

COVID-19 Local Authority Recovery Plan: guidance and advice to local authorities for the period from 1 July 2021 to 2023/24

Local authorities should also refer to the COVID-19 Local Authority Recovery Q&A.

Introduction

1. This Recovery Plan sets out the Food Standards Agency's (FSA) guidance and advice to local authorities for the period from 1 July 2021 to 2023/24. The associated COVID-19 Local Authority Recovery [Q&A](#) supplements the Recovery Plan.
2. The guidance and advice aim to ensure that during the period of recovery from the impact of COVID-19, local authority resources are targeted where they add greatest value in providing safeguards for public health and consumer protection in relation to food. It also aims to safeguard the credibility of the Food Hygiene Rating Scheme (FHRS).
3. The Recovery Plan provides a framework for re-starting the delivery system in line with the Food Law Codes of Practice (for England, Wales and Northern Ireland) for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments. This should be implemented alongside delivery of:
 - official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export
 - reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
 - sampling, and
 - ongoing proactive surveillance.

Important notes

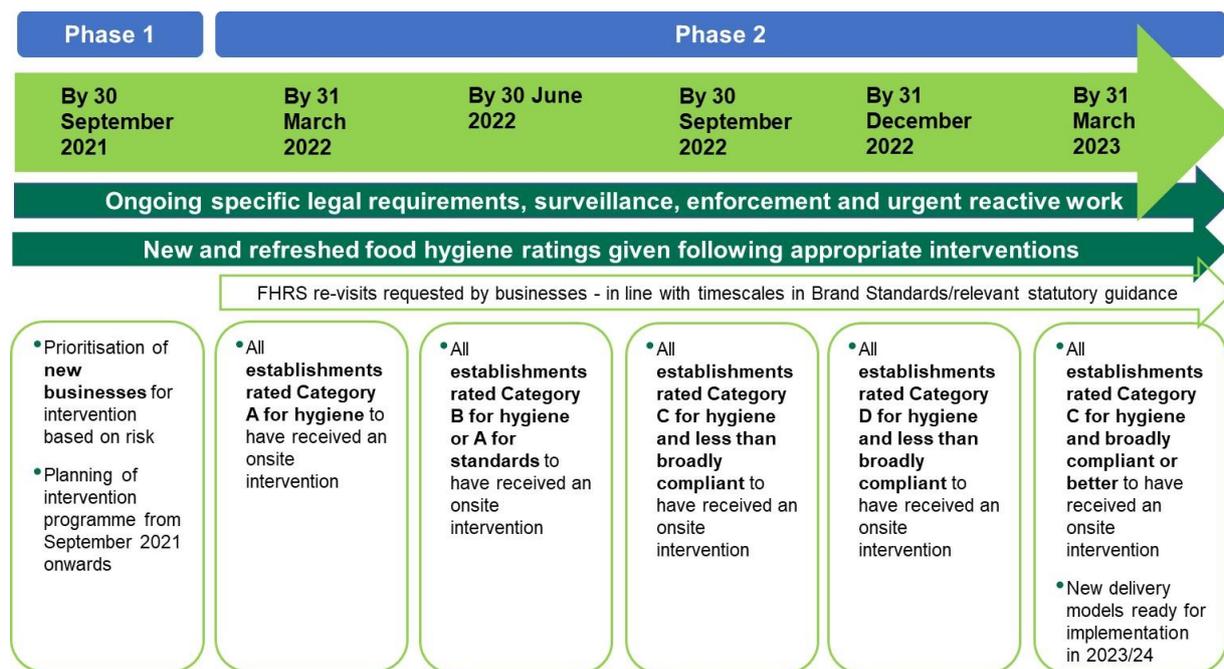
4. All local authorities are expected to have regard to the guidance and advice in this Recovery Plan. This will apply from 1 July 2021 at which time it will supersede the guidance and advice provided in response to the COVID-19 pandemic that applies to 30 June 2021.
5. We recognise and acknowledge that local authorities will be starting from different positions in terms of the impact that COVID-19 has had to date, the challenges they will face during the recovery period and the resources that they have available.

6. Local authorities should, where they can, move at a faster pace in realigning with the intervention frequencies and other provisions set out in the Food Law Codes of Practice.
7. Where local authorities are unable to deliver in line with the recovery plan, they should alert us by emailing us so that we can explore together what support we might provide. Please contact us in:
 - England at LAengagement@food.gov.uk
 - Wales at lasupportwales@food.gov.uk
 - Northern Ireland at executive.support@food.gov.uk
8. We will be keeping our guidance and advice under close review and will amend and update it as necessary in response to changes in the COVID-19 situation.

Recovery Plan timeline

9. There are two phases to the Recovery Plan:
 - Phase 1 - 1 July to 30 September 2021
 - Phase 2 – 1 October 2021 to 2023/24.
10. In essence, Phase 2 will continue until a new food standards delivery model and a revised food hygiene intervention rating scheme are in place. The new delivery model for food standards is being piloted in England and Northern Ireland until the end of December 2021. Subject to the findings of an evaluation of the pilot and stakeholder consultation, it is anticipated that the new model will be rolled out nationally from April 2023. Work to review and revise the food hygiene intervention rating scheme is planned to commence shortly with a view to implementation in 2023/24.
11. An outline of the recovery plan is provided at Figure 1.

Figure 1: Outline of the Recovery Plan



Notes

The key milestone dates within the Recovery Plan for higher risk establishments are shown.

For lower risk establishments not shown in the figure, local authorities have the flexibility to defer planned interventions and only undertake intervention where information/intelligence suggests that risks have increased/standards have fallen or if the establishment is otherwise considered a priority for intervention due to the risk posed.

In the case of food standards, the impact on the business of the new requirements on allergen labelling for products prepacked for direct sale - that apply from 1 October 2021 - should also be taken into account.

Principles common to Phase 1 and Phase 2

12. Some important principles underpin both Phase 1 and Phase 2:

- when intelligence suggests risks have increased (irrespective of the risk category) local authorities should undertake interventions to assess and address those risks
- when an onsite intervention is undertaken, local authorities should programme subsequent interventions in line with the Codes of Practice
- local authorities should give new food hygiene ratings where appropriate interventions are undertaken and the establishment falls within scope of the FHRs
- where non-compliance is found at any intervention, local authorities should take appropriate action to secure compliance including formal enforcement action where necessary
- remote assessment may be used in certain circumstances – this includes to facilitate the targeting of what to focus attention on at a subsequent onsite visit, to help inform the need for onsite intervention at lower risk premises where an intelligence/information based approach is being used and, in England, in certain limited cases for FHRs requested re-visits.

Phase 1 (1 July to 30 September 2021)

13. In Phase 1, local authorities are expected to deliver the following:

- official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that are undertaken to support trade and enable export
- reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- sampling in accordance with the local authority sampling programme or as required in the context of assessing food business compliance, and any follow-up necessary in relation to the FSA Surveillance Sampling Programme
- ongoing proactive surveillance to obtain an accurate picture of the local business landscape and to: identify open/closed/recently re-opened/new businesses; as well as businesses where there has been a change of operation, activities, or Food Business Operator (FBO)
- for 'new businesses', consideration of registration information and intelligence with appropriate onsite interventions carried out where there are concerns around public health/consumer protection
- for 'new businesses' where consideration of registration information and intelligence indicates low risk, initial visits should be prioritised and undertaken in accordance with the Codes of Practice and Practice Guidance taking account of the flexibilities provided
- planning for resumption of planned intervention programmes for high-risk category and non-compliant establishments in Phase 2.

Phase 2 (1 October 2021 to 2023/24)

14. In Phase 2, local authorities are expected to deliver the following:

- official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that are undertaken to support trade and enable export
- reactive work including, enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints
- sampling in accordance with the local authority sampling programme or as required in the context of assessing food business compliance, and any follow-up necessary in relation to the FSA Surveillance Sampling Programme
- ongoing proactive surveillance to obtain an accurate picture of the local business landscape and to: identify open/closed/recently re-opened/new businesses; as well as businesses where there has been a change of operation, activities or FBO
- for 'new businesses', consideration of registration information and intelligence with appropriate onsite interventions carried out where there are concerns around public health/consumer protection

- for 'new businesses' where consideration of registration information and intelligence indicates lower risk, initial visits should be prioritised and undertaken in accordance with the Codes of Practice and Practice Guidance taking account of the flexibilities provided
- implementing planned intervention programmes for high-risk category and non-compliant establishments in accordance with the timeline in Table 2
- implementing an intelligence/information based approach for lower risk category establishments
- responding to FHRS requested re-visits in line with the timelines specified in the FHRS Brand Standard for England or the statutory guidance in Wales and Northern Ireland.

Table 1 - Sector specific official controls and official controls that must be undertaken to support trade and enable export

Activity	Requirements
Import controls at points of entry	Official controls in accordance with relevant legislation taking account of agreed temporary contingency measures to be taken at Border Control Posts (BCPs) during Covid-19.
Shellfish	Shellfish and water sampling from harvesting areas.
Granting of approval under Regulation (EC) No. 853/2004	Granting of approvals in accordance with the relevant legislation and the Food Law Code of Practice. 'Distance communication' can be used in exceptional circumstances prior to physical visits to minimise time onsite.
Fishing vessels	Registration and inspection of fishing vessels remains extremely important to enable export certification requirements for fish to be fulfilled.

Table 2 – Detailed timeline for Phase 2 of the recovery plan (1 October 2021 to 2023/24)

Activity/Category	Timeline	Expectation
Food/feed import controls at points of entry	Ongoing	In accordance with relevant legislative requirements
Official control monitoring relating to shellfish harvesting areas	Ongoing	In accordance with relevant legislative requirements
Conditional and full approval visits	Ongoing	In accordance with relevant legislative requirements
Inspection of fishing vessels	Ongoing	In accordance with separately issued FSA advice

Activity/Category	Timeline	Expectation
Proactive surveillance to obtain an accurate picture of the local business landscape and to identify: <ul style="list-style-type: none"> - open/closed/recently re-opened/new businesses - change of operation, activities or FBO 	Ongoing	Consideration of registration information and intelligence on the food business establishment identified through surveillance Undertake appropriate onsite interventions where there are concerns around public health/consumer protection
New food business establishments where consideration of registration information/intelligence indicates low risk	Ongoing	Initial visits should be prioritised and undertaken in accordance with the Food Law Codes of Practice
Management of food incidents and hazards (including outbreaks of foodborne illness)	Ongoing	In accordance with the Food Law Codes of Practice
Investigation and management of complaints	Ongoing	In accordance with the Food Law Codes of Practice
Enforcement action in case of non-compliance	Ongoing	In accordance with the Food Law Codes of Practice and the local authority's enforcement policy
FHRS requested re-visits	Ongoing	Wales and Northern Ireland - in accordance with the legislative requirements England – within three months of request if a charge is made and within six months if no charge but with use of remote assessment in place of onsite visit in limited circumstances on a trial basis
Sampling	Ongoing	In line with local authority sampling programme or as required in the context of assessing food business compliance, and any follow up necessary in relation to the FSA Surveillance Sampling Programme
Category A for hygiene	Over the period to 31 March 2022	All establishments should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Food Law Codes of Practice.

Activity/Category	Timeline	Expectation
Category B for hygiene	Over the period to 30 June 2022	All establishments should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Food Law Codes of Practice
Category A for standards	Over the period to 30 June 2022	All establishments should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Food Law Codes of Practice
Category C for hygiene – less than broadly compliant (FHRS 0, 1 or 2)	Over the period to 30 September 2022	All establishments should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Food Law Codes of Practice
Category D for hygiene – less than broadly compliant (FHRS 0, 1 or 2)	Over the period to 31 December 2022	All establishments should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Food Law Codes of Practice
Category C for hygiene – broadly compliant or better (FHRS 3, 4 or 5)	Over the period to 31 March 2023	<p>For establishments with two consecutive food hygiene ratings of 5 (or equivalent standards if outside the scope of FHRS) one intervention may be missed and then the establishment put back in the system for interventions in accordance with the Codes of Practice (so the due intervention date would be moved forward by 18 months)</p> <p>For other establishments – those with hygiene ratings of 3 or 4 (or equivalent if outside the scope of FHRS) - should have received an onsite intervention and thereafter be back in the system for interventions in accordance with the Codes of Practice</p>
Category D for hygiene – broadly compliant or better (FHRS 3, 4 or 5)	Ongoing	No interventions will be required during the recovery period unless intelligence/information suggests that risks have increased/standards have fallen or if the establishment is otherwise considered a priority for intervention due to the risk posed

Activity/Category	Timeline	Expectation
Category E for hygiene	Ongoing	No interventions will be required during the recovery period unless intelligence/information suggests that risks have increased/standards have fallen or if the establishment is otherwise considered a priority for intervention due to the risk posed
Category B for standards	Ongoing	No interventions will be required during the recovery period unless intelligence/information suggests that risks have increased or if the establishment is otherwise considered a priority for intervention due to the risk posed or because of the impact on the establishment of the new requirements on allergen labelling for products prepacked for direct sale
Category C for standards	Ongoing	No interventions will be required during the recovery period unless intelligence/information suggests that risks have increased or if the establishment is otherwise considered a priority for intervention due to the risk posed or because of the impact on the establishment of the new requirements on allergen labelling for products prepacked for direct sale