSCWG). Where possible, sampling is focused on food produced for local consumption in Orkney or wider distribution.

Orkney Islands Council supports the Scottish Food Safety Database which electronically records and downloads all food and feed sampling. Sample results are placed on a secure website where national trends can be easily identified.

Programmed sampling does not include formal sampling, which is required where formal enforcement action is considered. However, the logistics of taking formal samples and the transfer of those to the Public Analyst in Edinburgh make for compliance with the code nigh on impossible to meet; this is a recognised risk and would need to be factored into the response to any serious incident or outbreak. Only trained Food Enforcement Officers carry out formal sampling.

5.13 Control and Investigation of Outbreaks and Food Related Infectious Disease

The council works with NHSO colleagues to investigate, respond and control cases and outbreaks of infectious disease, including potential or actual cases of food poisoning and foodborne disease. In the event of a food or water-borne incident, and where issues of public health dictate, staff will be diverted from pro-active work to attend to the incident. A joint health protection plan, prepared with NHSO covers this work.

The Service has no formal out-of-hours arrangements and relies on the good will of officers to respond to out-of-hours incidents. The Service also holds a list of out of hours contact details for its food enforcement staff, which can be utilised in situations where there is a serious or imminent threat to public health.

5.14 Food Safety Incidents

The Food Service receives notification of Food Alerts to the authority by email and text. This system is monitored throughout each working day and out-of-hours contact arrangements are registered with the FSS, including communication by text message to key personnel. Similar procedures are in place in relation to Allergen Alerts.

5.15 Food and Feedingstuffs Complaints

The Service will consider and, where appropriate, fully investigate every food complaint in accordance with procedures and the Food Law Code of Practice including recording data on the relevant national databases. All food complaints are evaluated on receipt by an Authorised Officer. Complainers are informed of the proposed course of action and of the

progress and outcome of their complaint. The Council has appointed a public analyst and food examiners to assist with investigation of food complaints and the analysis of samples.

Where food involved in a complaint originates outside Orkney, liaison with the appropriate Primary/originating or enforcement authority is undertaken. Arrangements are in place to allow the transfer of information and investigatory responsibilities with other Local Authorities or Food Standards Scotland when necessary. All subjects of complaint, if sent to the Public Analyst for examination or analysis, are recorded on the national electronic Food Surveillance System/Scottish Food Sampling database, in accordance with laid down procedures.

5.16 Liaison with Other Organisations

The principal vehicle for inter-authority liaison is the North of Scotland Food Liaison Group, where the Environmental Health Officer for the commercial team represents the authority. The attendance at these meetings ensures consistency of enforcement and best practice in regard to food hygiene issues and cooperation with key partner agencies such as Food Standards Scotland.

The Service Manager - Environmental Health Manager attends meetings of the Orkney Local Emergency Planning Group, which is a multi-agency group set up to deal with any emergency incident affecting Orkney. The Service Manager is also invited to attend the Scottish Health Protection Network Gastro, intestinal and zoonotic diseases group (SHPN GIZ). Regular meetings take place between the Service Manager, Scottish Water Public Health Team and NHSO. These liaison arrangements will be continued, as they ensure a consistent enforcement approach with other Scottish Local Authorities and support partnership initiatives, particularly for staff training. Attendance is also a requirement of the Framework agreement between local authorities and the FSS.

The Service also has internal liaison arrangements with the Building and Planning Control Services for prospective and refurbishment of food business premises and with the Licensing Committee and Board for licensed food premises and Street Traders.

When appropriate, attendance will also be sought at meetings held by other Agencies such as:

- Food Standards Scotland (FSS)
- Scottish Government Rural Payments and Inspections Directorate (SGRPID)
- Health Protection Scotland (HPS)
- Marine Scotland
- NHS Orkney

5.17 Food Safety Promotion

The authority will also participate in promotional activities with external agencies and other services within the Council, where it is deemed to support the protection of public health.

6 Enforcement Policy

The range of interventions allows food enforcement officers to use their professional judgement in applying a proportionate level of enforcement to each business and this is undertaken in line with the council's enforcement policy.

The council has adopted the Cabinet Office Enforcement Concordat. This is incorporated within the Environmental Health and Trading Standards General Enforcement Policy which has taken into consideration the Legislative and Regulatory Reform Act 2006, the Hampton Principles, and the Scottish Regulators' Strategic Code of Practice. We recognise the so called "4 Ees" of enforcement – "Engage, Explain, Educate, Enforce" and endeavour to apply these in order of preference, having regard to the nature of the risk and particular situation.

Members have agreed that a full review of the enforcement policy should take place during 2022/3, which would include bringing licensing functions into the scope of the enforcement policy. The new draft policy has been prepared but is yet to be released for consultation with partners, food business operators and the public. It will be approved by members before being placed on the council website. A graded approach is taken to enforcement interventions, with a minimum being a summary report left with the business after every visit inspection.

7 Service Delivery for 2023/24

The number of premises due for inspection will vary year by year, depending upon risk profile and there is also additionally variability as to the exact number of service requests, cases of infectious disease/food poisoning or food alerts that will be received during the year. Therefore, this section of the plan sets out the activities (identified at the time of writing) which are planned to be undertaken during 2023/24. Given staff resources, priority will be allocated to work on the basis of risk. As considerable work has been undertaken following the FSS audit to get the MIS up to date it is difficult to make comparisons with previous years, so the work programme for this year is to be treated as the baseline for future reference.

7.1 Approved premises

In accordance with the code of practice every approved premises will receive a minimum of 1 official control verification visit during the year.

OCV inspections are time consuming so a pre-audit questionnaire may be issued in advance of an OCV visit in order to make the most efficient use of time.

Following a series of water samples, work will continue with the owners of holding ponds to resolve identified legacy issues to help ensure the safety of products leaving the Orkney to other parts of Scotland and further afield.

This means a minimum of 41 OCV visits will be made

There are several premises which are currently being supported through the process to gain approval status and this work will continue, although it is difficult to generally predict the resource required to assist each premises to gain approval, as this will depend upon the nature of a activity and level of current compliance.

At the time of writing work is underway, following discussions with FSS to re-approve all establishments in line with the latest legislation this will continue throughout 2023/24.

Work with approved premises is deemed a top priority for the coming year.

7.2 Programmed interventions

For the year 2023/24 and based on current data, 102 premises throughout Orkney are scheduled to require a programmed risk-based intervention. The distribution of these premises across the risk categories is shown below. Interventions are scheduled by month, but this is not an even distribution so for efficiency purposes premises can be “brought forward” as convenient.

Group and band	Number due during 23/24
1B	9
1C	4
2A	3
2B	26
2C	11
3A	1
3B	47
3C	1
	102

(There are not any premises in the other groups and bands scheduled for programmed inspection this year)

Additionally, a number of manufacturing premises, that are not required to be approved, have been identified as benefiting from an OCV approach to inspection. This is because of the nature of the manufacturing activity, risk profile or economic significance. Therefore, an additional 19 premises will receive an OCV visit meaning a total of 121 risk based inspections are planned throughout the year.

7.3 Backlog and legacy premises

There remains a considerable backlog of premises requiring an intervention. This is due to legacy issues, staff shortages and the covid19 pandemic. Having reviewed the backlog of premises and keeping in mind the geography of Orkney, seasonality of trade and transport

efficiencies this plan advocates a geographical approach to clearing the backlog. At the time of writing the backlog of premises still due for inspection is as follows:

Island	Number of premises due a routine visit	Number of premises due an initial visit
Eday	1	
Flotta	1	
Hoy	9	
Linked isles	11	
Mainland	109	23
North Ronaldsay	2	1
Papa Westray	1	
Rousay	2	
Sanday	7	3
Shapinsay	3	2
Stronsay	6	1
Westray	7	6
	159	36

The intention being that when an officer visits one of the isles for a programmed intervention, they would also “pick off” any legacy premises on that island that need a visit – subject to time constraints.

7.4 Service requests, infectious disease and food poisoning

Based on the data available for 2022/23 the service would expect to deal with approximately 250 food law related service requests and 50 cases of infectious disease. Service requests will be dealt with on the basis of risk priority and public health significance, and it may be that visits and inspections need to be prioritised over service requests.

7.5 Support to new, existing and developing businesses

It is anticipated that throughout the year the service will be approached for advice on all aspects of compliance with food law. Experience shows this can be from existing business, those that are expanding or from individuals wishing to start up a new business. As well as environmental health and trading standards working together, we intend to try and build stronger links with the Council’s economic development team to ensure the council operates a joined up approach to business support.

7.6 Sampling

The council expects to participate in a food sampling programme, with samples being procured for the purposes of microbiological examination and chemical analysis. Additionally

the council has committed to support the University of West of Scotland in relation to environmental sampling for allergens in food premises.

7.7 Food safety promotion

The council is not intending to run any food hygiene training during the year, but has been approached (and has agreed) to help support NHS public health colleagues in the delivery of “cooking with confidence” sessions.

Throughout the year opportunities will be taken to make proactive media/information releases to deliver food safety messages. It is anticipated these will focus on:

- Food business registration/approval
- Natasha’s law
- Food hygiene information scheme

Additionally it is anticipated that reactive media releases will be made as the situation demands.

7.8 Licensing consultations

The service anticipates a small number of applications for section 39 and section 50 certificates throughout the year. However, a more significant demand will be responding to the consultations on applications for short term let licences where the application is from a food business. This is predicted to be in the order of several hundred applications. For this year, as part of a review of fees and charges the council has decided to introduce charges for s39 and s50 certificates.

7.9 Staff training and development

It is expected that requirement that all Authorised Food Officers undertake a minimum of 10 hours food related continuous professional development during the year, and individual training plans will be discussed with each Authorised Officer. Additionally as part of the council’s commitment to a sustainable workforce, the council will during the year support technical officers in becoming trained and qualified as environmental health officers/food safety officers.

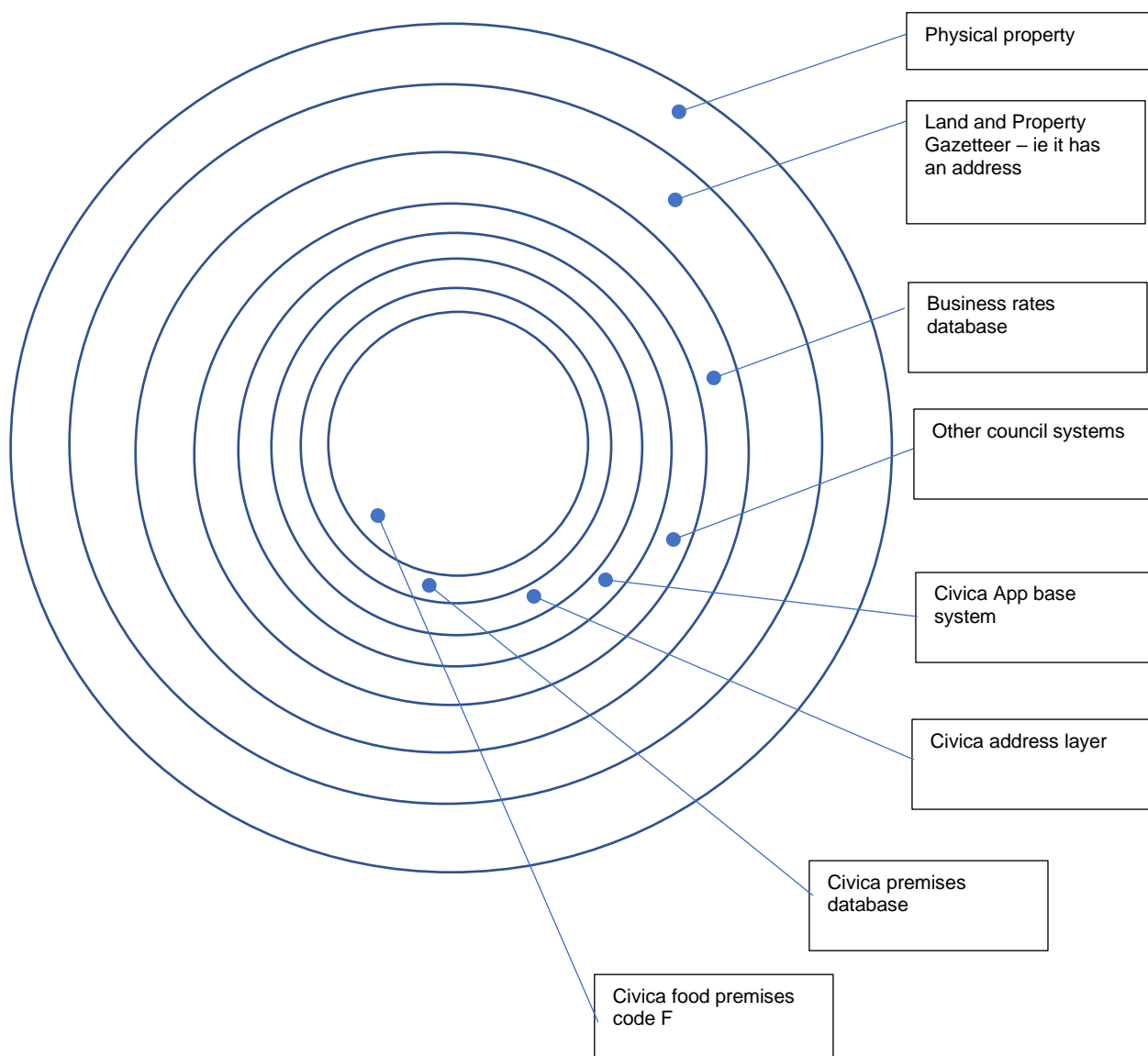
7.10 Port health

The Orkney Islands are the UK’s most popular cruise ship destination with over 230 cruise ships planned to call this year. Our approach is to visit all ships on their first calling within Orkney. Additionally there are requests expected throughout the year for ship sanitation inspections and the issuing of ship sanitation certificates. This includes vessels such as tugs,

tankers and oil rigs. Port health work places considerable demands on the service, especially during the “cruise season” where out of hours work becomes even more of a necessity to support the 24-7 nature of harbour operations. The current staffing approach is not sustainable and presents a risk in terms of staff resources, this is relevant in the context of food law, as officers from the commercial team provide cover for the EHO who is (amongst other things) the lead Port Health Officer.

7.11 Management information system and database

Whilst considerable work has been undertaken to update the MIS, it has become apparent that the data held on the MIS is not consistent with other datasets. This is best illustrated by way of concentric circles representing the different datasets with the food premises in the centre. The diagram below shows the levels of complexity associated with the food law database and the areas where triangulation of data needs to take place. Only premises which have been allocated a food premises code “F” will appear on the lists of approved, new, backlog and programmed inspections. Work is needed to check premises in the outer layers to see if they too need a code “F” and also to triangulate with data held on other council systems to avoid any missing premises. Unfortunately, the levels are not dynamically linked and in some cases rely on manual intervention to update the data.



8 Staffing Allocation and resources.

8.1 Resources required

The current staff structure is shown in appendix 1. In accordance with an action from an audit by FSS in 2022 a revised resource calculation has been undertaken using the methods prescribed by FSS. Although the resource calculation is subject to a number of variables, assumptions and “unknowns” it provides an indication of resources needed by the council to deliver its responsibilities as a Food Authority. For the year 2023/24 the resource calculation suggests a minimum of 708 Authorised Officer days of resource are required. This includes estimates for travel, keeping in mind the geography of Orkney.

The key resource requirements being:

Activity	Officer days
Premises subject to OCV regulation	234
Premises subject to programmed risk based interventions	90
Legacy/backlog inspections	160
New businesses requiring inspection	36
Other food law code of practice activities	154
Non food law code of practice activities	34
TOTAL AUTHORISED OFFICER DAYS (minimum)	708

This does not include management and administrative support or detailed follow up work from inspections and the complexities associated with enforcement actions or emergency interventions. It does not include resources needed in connection with trading standards work, staff training (other than mandatory CPD) or work required in connection with port health functions.

8.2 Resources available

Given the size of the team and the need to ensure flexibility and resilience within the team, the calculation of full-time equivalents is subject to a degree of uncertainty and is therefore less than helpful when making comparisons or undertaking benchmarking however, it can be used to make an assessment in accordance with the FSS methodology to give an indication if there is an adequate resource available to deliver the council's responsibilities as a Food Authority which is a statutory requirement under the Food Safety Act 1990. As the team is not just responsible for the delivery of food work, the table below shows the approximate percentage of time available which equates to 550 Authorised Officer days available for food related duties.

Authorised Officers	FTE (food)	Notes
Officer 1	0.8	Also the lead officer for health and safety at work inspections, investigations and enforcement and a

		Designated Person under the Public Health etc (Scotland) Act 2008
Officer 2	0.7	Undertaking studies to qualify as an EHO and carrying out port health duties. Also appointed as a Licensing Standards Officer
Officer 3	1.0	Currently only authorised for lower risk premises, intention to complete necessary training to enable inspection of wider range of premises
Officer 4	0.1	Part of a different team and assists on an ad hoc basis when circumstances allow. Lead Port Health Officer and a Designated Person under the Public Health etc (Scotland) Act 2008
TOTAL FTE	2.6	

Therefore, using the according to the method provided by FSS the resource calculation suggests the council requires as a minimum an additional 0.75 FTE to adequately deliver its food law functions. However, this assumes that there is no difference in levels of authorisation between officers and the resource calculation is naturally subjective. For comparison the FSS audit suggested a FTE equivalent resource of 4.4 FTE would appear appropriate for the council's needs.

In terms of administrative and management support the resource calculation shows there is adequate resource in place to support Food Authority functions, keeping in mind that the manager and administrative officer work across all aspects of the environmental health.

As part of the council's commitment to "growing its own talent" it is hoped that the service will be able to support a trainee environmental health officer in gaining their REHIS diploma in environmental health.

8.3 Staff Development Plan

Continuous Professional Development plans are being prepared for all staff within Environmental Health for the year, and as required by the Code of Practice the Council ensures that:

- All staff involved in food safety/standards interventions are appropriately qualified for the interventions they are authorised to undertake.
- Staff involved in the seizure or assessment of foods by inspection are Environmental Health Officers or Authorised Officers with specialist qualifications in food inspection.
- All staff involved in the inspection of approved premises and higher risk manufacturers have completed the Official Control Verification (OCV) course

- The council has a budget available for staff training and development and every member of staff discusses and identifies their training needs at a yearly development review with the service manager.

In recognition of the national shortage of environmental health staff, the council has made a commitment to a “grow your own programme” to support technical officers in qualifying as environmental health officers. The investment of time needed to assist with such officer training is *not* included in the resource calculation but is considered worthwhile in order to provide a sustainable workforce to meet the council’s duties.

8.4 Financial Allocation

The environmental health budget does not contain separate budget lines relating to food service activities. The budget for the financial year 2023/24 covering all environmental health activities is shown in appendix 2.

9 Quality Assessment

The Service has a historic “Quality Management System” (QMS) for a variety of regulatory activities; the Service Manager and Lead Food Officer have formed the opinion this is now outdated and in need of review and replacement. This task was included in the Environmental Health service plan, with a view to replacing the QMS system with a smaller number of meaningful procedure documents and maximising the functionality of the Civica APP system. This will take account of the new approaches to Food Law interventions and Official Control Verification. Revisions to the enforcement policy will also include a more formalised peer review system for cases where formal action such as notices are being used. This work remains ongoing and is not included within the resource calculation.

10 Review

The Service Plan will be reviewed on an annual basis following the end of each financial year and a “review of the year” and deviations from the service plan will be included in the service plan for the next year.

11 Review of the year 2022/3

11.1 Notable activities throughout the year

The service was able to make a case for an additional member of staff and members agreed to the post of “Food Safety Officer” being created. The funding for this post was released in April 2022 and a successful appointment was made, with the post holder starting in October

2022 and work is continuing to review training needs and workload allocation in order to make best use of this post.

All officers undertook relevant continuous professional development to either refresh existing knowledge and skills or acquire new relevant skills meaning the requirements for CPD in the code of practice were met. Additionally, staff have been supported to commence training as Environmental Health Officers as part of the council's commitment to "grow own talent" and to help create a sustainable workforce

A review of inspection methods resulted in the design and introduction of carbonated "tear off reports of a visit" which can be left by the officer at the end of a visit. The use of this high level summary of the inspection is liked by Offices and business and was praised by FSS during their audit. Letters of advice/guidance and notices are still used where required.

A review of policies and procedures has commenced – with a view to reducing the number and complexity of processes and procedures, but it is a detailed piece of work and will need to continue into next year.

A review of the enforcement policy has been completed and it now ready to be considered by the council's corporate leadership team prior to being released for public consultation. The results of the consultation will be used to inform the final policy which will be agreed by Members. Clarity is still needed on the scheme of delegation and the use of the SRA system.

The council was selected for audit by FSS and an audit team made a visit in the Autumn of 2022. An audit report and action plan was agreed with FSS and presented to Members and work has taken place to deliver the action plan. Moving forward a key pressure point will be completing the required number of inspections within the year.

A key theme arising from this year, which was also recognised by FSS during their audit is that a number of legacy issues remain. These can be attributed to the previous (lack of) staff/management and the covid19 pandemic. Members noted the invaluable contribution of those staff members who were able to keep the service going until a new team were in place. Part of this legacy also relates to the standards of compliance and officers are finding that inspections are taking longer than anticipated in order to provide the necessary support and guidance to some businesses to enable them to comply with the legal requirements, some of which have been in place for many years.

The programme of OCV visits has commenced, and as predicted these are taking many hours to complete. Additionally, several legacy matters have been identified in relation to approved premises and following discussions with FSS it has been identified that many premises will need to be re-approved.

Advice and support has been given to local manufacturers and this has included on product recalls, dealing with unsalable food, and the export of food into Europe and the far East following BREXIT.

Support has been given to new businesses to enable them to become approved and commence trading.

There have been difficulties relating to sampling meaning that less proactive sampling has been undertaken than planned.

Officers have participated in Incident Management Teams convened by the UKHSA and have met with local and regional partners.

A key issue has been identified regarding the accuracy of the transfer of data from the CIVICA APP system to the Scottish National database. This is concerning as following the FSS audit considerable effort has been made to review and make sure the civica datasets are accurate, however this does not appear to be reflected in SND. There is also a recognised need to improve confidence in the reporting of data from the MIS system through a review and consolidation of codes, in line with the code of practice.

Officers have attended briefings and workshops on the FSS SAFER programme and the council will keep a watch on how this develops and the implications for service delivery. A high level summary of the SAFER programme, service planning and results of the FSS Audit has been brought to the attention of members.

There has been good engagement with the council communication team and both reactive and proactive media work has been undertaken. This has included promoting Natasha's law, food alerts, commentary on particular cases and dealing with food removed from a cruise ship and given to the public.

11.2 Key data

Officers have been active throughout the year delivering food safety interventions as providing support to local businesses and advice to the public. Key data from the management information system (MIS) for the year includes:

Activity	Number undertaken	Number due
Official control verifications undertaken	25	39
Official control interventions made as per 22/23 risk based programme	33	218
Official control interventions/initial visits made for "new" premises	16	70
Official control interventions made to "backlog/legacy premises	49	90
Other food related visits/inspections/interventions	34	N/A
Food related service requests dealt with	249	N/A
Cases of infectious disease dealt with	49	N/A
Letters sent providing advice and guidance ¹	121	N/A
Enforcement notices served	2	N/A

¹ This does not include emails and reports of inspections

Case where assistance given to business to deal with unfit, contaminated or unsalable food	3	N/A
Samples taken	9	N/A

11.3 Review against the previous service plan

In 2019 through to 2021, the Coronavirus pandemic affected service provision, causing all but a complete halt to food regulatory work across the country and, coupled with staff resignations, the effect on such a small team was catastrophic. Accordingly, no food service plan was issued in 2020 and as the 2019 service plan was affected by the outbreak of the pandemic, meaning any attempt at a review of previous plans would be of scant value.

However, with new staff in post a service plan was prepared and signed off in April 2022 and was considered by FSS as part of an audit. The main comment from the audit was that future service plans should include a resource calculation. This has been included in section 9 of this plan.

The table below shows the status of work that was identified in the 2022/23 Food Service plan.

Commitment	Comment
Maintain officers' continuing professional development as required by the Food Law Code of Practice (Scotland), with ongoing training based on individual need, including support for colleagues who are undertaking training to qualify as an EHO.	All officers exceeded the minimum CPD requirements for the year and were able to refresh knowledge and skills throughout the year. Support has been provided to officers undertaking professional qualifications including those leading to qualification as an EHO
Fully review and update the policies and procedures in relation to food safety	This work has started, and will be continued into next year with a view to reducing the number and content of policies and procedures to a minimum as part of the council's commitment to explore new ways of working
Continue involvement in the food sampling programme.	There was less involvement in the food sampling programme than anticipated owing to staff resources and other pressing priorities. However targeted sampling, co-ordinated via UKHSA was undertaken as necessary.
Officers from the Commercial Team to continue to work with businesses to implement any necessary changes considering legislative changes arising from leaving the EU.	This work took place throughout the year, and will be ongoing as the new Target Operating Model (TOM) for UK imports/Exports is put into place

Continue to promote and participate in the Food Hygiene Information Scheme in Orkney.	This work took place throughout the year
Implement the revision of the risk assessment with combined inspections in relation to food hygiene and food standards inspections in line with guidance issued by the FSS.	This work has been completed
Review the database identifying new food businesses or seasonal businesses that have started during the pandemic.	This work was also identified in the FSS audit and has now been completed
Embracing and undertaking the shift change to OCV for approved premises.	All relevant officers have completed the required OCV training and a programme of OCV inspections has commenced and will be carried on into the next year
Review and revise the enforcement policy.	A revised draft enforcement policy has been prepared and is presently awaiting consideration by the council corporate leadership team prior to being released for consultation.
[website] To include user useful supporting documents, frequently asked questions and guides for newer and less commercial businesses	The website has been updated throughout the year with new and revised information being added in relation to food. The whole website is also being updated, so there will be a need to continue this work into the next year
Proactive campaign (with corporate comms team) with press, solicitors, estate agents and local media to encourage businesses to register and therefore capture unregistered businesses.	Good working relationships have been established with the communications team and a number of proactive and reactive media releases have been made. Unfortunately the attempt to build food safety into the Orkney Menu feature in the local paper was not taken up
Use of open source material (including social media and other council datasets) to check local businesses are registered and therefore subject to official controls. Together with an agreed communications plan for making contact with businesses which are not yet registered.	This work has taken place throughout the year and there has been a good response to getting businesses to register/ update their registration details.

12 Planned work in 2023/24

As well as the actions detailed in the Environmental Health Team Plan 2023/24, the following food specific priority areas of work have been identified to be undertaken in the year.

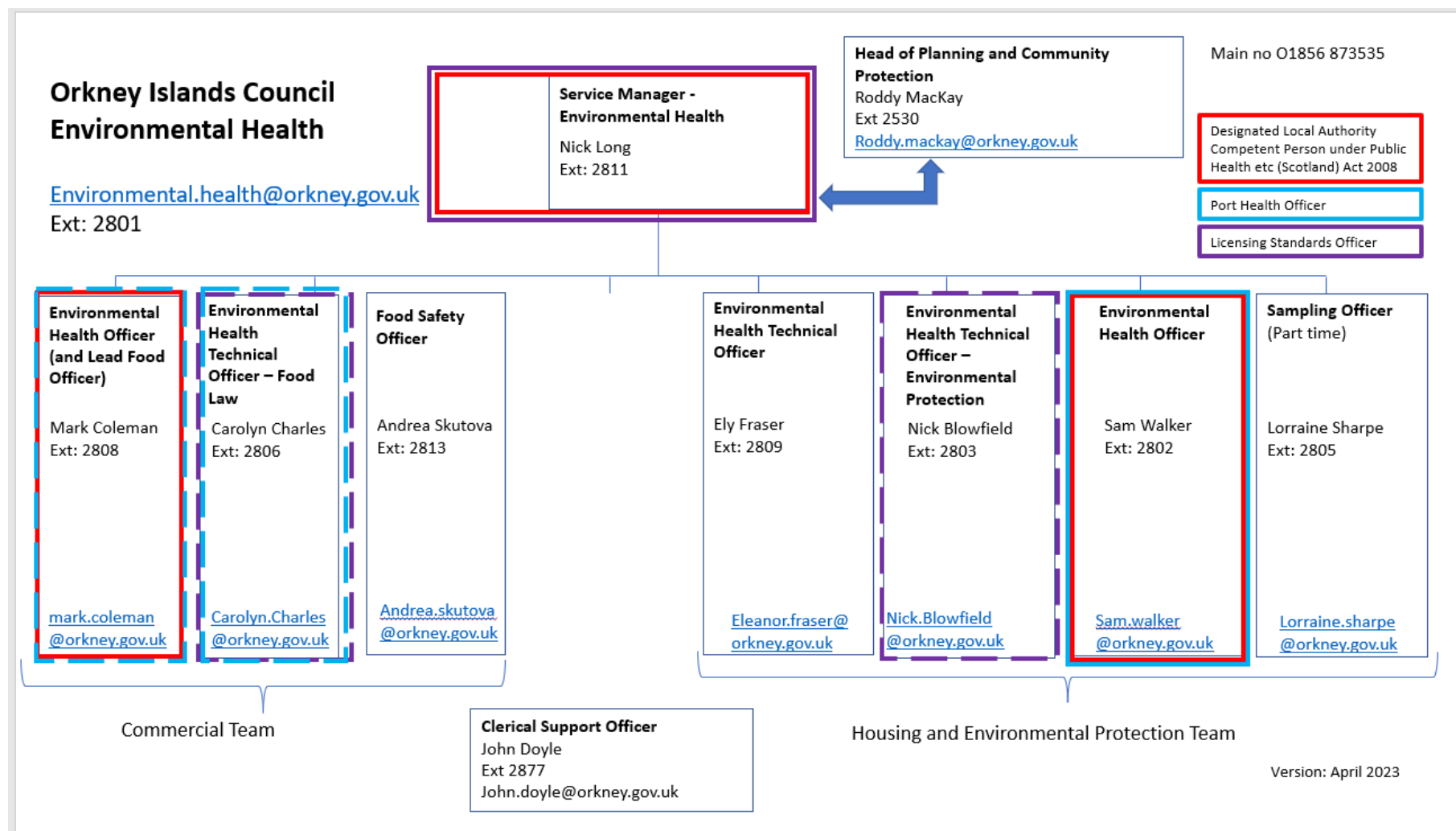
- a) Implement a programme of timely official control verification visits to all approved food premises
- b) Undertake re-approval of all approved establishments as necessary
- c) Implement a programme of risk-based interventions to businesses on the food businesses register that are due for an intervention this year
- d) Provide support and guidance to new businesses
- e) Ensure all Authorised Officers complete relevant CPD for the year
- f) Develop and support staff in their training to become EHO and REHIS approved food safety officers
- g) Continue the review of food related policies and procedures with a view to reducing their number and complexity
- h) Undertake a programme of food and environmental sampling
- i) Respond in a timely way, in conjunction with colleagues in NHSO Public Health to cases and outbreaks of food poisoning and infectious disease.
- j) Respond to food related service requests in a timely way using a risk based approach
- k) Continue to contribute and participate in the FSS SAFER programme
- l) Maintain an accurate food law database/MIS and work with FSS, CIVICA software supplier and Council IT department to ensure data transfer between systems is timely and accurate.
- m) Respond in a timely way to any changes brought about by BREXIT and the Retained EU Law (Revocation and Reform) Bill 2022 and provide information and guidance to local businesses in this regard.

13 Glossary

BREXIT	Colloquial term for the arrangements and impacts of the decision by the UK government to leave the European Union
Civica APP	Software used by the council to record, manage and report on environmental health cases
COPF	Crown Office and Procurator Fiscal Service
CPD	Continuous Professional Development
DSLA	Direct Service Level Agreements
EC	European Community
EHO	Environmental Health Officer
FHIS	Food Hygiene Information Scheme
FSCWG	Food Standards Coordinating Working Group
FSS	Food Standards Scotland
FTE	Full time equivalent. A potential way of accounting for and comparing staff resources
Hampton Principles	The Hampton Review set out a vision for a risk-based approach to regulation and included a set of principles for regulatory inspection and enforcement, based around risk and proportionality,
HPS	Health Protection Scotland
HSE	Health and Safety Executive
MIS	Management Information System – a generic term for the computer software used to record, manage and report on food law activities by the council
Natasha's law	Natasha's Law is a regulation that requires full ingredient and allergen labelling on all food made on premises and pre-packed for direct sale. It is named after Natasha Ednan-Laperouse, who died from a sesame allergy after eating a baguette with sesame seeds that were not listed on the packaging. It is intended to help those living with food allergies or intolerances to make safe choices when buying food items. It is also a campaign to support people with food allergies and prevent similar tragedies
NHSO	National Health Service Orkney
OCV	Official Control Verification
QMS	Quality Management System
REHIS	Royal Environmental Health Institute of Scotland
SAFER	Scottish Authorities Food Enforcement Rebuild. A joint project between Scottish Government, FSS and all Local Authorities in Scotland to review the approaches to food law enforcement within Scotland
SFLEC	Scottish Food Enforcement Liaison Committee
SGRPID	Scottish Government Rural Payments and Inspections Directorate
SHPN GIZ	Scottish Health Protection Network Gastro, intestinal and zoonotic diseases group
SND	Scottish National Database.
TOM	Target Operating Model
UKHSA	United Kingdom Health Security Agency

Appendix 1

Structure chart for Orkney Islands Council Environmental Health



Appendix 2. EH Budget

Approved Budget Profile Statement 2023/2024

R29010000

ENVIRONMENTAL HEALTH

Budget Holder: Long, Nick

<u>Date</u>	<u>Profile No.</u>	<u>Profile Description</u>	<u>Amount</u>
15/05/2023	13	APT&C Monthly	505,200.00
Staff Costs			505,200.00
15/05/2023	14	Equal Monthly Late	27,400.00
15/05/2023	21	Bi-annual Months 6/12	5,200.00
15/05/2023	23	Annual Period 1	5,200.00
Supplies & Services			37,800.00
15/05/2023	14	Equal Monthly Late	15,300.00
Transport, Vessel & Plant			15,300.00
15/05/2023	14	Equal Monthly Late	9,800.00
Administration			9,800.00
15/05/2023	34	Annual Period 12	149,100.00
Apportioned Costs			149,100.00
15/05/2023	14	Equal Monthly Late	1,100.00
Third Party Payments			1,100.00
15/05/2023	14	Equal Monthly Late	1,200.00
Miscellaneous Costs			1,200.00
Expenditure			719,500.00
15/05/2023	14	Equal Monthly Late	(18,900.00)
15/05/2023	23	Annual Period 1	(14,700.00)
Fees & Charges			(33,600.00)
Income			(33,600.00)
Cost Centre Net Total			685,900.00