

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

Shropshire Council
30 July-1 August 2013



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 has been 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 provide an opportunity for the Agency to establish the level of improvement in the delivery of official controls being implemented by local authorities (LAs) following the FVO Mission to the United Kingdom on animal feed controls which took place from 16-26 June 2009 and the subsequent follow-up visit to check on progress in November 2011. 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 LAs in England. The audits were confined to feed of non-animal origin (FNAO).

Agency audits assess LAs 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 LAs 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 LAs 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 Annex C.

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1.0 Introduction

- 1.1 This report records the results of an audit at Shropshire 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 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 Assurance 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 Shropshire Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these 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
- 1.4 The Authority was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, as it had not been audited in the last five years and was representative of a geographical mix of 10 feed law enforcement LAs across England.

Scope of the Audit

- 1.5 The audit examined Shropshire Council's systems and procedures for the control of feed of non-animal origin (FNAO).

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)

- 1.6 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of 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.
- 1.7 The on-site element of the audit took place at the Authority's office at Shirehall, Abbey Foregate, Shrewsbury on 30 July - 1 August 2013. The audit included a reality check at a feed establishment to assess the effectiveness of official controls implemented by the Service and more specifically, the checks carried out by the Service's officers to verify compliance with feed law requirements.

Background

- 1.8 Shropshire is a county in the west midlands of England bordering Wales and covers 3,127km² with a population of around 473,900. Most of the population is centred in the county town of Shrewsbury and the smaller towns of Oswestry, Ludlow and Bridgnorth with the rest of the county being mainly rural. The economy is traditionally agricultural although in recent times there has been growth in the service industries. In particular tourism has been a growth industry as visitors are attracted to the county's areas of natural beauty.
- 1.9 Responsibility for the delivery of feed law enforcement activities falls under the Healthier People and Communities Service (HPCS) which is part of the Public Protection and Enforcement Group (PPEG). However, the Service operates a 'matrix management' system which means that the personnel that carry out feed law enforcement are not necessarily line managed through HPCS as officers are multi-functional and can carry out activities in any area of the regulatory framework.
- 1.10 The profile of Shropshire Council's feed businesses according to figures submitted to the Agency for 2010/11 was as follows:

Type of Feed Premises	Number
Arable Farms	322
Livestock Farms	3,975
Manufacturers	14
Food businesses selling co-products/surplus food	1
Importers	0
Distributors/Transporters	33
Stores	0
Retailers	60
Total Number of Feed Premises	4,405

2.0 Executive Summary

2.1 Shropshire Council was selected for audit as it had not been audited by the Agency in the past five years. Auditors acknowledged that the audit had taken place at a time following a re-organisation of the Service. Following this restructure changes to working practices had been implemented with a move towards multi-purpose officers and a 'matrix management' system.

2.2 Strengths:

Competency of officers: It was evident from interviews with the Lead Officer and other operational officers and from the reality visit undertaken that the present officers responsible for the delivery of feed law enforcement activities had demonstrated a high level of competency in feed law enforcement. Officers were able to demonstrate extensive feed law enforcement knowledge, an ability to carry out thorough on-site assessments of feed premises, including HACCP systems, and assessed business compliance with feed compositional requirements and general feed hygiene requirements in accordance with the Feed Law Enforcement Code of Practice.

Feed sampling: The Authority had developed and implemented a feed sampling programme which had been compiled with due account of the National Enforcement Priorities. Record checks showed that in all cases the Authority had taken effective action in regard to unsatisfactory sample results.

2.3 Key areas for improvement:

Service planning: The Authority had not developed a Service Plan for 2013/14. There was some brief Service Planning information relating to sampling and inspection contained in the Operational Action Plan 2013/14 and it was evident that Service Planning had been considered and discussed at Public Protection and Enforcement Group Management Team Meetings. The Plan should include a realistic comparison of the resources required to deliver the feed law enforcement service against resources available to the Authority.

Review and updating of documented policies and procedures: The Authority was operating without most of the documented policies and procedures required by the Framework Agreement and was relying on operational officers to operate effectively based on their professional ability. The Framework Agreement requires a range of documented policies and procedures to be developed and implemented across the feed law enforcement service which should adequately reflect current working practice. This includes procedures on interventions/inspections, feed law enforcement and internal

monitoring. In addition an overarching system is required to ensure that policies and procedures are controlled and regularly updated.

Officer authorisations and training: Authorisation arrangements required review to ensure that officers have appropriately defined levels of authorisation in accordance with their individual qualifications, experience, training and, competencies and to ensure they contained all relevant current feed legislation. Complete records of officer qualifications and training should be maintained by the Authority.

Feed premises database: A large number of livestock farms whilst present on the database had not been allocated a feed activity code. Also a significant number of premises had been allocated a 'no risk' activity code following a database migration error and the consequent use of a local system for adjusting risk ratings. Auditors discussed the development and implementation of protocols or procedures to ensure consistency in data entry and to check the accuracy of information submitted to the Agency. Auditors were informed that no feed monitoring return had been submitted to the Agency for 2012/13 due to an oversight. The return for 2013/14 was currently being compiled and would be submitted once completed.

Feedingstuffs establishments interventions and inspections: The Authority had not developed and implemented an inspection procedure. Although there was evidence that the Authority had made intervention plans across all relevant commercial feed activities, a documented inspection programme for 2013/14 had not been drawn up. File checks confirmed that inspections at feed manufacturing premises had been carried out at the frequency required by the Feed Law Enforcement Code of Practice (FLECP). However, the Authority acknowledged that in recent years it had not been able to maintain the frequency of inspection for all medium and low risk premises due to limited resources. Checks on inspection records carried out during the audit showed a variation in the level of detail recorded in regard to officer observations made on site.

Feed inspection and sampling: Although a sampling programme had been developed which had been compiled with due consideration of the National Enforcement Priorities for feed, the Authority needed to develop and implement a documented policy and procedure on feed sampling.

Internal monitoring: There was some evidence that qualitative monitoring was being undertaken in respect of annual appraisals, file checks for inspections relating to Food Standards Agency grants and unsatisfactory sample results and their subsequent investigation. However the Authority should review internal monitoring to ensure that all elements of feed law enforcement are covered and that corrective actions are implemented where necessary.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The PPEG had developed a Service Strategy 2012-2015 which outlined 'the critical outcomes, objectives and performance standards over the next three years' and this had been linked to the Council's wider Transformation Plan which set out the Authority's strategic and organisational priorities.
- 3.1.2 Auditors were informed that service planning in accordance with the Service Planning Guidance in the Framework Agreement had been discontinued since 2009 following a consultation with staff and businesses in regard to priorities for the Service. The Service had produced an Operational Action Plan 2013/14 which contained some brief planning information for feed law enforcement activities and some historical inspection data. This Plan had been approved by the Head of PPEG. It was also evident that some service planning arrangements had been discussed at Management Team Meetings. Auditors discussed the need to develop a Service Plan in accordance with the Service Planning Guidance in the Framework Agreement to ensure that the Portfolio Holder and/or the senior delegated officer was kept informed of the feed law enforcement demands on the Service and the annual planned interventions to be carried out. The Plan should include a realistic comparison of the resources required to deliver the feed law enforcement service against resources available to the Authority. A review of the Service Plan should be conducted on an annual basis and any variations from the Plan identified.
- 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 these priorities had been considered during the development of the Operational Action Plan 2013/14.
- 3.1.4 In the pre-visit questionnaire provided to the Agency prior to the audit the Authority indicated that it had approximately 0.44 full time equivalent (FTE) committed to feed law enforcement activities (based on 220 working days per year). Auditors were informed that the number of staff working on feed law enforcement had been reduced in recent years due to reduced levels of resources across all trading standards functions.

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. Feed law enforcement policies and procedures required development to cover the whole of the Service and auditors were informed that the Authority was considering implementation of a new computer based system to address document control. Auditors discussed the importance of procedures to ensure continuity and consistency through re-organisations and changes in personnel, including the potential for officers currently unfamiliar with feed law 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]

Officer Authorisations

- 3.1.8 The Head of PPEG and the appropriate Service Managers held delegated powers to appoint and authorise officers in line with the Council's Constitution. Auditors were advised that the Group Manager and Service Managers liaised with each other prior to authorisation to confirm that the officer had 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. Relevant legislation such as the Official Feed and Food (England) Regulations 2009 and the Feed (Hygiene and Enforcement) (England) Regulations 2005 had not been included in officer authorisations. Auditors advised that legislation containing specific enforcement powers should be considered by the Council's legal department to ensure that officers were appropriately authorised.
- 3.1.10 The Authority had appointed an appropriately qualified Lead Officer for feed law enforcement who had been identified to the Agency.
- 3.1.11 The Authority had no documented system to identify officer training requirements. In practice new officers' competency was assessed through on the job training and completion of the Diploma in Consumer Affairs and Trading Standards feed law enforcement modules. Ongoing training was identified between officers and Service Managers and recorded on an annual spreadsheet. Auditors discussed the benefits of implementing a documented system to assess officer competency on a regular basis and linking this to their level of authorisation.
- 3.1.12 File checks showed that officers currently involved in feed law enforcement were receiving a range of training relevant to their role and were generally achieving the minimum 10 hours of training based on continuing professional development (CPD) required by the FLECP. However, it was identified that some officers would benefit from further update training in specialist areas such as HACCP. Auditors discussed the possibility of increasing participation in Agency courses for feed law enforcement. In addition, although it was evident that the nominated Lead Officer for feed had received relevant training it was acknowledged by the Authority that maintenance of CPD levels may be compromised due to a recent change to a management role.
- 3.1.13 Officers were responsible for maintaining their own training records and there was some evidence that not all records of CPD were complete.

Recommendations

3.1.14 The Authority should:

- (i) Set up, maintain and implement a documented procedure for the authorisation of officers and ensure that the level of authorisation in accordance with 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, training and experience. [The Standard – 5.3]
- (iii) Ensure that all authorised officers receive the training needed to deliver the work that they are involved with in accordance with the Feed Law Enforcement Code of Practice. Maintain records of relevant qualifications, training and experience in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4 and 5.5]

3.1.15 An officer who regularly carried out feed law enforcement was interviewed to determine if the officer was able to demonstrate an appropriate level of competency and knowledge of the Service's procedures. The officer was able to show a good working knowledge of animal feed enforcement and the procedures for carrying out their duties.

Facilities and Equipment

3.1.16 The Authority maintained an electronic database for the recording of feed law enforcement activities that was capable of providing information necessary for official returns. The Authority reported that annual feed returns had not been provided to the Agency for 2011/12 due to an oversight. The 2012/13 return was being prepared at the time of the audit.

3.1.17 The Service had not developed a documented procedure to ensure that its feed premises database was accurate. The Authority advised auditors that the feed premises database had been populated by giving all animal health premises a feed code. Further work had been done to identify hauliers at livestock markets and producers of co-products and surplus food products on food inspections. Reports run

on the database during the audit showed that it contained a high proportion of premises that were either unrated or designated as 'no risk' and therefore unregistered. The Authority advised that the large number of 'no risk' premises had occurred due to a database migration and the use of a locally agreed risk rating adjustment method. The scheme had anomalies that needed manual adjustment but this had not been carried out as it was decided that the businesses on the list were not a priority due to a lack of resources. Recent inspections had also shown that registered establishments had often been registered under inappropriate feed activity codes. Consequently the Authority was unable to provide assurance that the database was accurate.

Recommendations

3.1.18 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

3.1.19 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 Central England Trading Standards Authorities (CEntSA) Food and Agriculture Group and the Central England Animal Health and Welfare Group. The Authority's Lead Officer for feed was the Chair of the National Agricultural Panel which met twice a year to discuss national feed issues.

3.1.20 It was evident that the Service had established liaison arrangements with the Inspections and Investigations Team (formerly Animal Medicines Inspectorate). Appropriate joint visits to premises where there were combined enforcement responsibilities had taken place, in line with the national Memorandum of Understanding.

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 registration and approval or the inspection of feed establishments. 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 The Authority had not compiled a full annual inspection programme for the year, although there was evidence that the Authority had made intervention plans across all relevant commercial feed activities. This was reflected in the documentation for specific funding applications to the Agency to support official controls and there was some limited information in the Operational Action Plan 2013/14. File checks showed that all high and medium risk feed manufacturers had been inspected at the frequency required by the FLECP. However, the Authority acknowledged that in recent years it had not been able to maintain the frequency of inspection for all medium and low risk feed premises due to limited resources. Premises had been risk rated using the LACORS risk rating scheme and then a number of premises had been downgraded from high risk using the 'local scheme'.
- 3.2.3 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.
- 3.2.4 File checks on inspection records carried out during the audit showed a variation in the level of detail recorded in regard to officer observations made on site. In some areas of the inspection forms officers had made detailed notes and in other areas the notes were limited to one word assessments or the use of a 'tick box'. Officers had been using the FSA's standard template aide-memoire when carrying out grant funded intervention work and the Authority's own form when carrying out other interventions. Comprehensive records are essential to demonstrate that feed businesses comply with the law, to ensure subsequent inspecting officers are aware of individual business compliance histories, to inform each step of a graduated enforcement approach, and to permit effective internal qualitative monitoring. The benefit of the consistent use of an inspection aide-memoire and the adoption of the FSA aide-memoire templates across all inspection work was discussed to help prompt officers to record their inspection findings in sufficient detail.
- 3.2.5 The Authority had two approved establishments under Feed Hygiene Regulation (183/2005) which had been notified to the Agency and a third premises currently in the process of approval.

Recommendations

3.2.6 The Authority should:

- (i) Develop, maintain and implement 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) 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 to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]

Verification Visit to a Feed Premises

3.2.7 During the audit, a verification visit was undertaken to a feed manufacturer with an officer from the Authority, who had carried out the last feed inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of feed business compliance with feed law requirements.

3.2.8 The accompanying officer was able to demonstrate extensive feed law enforcement knowledge, and the ability to carry out a thorough assessment of the manufacturing systems including HACCP, compliance with feed compositional requirements and general feed hygiene requirements in accordance with the relevant legislation. Some compliance issues were identified by the officer during the visit and these were notified to the Feed Business Operator in writing and arrangements for a revisit made.

Feed Inspection and Sampling

3.2.9 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 individually and at regional group

meetings in relation to feed sampling to discuss and agree the feed sampling programme.

- 3.2.10 The Authority had not developed a feed sampling documented policy or procedure. Auditors were informed that in practice samples were taken in accordance with the relevant legislation and centrally issued guidance. A feed sampling programme had been developed which had taken full account of the national enforcement priorities. The Authority had successfully applied for FSA sampling grant for 2012/13 and had applied for a further grant for 2013/14. However, due to resource issues, the numbers of feed samples had declined compared to those of previous years.
- 3.2.11 The Authority's policy was to take formal samples where practicable and auditors were advised that all visits were unannounced when sampling was to take place. Records of five unsatisfactory feed sample results were examined, all of which were formal samples. These had been taken by a suitably qualified and experienced officer. 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.
- 3.2.12 The Authority reported sample results to the FSA through the UK Food Surveillance System. However, the Agricultural Analyst had not inputted a number of results and the Authority had been unable to perform this action retrospectively. Auditors were advised that the Authority was liaising with the Agency to resolve the issue.

Recommendation

3.2.13 The Authority should:

Set up, maintain and implement a sampling policy and documented procedures for the procurement and purchase of samples, continuity of evidence and the prevention and deterioration or damage to samples in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard - 12.4 and 12.5]

Enforcement

- 3.2.14 The Authority had developed and implemented an Enforcement Policy. At the time of the audit a new corporate enforcement policy was being developed and available in draft form. Although the new policy did not make any specific reference to feed law enforcement options it was in accordance with centrally issued guidance. An

individual policy on the issuing of simple cautions had also been developed.

- 3.2.15 The Authority had not developed any enforcement procedures relating to feed law enforcement activities. The Service would benefit from the development of procedures which covered the full range of enforcement options available for feed law enforcement activity, particularly in view of the potential for officers unfamiliar with feed law enforcement taking up such duties or new officers coming into the Service.
- 3.2.16 Although the Authority had not taken any recent formal enforcement action relating to feed, file checks showed that comprehensive investigations had been implemented in regard to adverse sample results. On these occasions, in accordance with the principles of the enforcement policy, it had been decided not to proceed to prosecution or simple caution, and warning letters had been appropriately issued.

Recommendation

3.2.17 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

- 3.2.18 The Authority had not developed and implemented a feed complaints policy or procedure. Auditors were advised that an undocumented system for the receipt and investigation of complaints had been incorporated into the Authority's database including an unwritten corporate response time of five days. Auditors were advised that very few complaints relating to feed were received by the Authority.
- 3.2.19 The records for three feed complaints or referrals from other LAs 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

3.2.20 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

- 3.2.21 The Authority had not developed a procedure on Feed Alerts and Incidents. In practice alerts arrive in the Lead Officer's email account, which are checked daily, recorded as whether for information only or for action, and then disseminated to officers. A delegated officer can access and action the emails in the absence of the Lead Officer.
- 3.2.22 A corporate out of hours contact system was in place which was utilised to cover the receipt of notifications from the Agency on feed alerts and incidents. Auditors were advised that no relevant incidents had arisen in the Authority's area in recent years.

Advice to Business

- 3.2.23 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 (Official Feed and Food Controls) and the FLECP.
- 3.3.2 In practice there was some evidence that a range of routine qualitative and quantitative monitoring was taking place, which included annual appraisals, file checks for inspections relating to FSA grants and unsatisfactory sample results and their subsequent investigation. In addition some further qualitative monitoring in the form of accompanied visits and record check for officers undergoing training and/or preparing for qualification examinations. However, these checks were not always effectively documented. No formal monitoring was observed in regard to complaints and sampling during file checks.

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: Robert Hutchinson
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Food Standards Agency

Operations Assurance Division

ANNEX A Action Plan for Shropshire Council

Audit date: 30 July – 1 August 2013

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>31/03/15</p>	<p>Service planning to be developed to reflect regional FSA grant funded work.</p>	<p>In preparation for the allocation of the FSA funding allocation for 2014/15 the Authority completed a desk-top-model exercise of all their feed related premises. This was then used to create a profile and inspection programme.</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>31/03/15</p>	<p>The Authority will act as a pilot for the adaptation of the FSA's core template procedures for feed. This includes:</p> <ul style="list-style-type: none"> • Authorisation • Database • Inspection • Enforcement • Internal Monitoring 	<p>Procedures to be adapted in accordance with LA working practices once FSA funded LA procedures are received.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
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]	31/03/15	Overarching procedure for document control and complaints and sampling feed procedures to be developed and implemented once core procedures completed.	
3.1.14(i) Set up, maintain and implement a documented procedure for the authorisation of officers and ensure that the level of authorisation in accordance with the Feed Law Enforcement Code of Practice and any centrally issued guidance. [The Standard – 5.1]	31/09/14	<p>All authorisations in Public Protection are being reviewed and updated. A general authorisation will be produced for all Public Protection Officers. (As per the current arrangements, duties relating to feed law enforcement will only be undertaken by competent Officers).</p> <p>The Authority will act as a pilot for the adaptation of the FSA funded LA procedures for feed which includes an Authorisation procedure.</p>	<p>Project currently ongoing.</p> <p>Procedures to be adapted in accordance with LA working practices once FSA funded LA procedures are received.</p>
3.1.14(ii) Review and update current authorisations to ensure that all officers are appropriately authorised under relevant legislation, consistent with their qualifications, training and experience. [The Standard – 5.3]	31/03/15	The pilot for the adaptation of the FSA funded LA procedures for feed includes the implementation of a competency matrix under the Authorisation procedure.	Procedures to be adapted in accordance with LA working practices once FSA funded LA procedures are received.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.14(iii) Ensure that all authorised officers receive the training needed to deliver the work that they are involved with in accordance with the Feed Law Enforcement Code of Practice. Maintain records of relevant qualifications, training and experience in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4 and 5.5]	31/03/15	The pilot for the adaptation of the FSA funded LA procedures for feed includes the implementation of a competency matrix under the Authorisation procedure and the ongoing review of officer training needs.	Procedures to be adapted in accordance with LA working practices once FSA funded LA procedures are received.
3.1.18(i) Ensure accurate information of feed law enforcement activity is reported in official returns to the Agency. [The Standard – 6.3]	30/06/14	Annual return completed for 2012/13. Annual return for 2013/14 to be submitted.	Return sent to FSA.
3.1.18(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]	31/03/15	The Authority will act as a pilot for the adaptation of the FSA funded LA procedures for feed.	Procedures to be adapted in accordance with LA working practices once FSA funded LA procedures are received. In preparation for the allocation of the grant funding for 2014/15 the Authority completed a desk-top-model exercise of all their feed related premises. This was then used to create a profile and inspection programme.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.6(i) Develop, maintain and implement documented procedures covering the range of feed interventions carried out. [The Standard – 7.4]	31/03/15	The Authority will act as a pilot for the adaptation of the FSA funded LA procedures for feed.	Procedures to be adapted in accordance with LA working practices once FSA funded LA procedures are received.
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]	31/03/15	<p>The Authority will undertake a planned annual inspection programme across all areas of feed production and distribution based on risk and available resources.</p> <p>This will be reviewed and adapted based taking into consideration the flexibilities accorded by the new Feed Law Enforcement Code of Practice.</p>	In preparation for the allocation of the grant funding for 2014/15 the Authority completed a desk-top-model exercise of all their feed related premises. This was then used to create a profile and inspection programme.
3.2.6(ii) 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 to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]	31/03/15	In accordance with the grant funding agreement the Authority will implement the FSA funded LA procedures' aide memoir and ensure that there is sufficient detail recorded at inspections to gain assurance that feed premises have been effectively inspected.	FSA funded procedures' aide memoir adopted as part of the FSA funding allocation initiative.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.13 Set up, maintain and implement a sampling policy and documented procedures for the procurement and purchase of samples, continuity of evidence and the prevention and deterioration or damage to samples in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard - 12.4 and 12.5]	31/03/15	Feed sampling policy and procedures to be developed and implemented once adaptation of core procedures completed.	
3.2.17 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]	Completed	New Enforcement Policy to be implemented. The Authority will act as a pilot for the adaptation of the FSA funded LA procedures for feed.	Draft policy written and consultation completed in December 2013. Proposed policy considered by Cabinet on 15/01/14, approved by Council on 27/02/14 and implemented on 01/04/14. Procedures to be adapted in accordance with LA working practices once FSA funded LA procedures are received.
3.2.20 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]	31/03/15	Feed complaints procedures to be developed and implemented once adaptation of core procedures completed.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<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>31/03/15</p>	<p>The Authority will act as a pilot for the adaptation of the FSA funded LA procedures for feed.</p>	<p>Procedures to be adapted in accordance with LA working practices once FSA LA funded procedures are received.</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>31/03/15</p>	<p>Accurate records in a retrievable form will be maintained on an ongoing basis and verified on a risk basis by internal monitoring.</p>	<p>Ongoing.</p>

ANNEX B 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 relevant LA policies, procedures and linked documents were examined before and during the audit:

- Public Protection and Enforcement Service Strategy 2012/2015
- Public Protection and Enforcement – Operational Action Plan 2013/14
- Public Protection and Enforcement – Change Strategy
- Scheme of Delegation of Functions to Officers
- Feed Standards Inspection Forms
- Feeding Stuffs Sampling Programmes 2012/13 and 2013/14
- Draft Shropshire Council Better Regulation and Enforcement Policy
- Simple Cautioning Policy
- Cabinet Minutes (various)
- Minutes of Liaison Group Meetings (various)
- Management Team and Team Meeting minutes (various)

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

- Records of Inspection
- Sampling Records
- Complaint/Referral Records

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

- Service Manager (Feed Lead Officer)
- Public protection Officer – Professional
- Public Protection Officer - Technical

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 assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements.

ANNEX C Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Authorised officer	A suitably qualified 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 and feed legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed non-animal origin. Products that do not fall under the requirements of the veterinary control regime.
FVO	Food and Veterinary Office, part of the European Commission, based within the Directorate General for Health and Consumers.
Feed Law Enforcement Code of Practice	Government Codes of Practice issued under the Official Feed and Food Control Regulations.
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/feed hygiene	The legal requirements covering the safety and wholesomeness of food/feed.
Food/feed standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency’s expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit yearly returns via LAEMS 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 and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer’s time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.
HACCP	Hazard Analysis and Critical Control Point – a food/feed safety management system used within food/feed businesses to identify points in the production process where it is critical for food/feed safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food and feed safety/ standards issues. Acts as the central contact point for other enforcing authorities’ enquiries with regard to that company’s food/feed related policies and procedures.

Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
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.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food and feed control.
Primary Authority	An authority that has formed a formal partnership with a business in accordance with the Regulatory Enforcement and Sanctions Act 2008.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
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 food/feed 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/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 feeding stuffs legislation.

Trading Standards
Officer (TSO)

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.