

17th April 2024

To: Local Authority Heads of Service and Lead Food Officers.

CC: SFELC, REHIS

FSS/ENF/23/004 – Update 1

Dear Colleague

Additional guidance on the recording of Official Control Verification (OCV) Interventions and Risk Rating in Approved Establishments

Following initial feedback from Local Authorities, the purpose of this letter is to provide further guidance on how to record OCV interventions & FLRS Risk Rating of approved establishments in their Management Information Systems (MIS).

Background

On the 14th July 2023, Food Standards Scotland (FSS) issued the enforcement letter [FSS/ENF/004](#) advising Local Authorities to:

- Apply the OCV principles in approved establishments on an annual inspection cycle from the next intervention.
- Reconcile approved establishments to the Food Law Rating Scheme (FLRS) and MIS systems giving them Group 1B notional rating to align with the concept of the OCV 12 month inspection cycle.

Amendment to the recording of OCV intervention types and FLRS rating

The enforcement letter [FSS/ENF/23/004](#) indicated that three separate visit types would be used for recording of OCV interventions during an inspection cycle: ‘OCV Start’, ‘OCV’ and ‘OCV Complete’.

The FLRS Group 1B rating should be applied at the first intervention in an inspection cycle. The findings during the course of the intervention would not impact the FLRS rating for the following intervention, as this will be a Group 1B regardless. However, it is recognised the findings may impact the ‘Other Resource Demand’ factor as part of the resource calculation for the next inspection cycle.

Follow up actions, such as Food Law Contravention or Advice Letter, should be recorded in the MIS system in the same way that they would be following intervention at non-approved establishment.

Where extra interventions are required in the time between ‘OCV Complete’ and the start of the next OCV cycle, they should be recorded as ‘OCV’.

The start date of the OCV inspection cycle

OCV recognises the importance of the OC-Study (document request & review/research) and the Reality Check (on site visits), with both incorporated in the resource calculation and considered to comprise critical parts of the inspection cycle. The OC-Study will in the vast majority of cases comprise the beginning of the OCV Inspection cycle. Whatever activity does comprise the start of the inspection cycle, it must trigger a notional rating of Group 1B according to FLRS.

The Interventions Food Law Code of Practice indicates that Intervention Programmes should be planned so that establishments receive an intervention no later than 28 days after the scheduled date. This approach should also be applied for the OCV cycle, with the first intervention taking place no later than 28 days after the scheduled date.

The planning of further interventions within the inspection cycle is at the discretion of the inspecting officer.

	Visit Type	Risk Rating	Comments
First intervention of inspection cycle (Usually OC-Study)	OCV Start	Yes – notional Group 1B rating	Note that this may be a document review, rather than an on-site inspection.
Subsequent interventions	OCV	No	Findings on the OC-Study and Reality Checks during the course of interventions, although not reflected in a risk rating, may impact planning of the remainder of the inspection cycle and the ‘other resource demand’ factor as part of the resource calculation.
Final Planned intervention of inspection cycle	OCV Complete	No	
Further unplanned interventions after the planned inspection cycle is complete	OCV	No	For example – amendments to approval, complaints or incidents requiring investigation

The Group 1B notional rating is not intended to reflect compliance in the establishment

The FLRS Group 1B rating is notional to reflect the OCV 12 month inspection cycle and to ensure MIS systems schedule and report the OCV Cycle as intended. In effect, the rating marks the start of the inspection cycle, whilst also triggering a due date for the start of the next one.

The history of compliance and the risk to the consumer associated with previous non-compliances in an establishment is, however, appropriate to consider when planning the inspection cycle. For example:

- The resource calculation includes an 'Other Resources Demand' factor where an officer can consider whether history of non-compliance is likely to result in an increased resource demand i.e. for the required enforcement action to restore the FBO to an Approvable state and/or a more intensive sampling and verification of the FCMS.
- Considering this information when planning the frequency and nature of proposed interventions over the course of inspection cycle.
- Using elective sampling to focus on aspects of the Food Control Management System (FCMS) which have previously caused concern.

Food Standards Inspections - LA Interventions in FSS Approved Establishments

Officers should continue to risk rate FSS Approved Establishments in accordance with the [Interventions Food Law Code of Practice](#) (FLRS) in so far as the categories relate to matters enforced by the Local Authority.

The relevant categories are considered to be:

- Food Information
- Composition Performance
- Confidence in Management
- Food Safety Management System (in so far that relates to food standards)

Section 5.10.4 of the Interventions Food Law Code of Practice details how the intervention frequency shall be determined where one or more compliance categories are considered to be 'non-applicable'.

Interventions should be carried out at frequencies determined by the Interventions Food Law Code of Practice. Local Authority officers are not expected to apply the OCV resource calculation for FSS approved establishments, as this has been developed to consider verification of a FCMS as a whole.

Recording risk assessments for support attestations

The enforcement letter FSS/ENF/23/004 indicated that, where establishments require support attestations for export purposes, a separate risk rating requires to be recorded for the purposes of [ET196 DEFRA Risk Based Fish Export Certification](#).

It also indicated this risk rating should be recorded on a separate spreadsheet; however, it is understood that some MIS systems have scope to record this rating separately without impacting on the FLRS Group 1B rating.

Local Authorities may use their own discretion as to how such risk ratings are recorded including, if necessary, on a spreadsheet separate from the MIS system.

If you have any queries, please do not hesitate to contact enforcement@fss.scot.

Yours sincerely,

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