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# **Statement of Resources Guidance**

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December 2013

**For all queries about this guidance — including if you require the information in an alternative format such as audio, large print or Braille — please use the number below.**

**CONTACT TELEPHONE**

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## Summary

Please put your answers in the box and stick to the options in the lists given. This is to make sure the guidance is found by the right audience on the website.

<b>Intended audience:</b>	<ul style="list-style-type: none"> <li>Manufacturers and processors</li> </ul>
<b>Which UK nations does this cover?</b>	Scotland, England, Wales and Northern Ireland
<b>Purpose:</b>	This guidance is to support Food Business Operators in Great Britain to work with the Food Standards Agency to develop a Statement of Resources setting out how their establishment will operate in terms of hours and throughput, and the FSA resources required.
<b>Legal status:</b>	Individual Food Business Operators are required to state their operating hours to the FSA for official controls purposes and agree staffing resources under the Charges Regulations.
<b>Key words</b>	<ul style="list-style-type: none"> <li>Food law, monitoring and controls</li> <li>Hygiene and food safety</li> <li>Meat and livestock</li> </ul>
<b>Review date</b>	December 2014
<b>Sunset date</b>	N/A

## Revision history

This guidance follows the Government [Code of Practice on Guidance](#). If you believe this guidance breaches the Code for any reason, please let us know by emailing [betterregulation@foodstandards.gsi.gov.uk](mailto:betterregulation@foodstandards.gsi.gov.uk). If you have any comments on the guidance itself, please call us using the contact number on page 2 or complete our ongoing [Guidance survey](#): <https://www.surveymonkey.com/s/55QQDCG>

Revision No.	Revision date	Purpose of revision and paragraph number	Revised by
1	December 2013	<p>Page 19-21 – Change Director of Operations to Chief Operating Officer</p> <p>Page 19, line 46 – Change report to reports</p>	S40

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## Introduction

1. The SOR is a tailored document setting out how the establishment will operate in terms of hours and throughput and what FSA resources will be required in the specific premises. The SOR is designed to be drafted in collaboration between the individual Food Business Operator and the FSA staff. It is hoped that by working together the SOR will lead to a clear understanding of each other's business needs, generating a more productive and positive working relationship and improved agreement of specific FSA resources required by FBOs. It is anticipated that such a relationship will deliver cost savings for both the industry and the FSA and at the same time promote best practice. In summary, the SOR captures the needs of an individual FBO and enables the FSA to effectively deliver both official controls and animal health and welfare.

## Intended audience

2. This guidance is intended for all approved meat manufacturers and processors who are subject to official control inspection services in GB.
3. This guidance is applicable to all Red and White meat abattoirs and Wild Game Handling Establishments operators and those cutting premises who are approved to remove vertebral column.

## Purpose of guidance

4. The FSA provides a range of services in approved meat premises across GB. Some of these services are currently paid for by other Government Departments and others are charged to the Food Business Operator (FBO).
5. Individual FBOs are required to state their operating hours to the FSA for official controls purposes and agree staffing resources under the Charges Regulations and the Statement of Resources guidance assists them to do this.

## Legal status of guidance

6. The Meat (Official Control Charges) (England, Scotland or Wales) Regulations 2009 require the Food Business Operators to provide details of their working hours and working practices. The FSA will work with the operator to agree the number of inspectors required to carry out the official controls and the number of hours required daily for that purpose. The information provides the basis for billing charges to the operator. The details will include, amongst other information, operational start and finish times, the number of animals expected to be processed and any additional information such as seasonal variations. The agreement is beneficial for both parties. It enables the FSA to ensure that the appropriate and most efficient level of staffing is deployed, helping us to keep our costs down, and provides you with the level of service that is required at the lowest possible cost. See the Statement of Resources for your own premises for further details.
7. The operating hours and working practices must be permanently recorded in writing. The FSA will prepare this document, known as the Statement of Resources, jointly with the Food Business Operator.
8. These guidance notes have been produced to enable compliance with The Meat (Official Controls Charges) (England, Scotland or Wales) Regulations 2009. They cannot cover every situation and you may need to consider the relevant legislation itself to see how it applies in your circumstances. If you do follow the guidance notes they will help you to comply with the law. Businesses with specific queries may wish to seek the advice of their local Food Standards Agency representative.
9. The Statement of Resources does not supersede or replace any legal requirement applicable to either the FSA or the Food Business Operator under EU or Domestic Legislation. These guidance notes have been produced to provide advice on:
  - the legal requirements of The Meat (Official Control Charges) (England, Scotland or Wales) Regulations 2009
10. The guidance notes on legal requirements cannot cover every situation and you may need to consider the relevant legislation itself to see how it applies in your circumstances. If you do follow the guidance notes they will help you to comply with the law.



11. Businesses with specific queries may wish to seek the advice of their local Food Standards Agency representative.

## More about this guidance

This guidance is designed to support Food Business Operators (FBO) in the process of working with the Food Standards Agency (FSA) to develop a Statement of Resources (SOR) specific and particular to their establishment.

The SOR is a tailored document setting out how the establishment will operate in terms of hours and throughput and what FSA resources will be required in the specific premises. The SOR is designed to be drafted in collaboration between the individual FBO and the FSA staff. It is hoped that by working together the SOR will lead to a clear understanding of each other's business needs, generating a more productive and positive working relationship and improved agreement of specific FSA resources required by FBOs. It is anticipated that such a relationship will deliver cost savings for both the industry and the FSA and at the same time promote best practice. In summary, the SOR captures the needs of an individual FBO and enables the FSA to effectively deliver both official controls and animal health and welfare.

The key to a successful SOR discussion will be preparation and a willingness of both the FBO and the FSA team to co-operate.

Drafting of the SOR should initially be undertaken by the FBO and the FSA Service Delivery Manager (SDM). The SDM will be supported by the Official Veterinarian (OV) and FSA inspection staff and Lead Veterinarian as required. It is anticipated that on most occasions the SDM will initially meet with the FBO team to discuss the process and discuss what would be the appropriate level of FSA resources required in the establishment concerned.

Before this initial meeting the FBO and the SDM may be sent copies of any material which could help inform their discussion about staffing. This may include supporting documentation such as audit reports and official control in plant performance measures.

Whilst the SOR, once drafted, will establish initial staffing levels it should be noted that the document is intended to be a living document and should be kept under constant review by both the SDM and the FBO. A formal review should take place at least every **12 months** but this should not stop either party suggesting changes to the SOR as and when business need or circumstances require it.

In developing the SOR all parties are expected to work in co-operation and all FSA staff are expected to behave in a responsible, professional and courteous manner. Similarly the FSA expects its staff and contractors to be treated professionally and courteously at all times by the FBO and employees of the FBO.

There will be occasions when the FBO and FSA team cannot agree on a suitable staffing level, for example the FBO could suggest that the line can be operated with less inspection positions or veterinary hours than that suggested by the FSA team. In the circumstances where there is a lack of agreement between the two parties the SOR will be completed by the SDM with the resource allocation that FSA determine is required but noting the FBO's comments in the relevant section of the SOR and covering letter. The FBO is then able to enter into an appeals process to pursue the issue, please see the section on SOR appeal process below.

The SOR does not supersede or replace any legal requirement applicable to either the FSA or the FBO under EU or Domestic Legislation.

## SOR Section 1.0 - Establishment details

1. The FBO needs to provide the following information:
  - Registered name
  - EC approval number
  - Plant type
  
2. As a SOR is establishment specific, a separate SOR will need to be written for each approved establishment regardless of where those approved premises are under the same ownership.

## SOR Section 1.1 - Operational throughput details / average

3. The throughput, line speed, species, design of the line (carcass presentation), and inspection positioning will all to a greater or lesser extent influence the number of FSA staff required at the specific establishment.
  
4. The throughput table in the SOR should include a guide to the average number of animals that are expected to be processed each day. These details are not designed to limit the throughput allowed instead they give the FSA as accurate a forecast as possible of the throughput demand and this allows staffing requirements to be more accurately planned. The business information section can be utilised to further expand on throughput information.

5. Where significant changes are anticipated, such as seasonal variations or other known business fluctuations these should be noted in the business information section of the SOR and the relevant tables should be completed to agree the operating hours and staffing levels required for that period.
6. In multi-species establishments, fewer FSA staff are needed to inspect some species, for example pigs when compared to cattle in small to medium sized premises. Therefore, it may be possible to reduce inspection resources where an FBO can commit to processing species in a particular order, particularly if fewer staff are required at the start of the day. This should among other considerations be considered by the FBO and FSA team when drafting the SOR.

## SOR Section 1.2 - FSA staffing allocation of average hours, coding and operating hours

7. As well as providing the FBO with more detail about exactly how the FSA staff will be deployed, the information from this table is used to complete the 'FSA staffing average total hours' table. For multi species plant the table should be replicated for each species indicating grade of staff etc. The multiple lines/shifts section of the SOR will accommodate different operations and concurrent slaughter arrangements.
8. These tables will be completed by the FBO and the SDM and will establish when the relevant grade of FSA staff is required for the processing of animals. Start times should be identified to ensure the FSA has the maximum opportunity possible to efficiently deploy staff.
9. Operating hours will summarise the extent to which the plant starts and finishes, and should mirror the start and finish times of the Official Veterinarian and or FSA staff. When determining hours of operation the following issues should be considered:
  - Stock delivery times
  - Time taken for ante-mortem bearing in mind that ante-mortem can be carried out up to 24 hours before slaughter
  - Anticipated start and finish time for processing
  - The time needed to clean down and report at the end of the day
10. This table will be completed by the FBO and SDM and will establish start and finish times for FSA staff and grade required e.g. OV and Meat Hygiene Inspectors for the processing of animals at the individual establishment.

Where possible start times should be identified to ensure the FSA has the maximum opportunity possible to efficiently deploy staff.

11. The OV attendance table should specifically set out the start and finish time required for OV presence at the abattoir considering where appropriate whether the OV can leave early or arrive late depending on the ante mortem procedures. The Meat Hygiene Inspector attendance should also establish the required start and finish times for the inspection team, it should be noted that if species are slaughtered in a particular order the start time for some of the inspection team could be later than others.
12. Before agreeing attendance hours, FBOs should take care to ensure they are fully satisfied that the proposed hours reflect all the potential unavoidable variations in working hours.

### SOR Section 1.3 - FSA staffing average total hours

13. This table is completed using the operating hours and throughput requirements and the number of FSA staff required to efficiently operate the line. The calculation of average hours should not be seen as a minimum or maximum but more as the anticipated average hours required for each of the FSA functions broken down by I-code, G-code. Uncommonly used government coding should be added under other G codes on the SOR template.

### SOR Other Business Information

14. This section should be used to record any other information which is of relevance to the efficient use of FSA resources in the premises concerned. Matters for consideration can include but are not limited to the following:
  - Whether the FBO or the FSA has identified any FBO working practices which if altered could improve the efficient deployment of FSA resources e.g. changes to the line which could lead to more efficient working arrangements for the FSA team or greater predictability in the supply of stock.
  - Whether the FBO or FSA team has identified any areas where changes to the FSA processes / procedures could lead to the more efficient use of FSA resources.
  - Predictable seasonal variability to ensure the FSA has as much warning as possible about significant seasonal changes to throughputs.

- Where an FBO wishes to work on Bank holidays or to alter their operating hours to accommodate religious festivals, they should be encouraged to provide details of these events as early as possible to help plan FSA attendance.
- Any other comments which have been identified during the drafting process which could lead to the more efficient deployment of FSA staff.
- Any comments which the FBO wishes to make which are not taken into account elsewhere in the document.
- FSA staff allowances should be stated in the Business Information box to ensure the FBO is aware of contractual overtime and/or allowances being levied on invoices.
- FSA employed staff have an entitlement of up to 30 minutes facility time per day. The provision of chargeable facility time is in addition to the start and finish times as stated in section 1.2 of the SOR.

15. Where a Lead Veterinarian or an OV are on site and who is also an approved Local Veterinary Inspector (LVI) then they may carry out LVI certification work, including internal movement documents, at the FBO's request. For this work, the FBO will be charged at the full cost non-regulated rates on HLVI coding. This does not form part of a SOR process and is an agreement under local request.

## Next review date

16. The frequency of the review will be determined by individual circumstances and should be mutually agreed between the SDM and the FBO. However, the review period should be no greater than **12 months**. If at any stage there is a need to review the document it should be reviewed immediately rather than delaying until the review date, for example when changing start and finish times or the level or type of throughput.

## Cutting Plants co located and stand alone

17. In standalone and co located cutting plants a SOR is only required where VC removal is carried out or in circumstances where the FSA management deem appropriate to do so e.g. additional controls due to hygiene deficiencies, line speed issues, access for audits etc. Cutting Plant SORs should detail operational days, start and finish times, identification of OTM cutting, operational days, attendance to supervise OTM processing, grade of staff attending, estimated hours and coding. Co located operations can be added

to the abattoir SOR by checking the VC removal box to reveal the relevant detail required for completion.

## Wild Game establishments

18. In Wild Game Handling Establishments a SOR is required when official controls are to be provided. Attendance may be seasonal therefore seasonal requirements should be recorded in the SOR seasonal operating box and other relevant information should be recorded. A SOR is required where inspection or hygiene monitoring (e.g. monthly) resulting in official control coding is a requirement.

## Increased resource

19. In some limited circumstances, it may become necessary for the FSA to implement short notice increases to the level of official controls provided, which are not laid out in the current SOR. Examples of such circumstances are in response to:

- Health and Safety concerns
- Bullying and harassment of FSA staff (note in extreme circumstances the FSA may withdraw its official controls inspection team)
- High levels of non compliance which pose a risk to protection of public health (such as significant levels of contamination of final product requiring inspection)

20. In these circumstances, FSA will aim to revise the SOR as soon as practicable after the introduction of increased resource and will issue a letter to the FBO detailing the action taken and FBO's right of appeal. A new SOR will be produced when the increased level of resource has been reduced again. The increased level of official controls will be chargeable pursuant to Schedule 2, paragraph 6 of The Meat (Official Controls Charges) (England, Scotland or Wales) Regulations 2009 and Article 27 of EC Regulation 882/2004.

## Completed SORs

21. To retain their effectiveness, SOR will need to be kept under review by both the business and the FSA team responsible for the premises. The FSA is committed to working collaboratively with businesses to make adjustments quickly to SORs in line with changing operational needs. A formal review of the SOR will take place as required. One of the aims of this will be to

minimise the likelihood of the FSA and FBO incurring costs for hours that the business no longer needs.

22. The key part of the SOR process is that the business operator and the SDM will discuss the FBO's intended working hours and working practices and seek to agree the minimum number of FSA inspectors and their chargeable hours that will be needed to service this business requirement effectively and provide the appropriate level of official controls.
23. As with any discussion between two parties, a degree of negotiation may be needed between the business and the FSA team to ensure that the level of staffing is appropriate to the circumstances of the individual premises and to regulatory requirements. During these discussions, SDM will be able to draw on advice and resources from elsewhere in the FSA e.g. Lead Veterinarian to assess flexibility requests
24. It is the responsibility of the SDM that the SOR is completed following the discussion and issued to the FBO. The FSA will implement the agreed staffing levels and working hours immediately or at an agreed date as detailed within the SOR. This version should be **retained by the SDM in the FSA establishment office for a minimum period of 2 years.**
25. The SDM will also issue a covering letter to the FBO. The letter will remain as a formal record of discussions captured during the SOR meeting and will not be a verbatim minute but capture the salient discussion points.
26. The letter will invite the FBO to sign and return a copy of the letter to the SDM to confirm they are in agreement with the content and outcome of the discussion.
27. In the event that the FBO is not content with the outcome of the discussion and a determination has been made by the FSA for the level of resource to be allocated to the premises, the letter will provide details of the actions which can be taken by the FBO to enter into the appeals process.
28. A completed, up to date SOR should be displayed in all relevant FSA offices.
29. Letters and completed SORs should also be sent to uploaded to the SDM area SharePoint site for central record keeping purposes
30. The business will be charged for all the FSA time chargeable to industry covered by the agreement, which will include time spent on the production line and in undertaking support tasks, for example necessary paperwork. The business will also be charged for any FSA chargeable time that is needed in excess of the agreed levels in the SOR as provided for in Schedule 2,

paragraph 6 of The Meat (Official Controls Charges) (England, Scotland or Wales) Regulations 2009.

## How the SOR affects FBO Official controls charges

31. FSA time based charges are calculated by multiplying the time that has been recorded on the FSA inspection team timesheets as time spent carrying out official controls, by the appropriate hourly charge out rate. The FSA will charge the FBO for all of the hours specified in the SOR when these hours are paid to FSA staff or contractors, with the following exceptions:

Where staff are not required and they can be redeployed elsewhere;

- Where force majeure applies such as electricity, gas or water failure as a result of activities on or off-site not in the control of the FBO; protest or civil disturbance delaying the arrival of stock; emergency disease / public health restrictions and/or controls; severe adverse weather resulting in the late delivery of stock; premises evacuated as a result of an incident in neighbouring premises; and closure of livestock markets due to sudden severe adverse weather conditions.
- For up to two hours on any two occasions in any four or five week charging period, where downtime has resulted from contractual or customary practices or events outside of the FBO's control, for example, sudden unexpected breakdown of machinery that has been properly maintained, as evidenced by maintenance records, planned repairs to essential equipment where reasonable notice is given to the FSA; markets have no suitable stock, stock prices is unacceptably high, stock is not of an appropriate quality, the FBO loses an order, the FBO cannot predict when stock will arrive or its quantity (e.g. game), Traffic accident resulting in the late delivery of stock.

32. **Charges would be levied for unutilised FSA time in the event of** on-site failures due to the activities/decisions of the FBO, failure of machinery / equipment due to poor maintenance, maintenance, repair or replacement of machinery / equipment, failure of electricity, gas or water supply due to non-payment of the utilities, events against which would be reasonable to expect the business to be insured, delayed working, late delivery of stock,

33. Any time worked outside of the SOR will also be included in the time costs e.g. if the daily finishing time of the plant extends beyond that specified in the SOR. (Note where this occurs frequently, the SOR should be reviewed to provide a more accurate reflection of the operating hours at the premises).



For the audit of cutting establishments, the time spent includes the preparation and reporting time that may be carried out away from the premises.

34. The FBO must provide the FSA with as much notice as possible when intending to change the operating hours at the premises. By giving reasonable notice of changes, the FSA will have time to try and re-arrange resources to fit the new requirements without incurring additional costs. For major or permanent changes 30 days notice are required to enable FSA to give notice to its staff and contractors where contractual changes are necessary. The FBO should always notify the FSA in writing of the intended start date of any change as this helps to avoid any confusion.
  
35. For short term changes where, due to their temporary nature, a permanent change to the SOR is inappropriate the FBO should aim to give the FSA as much notice as possible. Whilst at short notice the FSA cannot promise to meet the FBO's needs, any amount of notice that can be provided gives some opportunity to provide more or less resources, as required, keeping charges to a minimum. Where the FSA cannot meet temporary requirements without incurring additional costs then charges will be made to contribute to those costs.

**For further details of how charges are calculated please refer to the Charges Guide found at [www.food.gov.uk/multimedia/pdfs/charges2012.pdf](http://www.food.gov.uk/multimedia/pdfs/charges2012.pdf)**

## Health and Safety

36. The FSA and FBO share a legal duty to co-operate with one another and co-ordinate each other's processes toward achieving a safe and healthy environment. Both parties also share an obligation not to harm non-employees. Both the FSA and the FBO can reasonably expect that each will report defects from which harm could arise.
  
37. One of the primary control measures the FSA has to mitigate the risk is job rotation which typically includes some off line duties. Any impact on the FSA's ability to rotate staff should be carefully considered as should any reduction in headcount or line positions. The FSA ergonomic risk assessment should be used in such circumstances.
  
38. There are also specific health and safety matters which can be discussed with the FBO as follows; Communication of key health and safety information between the two parties is critical. The FBO should be asked to nominate an individual with whom the FSA can link. The establishment of a series of meetings is a useful consideration and certainly where the FBO convenes a

Health and Safety Committee, they should be asked to make this accessible to a FSA representative.

## SOR Appeals Procedure

**The FSA recognises that there may be occasions when a FBO and the FSA do not agree locally on the level of resources and the number of chargeable hours required at the premises. Where this happens, the FSA will allocate the staffing level and hours to the Business that it considers appropriate, but the Business will be able seek a review of the allocation following the SOR appeals process. The appeals process is a two stage process including both an internal and external component. This is intended to give confidence in the system, but also to encourage FBOs and the FSA to work collaboratively to agree resource allocations if it is possible for them to do so.**

39. A £250 fee is payable by the FBO at the outset of the review process as a contribution to the FSA's costs. Reviews will not commence until the fee has been paid. If the review/appeal rules in the FBO's favour the £250 will be refunded.

40. While the appeal is being carried out, the FBO is still required to pay the FSA invoices in full, including the cost of any disputed resources. If the appeal is upheld, the FBO will receive a credit on a future invoice. If the FBO's appeal is not successful then the charges will not be credited and the charges will stand. The FSA may in certain circumstances continue to retain the disputed resources in the plant even after an appeal is lost by the FSA where it is considered necessary to meet the requirements of the EC Regulation, but the FBO will not be charged for the excess attendance.

### Stage 1 - Internal review appeal process

#### Step 1

41. The SDM will use the information available (current operating hours, throughput levels, line speed, etc.) to produce a SOR completed as far as possible and signed by the SDM but not by a representative of the business. The SOR will show the allocated number of FSA inspectors and OVs and their hours that the FSA considers should be allocated to the plant and the business will be charged for these. The FBO will be given a copy of the SOR and notification letter.

42. The FBO will be able to request that the resource allocation in the SOR be reviewed. This request will need to be made within 21 days of the FSA giving the FBO the SOR copy. A £250 fee will be payable on lodging a request for review, refundable if the business' challenge is upheld following

internal review or subsequent appeal. Upon lodging the request for a review, the business will be expected to state the grounds for disagreeing with the FSA resource allocation and the FSA will provide a standard form for this purpose. No review will be commenced until the £250 fee has been paid.

## **Step 2**

43. When notified that a review has been requested, the local SDM will, within 5 working days, provide the review team with a copy of the SOR and a paper setting out the reasons for the resource allocation and any other relevant information. A copy will be supplied to the FBO.
44. A Head of Operational Delivery from another business area and an industry representative will conduct the review. The industry representative will be selected from a panel appointed following an open recruitment process.
45. The review team will consider the grounds put forward by the FBO for disagreeing with the resource allocation and carry out the review in the light of the information supplied to them and any that they obtained from the business or the local SDM. The team will be able to seek appropriate advice, e.g. from the FSA Veterinary Assurance and Approvals Team Leader and the FSA Health and Safety Manager. The team will prepare reports with recommendations for consideration by the FSA Chief Operating Officer. A copy will be sent to the FBO and to the area FSA Head Delivery.

## **Step 3 – Consideration by FSA Chief Operating Officer**

46. The FSA Chief Operating Officer will consider the review team's reports and recommendations and will make a decision on the appropriate level of resources for the premises and the business will be charged accordingly for official controls - with any charges that have been overpaid being reimbursed. These will be charges for official controls, delivered after the £250 payment had been received by the FSA, that the FSA Head of Operations determined to be in excess of those necessary to deliver the appropriate level of official controls.
47. It is intended that the review will take no more than four weeks to complete.
48. If the review upholds the appeal, the £250 fee will be returned to the FBO.

#### **Step 4 – Business disagrees with final FSA resource allocation**

49. If a business disagrees with the final FSA resource allocation decided on at an internal FSA review, it will be able to appeal against it provided that the operator of the business has complied with the most recent demand by the FSA for the operator to provide details of his working hours and practices. The stage 2 appeal will need to be requested within one week of being notified of the final resource allocation.

#### Stage 2 – The Independent Appeal Process

##### **Step 5**

50. The appeal will be determined within one month by an independent person nominated by the Food Standards Agency. The Nominated Person:

- i. Will give the business and the FSA an opportunity to make representations on the matter to be determined;
- ii. Will determine the matter concerned;
- iii. Can order the business or the FSA to pay costs;
- iv. Will notify the business and the FSA Chief Operating Officer of the determination and of any order for costs.

51. If the independent Nominated Person found in favour of the business the £250 fee for initiating the appeals process would be returned to the business.

52. The FSA would implement the determination unless the FSA considered that the determined resource allocation was insufficient to enable official controls to be carried out in accordance with EC law. If that were to be the case, the business would not be charged for any staff/hours that were in addition to those determined as necessary by the independent Nominated Person. This would apply from the date that the £250 had been received.

## Overview of review and appeal process

## Timescales

