



## WRS Board

Date: 20<sup>th</sup> November 2025

### On-going dialogue with Food Standards Agency (FSA)

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| Recommendation | That Members note the contents of this report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Background     | Members may recall the first period of engagement with the Agency in Autumn 2023, which led to the decision to invest approximately £235,000 in 5 additional posts for the service, two Senior Technical Officers and three Regulatory Compliance Officers. Whilst it took some time to recruit to these posts, and for the inexperienced officers to bed into their duties, this additional is now showing improvements in the volume of output. However, I did say at the time that this may not be the end of the process and that further challenges may come.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Introduction   | <p>The Food Standards Agency is the national, competent authority in England for ensuring that food is safe and what it says it is. Since our departure from the EU, the FSA has become the agency responsible for presenting a compliant food sector to the world, ensuring that there is confidence with UK produced food wherever it is exported to. This appears to be the driver behind a change in approach to become much more challenging of authorities that look for efficiencies in terms of delivery of food interventions that means departing from the statutory Code of Practice. This document is made under section 40 of the Food Safety Act 1990 and local authorities must have regard to it in determining their activities. .</p> <p>I met with representatives from the Agency on 23rd October, along with the WRS Food Safety lead officer and the Community EH and Trading Standards Manager to cover some matters raised and our performance. The Agency had identified a few minor issues with data, but as the meeting continued, it became clear that they remain concerned that our resource level does not give them confidence that we will be able to become wholly aligned with the Code of Practice. It became clear as the meeting progressed that they will not be happy unless they can see concrete steps in moving towards this. The Head of Performance was clear that he could not offer any form of derogation from the letter of the Code. This is different from their pre-pandemic position, which was more relaxed and whilst they would not endorse variations, they did not object in the way they are currently to experimentation.</p> <p>Managers from the Community EH team are going to work up a revised action plan that will provide a detailed outline of how we will work towards this. The Agency is happy that this can be a multi-year plan, so I have suggested we should consider the period up to 31st March 2028. It will have to include how we will go about addressing the backlog of activity for premises rated D and E, which is our main area. Whilst we aren't perfect on the A-C premises, our performance is relatively good on those representing the highest risk.</p> |



The Agency's concerns seem to emanate from the many "what ifs" around lower risk businesses changing their food offer and effectively increasing the inherent risk in their activities without informing us, which they are technically required to do!

For further reassurance, steps we have taken already include re-organising the Community EH team to effectively re-create the split between Food/ Health and Safety, and the Environmental work. We will now have 16 FTE focused on food but also dealing with the limited level of Health and Safety work the partners have opted for, which is essentially investigating serious accidents and near misses. It is a little unfortunate that we've had 6 fatalities in recent years, and two are still drawing on officer resource. Again, the Head of Performance was clear in his view that a service should be resilient enough to discharge all its functions without impacting on the delivery of others!

Looking back to the detailed business case documents from 2009/10, the six partners were deploying 22.31FTE professional staff on food hygiene work, with 3.14FTE dedicated administrative support at this time. The document is silent on how many staff worked on the Health and Safety function, but the figures show that, even if further investment is needed, we are some distance from staffing levels previously employed. The table at Appendix A is only provided as indicative, to give members a feel for the potential cost of the partners of adding further staff.

The Agency has produced what they describe as a "time and motion" tool which is supposed to help local authorities estimate the amount of resource that is likely to be necessary to fulfil the code of practice requirement against the kind of premises in the area. Managers will look at what this throws up and we will make members aware of the outcome at February's Board Meeting. In the intervening period, Officer members of the Board will work with the section 151 officers on how this may be funded if required. The Agency representatives said that the revised Code of Practice published in October gives more flexibility and it may allow more credit for a lot of the non-inspection type work we do currently, so we will need to see how much we can use these options to improve the Agency's perception of our performance. We also need to review our current activities to ensure everything that is done which can be recorded as a contribution to the Code's requirements is being recorded.

The Agency agreed that we could send the revised action plan for mid-December. Managers hope to a draft well before then, which will be shared with Officer Members of the Board. They said that their next step, if they remain unhappy, would be to move to stage 3 of their intervention system where their Chief Executive would write to the Chief Executives of the six partners.

I am sure that members will be as disappointed as officers at this, particularly as the Agency's own figures indicate a significant improvement in our visit output since last October. They also claim to understand the current position of local authority finances, yet little leeway is being given in the face of this. The team will keep Officer members of the Board up to date with any developments and should be agency remain unhappy, we will alert Officers and CEOs immediately.

## Contact

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### Appendix A: Example Cost Table

These figures are purely illustrative, to give partners an indication of how any uplift might be divided. For this purpose, we have assumed an additional 2FTE Senior Technical Officers and 1FTE Regulatory Support Officer. Costs include salary and the usual on-costs at top of grade.

| Partner Authority | Percent Contribution<br>2026/7 | Addition Cost (£) |
|-------------------|--------------------------------|-------------------|
| Bromsgrove DC     | 14.35                          | 22,433            |
| Malvern Hills DC  | 13.04                          | 20,389            |
| Redditch BC       | 17.56                          | 27,447            |
| Worcester City    | 16.64                          | 26,014            |
| Wychavon DC       | 23.27                          | 36,376            |
| Wyre Forest DC    | 15.14                          | 23,659            |
| <b>Total</b>      | <b>100%</b>                    | <b>156,319</b>    |

