

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

Lincolnshire County Council
27-28 September 2011



Foreword

Audits of local authorities' feed and food law enforcement services are 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. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring

This programme of focused audits in England and Wales was specifically developed to address two of the priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that feed meets the legislative requirements for animal consumption and is safe to enter the human food chain and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at inland feed establishments and effective local authority monitoring throughout the feed chain. The audits will also be an opportunity for the Agency to establish the level of controls being implemented by Local Authorities (local authorities) following the FVO Mission to the United Kingdom on animal feed controls which took place from 16-26 June 2009. The report entitled 'The Implementation of Measures Concerning Official Controls on Feed Legislation' is available from the Europa website at: http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335.

The programme examined local authority (LA) systems and procedures for control of feed at inland authorities, in 10 geographically representative local authorities in England and 2 in Wales. The audits were confined to feed not of animal origin (FNAO). A similar audit programme in Scotland is being scheduled later in 2011.

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) and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring.

It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their feed enforcement services reflecting local needs and priorities.

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 feed law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on feeding stuffs. Parallel local authority audit

schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

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

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1. Introduction

- 1.1 This report records the results of an audit of Lincolnshire County Council with regard to feed law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the authority's arrangements for inland controls of feed of non-animal origin. The audit was undertaken as part of the Agency's focused audit programme of feed controls in England and Wales. 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 Food Standards Agency's Local authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

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 Lincolnshire County Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. 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 audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.3 Lincolnshire County Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services to be representative of a geographical mix of 12 feed law enforcement local authorities across England and Wales.

Scope of the Audit

- 1.4 The audit examined Lincolnshire County Council's systems and procedures for the control of feed not of animal origin (FNAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, the provision and adequacy of

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)

officer training, authorisations, implementation and effectiveness of feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to feed and internal service monitoring arrangements were also covered.

- 1.6 The on-site element of the audit took place at the authority's offices at The Old Malthouse, Commercial Road, Grantham on 27-28 September 2011. The audit included a reality check to assess the effectiveness of official controls implemented by the authority and more specifically, the checks carried out by the authority's officers to verify compliance with feed law requirements.
- 1.7 The information gained during this programme will be incorporated into a summary report on the feed inspection and control activities audit programme.

Background

- 1.8 Lincolnshire County Council is located in the East of England with seven district authorities comprising the County Council's area. The County town is Lincoln, where the County Council has its headquarters. The area is traditionally agricultural and this remains the dominant land use, although the County is also home to well established seaside resorts and is a major attraction to visitors from across England.
- 1.9 The County covers an area of 2,284 square miles with a population of approximately 700,000 making it one of the most sparsely populated counties in England. However, there have been notable increases in population in recent years which is in part due to in-migration of a retirement population mainly to the coast and countryside. In addition there has been an inward migration of a working population from other member states of the European Union, mainly to South Lincolnshire. However, as a result of the economic climate some food production facilities have closed down and as these were significant employers in the area, the levels of migrant workers are reducing.
- 1.10 Feed law enforcement was carried out by officers in the Trading Standards Service, which formed part of the Safer Communities Directorate.

2. Executive Summary

- 2.1 The audit took place at a time of major re-organisation and uncertainty in the future direction of service provision at the authority. This followed major cuts in funding of the service and a consequent loss of resources, in particular of experienced and competent staff qualified to carry out feed law official controls.
- 2.2 The authority had not developed a feed service plan for 2011/2012 in light of the prevailing resource issues and uncertainty in the direction of the Service in response to the budget cuts. Future service plans need to be drafted in line with the service planning guidance in the Framework Agreement. In particular in the light of current circumstances, future plans would benefit from the inclusion of a realistic comparison of the resources required to deliver the feed law enforcement service against resources available to the authority (once this has been finalised) based upon the full range of demands placed upon it.
- 2.3 The Framework Agreement requires a range of documented policies and procedures to be developed and implemented across the feed law enforcement service. Whilst a limited range of procedures had been developed by the authority, there was a need to ensure that these were reviewed and expanded and new procedures developed to ensure they adequately reflected current practice across all the feed law enforcement service. In addition a system was required to be implemented to ensure that policies and procedures were routinely reviewed and amended to take into account changes in practices, centrally issued guidance or legislation.
- 2.4 The authority needed to develop and implement a documented procedure for the authorisation of officers for feed enforcement, to set out the means by which officers are authorised based on their qualifications, training, experience and competency. Officer training needs were identified as part of the annual personal development review process. Whereas it was clear that the lead officer for feed had received some relevant training in the past, it was not evident that they had currently achieved sufficient relevant training based on continuing professional development in accordance with the Feed Law Enforcement Code of Practice (FLECP). It was clear that other officers currently involved in feed law enforcement were receiving a wide range of training relevant to their role and were achieving the minimum 10 hours of training required.
- 2.5 The authority maintained an electronic database of feed law enforcement activities, which was capable of providing information necessary for official returns. However, there appeared to be some difficulty in providing accurate returns due to the way the system was configured, and some under-reporting of enforcement activity, including written warnings issued and notices served. It was evident that some

protocols had been developed to promote consistent data entry, however a procedure for updating and maintaining the database also needed to be developed.

- 2.6 The authority had identified the feed establishments that it considered to be high risk and had until re-organisation, undertaken to inspect these on an annual basis. An inspection programme for 2011/2012 had been drawn up which reflected specific funding from the Agency to support official controls on feed. A number of establishments (which were mainly farms) had not yet been added to the register of feed establishments and provided with a nominal activity code.
- 2.7 File checks confirmed that whilst inspections were targeted at high-risk establishments, inspections were not being carried out at the frequency required by the FLECP. The authority had implemented a targeted alternative enforcement strategy on low risk premises and aimed to carry out a percentage of inspections at medium risk establishments, targeting the higher-risk premises in this category.
- 2.8 Checks on inspection records carried out during the audit showed a variation in the level of detail recorded, and in general there was insufficient information recorded on inspection findings to indicate officers' assessments of feed safety management systems or their implementation by operators, and whether any follow-up actions were required. The consistent use of an inspection aide-memoire would assist in prompting officers to record their inspection findings in sufficient detail.
- 2.9 The authority needed to develop and implement a documented policy and procedure on feed sampling. A programme had been developed which was based on risk and took some account of national feed enforcement priorities. It was noted that the numbers of feed samples had dropped from previous years and the Service advised that they anticipated difficulty in completing the programme for this year. Records of samples confirmed that unsatisfactory sampling results had been dealt with effectively in accordance with the FLECP and feed business operators (FeBOs) had been advised of the outcomes and appropriate advice had been issued.
- 2.10 The service had a public statement relating to the investigation of complaints and the auditors were advised that the system for the receipt and investigation of complaints was undergoing a major review. File checks showed that all feed complaints and referrals had been dealt with effectively and that all relevant FeBO and local authorities had been appropriately contacted.
- 2.11 The authority actively participated in relevant liaison groups on feed and had informal liaison arrangements with operational staff in the district councils in Lincolnshire and with other stakeholders. A joint inspection had been successfully undertaken with an inspector from the

Inspections and Investigations Team of the Veterinary Medicines Directorate.

- 2.12 There was evidence that routine qualitative and quantitative monitoring took place, although a documented procedure on internal monitoring had not been developed.
- 2.13 During the audit an officer was interviewed who regularly carries out feed law enforcement. The aim of the interview was to determine that the officer was able to demonstrate an appropriate level of competence and knowledge of the service's procedures. The officer was clearly able to demonstrate a satisfactory working knowledge of feed law enforcement.
- 2.14 A 'reality check' visit was carried out to a local feed mill accompanied by officers from the authority. The purpose of the visit was to assess the previous inspecting officer's evaluation of the compliance of the feed business with legislative requirements. An earlier visit appeared to have concentrated on sampling and compositional issues, and the benefits of using an aide-memoire were discussed to ensure a comprehensive inspection is carried out focusing also on an assessment of the feed safety management systems in place and any appropriate follow-up.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Trading Standards Service was responsible for the delivery of the feed law enforcement service which was located within the Safer Communities Directorate. Auditors were advised that the Trading Standards Service had experienced significant cuts from January 2011 amounting to a loss of resources of around 50% which included the departure of competent and experienced officers. At the time of the audit, the Service was still in the process of redesigning the structure of the Service and the priorities for service delivery in the light of the remaining resources. The Council had recognised that the Service required specialist management support and a team of external consultants had been engaged to conduct a fundamental review of the Service. In the interim the authority had adopted a largely reactive service and were not carrying out either a full proactive feed premises inspection or sampling programme.
- 3.1.2 The Service had been unable to produce a Service Plan encompassing the feed law enforcement service for 2011/2012 due to the prevailing circumstances and uncertainty in the future direction of service provision. Auditors were provided with a copy of the previous year's plan, which did not contain all of the information required in the Service Planning Guidance in the Framework Agreement, although some of the information was available in other documentation provided. It had not been possible to establish the resources required to provide the feed law enforcement service and compare those with the resources available, as these had yet to be confirmed under a new structure.
- 3.1.3 The Agency provides guidance to local authorities on current national feed enforcement priorities to enable better targeting of official control activities. Auditors were advised that prior to re-organisation, a planning meeting would have been held where the national priorities would be considered along with other relevant intelligence, to inform decisions on the inspection and sampling programmes for the year.
- 3.1.4 Although it had not been possible to carry out meaningful reviews of performance in the current financial year, auditors were advised that previously an ongoing review of performance was routinely carried out and reported at regular management team meetings. Evidence was provided of reviews and discussions relating to the work of the Division, which included reference to the feed enforcement service.

Recommendation

3.1.5 The Authority should:

Develop a Service Plan for feed law enforcement in accordance with the Service Planning Guidance in the Framework Agreement, to include a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Authority. Ensure that the Service Plan is reviewed at least once a year and any variance is addressed in the subsequent year's arrangements.

[The Standard – 3.1, 3.2 and 3.3]

Documented Policies and Procedures

- 3.1.6 The authority did not have an effective system in place for the development of new documented policies and procedures or for the review of existing documents in relation to feed law enforcement. There were limited documented procedures available, and these required review to ensure they reflected current practice and legislative references. In addition further policies and procedures required development to cover the whole of the Service. This will be of particular importance in respect of the current re-organisation and the potential for officers currently unfamiliar with animal feed enforcement working in that area.

Recommendations

3.1.7 The Authority should:

- (i) Set up, maintain and implement documented procedures for the full range of feed law enforcement activities in accordance with the Feed Law Enforcement Code of Practice and official guidance. [The Standard – 15.2]
- (ii) Ensure that documented policies and procedures for the feed law enforcement service are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]

Authorised Officers

- 3.1.8 The Head of Safer Communities held delegated powers to appoint and authorise officers in line with the Council's Constitution.

Auditors were advised that the Head of Service liaises with the relevant line manager prior to authorisation to confirm that the officer has the appropriate qualifications and experience for the level of authorisation conferred.

- 3.1.9 The authority had not developed a documented procedure to describe the process for authorising officers to undertake feed law enforcement or the criteria for determining the appropriate level of authorisation. Officers carrying out feed law enforcement were authorised generically under the main Acts. The authority advised that they had recognised that there were inconsistencies with the authorisations and a review had been initiated of the practical procedures in place for authorisation. Auditors advised that any documented procedures developed should also be considered by the Council's legal department to ensure that officers were appropriately authorised under relevant legislation, to include specific enforcement powers.
- 3.1.10 The authority had provided the Agency with details for two officers as Lead Officer for feed, as the officer who took operational responsibility for the feed law enforcement service worked part time. Both officers were appropriately qualified and experienced.
- 3.1.11 Officer training needs were identified in individual personal development plans. Auditors were advised that the authority had recognised that due to the resource issues and the recent loss of a significant number of experienced officers there was a need to ensure that remaining officers received training relevant to their role to attempt to address the resulting knowledge gap. It was evident that officers currently involved in feed law enforcement were receiving a wide range of training relevant to their role and were achieving the minimum 10 hours of training based on continuing professional development (CPD) required by the FLECP. However, although it was evident that one of the nominated lead officers for feed had received relevant training in the past, they had not been able to maintain specialist training in recent times. The authority advised that some additional training had been scheduled for officers in the near future.

Recommendations

3.1.12 The Authority should:

- (i) Set up, maintain and implement a documented procedure for the authorisation of officers and ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and any centrally issued guidance. [The Standard – 5.1]
- (ii) Review and update current authorisations to ensure that all officers are appropriately authorised under relevant legislation, consistent with their qualifications and training. [The Standard – 5.3]
- (iii) Ensure all officers authorised to carry out feed law enforcement complete the necessary 10 hours Continuing Professional Development training in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]

3.1.13 An officer who regularly carries out feed law enforcement was interviewed to determine if they were able to demonstrate an appropriate level of competency and knowledge of the Service's procedures. The officer was able to show a satisfactory working knowledge of animal feed enforcement.

Facilities and Equipment

3.1.14 The authority advised that it had access to suitable equipment for the sampling of feeding stuffs.

3.1.15 The authority maintained an electronic database of feed law enforcement activities which was capable of providing information necessary for official returns. Annual feed returns had been provided to the Agency for 2010/2011, however, it was evident that there were some anomalies on the statistics which the authority attributed to the manner in which the system had been configured over time and that difficulties in maintaining accuracy of the database had been exacerbated by the loss of the systems administrator post. It was evident that the authority was under-reporting enforcement activities including written warnings issued and notices served. There was also evidence that visits may have been inappropriately entered onto the database as primary inspections when the activities that actually took place would not meet the requirements for an inspection.

- 3.1.16 The Service had not developed a documented procedure to ensure that its feed premises database was accurate, although some work instructions had been developed to encourage a consistent approach in entering data onto the system. Auditors were advised that a number of establishments, in particular farms, had yet to be added to the feed register although those that were known to the authority had been included on the premises database. It was also acknowledged that the authority had identified that a number of premises had been attributed an inappropriate activity code and it was intended to request up to date information on the establishments' activities in order to attribute the most appropriate code on the register. Audit database checks on a random selection of agricultural premises in a commercial directory confirmed that they were generally present on the database.
- 3.1.17 The authority had a number of premises dealing with co-products intended for feed use and surplus food intended for the feed chain. The Service had participated in a regional project to raise awareness of such products, particularly in respect of officers in the constituent district Environmental Health Departments, where training of officers had been provided in order that they could include questions on by-products and co-products as part of their routine inspections, passing any intelligence gained back to the County.
- 3.1.18 The Service confirmed that they were aware of one representative covering a third country establishment in the authority's area who had made an application in the United Kingdom in accordance with the requirements of Directive 98/51/EC.

Recommendations

3.1.19 The Authority should:

- (i) Ensure accurate information of feed law enforcement activity is reported in official returns to the Agency. [The Standard – 6.3]
- (ii) Develop, maintain and implement a procedure to ensure that the feed premises database is accurate, reliable and up to date. [The Standard – 11.2]

Liaison with Other Organisations

- 3.1.20 The authority had established liaison arrangements on animal feed matters with central government and local enforcement bodies across the region. In particular, the Service participated in the Trading Standards East Midlands (TSEM) Food and Agriculture Sub-

group. There were occasional specific liaison meetings within the region where the authority was represented, and informal liaison arrangements with the district authorities in the County and with Animal Health.

- 3.1.21 It was evident that the Service had established liaison arrangements with the Inspections and Investigations Team (formerly Animal Medicines Inspectorate) and a successful joint visit to a premises where there were combined enforcement responsibilities had taken place, in line with the national Memorandum of Understanding. Work Plans had also been exchanged to ensure there was no unnecessary duplication on visits.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Service had not developed any specific documented procedures relating to the inspection of feed establishments, although a generic flowchart had been produced. The Service carried out a mix of announced and unannounced inspections to ensure that where practicable the appropriate company personnel were on site.
- 3.2.2 Due to the prevailing circumstances relating to the loss of resources, the authority had not been in a position to confirm an inspection programme for the year, although a decision had been made to continue the routine inspection of manufacturing premises including feed mills. The authority advised that the majority of premises had been assigned a global risk rating under a national scheme, but these had not necessarily been inspected, in particular low risk establishments which were targeted for an alternative enforcement strategy (AES). These premises were also visited by the Animal Health Officers who reported back any concerns for further action. The authority advised that there were 27 establishments categorised as manufacturers and annual visits had been planned to 22 of them as these were rated as high risk, with the remaining five medium risk establishments subject to inspection every two years. Audit record checks on five premises indicated that not all establishments rated as high risk had been inspected at the correct frequency.
- 3.2.3 The authority had carried out a specific AES project focused on pig keepers, to update records and highlight any establishments that may require an intervention or an amended coding on the feed establishment register.
- 3.2.4 In the majority of files examined during the audit there was no record of a report of inspection form. The Service had, with mixed success, been using a digital pen to record the inspection findings and the report of inspection form that was left with the FeBO. In general, records provided insufficient information on the intervention findings to determine the basis of the risk assessments. The findings from the inspection of one establishment had however, been recorded on a comprehensive aide- memoire and this provided detailed information on the business and the officer's assessment of compliance.
- 3.2.5 The authority had successfully applied for a grant from the Agency to carry out a programme of official feed controls. This involved carrying out audits at a variety of feed businesses and the completion of a comprehensive aide-memoire to record the outcome of each audit. Auditors discussed the adoption of the Agency's template aide-memoire which includes greater opportunity for officers to record HACCP assessments.
This is essential to:

- demonstrate that feed businesses comply with the law
- ensure subsequent inspecting officers are aware of individual business compliance histories
- to inform each step of a graduated enforcement approach
- to permit effective internal qualitative monitoring.

Recommendations

3.2.6 The Authority should:

- (i) Develop and maintain documented procedures covering the range of feed interventions carried out. [The Standard – 7.4]
- (ii) Ensure that feeding stuffs premises inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1]
- (iii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]
- (iv) Ensure that all observations and/or data obtained in the course of an inspection are recorded and that the records are legible and stored in such a way that they are retrievable to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]

Verification Visit

3.2.7 A visit to a local feed manufacturer 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. Whilst the officer was able to demonstrate that they were familiar with the operations taking place at the establishment, it appeared that the previous inspection had focused on sampling and compositional issues with a lack of evidence that an adequate assessment of the feed safety management system had taken place.

Feed Inspection and Sampling

- 3.2.8 The Agricultural Analyst appointed by the Service was designated as an Official Control Laboratory for animal feed analysis and was properly accredited. Auditors were advised that the Service liaised with the Agricultural Analyst on an ad hoc basis in relation to feed sampling and until recent months, had held regular planning meetings with the Analyst to discuss and agree the feed sampling programme.
- 3.2.9 The authority had not developed a feed sampling documented policy or procedure. A feed sampling programme had been developed, which was based on risk and had taken some account of the national enforcement priorities in its development. It was noted that due to resource issues, the numbers of feed samples had declined compared to those of previous years and despite additional grant funding being provided from the Agency for 2011/2012, the authority anticipated that it would struggle to complete the programme in the current year.
- 3.2.10 The authority's policy was to take formal samples where practicable, particularly where these were being obtained from feed manufacturers. Records of five unsatisfactory feed sample results were examined, three of which were formal samples. These had been taken by a suitably qualified and experienced officer and the results were retained on file. Whilst these had in the main been taken as part of the sampling programme, they were not necessarily selected on a risk basis or followed the guidance set out in the national enforcement priorities. Records of the samples and the results were retained on file and demonstrated that the business had been informed of the result and appropriate action had been taken by the authority where necessary.

Recommendations

3.2.11 The Authority should:

- (i) Set up and implement a sampling policy for feed sampling and carry out risk based sampling in accordance with the policy, programme and the National Enforcement Priorities. [The Standard – 12.4 and 12.6]
- (ii) Develop and maintain documented procedures on sampling of animal feed, including follow-up on unsatisfactory results. [The Standard – 12.5]

Enforcement

- 3.2.12 The authority had developed a comprehensive Trading Standards enforcement policy covering all aspects of the Service, including feed law enforcement. This had been undergoing a review prior to the resource cuts, and the current status of the document was unclear, however it was anticipated that the review would be completed by the new Head of Service. The policy categorised enforcement actions according to the seriousness of the contravention, and in addition the authority had developed some supporting procedures on investigation of offences according to the category of action required. The Service would benefit from the development of further specific procedures to cover the full range of enforcement options available for feed law enforcement activity, particularly in view of the loss of experienced officers and the potential for officers unfamiliar with feed law enforcement taking up such duties.
- 3.2.13 Audit file checks were carried out in relation to two detention notices served in respect of feed. These were found to be appropriate and correctly served.

Recommendation

3.2.14 The Authority should:

Set up, maintain and implement documented procedures for the full range of formal enforcement actions in accordance with the Feed Law Enforcement Code of Practice and official guidance. [The Standard – 15.2]

Feed Complaints, Primary authority Scheme and Home authority Principle

- 3.2.15 The Service had issued a public statement relating to the investigation of complaints, including those concerning feed. Auditors were advised that the system for the receipt and investigation of complaints was undergoing a major review, following which a documented policy and procedures would be established. Auditors were advised that very few complaints relating to feed were received by the authority. The records for three feed complaints or referrals from other local authorities were examined and these demonstrated that they had been dealt with effectively, in accordance with the authority's enforcement policy and that all relevant parties had been contacted and kept informed of progress of the complaint.

Recommendation

3.2.16 The Authority should:

Develop, maintain and implement a documented policy and procedures in relation to complaints about feed and feed establishments. Procedures should include guidance on referral arrangements to other authorities.

[The Standard – 8.1]

Feed Safety Incidents

3.2.17 The authority had developed an undated procedure on Food Hazard Warnings. This required updating and expanding to clarify it also related to alerts and incidents relating to feed.

3.2.18 There was an out of hours contact system in place which covered the receipt of notifications from the Agency on feed alerts and incidents. Auditors were advised of an incident relating to the potential poisoning of sheep which had been appropriately notified to the Agency.

Advice to Business

3.2.19 Auditors were advised that initiatives providing advice to feed businesses were not being actively pursued. It was however evident that advice was being offered where requested and during inspections.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Service had not developed and implemented a documented internal monitoring procedure for feed law enforcement activities in accordance with Regulation (EC) No. 882/2004 and the FLECP. There was a generic procedure relating to the monitoring of criminal complaints.
- 3.3.2 In practice there was evidence that a range of routine qualitative and quantitative monitoring was taking place, which included regular documented work reviews with team members.

Recommendation

3.3.3 The Authority should:

Develop and implement a documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained.
[The Standard - 19.1, 19.2 and 19.3]

Records

- 3.3.4 Records of feed law enforcement activity were maintained electronically with some hard copy paper records. Records in relation to complaints, referrals and feed sampling activities were up to date and accurate. However, both hard copy and electronic records relating to feed premises interventions did not in general include sufficient detail of the inspection, any assessment or adequate information about the premises and its operations, as required by the FLECP.

Recommendation

3.3.5 The Authority should:

Maintain up to date accurate records in retrievable form for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspection and determinations of compliance carried out by authorised officers. [The Standard – 16.1]

Third Party or Peer Review

3.3.6 The authority had not participated in any inter-authority audit, third party or peer review process relating to the feed service in the last two years.

Auditors: **Yvonne Robinson**
Sally Hayden

Food Standards Agency

Local authority Audit and Liaison Division

ANNEXE A

Action Plan for Lincolnshire County Council

Audit date: 27-28 September 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.5 Develop a Service Plan for feed law enforcement in accordance with the Service Planning Guidance in the Framework Agreement, to include a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the authority. Ensure that the Service Plan is reviewed at least once a year and any variance is addressed in the subsequent year's arrangements. [The Standard – 3.1, 3.2 and 3.3]</p>	<p>01/04/12</p>	<p>The Safer Communities Service Plan will be drawn up to meet Corporate standards. Full consideration will be given to the Feed Law Enforcement Code of Practice (FLECP), but resources allocated to enforcement will be based on an assessment and prioritisation of all local Community Safety risks. Gap analysis based on FLECP will be included in the risk assessment. The Safer Communities Service Plan will be reviewed annually and projects within the plan will be constantly reviewed against current risk and demand on the Service and available resources.</p>	<p>The format for the Service Plan is evolving and many of the procedural developments required after re-organisation have been identified and in some cases addressed.</p>
<p>3.1.7(i) Set up, maintain and implement documented procedures for the full range of feed law enforcement activities in accordance with the Feed Law Enforcement Code of Practice and official guidance. [The Standard – 15.2]</p>	<p>01/04/12</p>	<p>All policies and procedures will be updated and tailored to the new Service. Regular review will take place. Lead Officers will recommend changes in particular service areas.</p>	<p>A review of all policies and procedures has commenced. This work will fall into the enforcement process review.</p>
<p>3.1.7(ii) Ensure that documented policies and procedures for the feed law enforcement service are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]</p>	<p>30/09/12</p>	<p>Lead Officers will be tasked with regular and any necessary ad hoc reviews of working practices, policies and procedures in their area of specialism</p>	<p>Lead Officers nominated across the new Service.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.12(i) Set up, maintain and implement a documented procedure for the authorisation of officers and ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and any centrally issued guidance. [The Standard – 5.1]	01/04/12	A documented procedure pulling together current practice, guidance and the Lincolnshire County Council (LCC) constitution will be put in place. Particular consideration will be given to authorisation relating to all matters derived from the European Communities Act 1972. Additionally the Local Better Regulation Office (LBRO) competency scheme is to be introduced for enforcement staff.	A review of all current TS authorisations has taken place. Level 2 Feed work has been restricted to 4 identified officers, 3 of whom are conducting audits for the FSA sponsored enhanced inspection programme. The Lead Feed Officer is a member of the National Panel writing the Feed competencies.
3.1.12(ii) Review and update current authorisations to ensure that all officers are appropriately authorised under relevant legislation, consistent with their qualifications and training. [The Standard – 5.3]	Completed		Initial review completed, as above.
3.1.12(iii) Ensure all officers authorised to carry out feed law enforcement complete the necessary 10 hours Continuing Professional Development training in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]	01/04/13	All officers carrying out practical duties had appropriate CPD training at the time of audit. The new Service is developing a training regime which will include the LBRO competency framework; for which a Feed module is under construction. In addition a new documented system for identifying needs and recording training in all forms, including coaching and appropriately directed research /reading will be introduced.	Review under way of current systems, implementation of new LCC competence and appraisal systems being prepared, LBRO competence scheme is being introduced.
3.1.19(i) Ensure accurate information of feed law enforcement activity is reported in official returns to the Agency. [The Standard – 6.3]	31/10/12	Coding issues relating to the internal database are being identified and a plan for improving the TS database as a whole is being drawn up.	Service has applied for grant towards adoption of UKFSS, to improve sampling data. Work recording processes Service wide are under review.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.19(ii) Develop, maintain and implement a procedure to ensure that the feed premises database is accurate, reliable and up to date. [The Standard – 11.2]	31/10/12	To be developed as part of Service wide improvements. AES and questionnaires targeted at areas of trade will be used to increase the reliability of the database, with contact centre staff operating appropriate systems under the supervision of a Level 2 authorised feed officer.	
3.2.6(i) Develop and maintain documented procedures covering the range of feed interventions carried out. [The Standard – 7.4]	01/04/13	The Service will review and re train staff on generic procedures and ensure appropriate staff have access to guidance and work instruction relating to more specialised areas of activity. The Lead Officer system will manage this.	A top down review of the Enforcement policy and all related procedures will commence in February 2012.
3.2.6 (ii) Ensure that feeding stuffs premises inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1]	01/04/12	Full consideration will be given to the FLECP, but resources allocated to enforcement will be based on an assessment and prioritisation of all local Community Safety risks. Gap analysis based on FLECP will be included in the risk assessment.	2012-13 Service Planning process in development.
3.2.6(iii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]	01/04/12	The introduction of inspection protocols and enhanced guidance on recording and reviewing work will be issued to the new Service. Workload reviews will ensure tasks are carried out to the required standards and will identify officer training needs	A new work review form is being trialled Service wide by Team Leaders. This is a documented system based on reviews already carried out with the Feed Team. Level 2 Feed Officers are using the FSA inspection protocol on programmed feed mill inspections.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.6(iv) Ensure that all observations and/or data obtained in the course of an inspection are recorded and that the records are legible and stored in such a way that they are retrievable to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]	30/09/12	Notes and information from audit style inspections will be scanned into the database or appropriate notes will be typed onto the system.	A recording and reporting review for all TS work is under way.
3.2.11(i) Set up and implement a sampling policy for feed sampling and carry out risk based sampling in accordance with the policy, programme and the National Enforcement Priorities. [The Standard – 12.4 and 12.6]	01/04/12	The Service has always devised its sampling programmes in accordance with The Standard, the policy was not however documented. This will now be written down. A significant reduction in resources will mean Trading Standards sampling in all areas will be risked assessed and resources committed to particular areas of sampling based on this assessment.	
3.2.11(ii) Develop and maintain documented procedures on sampling of animal feed, including follow-up on unsatisfactory results. [The Standard – 12.5]	01/04/13	The Service demonstrably complies with the majority of paragraph 12.5 of the Standard and relies on Feed sampling regulations and FSA guidance for procedures on actual sampling. As part of the review of all service procedures, a knowledge base will be constructed pulling together appropriate standards and protocols.	
3.2.14 Set up, maintain and implement documented procedures for the full range of formal enforcement actions in accordance with the Feed Law Enforcement Code of Practice and official guidance. [The Standard – 15.2]	01/04/13	The Service can evidence the use of the full range of enforcement actions in recent years. The Service Enforcement policy is under review, as are procedures underpinning this. As part of the review of all service procedures, a knowledge base will be constructed pulling together appropriate standards and protocols.	A top down review of the Enforcement policy and all related procedures will commence in February 2012.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.16 Develop, maintain and implement a documented policy and procedures in relation to complaints about feed and feed establishments. Procedures should include guidance on referral arrangements to other authorities. [The Standard – 8.1]</p>	<p>01/04/12</p>	<p>Database recording systems are to be enhanced to enable better interrogation of complaints and enquiries for trend and risk assessment purposes. Some of these ideas were already in place as regards feed issues.</p>	<p>A new generic “Enquiry Allocation” Process has been implemented for all complaints and enquiries, feed issues are included within this. Work recording processes Service wide are under review.</p>
<p>3.3.3 Develop and implement a documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the Service’s conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2 and 19.3]</p>	<p>31/07/12</p>	<p>Activity review and internal audit of this kind will be implemented Service wide.</p>	<p>In terms of the work of individual officers, a new work review form is being trialled by Team Leaders, as mentioned above.</p>
<p>3.3.5 Maintain up to date accurate records in retrievable form for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspection and determinations of compliance carried out by authorised officers. [The Standard – 16.1]</p>	<p>30/09/12</p>	<p>Much of this information is already available. Some written records were misplaced or erroneously destroyed during the closure of a recent office and implementation of Corporate “paperless office” policies. Additional improvements will be gained through the introduction of inspection protocols and enhanced guidance on recording and reviewing work.</p>	

Audit Approach/Methodology

The audit was conducted using a variety of approaches and methodologies as follows:

(1) Examination of LA policies and procedures.

The following LA policies, procedures and linked documents were examined before and during the audit:

- Trading Standards Service Plan 2010/2011
- Work of the Division Update 2010/2011
- Feed/Fertiliser Inspection Programme 201/2011
- Extract from the Council Constitution relating to Scheme Of Delegation
- Database Work Instructions
- Trading Standards Service Guide
- Feed Premises Inspection Forms
- Feed Sampling Programme 2010/2011
- Food Hazard Warnings Procedure
- Trading Standards Service Enforcement Policy
- Trading Standards Service investigation procedures
- Minutes of the Trading Standards East Midlands Agricultural Meetings
- Agriculture – Feed Business Registration/Approval
- Complaint/Enquiry File Review Record
- Examples of officer workload review summaries

(2) File reviews – the following LA file records were reviewed during the audit:

- Authorisation, qualification and training files
- Liaison records
- Feed premises inspection records
- Feed detention notices
- Feed complaints/referral records
- Feed inspection and sampling records.

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Service Manager
- Principal Trading Standards Officer
- Senior Trading Standards Officer

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

(4) On-site verification check:

A visit to a local feed manufacturer 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.

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Airways bills	Commercial documents providing a general description of cargo items.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs	Common Entry Documents which must accompany certain food products to designated points of entry or import.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
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 geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
ERTS	Enhanced remote transit shed. An HM Customs and Excise designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
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.

Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Feed Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Service Planning Guidance • Food and Feed Law Enforcement Standard • 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 annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting 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 enforcement.
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 safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
LAEMS	Local authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.

Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed 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.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
Port Health authority (PHA)	An authority specifically constituted for port health functions including imported food control.
Primary authority	An authority that has formed a partnership with a business.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates feed premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected annually.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or 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 and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed 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, food standards and feed enforcement.