

**Report on the Audit of Local Authority Food Law
Service Assessment of Food Businesses'
Food Safety Management System (FSMS)**

Rugby Borough Council
26-27 January 2010



Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food 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 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.

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for officer authorisation and training, inspections of food businesses and internal monitoring. The audit scope was developed specifically to address Recommendations 9 and 15 of the Public Inquiry Report¹ into the 2005 E. coli outbreak at Bridgend, Wales. The programme focused on the local authority's training provision to ensure that all officers who check Hazard Analysis and Critical Control Point (HACCP) and HACCP based plans, including those responsible for overseeing the work of those officers, have the necessary knowledge and skills. Also, that existing inspection arrangements and processes to assess and enforce HACCP related food safety requirements in food businesses are adequate, risk based, and able to effect any changes necessary to secure improvements.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement 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 food 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 food 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 comprising the UK.

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

¹ <http://wales.gov.uk/ecolidocs/3008707/reporten.pdf?skip=1&lang=en>

CONTENTS

	Page
1.0 Introduction	4
<i>Reason for the Audit</i>	4
<i>Scope of the Audit</i>	4
<i>Background</i>	5
2.0 Executive Summary	6
3.0 Audit Findings	
3.1 Organisation and Management	8
- <i>Strategic Framework, Policy and Service Planning</i>	8
- <i>Documented Policies and Procedures</i>	9
- <i>Officer Authorisations</i>	9
3.2 Food Premises Inspections	12
- <i>Verification Visit to a Food Premises</i>	15
3.3 Enforcement	16
3.4 Internal Monitoring and Third Party or Peer Review	17
- <i>Internal Monitoring</i>	17
- <i>Food and Food Premises Complaints</i>	17
- <i>Food Sampling</i>	17
- <i>Third Party or Peer Review</i>	18
Annexe A - Action Plan for Rugby Borough Council	19
Annexe B - Audit Approach/Methodology	25
Annexe C – Glossary	26

1. Introduction

- 1.1 This report records the results of an audit at Rugby Borough Council with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of food premises inspections, enforcement activities and internal monitoring. The report has been made 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 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 Rugby Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was included in the Food Standards Agency's programme of audits of local authority food law enforcement services, because it had not been audited in the past by the Agency and was representative of a geographical mix of 25 Councils selected across England.

Scope of the Audit

- 1.4 The audit examined Rugby Borough Council's arrangements for food premises inspections and internal monitoring with regard to food hygiene law enforcement, with particular emphasis on officer competencies in assessing food safety management systems based on HACCP principles. This included a reality check at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management, and the internal monitoring of other related food hygiene law enforcement activities.
- 1.5 Assurance was sought that key food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the

Authority's office at the Town Hall, Evreux Way, Rugby on 26 - 27 January 2010.

Background

- 1.6 The Borough of Rugby is situated in the east of the county of Warwickshire and has a population of just over 91,000. Approximately 60,000 people live in the town of Rugby with the remainder living in the rural areas surrounding the town. The economy of the Borough is primarily based on industry of which engineering forms a major part.
- 1.7 There are approximately 870 food premises in the district. The majority of food businesses are situated in the town of Rugby and comprise small to medium catering and retail enterprises, in addition to a major soft drinks manufacturer. There were two establishments in the Authority's area which require approval under Regulation (EC) No. 853/2004.
- 1.8 The Public Health and Licensing Team was responsible for enforcing food hygiene legislation in the Borough. The team was also responsible for health and safety enforcement and health promotion.
- 1.9 The profile of Rugby Borough Council's food businesses as of 31 March 2009 was as follows:

Type of food premises	Number
Distributors/Transporters	16
Manufacturers/Packers	19
Retailers	195
Restaurant/Caterers	646
Total number of food premises	876

2. Executive Summary

- 2.1 The Authority had developed a Food Service Plan for 2009/2010 that was broadly in line with the Service Planning Guidance in the Framework Agreement. However, future Service Plans should be expanded to include a comparison of the staff resources required to deliver the food law enforcement service against the staff resources available to the Authority.
- 2.2 The Authority had recently reviewed existing procedures or developed new procedures covering enforcement issues relevant to the scope of this audit. A structured system for the regular review of policies and procedures required development and implementation.
- 2.3 There was no effective system in place to authorise officers in accordance with their individual qualifications, experience and competency, which meant that every food officer was authorised to carry out all food law enforcement activities even where competency had not been maintained or their qualifications were inadequate for the enforcement powers delegated to them. Whilst individual training needs were identified on an annual basis, there was not a mechanism in place for drawing together individual and team training needs into a documented annual training programme.
- 2.4 The forms used to record inspection findings were not being completed in sufficient detail by officers to confirm that an effective assessment had been made of the compliance of the food business with legislative requirements or to provide the basis for the allocation of premises risk ratings. It appeared in a number of cases that an inappropriate risk rating had been allocated where significant failings had been identified at the business. In addition, officers' records of the assessment of Food Safety Management Systems (FSMS) were incomplete, confusing and did not demonstrate that an assessment of the food businesses validation and verification of the FSMS had taken place. In other records examined it was not clear in the case of repeated contraventions that a graduated approach to enforcement had been adopted.
- 2.5 Specific aides-memoire were not being used to record detailed findings following approved establishment inspections. Due to the lack of records, it was not possible to determine whether the approved establishments complied with legislative requirements, whether an appropriate inspection had been carried out or to establish the basis for officers' decisions regarding business compliance. Approved establishment files generally lacked the information listed in Annexe 12 of the Food Law Code of Practice Guidance, including the absence of a

synopsis and details of emergency recall/withdrawal plans, pest control arrangements, and up-to-date HACCP plans.

- 2.6 Records confirmed that complaints about food and food premises were investigated effectively with appropriate follow-up action being taken. Complaint records were found to be complete and accurate.
- 2.7 Records relating to unsatisfactory food sample results indicated that there were significant problems with hygiene and the FSMS at the premises involved, including the presence of E. coli in ready-to-eat food. Although in general the Food Business Operator's (FBO's) were informed of the results and some further samples were taken several months later, there was no evidence of prompt action being taken to investigate the cause of the high levels of bacteria found in the samples, or whether further enforcement action was appropriate.
- 2.8 Although the Service had developed a procedure for internal monitoring, it had not been implemented and there was little evidence of qualitative internal monitoring being undertaken at the time of the audit. The introduction of effective internal monitoring would highlight the variations in both the quality of enforcement work undertaken and the maintenance of adequate food law enforcement records by different officers.
- 2.9 A reality check visit at a food business was undertaken during the audit. The main objective was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. During the visit some significant issues were noted in respect of the conditions at the premises, the incomplete and inappropriate nature of the FSMS, and the FBO's overall poor understanding of HACCP principles. The system in place did not address all potential food safety hazards and a key process, namely the use of a vacuum packer for both raw and cooked meats had not been appropriately assessed or included in the FSMS.
- 2.10 Immediately following the audit the Authority drew up an informal action plan in order to take urgent steps to address the audit findings. The actions taken or proposed by the Authority are highlighted in the action plan at Annexe A.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a Food Service Plan 2009/2010 which had been drawn up broadly in line with the Service Planning Guidance in the Framework Agreement. The Plan had been agreed by Cabinet in November 2009. It included enforcement activity objectives for the forthcoming year and a review of the previous year's achievements. The Plan would benefit from the inclusion of a proposed intervention programme for the year and a clear comparison of the staff resources required to deliver the food law enforcement service against the staff resources available to the Authority.

Recommendation

- 3.1.2 The Authority should:

Ensure that future Food Service Plans are in line with the Service Planning Guidance in the Framework Agreement, including details of the inspection programme for the year and the staffing resources required to provide the food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]

- 3.1.3 The strategic aim of the Service was to 'work in partnership with food businesses to ensure that the food produced, processed, prepared, sold or consumed within the District is safe and without risks to health of residents and visitors to the Borough.'
- 3.1.4 The Food Service Plan set out key objectives for the forthcoming year, which included an aim to carry out 96% of all the food safety inspections due in the year. In addition the Plan acknowledged the Authority's support for the Food Standards Agency's 'Safer food, better business' (SFBB) initiative by the inclusion of an objective to provide coaching to food businesses in SFBB when required.
- 3.1.5 The Authority had completed a review against the previous year's Service Plan and had identified that performance had exceeded targets, including the achievement of 98.3% of programmed inspections due in the year compared with the target of 95% for 2008/2009.
- 3.1.6 The returns made to the Food Standards Agency under the Local Authority Enforcement Monitoring System (LAEMS) for 2008/2009

declared that there were 2.5 full time equivalent posts (FTE) allocated to food law enforcement.

Documented Policies and Procedures

- 3.1.7 The Authority had recently reviewed existing procedures or developed new procedures covering a range of food law enforcement issues. Auditors were advised that the Public Health and Licensing Team Leader had responsibility for the development or review of procedures, which were drafted either by him or members of the team. Drafts were given final approval by the Regulatory Services Manager. The documents were then made available to all officers in electronic 'read only' format on a central database. Following the recent review of internal documentation, auditors were advised that the Authority now intended to introduce a structured system to ensure that regular and ad hoc reviews of policies and procedures were continued in the future.

Recommendation

3.1.8 The Authority should:

Develop a system for the review of internal policies and procedures at regular intervals and whenever there are changes to legislation or centrally issued guidance.
[The Standard – 4.1]

Officer Authorisations

- 3.1.9 The Authority had a brief procedure on the authorisation of officers. This stated that the Head of Environmental Health had delegated powers to appoint officers in accordance with the Food Law Code of Practice. No additional guidance was provided in the procedure on the process or criteria for assessment. Audit checks confirmed that there was not an effective system in place to authorise food officers in accordance with their individual qualifications, experience and competency, which resulted in some officers being inappropriately authorised to carry out all food law enforcement activities where either their competency had not been maintained or their qualifications were inadequate for the enforcement powers delegated to them.

Recommendation

3.1.10 The Authority should:

Revise and implement the documented procedure on the authorisation of officers to detail the competency assessment process by which authorisations are conferred based on officer's individual qualifications, training and experience, and also ensure that officers' schedules of authorisation reflect the extent and limitations of individual officer's duties. [The Standard – 5.1]

3.1.11 Auditors were advised that an annual performance review system for officers was in place where training needs were discussed, however a process for drawing individual and team training needs into a documented annual training programme required development.

Recommendation

3.1.12 The Authority should:

Set up and implement a documented training programme to encompass identified individual and team training needs. [The Standard – 5.4]

3.1.13 Whilst it was clear that the Authority was proactive in providing training opportunities for officers, it was not evident that all authorised officers had achieved the required minimum 10 hours relevant training, based on the principles of continuing professional development. In terms of specific training on HACCP issues, it was noted that officers had attended training on coaching SFBB in 2006/2007 and were due to attend training on the assessment of FSMS in March 2010.

Recommendation

3.1.14 The Authority should:

Ensure that all officers receive suitable training consistent with their authorisation and duties in accordance with the Food Law Code of Practice. [The Standard – 5.3]

3.1.15 Audit checks confirmed that evidence of all officers' qualifications was available, and that copies of relevant qualification certificates had been retained by the Authority and were current.

3.2 Food Premises Inspections

- 3.2.1 The Authority's Food Service Plan did not provide details of the proposed intervention programme for 2009/2010 other than stating that 404 inspections were due in the year.
- 3.2.2 The Authority had developed and implemented a brief procedure on the inspection of food premises. This needed to be expanded, or a new procedure developed, to cover the specific requirements for the approval and inspection of approved establishments. In addition, the inspection procedure would benefit from the provision of clear guidance for officers on the validation and verification of FSMS.

Recommendation

3.2.3 The Authority should:

Revise and implement a documented inspection procedure which includes product specific establishments subject to approval under Regulation (EC) No. 853/2004, and the assessment of the compliance of premises and systems, particularly in relation to HACCP based food safety management systems. [The Standard – 7.2, 7.3 and 7.4]

- 3.2.4 File and database record checks confirmed that the Authority was, in general, implementing an effective risk based food premises inspection programme, and premises were being inspected at the frequency set out in the Food Law Code of Practice. There were however some anomalies where activities such as sampling visits were being wrongly recorded on the premises database as full inspections. This could affect the accuracy of the returns made to the Agency on the achievement of due interventions.

Recommendation

3.2.5 The Authority should:

Ensure that the food premises database is operated in such a way so as to be able to provide required information to the Agency. [The Standard – 6.4]

- 3.2.6 The Authority operated a 'paperless office' system where inspection documentation was scanned in for future electronic retrieval. It appeared that the system was not operating efficiently and there were significant delays in the scanning process so that key documentation

could not be readily retrieved when required or had even gone missing. Officers' notes made at the time of inspection were not always easy to read and once scanned were frequently even less legible.

Recommendation

3.2.7 The Authority should:

Ensure that officers' contemporaneous records of inspections are legible and stored in such a way that they are readily retrievable. [The Standard – 7.5]

3.2.8 The format of the inspection form did not prompt officers to record in sufficient detail their assessments of the adequacy of the food businesses FSMS. Officers records of the FSMS were incomplete, confused and did not indicate that an assessment of the FBO's validation and verification of the FSMS had taken place. The food inspection forms would benefit from further development to give the officers greater opportunity to record their detailed findings in relation to HACCP assessment.

Recommendation

3.2.9 The Authority should:

Ensure that records, observations and data obtained during the course of inspections, particularly in relation to the verification of HACCP based food safety management systems, include sufficient detail to demonstrate whether the compliance of premises and systems has been comprehensively assessed to legally prescribed standards. [The Standard – 16.1]

3.2.10 In addition, basic information on the business was missing such as the size and scale and the type of food operation. There was also little information on the compliance of businesses with general hygiene requirements such as records of assessments of the adequacy of the structure, facilities, or equipment. The absence of information or confused records made it impossible to confirm that an effective assessment had been made of the compliance of the food business with legislative requirements or to provide the basis for the allocation of premises risk ratings. It appeared in a number of cases that an inappropriate risk rating had been allocated where significant failings had been identified at the business.

3.2.11 Where serious contraventions were identified, correspondence following inspections indicated that a revisit would take place to ensure that they had been adequately addressed by the FBO. These included the absence of an FSMS and clearly inadequate cleaning procedures for vacuum packers used for raw and cooked foods. It was not always evident however, that revisits had been undertaken to the premises, or if they had, that they were timely. Records of revisits also appeared to indicate that where the FBO had failed to address serious contraventions there had been no consideration of a more formal enforcement approach to secure compliance.

Recommendation

3.2.12 The Authority should:

Inspect general food premises and approved establishments in accordance with the relevant legislation and assess the compliance of premises to the legally prescribed standards, taking appropriate action on any non-compliance found in accordance with the Authority's enforcement policy.
[The Standard – 7.2 and 7.3]

3.2.13 Reports of inspection were left with the FBO which in general contained the details required by the Food Law Code of Practice, apart from the absence of an indication of the proposed action to be taken by the Authority and a timescale for the FBO to complete any required works. Correspondence following inspections consistently differentiated between legal requirements and recommendations of good practice.

3.2.14 Files for two approved establishments in the Authority's area were examined during the audit. The approval document for one of the premises could not be located so it was not possible to confirm that it had been appropriately approved in accordance with Regulation (EC) No. 853/2004. The inspection findings had not routinely been recorded on prescribed aides-memoire specific to the type of establishment and it was therefore not possible to establish from the file records whether an appropriate detailed evaluation had been carried out, and the basis of the officer's assessment of compliance, in particular, whether the business had implemented an effective FSMS based on HACCP.

3.2.15 Approved establishment files required review to ensure that they contained the relevant business and operations information as recommended in Annexe 12 of the Food Law Practice Guidance, including the absence of a synopsis, details of pest control arrangements, up-to-date HACCP plans, and insufficient information

on emergency withdrawal/recall procedures, which would be important in the event of a food safety incident.

Recommendation

3.2.16 The Authority should:

Maintain up to date, accurate and comprehensive records for all approved establishments subject to Regulation (EC) No. 853/2004 in accordance with Annexe 12 of the Food Law Practice Guidance. [The Standard – 16.1]

Verification Visit to a Food Premises

- 3.2.17 During the audit, a verification visit was undertaken to a local butcher with an officer from the Authority, who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview of the FBO by the officer, the general hygiene checks to verify compliance with the structure and hygiene practice requirements and checks carried out by the officer to verify compliance with HACCP based procedures.
- 3.2.18 During the visit some significant issues were noted with the conditions at the premises, the incomplete and inappropriate nature of the HACCP system, and the FBO's overall poor understanding of HACCP principles. The system in place did not address all potential food safety hazards and a key process, namely the use of a vacuum packer for both raw and cooked meats had not been appropriately assessed or included in the FSMS. Previous inspection notes relating to the premises made no reference to the presence of the vacuum packer.

3.3 Enforcement

- 3.3.1 The Authority had developed an enforcement policy which was generally in accordance with centrally issued guidance and had been recently updated. The Service had also developed procedural guidance for a range of formal food law enforcement actions.
- 3.3.2 Inadequate records meant that where contraventions had been identified, it could not always be confirmed that a graduated approach to enforcement had been adopted in accordance with the Authority's enforcement policy. In other cases, from the evidence available, it appeared that where there were repeated contraventions noted over a number of inspections, formal enforcement action should have been considered, however this had not been pursued.
- 3.3.3 There were some examples of formal enforcement action being taken by officers in relation to failures by the FBO in providing an adequate FSMS. The records for four relevant HINs were examined during the audit. The wording of the notices did not provide a clear indication of the reasons for the contravention or the full extent of the remedial works required.

Recommendation

3.3.4 The Authority should:

Ensure that hygiene improvement notices are drafted in accordance with the Food Law Code of Practice, centrally issued guidance and the Authority's own enforcement policy.
[The Standard – 15.3]

- 3.3.5 The Authority had also taken a prosecution against a business in relation to the absence of a FSMS. The action taken was found to be appropriate and followed due legal process. The prosecution file contained a substantial amount of appropriate evidence to support the contraventions.

3.4 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.4.1 The Service had recently developed a documented internal monitoring procedure. However, the procedure had not been fully implemented and whilst it provided details regarding the scope of the monitoring checks and some indication of frequency, it did not detail the criteria against which the monitoring would be carried out or what action would be taken on any non-compliances identified as a result.

Recommendation

- 3.4.2 The Authority should:

Expand and fully implement its internal monitoring procedure to include the qualitative monitoring of all areas of food law enforcement activity and to reflect the quantitative internal monitoring activity that is being undertaken in practice. [The Standard – 19.1 and 19.2]

- 3.4.3 In practice a wide variance in the quality of records and follow-up action by officers was observed during the audit, however there was little evidence of qualitative monitoring of inspection records and enforcement activities. It was evident that quantitative monitoring of inspection activity and response targets had been carried out and the results were being routinely reported via a corporate management system.

Food and Food Premises Complaints

- 3.4.4 The Authority had developed and implemented a policy and procedure for the investigation of food and food premises complaints. The records for three complaint investigations relating to FSMS issues were examined. These confirmed that in all cases, complaints were appropriately investigated and follow-up action taken as necessary. Complaint records were found to be complete and accurate.

Food Sampling

- 3.4.5 The Authority was participating in local and national food sampling programmes, and reference to the Authority's policy on sampling was made in the Food Service Plan. The sampling procedure required some further development to provide detail on the Authority's own procedures, including action to be taken following the receipt of sampling results.

3.4.6 Audit checks of five unsatisfactory sample results were carried out, of which four related to samples of food and surface swabs of equipment taken as part of a national sampling survey in butchers' shop premises. The sample results indicated that there were significant problems with hygiene and the FSMS at the premises involved, including the presence of E. coli in ready-to-eat food. Three of the FBOs had been informed of the unsatisfactory results by letter, but no follow-up action had been taken in any of the premises for six months. There was no evidence that qualitative internal monitoring had been undertaken on food sampling activities.

Recommendation

3.4.7 The Authority should:

Take appropriate action in accordance with its enforcement policy where sample results are not considered to be satisfactory. [The Standard – 12.7]

Third Party or Peer Review

3.4.8 Auditors were informed that no recent formal inter-authority audits had taken place in the area. Officers had participated in some consistency exercises organised by the Warwickshire Food Group.

Auditors: Yvonne Robinson
Christina Walder

Food Standards Agency

Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Rugby Borough Council

Audit date: 26-27 January 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.2 Ensure that future Food Service Plans are in line with the Service Planning Guidance in the Framework Agreement, including details of the inspection programme for the year and the staffing resources required to provide the food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]	30/06/10	Amend the annual food Service Plan to include details of the planned intervention programme for the year 2010/2011 and subsequent years, and a clear comparison of the staffing resources available and required to deliver the food law enforcement service.	The Service Plan is in the Council's major decision forward plan for June 2010. Human Resource budgeting system developed to assess the resources available to deliver the response to this action plan improvement.
3.1.8 Develop a system for the review of internal policies and procedures at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]	Completed 30/04/10 Completed and Ongoing	Regular review of all food policies and procedures on an annual basis or when new legislation or guidance issued. Implement immediate review of any policies, procedures or practices following peer review. Brief all staff involved in food service of any actual or planned alterations to policies, procedures or practices at Team meetings.	Review programmed for December 2010, by the Regulatory Services Manager, supported by the food officers and Team Leader. This will be included in the Food Service Plan 2010/2011, Arrangements made for a peer review of policies, procedures and practices during April.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.10 Revise and implement the documented procedure on the authorisation of officers to detail the competency assessment process by which authorisations are conferred based on officer's individual qualifications, training and experience, and also ensure that officers' schedules of authorisation reflect the extent and limitations of individual officer's duties. [The Standard – 5.1]	31/05/10	Amend the existing procedure for authorising food officers by adding guidance on competency assessment. Check that food officers schedules of authorisation reflect the extent and limitations of individual officer's duties.	We have already amended officer authorisations to ensure they comply with the limitations set by the Food Law Code of Practice. Interim LACORS based (as currently used) authorisations have been issued with revised legislation pending a full review of the written authorisations in accordance with the FSA guidance. Guidance on competency assessment being drafted.
3.1.12 Set up and implement a documented training programme to encompass identified individual and team training needs. [The Standard – 5.4]	31/05/10	Produce a documented training programme, with a 3 year horizon, for food officers to satisfy individual and team training needs.	Training programme being drafted. Service and corporate training budgets agreed for 2010/2011.
3.1.14 Ensure that all officers receive suitable training consistent with their authorisation and duties in accordance with the Food Law Code of Practice. [The Standard – 5.3]	On going 31/05/10	Arrange training for food officers in respect of their duties. System of monitoring and recording CPD activity to be implemented.	Training for 2010/2011 has been arranged for food officers on some matters, e.g. HACCP, notice writing, imported food. This will be expanded once the training plan has been agreed.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.3 Revise and implement a documented inspection procedure which includes product specific establishments subject to approval under Regulation (EC) No. 853/2004, and the assessment of the compliance of premises and systems, particularly in relation to HACCP based food safety management systems. [The Standard – 7.2, 7.3 and 7.4]	01/05/10 for main inspection form Completed for approved establishments	A new food premises inspection form is being drafted, which will incorporate more prompts with regard to HACCP evaluation. Inspection forms for inspection of approved establishments have been introduced.	We have evaluated inspection forms from LACORS and are using a number of these in drafting our revised version. We have downloaded inspection forms for approved establishments from the LACORS best practice website, and have modified these and included them in a new procedure.
3.2.5 Ensure that the food premises database is operated in such a way so as to be able to provide required information to the Agency. [The Standard – 6.4]	Completed 30/04/10 Completed and Ongoing	That correct entries are made on the food premises database with regard to interventions and other visits. Review of how to record interventions to be included in peer review exercise. Implement system of internal reviews	All officers have received a briefing on this with guidance on how to record interventions accurately during team meetings. Peer review arranged. Records being monitored by the Team Leader & Regulatory Services Manager, with appropriate corrective action taken if needed.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.7 Ensure that officers' contemporaneous records of inspections are legible and stored in such a way that they are readily retrievable. [The Standard – 7.5]	Completed	Seek to ensure all officer records of interventions are legible and that all records are retrievable.	<p>All officers have received a briefing on the importance of legibility of all notes and records.</p> <p>Meetings have been held with regard to indexing of electronic documents, and staff given more detailed instructions to ensure all records are retrievable. There is a detailed action plan in place to address this issue.</p> <p>Paper copies are being temporarily kept to ensure scanned copies are available on the database.</p>
3.2.9 Ensure that records, observations and data obtained during the course of inspections, particularly in relation to the verification of HACCP based food safety management systems, include sufficient detail to demonstrate whether the compliance of premises and systems has been comprehensively assessed to legally prescribed standards. [The Standard – 16.1]	Completed	That sufficient detail is recorded by officers on inspection forms and data entries, to show that a detailed assessment has been made of the compliance of the premises and management systems, against legal standards.	<p>A new inspection form has been drafted with a HACCP/SFBB specific aide-memoire.</p> <p>All officers have received a briefing on the importance recording adequate details to support assessments. This has been supported by written guidance and a formal management instruction.</p> <p>Management are monitoring inspection forms, and ensuring that corrective action is taken when needed.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.12 Inspect general food premises and approved establishments in accordance with the relevant legislation and assess the compliance of premises to the legally prescribed standards, taking appropriate action on any non-compliance found in accordance with the Authority's enforcement policy. [The Standard – 7.2 and 7.3]	Completed	That officers conduct inspections of all food premises in accordance with the relevant legislation, assess compliance against standards and take appropriate action on any non-compliance in accordance with the authority enforcement policy.	All officers have received a briefing on this and a formal management instruction issued. Records being monitored by the Team Leader and corrective action taken if needed. Appropriate corrective action is being taken when needed.
3.2.16 Maintain up to date, accurate and comprehensive records for all approved establishments subject to Regulation (EC) No. 853/2004 in accordance with Annexe 12 of the Food Law Practice Guidance. [The Standard – 16.1]	31/05/10	That the files on approved premises, contain all the documents required by Annexe12 of the Food Law Practice Guidance, and that the records are up to date, accurate and comprehensive.	The food business operators (FBOs) of the two approved establishments have been contacted and requested to provide all documents listed in Annexe 12 within a set timescale. The premises will be then inspected in May using new inspection forms based on forms and aides-memoire from LACORS, so the records are comprehensive, up to date and accurate.
3.3.4 Ensure that hygiene improvement notices are drafted in accordance with the Food Law Code of Practice, centrally issued guidance and the Authority's own enforcement policy. [The Standard – 15.3]	Completed	That all hygiene improvement notices comply with the Food Law Code of practice, guidance and the Council enforcement policy.	Examples of notices have been downloaded from LACORS website, circulated to food officers and discussed at team briefings also attended by management. Food officers have been booked on a notice writing training workshop in April 2010 at Warwick.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.4.2 Expand and fully implement its internal monitoring procedure to include the qualitative monitoring of all areas of food law enforcement activity and to reflect the quantitative internal monitoring activity that is being undertaken in practice. [The Standard – 19.1 and 19.2]	Completed and ongoing.	That a qualitative monitoring procedure of all areas of food law enforcement activity be set up and be fully implemented, to reflect the quantitative monitoring being undertaken.	<p>Qualitative monitoring procedure and system established and implemented.</p> <p>Appropriate corrective action is being taken when needed.</p> <p>Comprehensive records being kept by Team Leader.</p> <p>Computer codes introduced for the food premises database as well, to help recording and management reporting.</p>
3.4.7 Take appropriate action in accordance with its enforcement policy where sample results are not considered to be satisfactory. [The Standard – 12.7]	Completed. Procedure 31/0510	That appropriate action is taken by officers, when sample results are not considered to be satisfactory.	<p>All officers have received a briefing on this and given a formal management instruction about the level of investigation required, having regard to HPA guidance.</p> <p>Interim graduated approach based on results and risk (e.g. letters, revisits with advice for corrective action if required, further samples) introduced.</p> <p>Procedure being drafted to clarify appropriate action required.</p> <p>Monitoring of sample results by management when they are received introduced.</p> <p>Appropriate corrective action is being taken when needed.</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:

- Food Service Plan 2009/2010
- Authorisation of Food Safety Officers Procedure
- Food Safety Enforcement Policy and associated enforcement Procedures
- Food Premises Inspection/Intervention procedure and aide-memoire
- Food Complaints Procedure
- Internal Monitoring Procedure
- Food Sampling Procedure.

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

- General food premises inspection records
- Approved establishment files
- Food complaint records
- Food sampling records
- Formal enforcement records

(3) Officer interviews – the following officers were interviewed:

- Audit Liaison Officer
- Environmental Protection 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 verification visit was made with the Authority's officers to a local food business. The purpose of the visit was to verify the outcome of the last inspection carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice and official guidance, having particular specific regard to LA checks on FBO compliance with HACCP based food management systems.

Glossary

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.
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.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
E. coli	<i>Escherichia coli</i> microorganism, the presence of which is used as an indicator of faecal contamination of food or water. <i>E. coli</i> 0157:H7 is a serious food borne pathogen.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
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.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food 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 law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food 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 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.

HACCP		Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
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 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.
OCD returns		Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Regulators' Code	Compliance	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 food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan		A document produced by a local authority setting out their plans on providing and delivering a food 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 feeding stuffs legislation.
Trading Standards (TSO)	Officer	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards 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, food standards and feeding stuffs enforcement.