

**Report on the audit of Official Controls on
Feed of Non-Animal Origin (FNAO) and Feed
Establishments
Including Primary Producers**

Buckinghamshire and Surrey County Council
Trading Standards Service
13-15 July 2016



Foreword

The audit of local authority feed and food law enforcement services forms part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities (LAs). The LA regulatory functions for animal feed controls are principally delivered through their Trading Standards Services.

Agency audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard 'the Standard', which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010), a Feed Law Code of Practice (England) (published May 2014) and a Feed Law Practice Guidance (England) (updated June 2014).

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food and feed law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all the devolved countries and FSA Scotland.

Following a review of the delivery of official controls for feed law enforcement the FSA introduced a new feed delivery model (NFDM) in April 2014 to promote consistency, efficiency and value for money in the delivery of feed official controls. This delivery model has been implemented in association with the National Trading Standards (NTS) and it promotes a regional approach to delivery, coordinated by NTS.

An innovation of the NFDM was the introduction of a system of 'earned recognition' whereby Feed Business Operators (FeBOs) who demonstrably maintained high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by LAs when determining the frequency of their official controls.

This programme of focused audits is being undertaken to provide assurance to the FSA that the new feed delivery model has been effectively implemented by local authorities and that official controls, as laid down in the Agency's Feed Law Enforcement Code of Practice, Practice Guidance and Framework Agreement, in regard to FNAO are being carried out by LAs, in order to safeguard animal and public health.

This audit forms part of the programme of audits across a number of animal feed authorities and the findings will be incorporated into a summary report on the outcomes of the overall focused animal feed audit programme.

For assistance, a glossary of technical terms used within the audit report can be found at Annex C.

Table of Contents

| | |
|--|-----------|
| 1.0 Introduction | 5 |
| Reason for the Audit | 5 |
| Scope of the Audit | 6 |
| Background | 6 |
| 2.0 Executive Summary | 8 |
| 3.0 Audit Findings | 9 |
| 3.1 Feed service planning, delivery and review | 9 |
| 3.2 Competence of Officers | 13 |
| 3.3 Implementation and effectiveness of feed control activities | 15 |
| 3.4 Maintenance and management of appropriate feed premises database and records | 19 |
| 3.5 Arrangements for the Lead Officer role for feed | 20 |
| 3.6 Arrangements for the Regional Lead role for feed | 21 |
| 3.7 Accuracy and delivery of official feed reports to the Agency | 22 |
| ANNEX A - Action Plan for Buckinghamshire and Surrey County Council Trading Standards Service | 23 |
| ANNEX B - Audit Approach/Methodology | 30 |
| ANNEX C - Glossary | 31 |

1.0 Introduction

- 1.1 This report records the results of an audit at Buckinghamshire and Surrey Trading Standards Service with regard to feed law enforcement. The audit was undertaken as part of the Agency's focused audit programme on feed controls in England. This report has been made publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring/auditreports.

Hard copies are available from the FSA's Regulatory Delivery Division, please email LAAudit@foodstandards.gsi.gov.uk or phone 01904 232116.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Buckinghamshire and Surrey Trading Standards Service was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. The Agency has taken account of the European Commission guidance¹ on how such audits should be conducted.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these focused audits is to provide assurance to the FSA that the new feed delivery model has been effectively implemented by local authorities. The Agency has taken account of the European Commission guidance on how such audits should be conducted.
- 1.4 Buckinghamshire and Surrey Trading Standards Service was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, as it was representative of a geographical mix of 11 local authorities selected across England.

¹ Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC)

Scope of the Audit

- 1.5 The audit examined Buckinghamshire and Surrey Trading Standards Service's systems and procedures for the control of feed of non- animal origin (FNAO). As Buckinghamshire County Council had been subject of an audit during the last feed audit programme this audit focussed mainly on the feed law enforcement work carried out in the administrative area of Surrey County Council.
- 1.6 The audit scope included an assessment of local arrangements for implementing the New Feed Delivery Model (NFDM) and included:
- Feed service planning, delivery and review
 - Competence of officers
 - Implementation and effectiveness of feed control activities
 - Maintenance and management of appropriate feed premises database and records in relation to official controls at feed business premises
 - Effectiveness of the Lead Officer role for feed
 - Effectiveness of the Regional Lead role for feed (where undertaken by a LA being audited)
 - Accuracy and delivery of official reports to the Agency
- 1.7 The on-site element of the audit took place at the Authority's office at Consort House, Queensway, Redhill, Surrey, RH1 1YB on 13-15 July 2016. The audit included a reality check at a feed establishment to assess the effectiveness of official controls implemented by the Service.

Background

- 1.8 Buckinghamshire and Surrey Trading Standards Service were formed from a merger between Buckinghamshire County Council and Surrey County Council's trading standards departments. Surrey County Council is based in the south east of England bordering Greater London and covers an area of around 1.7 km² with a population of just over 1.1 million people. Surrey has the highest GDP per capita in the UK with many major national and international companies basing their head offices in the region. Surrey's major towns are Guildford and Woking and there are numerous other commuter towns with good rail and road links to London. Buckinghamshire County Council is also based in the south east of England and borders Greater London, with an area of around 1.9 km² with a population of approximately 756,000 people. Buckinghamshire like Surrey is a prosperous part of the country with a high GDP per capita. The southern part of the county is part of the London commuter belt and the area can also boast good manufacturing and agricultural industries.

- 1.9 The merged trading standards service between Buckinghamshire and Surrey was governed through a Joint Committee of Cabinet Members derived from both partner authorities. There is also an Advisory Board comprising of councillors and senior managers from each authority. The legal framework to form the joint service was set out in an Inter Authority Agreement. The Authority operates from two centres – Aylesbury in Buckinghamshire and Redhill in Surrey. Delivery of the feed law enforcement duties were the responsibility of Trading Standards Officers (TSO) with varying levels of qualifications, competence and experience. All the officers carrying out feed law enforcement activities also undertook enforcement in other areas of trading standards work.
- 1.10 The profile of Surrey’s feed businesses as at 31 March 2015 according to their submitted enforcement return was as follows:

| Type of Feed Premises | Number |
|--------------------------------------|---------------|
| Manufacturers/Packers | 22 |
| Distributors/Transporters | 18 |
| Retailers | 73 |
| Co-products/surplus food | 17 |
| Stores | 4 |
| Arable farms | 36 |
| Livestock farms | 730 |
| Importers | 4 |
| Total Number of Feed Premises | 904 |

2.0 Executive Summary

2.1 At the time of the audit Buckinghamshire and Surrey Trading Standards had recently merged to become a shared trading standards service. Some aspects of the merger had not yet been completed, most significantly, the merger of the two Authority's databases. Whilst the Service had delivered a range of controls as required it needed to make improvements to fully meet the requirements of the NFDM, National Enforcement Priorities, Framework Agreement and the Feed Law Code of Practice (FELCP). A number of improvements in the overall arrangements and controls for feed service delivery were identified. The key strengths and areas for improvement for the LA are set out below.

2.2 Strengths:

The Service had developed a system staff appraisal where officer training needs were identified and monitored, including those specific to feed law enforcement. Any training needs identified were incorporated into a Staff Development Plan and the Service maintained a Competency Matrix for each individual officer.

Effective assessments of the compliance of premises and systems, including HACCP based systems, to legally prescribed standards had been carried out with the contemporaneous observations of officers recorded in detail.

In 2015/16 the feed service had participated in the NTS Surplus Food Project.

The liaison and communication roles of the Lead Feed officer and Regional Lead Feed Officer were being carried out effectively. Training was planned regionally and expertise was shared with other feed authorities on request.

2.3 Key area for improvement:

The Service Plan should be reviewed to ensure that there is greater detail in regard to the Services' annual programme of official feed controls, including the implementation of the NFDM and earned recognition, and how they would be delivered and a comparison of the FTE's required to deliver official controls against those available to the Service. The Service Plan should be submitted to the appropriate Member forum or senior delegated officer for approval.

Earned recognition as defined by the NFDM and the FELCP had not been implemented by the Service either in terms of procedure, strategy or reduced scheduled inspection frequency. The Service should ensure that feed premises are effectively registered, coded, risk rated and the next inspection date allocated in accordance with the FELCP.

The extent and limitations of officer's authorisations were not defined in all cases.

The Service had not established liaison arrangements with the Internal Temporary Storage Facility (ITSF) based in the area and had not implemented a system of monitoring to ensure manifest checks are carried out on feed imported from third countries.

A procedure to ensure the accuracy and completeness of the database had not been developed. The database was inaccurate in terms of risk scores, next inspection dates and premises subject to earned recognition. This meant that the information used to populate the desktop model for FSA funded official controls was also likely to be inaccurate.

3.0 Audit Findings

3.1 Feed service planning, delivery and review

Implementation of the Agency's annual National Feed Enforcement Priorities (NEPs) document

- 3.1.1 The Authority had developed a Service Plan for 2015/16 that detailed how it would deliver official feed controls within its area and the resources required. The Service Plan gave a general outline of the requirements of the Service Planning Guidance in the Framework Agreement and gave a commitment to deliver National Trading Standards (NTS) co-ordinated work. However, the Service Plan would benefit from greater detail in regard to the Services' annual programme of official controls and how they were to be delivered and a comparison of the FTE's required to deliver official feed controls against those available to the Service. The Service Plan did state that the Service had 0.76 FTE to carry out feed law enforcement duties.
- 3.1.2 The 2015/16 Service Plan included a review of the previous years' Service Plan and stated that NTS funded programmes had been delivered, although information received by the Agency showed a shortfall. This was possibly due to the re-allocation of funding mid-year. Auditors discussed the benefits of including more detail in the review to better reflect the work carried out, detail in year changes to the programme and any improvements identified and implemented.

- 3.1.3 There was no evidence that the Service Plan had been approved by the appropriate Member forum or senior delegated officer.
- 3.1.4 The Service Plan stated that it takes account of the Agency's National Enforcement Priorities document but it did not go into any specific detail as to how this was to be achieved. Auditors were informed that the Lead Officer for feed considers the NEPs document to see how the stated priorities would influence the delivery of the Services' annual programme of official controls and there was clearly a level of awareness of priorities at the higher management levels. However, the Service did not appear to have instigated a structured process or discussion as to how the priorities applied to the Authority or how they were to be effectively implemented. Discussions with officers active in feed law enforcement showed that at this level, there appeared to be less detailed awareness of how the NEPs influenced the day to day execution of their feed law enforcement duties. Auditors discussed the benefits of raising awareness of the NEPs and their importance in the delivery of national feed enforcement objectives with officers.
- 3.1.5 The Service had taken part in the NTS Surplus Food Project which had resulted in the development of a local project to further investigate surplus food being supplied to pig keepers. In addition, the Service intended to sign officers up to undertake the SWERCOTS Primary Production e-learning course.

Recommendation 1 - Service Planning

[The Standard 3.1 & 3.2]

[The National Feed Enforcement Priorities 2016/17]

[The Feed Law Code of Practice 5.1]

Further develop the service delivery plan in accordance with Service Planning Guidance in Chapter 1 of the Framework Agreement to include:

- greater detail in regard to the delivery of the annual interventions programme and NEPs;
- a comparison of the numbers FTE needed to deliver the programme against those available to the Service; and
- greater detail in regard to the review of the previous year's plan.

Submit the service delivery plan for approval to either the relevant member forum, or where appropriate the relevant senior delegated officer.

Effectiveness of the implementation and monitoring of earned recognition for feed establishments

- 3.1.6 There had been limited planned implementation of the scheme for earned recognition for feed establishments, and there was only a partial awareness of how earned recognition could be organised and achieved. For example, a significant number of premises had not been coded as belonging to an FSA approved assurance scheme (FSA AAS) and the Service was unable to fully identify all feed premises subject to earned recognition because the Likelihood of Compliance risk score had not been allocated. Officers were also unaware of the guidance that had been published by ACTSO and the National Agriculture Panel on the implementation of earned recognition. Earned recognition aims to reduce the burden on compliant businesses whilst focussing enforcement activity at those businesses which are less compliant.
- 3.1.7 Although we were advised that a system for the implementation of earned recognition on the database had not yet commenced, the Service had recently made some progress in updating the database records for Type 1 earned recognition i.e. feed establishments that were members of an approved assurance scheme. However, although the Service had access to the Red

Tractor Assurance Scheme website and were able to code feed establishments that were members of that scheme, relevant premises risk ratings had not been altered to enable earned recognition to take effect. In addition auditors were unable to verify if the Service had been granted access to the Agricultural Industries Confederation website. Similarly, because of the lack of implementation of earned recognition on the database, the Service had not implemented a system for recognising Type 2 earned recognition which was relevant to those premises that were not members of an FSA AAS, but were broadly compliant.

Recommendation 2 – Earned Recognition

[The New Feed Delivery Model]

[The Feed Law Code of Practice 5.3]

Implement a scheme for earned recognition for feed premises that are members of an FSA approved assurance scheme or broadly compliant in accordance with the NFDM and the Feed Law Code of Practice.

Promotion of the importance of feed hygiene

- 3.1.8 The Service had developed a ‘new keeper’ pack and carried out training for new farmers, both of which assisted feed business operators and promoted the need for feed premises registration. There were future plans to carry out further new farmer training and auditors were informed that a Facebook page, aimed at disseminating useful information for farmers was under consideration.

3.2 Competence of Officers

- 3.2.1 The Service had developed a system of annual staff appraisal with mid-term reviews where individual officer training needs could be identified and monitored, including those specific to feed law enforcement. Any training needs identified were incorporated into a Staff Development Plan. Training and development information was collated from the appraisal forms to identify training needs across the Service. To ensure that officers are able to demonstrate the level of competency required for their level of authorisation, the Service maintained a Competency Matrix for each officer. To safeguard competency levels, the Service had implemented a system of documented monthly one to one meetings and as part of the appraisal system, carried out a review to map how the officer had implemented the training and reinforced the knowledge gained. In addition new officers were subject to accompanied inspections.
- 3.2.2 The Service had utilised an authorisation matrix to demonstrate that all officers had been appropriately authorised based on their experience, qualifications and competency. File checks undertaken by auditors confirmed this. Auditors discussed slightly extending the matrix to ensure that officers that had only been authorised for certain parts of individual regulations had the limits of their authorisation fully documented.

Recommendation 3 – Officer Authorisation

[The Standard 5.3]

Ensure that where appropriate, officers have limits placed on their level of authorisation in line with their qualifications training and experience.

- 3.2.3 File checks also showed that for the most part, officers had been sufficiently and appropriately trained for feed law enforcement in accordance with their level of authorisation. All officers had received 10 hours annual training based on the principles of continuous professional development, had received HACCP training where appropriate, and general enforcement training. Minor gaps in update training were identified for some officers and these were discussed.
- 3.2.4 Generally officer qualification and training records had been maintained by the Authority and were easily retrievable.
- 3.2.5 We were informed that the Lead Officer for feed kept their knowledge up to date through self-learning, and their duties as moderator for the CTSI DCATS Agriculture written, practical and oral examinations.

3.2.6 It was noted that officers had been registered with, and engaged on the Agriculture Community Knowledge Hub forum.

3.3 Implementation and effectiveness of feed control activities

Inspection

- 3.3.1 The Authority had made some progress in updating the feed register and database by utilising various outside sources for information. However, the Service was not able to demonstrate an overall strategy for dealing with unregistered premises in accordance with the NEPs. In addition checks prior to, and during the audit showed that not all registered feed businesses had been allocated with the correct registration code.

Recommendation 4 – Feed Premises Register

[The Standard 7.2]

[The National Enforcement Priorities 2016/17]

[The Feed Law Code of Practice 2.9]

Ensure that all feed establishments are approved or registered and included in the inspection programme in accordance with the Feed Law Code of Practice and centrally issued guidance. Ensure that all feed establishments are allocated the correct registration code.

- 3.3.2 Feed premises had not been effectively and consistently risk rated and file checks showed that some premises had not been risk rated dating as far back as 2013.
- 3.3.3 The Service had been utilising model template inspection forms developed by the FSA for carrying out feed inspections, although on occasion, officers had used older templates with references to out of date legislation. File checks showed that, on all occasions, a record of inspection had been left with the Feed Business Operator (FeBO) at the conclusion of inspections.
- 3.3.4 Inspections had not been carried out at the minimum frequencies set out in the FELCP. File checks showed that inspections were being carried out at premises that were not due for inspection, and often multiple visits had been carried out in a short space of time at businesses that were members of FSA AAS which should have been subject to a reduced intervention programme due to earned recognition. The Service was utilising the ACTSO National Trading Standards Risk Assessment Scheme. Auditors were informed that the database had been configured to allocate the Likelihood of Compliance (LOC) risk score. However, the database had been configured with the scores from an earlier version of the

ACTSO National Trading Standards Scheme guidance which had since been updated. Auditors discussed the importance of ensuring these scores were updated as soon as possible and the LOC score applied to ensure greater accuracy within the database going forward. Auditors discussed how the Service, in drawing up the intervention programme, and the population of the desktop model, decides upon the most appropriate interventions at feed businesses. Auditors were informed the Service attempted to ensure the annual intervention programme was risk based by the population and analysis of separate Excel spreadsheets.

- 3.3.5 File checks showed that interventions at feed premises had been carried out by appropriately authorised staff and it was clear that effective assessments of the compliance of premises and systems, including HACCP based systems, to legally prescribed standards had been carried out. File checks also showed that the contemporaneous observations of officers had been recorded in detail and records were easily retrievable. However, it was clear officers were not determining the LOC score at the time of inspection.
- 3.3.6 In conclusion, it was clear that due to the lack of allocation of the LOC scores the planned programme of official feed controls was based on the application of significantly flawed information.

Recommendation 5 – Risk Rating

[The Feed Law Code of Practice 5.2 and 5.3]

Ensure that all relevant premises have been correctly risk rated and that the LOC score has been appropriately allocated in all cases. Ensure that a next inspection date has been generated to enable the implementation of earned recognition. Officers should allocate the LOC score at the conclusion of inspections.

- 3.3.7 Although the scope of the audit did not cover Buckinghamshire’s database, auditors were provided with inspection and feed register data as part of the pre-visit questionnaire (PVQ). On brief review of this there appeared to be similar anomalies in respect of risk rating, calculation of next inspection dates and implementation of earned recognition. Auditors would encourage the Service to take the opportunity to review the accuracy and consistency of the Buckinghamshire feed data in light of these audit findings. This would also be prudent prior to the merger of the two databases in the near future.

- 3.3.8 The Service was aware of the memorandum of understanding between the National Agriculture Panel and Veterinary Medicines Directorate.

Sampling

- 3.3.9 The Service had developed a documented feed sampling programme co-ordinated regionally, agreed with NTS and compiled with due consideration to NEPs. However, file checks showed that there had been substantial deviation from the agreed sampling programme including the sampling of compound feed from farms which was not in accordance with NEPs. Auditors were informed that a deviation regarding the premise type had been agreed with the Regional Feed Co-Ordinator. However it was also evident that the sample type had changed from feed material to compound feed. It was agreed that the Agency would discuss with NTS, in year changes agreed with local authorities to ensure sampling remained in line with NEPs.

Recommendation 6 – Sampling

[The New Feed Delivery Model]

[National Enforcement Priorities 2015/16]

Ensure that any agreed in-year changes to the regionally co-ordinated feed sampling programme takes into account NEPs. Any deviation from the feed sampling programme and the reasons for the change should be documented.

- 3.3.10 All the samples taken by the Service had returned satisfactory results.

Alternative enforcement

- 3.3.11 The Service had developed and implemented a strategy for Tier 1 alternative enforcement in accordance with the FELCP. AES had been concentrated on R13 and R14 coded premises and entailed the use of a questionnaire sent by post to the FeBO. The questionnaire required the FeBO to answer a series of questions designed to establish if there had been any changes to business operations that would impact on registration activity codes, risk ratings or trigger a higher level intervention. On occasion a similar questionnaire had also been utilised on sampling visits.
- 3.3.12 File checks showed that one R13 farm that had been buying in complete feed only had received unnecessary intervention in a 12 month period, namely an AES Tier 1 intervention. The visit had included a questionnaire being completed on farm and a sample of the complete feed being taken. Subsequently the business received a primary inspection. This was not in accordance with the

implementation of earned recognition as it should have received a reduced frequency of intervention (see Recommendation 2).

Enforcement

- 3.3.13 No feed law enforcement activities had been carried out within the previous two years.

Feed businesses acting as a representative for 3rd country establishments

- 3.3.14 The Service had responsibility for ensuring checks are carried out on feed products entering the UK through Heathrow Airport, and being transferred into an Internal Temporary Storage Facility (ITSF) based in their area. Auditors confirmed that checks had not been undertaken at this facility. Auditors discussed making contact with the management in charge of the ITSF to implement a system of monitoring to ensure that manifest checks are carried out on a regular basis and for the routine exchange of information.

Recommendation 7 – Imported Feed

[The Standard 12.1]

[The Feed Law Code of Practice 5.5]

Establish liaison arrangements with the ITSF based in the area and implement a system of monitoring to ensure manifest checks are carried out and information exchanged in regard to imports of feed from third countries.

- 3.3.15 A number of head offices for businesses importing feed from 3rd countries were based within the area. However none of these businesses stored feed product on the premises. The businesses had been entered on the database and correctly coded. Auditors were informed that during inspections, records would be checked on product types, quantities, traceability, UK/EU point of entry and the final destination if known. File checks showed that the import of feed subject to specific or enhanced control measures had been considered.

Verification Visit to a feed establishment

- 3.3.16 A reality visit was carried out at a local brewery with the officer that had carried out the last visit. The business supplied its spent grain as feed to a local farmer. It was clear from the visit that the officer had a good working relationship with the business, was familiar with the processes involved and had a good knowledge of the relevant legislation. The reality visit further confirmed that the

LOC scores were not determined at the time of inspection (see Recommendation 4).

3.4 Maintenance and management of appropriate feed premises database and records

3.4.1 The Service had not developed a procedure to ensure the accuracy and completeness of the feed premises database.

3.4.2 As highlighted in the findings of the report it was clear the database was inaccurate in terms of risk scores, next inspection dates and premises subject to earned recognition. Checks also showed that there was a discrepancy between the numbers of premises recorded on the Red Tractor website and the numbers held by the Service, and the Agricultural Industries Confederation (AIC) list of assured premises had not been consulted. In addition there was some evidence that historically registration activity codes had not always been appropriately allocated. Auditors were informed that the Service intended to review registration codes and would ensure comparisons were made to the Red Tractor and AIC lists.

Recommendation 8 – Feed Database

[The Standard 11.1.and 11.2]

The Authority should set up, implement and maintain a documented procedure to ensure that its feed database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring, population of the desktop model, as well to accurate reporting of data to the FSA.

This procedure should include measures to regularly review and correct all anomalies in and between FSA AAS status, inspection intervals, level of compliance scores, total risk scores and registration codes referred to in the audit report.

3.4.3 Access to the database was managed by log-in requirements and user privileges. Restrictions are imposed in regard to changing names and addresses but it was unclear if officers had the ability to delete premises. The database was backed up on a daily basis.

3.5 Arrangements for the Lead Officer role for feed

- 3.5.1 The Public Health & Compliance Supervisor carried out the bulk of the day to day feed monitoring activities which was overseen by the Lead Officer for feed. The Public Health & Compliance Supervisor was also the nominated deputy for the Lead Officer for feed.
- 3.5.2 The Service did not have a documented procedure for the monitoring of feed law enforcement. However, to ensure consistency in the delivery of official controls a number of monitoring activities were being carried out including aide memoir checks, monthly one to one meetings, team meetings every two months and accompanied inspections for new officers, although these had not always formally recorded. Any enforcement actions, should they be required, would be monitored by the Service's in-house legal team.
- 3.5.3 Quantitative aspects of the Service, including the delivery of the desktop model in relation to interventions and sampling were monitored regular via delivery of the quarterly return to the FSA. Feed service requests and complaints were also monitored for numbers to help inform the demands on the service.

Recommendation 9 – Monitoring Procedure

[The Standard, paragraph 19.1 & 19.2]

The Authority shall set up, maintain and implement a documented internal monitoring procedure for the feed service to verify its conformance with the Standard, relevant legislation, Code of Practice, NFDM and other centrally issued guidance.

This procedure should include the monitoring of inspection paperwork, including risk rating determination and update, and inspection data entry by feed officers.

Records of all internal monitoring, including shadowed inspection visits, should be made and kept for at least 2 years.

- 3.5.4 No inter authority audits or peer review exercises had been carried out in the last two years.
- 3.5.5 The Lead Feed Officer understood the importance of consistent delivery of official controls within the authority and between other competent authorities

regionally and nationally. The role of Home Authorities and Primary Authorities in co-ordinating the delivery of official controls was also fully understood.

- 3.5.6 Generally the Feed Lead had effective liaison arrangements in place with the Regional Feed Lead and Regional Feed Coordinator. New guidance and NAP updates were reportedly e-mailed directly to feed officers by the Feed Lead and discussed at team meetings where appropriate. The Feed Lead was registered and engaged on the Knowledge Hub.
- 3.5.7 The Lead Officer received detailed minutes of the Trading Standards South East (TSSE) Feed Sub-Group meetings from the Regional Feed Lead. In addition, although the Lead Officer had not recently attended the regional sub-group meetings, a representative of the Service had attended, and provided an overview of the highlights of the meeting. The Lead Officer informed auditors that they receive regular e-mails from the Regional Feed Lead on points of interest such as regional training needs and opportunities for equipment sharing.

3.6 Arrangements for the Regional Lead role for feed

- 3.6.1 The Lead Officer is supportive of the role of the Regional Feed Lead. The officer believes that the regionalisation of fund allocation has been a positive step in ensuring funding bids are submitted within agreed timescales and achieving consistency and minimising discrepancies in funding submissions.
- 3.6.2 The Lead Officer reported that in regard to the collation and submission of the desktop model and quarterly returns, most of the co-ordination and communication was through the Regional Co-ordinator. This was operating effectively.
- 3.6.3 The Lead Officer reported that the Regional Feed Lead had been proactive in disseminating feed related information by e-mail and was active on the Knowledge Hub sharing technical advice, best practice and responding to concerns about consistency. The Regional Feed Lead had established an agreed approach to regional meetings and how communication across the region would be carried out.
- 3.6.4 There was evidence that the Regional Feed Lead had been proactive in supporting the timely submission of results for nationally co-ordinated NTS projects e.g. the surplus food project and for the timely return of feedback requested by the Feed Governance Group and/or NAP.
- 3.6.5 In addition the Regional Feed Lead had recently contacted the Lead Officer to discuss development of a regional feed training programme and promoting e-learning courses.

3.7 Accuracy and delivery of official feed reports to the Agency

- 3.7.1 The Service did not have any documented procedures for assessing the accuracy of official feed reports to the Agency. In practice, annual feed returns were subject to a number of validation reports, whilst NTS returns were checked manually to ensure data was in the correct fields. UKFSS submission codes were checked before they were sent to the Public Analyst and generally error messages were given if the incorrect fields were filled in.
- 3.7.2 In regard to the annual feed returns, the lack of written warnings was discussed. It was agreed that the anomaly was caused by officers misinterpreting the FSA's definition of a written warning as any legislative non-compliance brought to a FeBOs attention in writing.
- 3.7.3 As discussed earlier in the report, the NTS annual desktop exercise had not been completed accurately due to the non-allocation of risk scores by officers at the time of inspection. The NTS quarterly monitoring return was accurate and the Service had carried out the work as reported. Recommendations for addressing database anomalies and internal monitoring have been made earlier in this report, with a view to ensuring the validity of official reports to the FSA in future.
- 3.7.4 The Service reported difficulty in ensuring that data had been entered in the correct fields on the NTS desktop model as it was felt that the layout was not user friendly. There were no technical issues with the uploading and submission of the returns.
- 3.7.5 Checks on the UKFSS return showed that this had been filed accurately.

Auditors: Robert Hutchinson
Sarah Green

Technical Advisor: Julie Benson

Food Standards Agency
Regulatory Delivery Division

ANNEX A - Action Plan for Buckinghamshire and Surrey County Council Trading Standards Service

Audit date: 13-15 July 2016

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
|--|--|--|--|
| <p>Recommendation 1 - Service Planning [The Standard 3.1 & 3.2] [The National Feed Enforcement Priorities 2016/17] [The Feed Law Code of Practice 5.1]</p> <p>Further develop the service delivery plan in accordance with Service Planning Guidance in Chapter 1 of the Framework Agreement to include:</p> <ul style="list-style-type: none"> • greater detail in regard to the delivery of the annual interventions programme and NEPs; • a comparison of the numbers FTE needed to deliver the programme against those available to the Service; and • greater detail in regard to the review of the previous year's plan. <p>Submit the service delivery plan for approval to either the relevant member forum, or where appropriate the relevant senior delegated officer.</p> | <p>End November 2016</p> | <p>For the 16/17 Plan we will:</p> <p>Give greater detail regarding the delivery of the annual interventions programme and how they relate to the NEPs</p> <p>Indicate the FTE resource required to deliver the programme as indicated by the CoP</p> <p>Produce a more detailed review of the previous years' feed activity</p> | <p>The Plan is on the Management Board agenda for the meeting in November 2016</p> |

| | | | |
|---|------------------------------------|---|---|
| <p>Recommendation 2 – Earned Recognition [The New Feed Delivery Model] [The Feed Law Code of Practice 5.3]</p> <p>Implement a scheme for earned recognition for feed premises that are members of an FSA approved assurance scheme or broadly compliant in accordance with the NFDM and the Feed Law Code of Practice.</p> | <p>End December 2016</p> | <p>Globally update Earned Recognition for R13 and R14 Assurance scheme members to reflect AES risk intervention</p> <p>We will globally apply ER to all primary producers (R11, 13 and 14) that are members of an FSA ASS without the need for prior inspection..</p> | <p>The ACTSO Feed risk scheme has been implemented into the Surrey APP database. This includes a risk element for Earned Recognition Adjustment (ERA), according to the ACTSO guidance.</p> <p>Once the Bucks and Surrey APP databases are merged later this year the amended risk scheme will be imposed on Bucks data also and their visits updated.</p> <p>Visits carried out in 16-17 have had the ERA score applied. To ensure accurate ER is applied, remaining premises, with the exception of R11, R13 and R14, will have their ERA once a visit has been carried out and the level of compliance can be accurately determined.</p> <p>Red Tractor membership was recorded on APP, and these have been reviewed again since the audit and the records updated as necessary. Some discrepancies had arisen as the business was still listed on the website, however we had received notification that the business had been removed from/left the scheme and this had been updated on our database.</p> <p>Regular updates are now received from AIC and all membership is recorded on our database.</p> |
|---|------------------------------------|---|---|

| | | | |
|--|----------------------------------|--|---|
| <p>Recommendation 3 – Officer Authorisation [The Standard 5.3]</p> <p>Ensure that where appropriate, officers have limits placed on their level of authorisation in line with their qualifications training and experience.</p> | <p>End December 2016</p> | <p>We will indicate on the matrix the appropriate level of authorisation commensurate with their training and experience</p> | |
| <p>Recommendation 4 – Feed Premises Register [The Standard 7.2] [The National Enforcement Priorities 2016/17] [The Feed Law Code of Practice 2.9]</p> <p>Ensure that all feed establishments are approved or registered and included in the inspection programme in accordance with the Feed Law Code of Practice and centrally issued guidance. Ensure that all feed establishments are allocated the correct registration code.</p> | <p>Ongoing</p> | <p>Work will continue as indicated</p> | <p>Work is ongoing to continually review feed premises to ensure they are correctly coded, risked and Registration codes applied.</p> <p>Anomalies have been reviewed, in particular those receiving an AES intervention last year to ensure the correct R and A code was recorded.</p> |

| | | | |
|---|----------------|---|--|
| <p>Recommendation 5 – Risk Rating [The Feed Law Code of Practice 5.2 and 5.3]</p> <p>Ensure that all relevant premises have been correctly risk rated and that the LOC score has been appropriately allocated in all cases. Ensure that a next inspection date has been generated to enable the implementation of earned recognition. Officers should allocate the LOC score at the conclusion of inspections.</p> | <p>Ongoing</p> | <p>We will continue to review the effectiveness of the work already being carried out</p> | <p>The AH visit form has been updated to include the ACTSO Likelihood of Compliance (LOC) score for feed, and a reminder to officers of the FSA Approved Feed Assurance schemes so they can indicate appropriate membership. This information is then utilised by the Licensing Officer when inputted on the system to apply the relevant ERA and calculate the next visit date.</p> <p>All officers are aware of the ACTSO guidance on applying compliance scores for risk assessment of feed businesses.</p> <p>Now a complete Feed Risk scheme is in place, once visited all feed premises will have a LOC score and ERA score applied thereby creating an appropriate next visit date.</p> |
| <p>Recommendation 6 – Sampling [The New Feed Delivery Model] [National Enforcement Priorities 2015/16]</p> <p>Ensure that any agreed in-year changes to the regionally co-ordinated feed sampling programme takes into account NEPs. Any deviation from the feed sampling programme and the reasons for the change should be documented.</p> | <p>Ongoing</p> | <p>We will continue to indicate planned variations</p> | <p>Any deviations from the sampling plan will be prior agreed with the regional coordinator.</p> |

| | | | |
|---|----------------------------------|---|---|
| <p>Recommendation 7 – Imported Feed [The Standard 12.1] [The Feed Law Code of Practice 5.5]</p> <p>Establish liaison arrangements with the ITSF based in the area and implement a system of monitoring to ensure manifest checks are carried out and information exchanged in regard to imports of feed from third countries.</p> | <p>End December 2016</p> | <p>Will liaise with the ITSF to determine the frequency of imported feed and develop a plan for checking feed.</p> | <p>A return was made to TSSE on September 16th indicating the relevant feed businesses.</p> <p>Contact has also been made with Southampton with regard to better information provision relating to imports through Southampton for businesses based in the joint service area.</p> |
| <p>Recommendation 8 – Feed Database [The Standard 11.1.and 11.2]</p> <p>The Authority should set up, implement and maintain a documented procedure to ensure that its feed database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring, population of the desktop model, as well to accurate reporting of data to the FSA.</p> <p>This procedure should include measures to regularly review and correct all anomalies in and between FSA AAS status, inspection intervals, level of compliance scores, total risk scores and registration codes referred to in the audit report.</p> | <p>End December 2016</p> | <p>Procedure to be developed to confirm the work already carried out.</p> <p>If feed business becomes an Assurance Scheme member, or leaves a scheme their ERA and LOC visit risk score will be updated to reflect the new risk score. Procedure to be updated to reflect this.</p> | <p>Guide previously developed on the accurate recording of Feed business on APP.</p> <p>When visits entered on APP the data is checked and updated as necessary.</p> <p>Notifications from Red Tractor and AIC received regularly and database checks carried out to update the Assurance scheme membership details on APP.</p> |

| | | | |
|--|----------------------------------|---|--|
| <p>Recommendation 9 – Monitoring Procedure [The Standard, paragraph 19.1 & 19.2]</p> <p>The Authority shall set up, maintain and implement a documented internal monitoring procedure for the feed service to verify its conformance with the Standard, relevant legislation, Code of Practice, NFDM and other centrally issued guidance.</p> <p>This procedure should include the monitoring of inspection paperwork, including risk rating determination and update, and inspection data entry by feed officers.</p> <p>Records of all internal monitoring, including shadowed inspection visits, should be made and kept for at least 2 years.</p> | <p>End December 2016</p> | <p>We will produce a procedure that will require the review of inspection paperwork, risk rating determination and data entry on a regular basis</p> <p>The 121 meetings and appraisal process will indicate effectiveness of the work done</p> | |
|--|----------------------------------|---|--|

ANNEX B - Audit Approach/Methodology

Audit resource was targeted at the key risk areas. We examined any relevant records, instructions, documents, and evaluated procedures and outcomes. We also conducted appropriate audit testing to form an opinion on the controls in place.

The approach consisted of desktop reviews of information requested from the LA in a pre-visit questionnaire, and a 3 day onsite audit consisting of:

- Examination of plans, policies and procedures.
- Examination of file records.
- Review of database records
- Interviews with local authority officers - opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.
- On-site verification check:
A visit to a local brewery was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements.

ANNEX C - Glossary

| | |
|--|--|
| Agricultural Analyst | A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples. |
| Authorised officer | A suitably qualified and competent officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of food and feed law. |
| Feed Law Code of Practice | Government Code of Practice issued under regulation 6 of the Official Feed and Food Controls Regulations 2009 as guidance to local authorities on the execution and enforcement of feed law. |
| County Council | A local authority whose geographical area corresponds to the county and whose responsibilities include food standards, food hygiene at the level of primary production and feeding stuffs enforcement. |
| Defra | The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England. |
| District Council | A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement. |
| Environmental Health Officer (EHO) | Officer employed by the local authority to enforce food safety legislation. |
| FNAO | Feed not of animal origin. Products that do not fall under the requirements of the veterinary control regime. |
| The DG Health and Food Safety - Audit and Analysis | Part of the European Commission, formerly known as the Food and Veterinary Office (FVO). |
| Feed Law Enforcement | Government Code of Practice issued under the |

| | |
|-----------------------------|--|
| Code of Practice | Official Feed and Food Control Regulations 2009. |
| Feeding stuffs | Term used in legislation meaning feed, including additives and pet food, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals. |
| Food/feed hygiene | The legal requirements covering the measures and conditions necessary to control hazards to ensure fitness for human consumption of a foodstuff/animal consumption of a feed, taking into account its intended use. |
| Food/Feed standards | The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed |
| Framework Agreement | <p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit yearly returns to the Agency on their feed enforcement activities .e. numbers of inspections, samples, prosecutions and notices.</p> <p>Under the Audit Scheme the Food Standards Agency conduct audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p> |
| Full Time Equivalents (FTE) | A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed |

enforcement.

| | |
|--------------------------------|---|
| HACCP | Hazard Analysis and Critical Control Point – a feed safety management system used within feed businesses to identify points in the production process where it is critical for food/feed safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level. |
| Home Authority | An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food and feed safety/ standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food/feed related policies and procedures. |
| Informal samples | Samples that have not been taken in the prescribed manner laid down in Regulation EC. No 152/2009 laying down the methods of sampling and analysis for the official control of feed. |
| Member forum | A local authority forum at which Council Members discuss and make decisions on food law enforcement services. |
| Metropolitan Authority | A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined. |
| New Feed Delivery Model (NFDM) | NFDM is a multi-faceted solution to improve the effectiveness of official feed controls, delivered in partnership with key stakeholders, ensuring timely, appropriate, proportionate and consistent delivery of controls to secure compliance with feed law. |
| Port Health Authority (PHA) | An authority specifically constituted for port health functions including imported food and feed control. |
| Primary Authority | An authority that has formed a formal partnership with a business in accordance with the Regulatory Enforcement and Sanctions Act 2008. |

| | |
|---------------------------------|--|
| Public Analyst | An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed samples. |
| RASFF | Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards. |
| Risk rating | A system that rates food/feed premises according to risk and determines how frequently those premises should be inspected. |
| Service Plan | A document produced by a local authority setting out their plans on providing and delivering a food/feed Service to the local community. |
| Trading Standards | The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards, food hygiene at the level of primary production and feeding stuffs legislation. |
| Trading Standards Officer (TSO) | Officer employed by the local authority who, amongst other responsibilities, may enforce food standards, food hygiene at the level of primary production and feeding stuffs legislation. |
| Unitary Authority | A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene (including at the level of primary production), food standards and feeding stuffs enforcement. |