



Food Standards Agency in Northern Ireland

Summary Report on the Audit of Food Standards Food Law Enforcement Controls Delivered by Local Authorities in Northern Ireland

November 2012 to March 2013

Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's (FSA) 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 (LA) regulatory functions are principally delivered through their Environmental Health Services.

This audit report summarises the findings from an audit programme which examined the Food Law Enforcement services of four Local Authorities in Northern Ireland. The audit scope includes the assessment of local arrangements in place for service planning, delivery and review, provision and adequacy of officer training on food standards official controls and authorisations, and implementation and effectiveness of food standards control activities, (including inspection, sampling, and enforcement). Maintenance and management of appropriate records in relation to food standards activity at food businesses and internal service monitoring arrangements will also be examined.

FSA 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 Enforcement¹. The Framework Agreement and the audit protocols are available on the Agency's website at:

<http://www.food.gov.uk/enforcement/auditandmonitoring/>

The main aim of the audit scheme is to improve and maintain 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 information to inform Agency policy on food safety.

The report contains some statistical data on food law enforcement activities undertaken by the authority. The FSA's website contains enforcement activity data for all UK local authorities and can be found at:

<http://www.food.gov.uk/enforcement/auditandmonitoring/>

The report also contains an action plan, prepared by the Authority, to address the audit findings.

A glossary of technical terms used within the audit report can be found at Annexe F.

¹ [The Framework Agreement](#): The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law.

Table of Contents

1.0	BACKGROUND	4
1.1	Introduction.....	4
1.2	Scope and key objectives of the audit programme	5
2.0	EXECUTIVE SUMMARY	7
3.0	AUDIT FINDINGS	8
3.1	Organisation and Management	8
	<i>Strategic Framework, Policy and Service Planning</i>	8
	<i>Documented Policies and Procedures</i>	8
	<i>Authorised Officers</i>	8
	<i>Facilities and Equipment</i>	9
	<i>Liaison with other organisations</i>	9
3.2	Food Standards Control Activities	9
	<i>Food Establishments Interventions and Inspections</i>	9
	<i>Food Sampling</i>	10
	<i>Enforcement</i>	11
	<i>Food Complaints and Home Authority Principle</i>	11
	<i>Verification Visit to a Food Establishment</i>	12
3.3	Internal Monitoring	13
4.0	OBSERVATIONS AND CONCLUSIONS	14
4.1	Inspection Frequencies	14
4.2	Assessment of Food Standards Compliance	15
4.2	Sampling.....	17
4.3	Internal Monitoring	18
	Annexe A – Spread of Audit Recommendations for LAs in the Programme	20
	Annexe B – Good Practice	21
	Annexe C – Audit Methodology	22
	Annexe D – Authorities Audited	23
	Annexe E – Scope of Food Standards activities for verification visits	24
	Annexe F – Glossary	26

1.0 BACKGROUND

1.1 Introduction

1.1.1. The primary purpose of Agency audits of Local Authorities (LAs) is to provide assurance that local delivery of official controls for feed and food is compliant with EC and UK legal requirements and official guidance. The detailed guidelines for the conduct of audits of competent authorities are set out in an EC Decision of October 2006².

1.1.2. In Northern Ireland, the power to set standards, monitor and audit Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999³ and The Official Feed and Food Controls (Northern Ireland) Regulations 2009. The audit will be undertaken under section 12 of the Act and regulation 7 of the Regulations.

1.1.3. *The Framework Agreement on Local Authority Food Law Enforcement* sets out the arrangements through which the Agency audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health. The overarching aims of the audit scheme are to:

- Help to protect public health by promoting effective local enforcement of food law; maintain and improve consumer confidence;
- Assist in the identification and dissemination of good practice to aid consistency;
- Provide information to aid the formulation of Agency policy;
- Promote conformance with the '*Food Law Enforcement – Standard*' and any relevant central guidance or Codes of Practice;
- Provide a means to identify under performance in LA food law enforcement;
- Promote self-regulation and peer review, such as inter-authority auditing (IAA); and
- Identify continuous improvement.

1.1.4. The FSA's monitoring and audit arrangements are set out in the Framework Agreement on the Delivery of Official Feed and Food Controls by Local Authorities. The legal bases for monitoring and audit of competent food authorities (LAs) are:

- Sections 12-16 of the Food Standards Act and Regulations 7-11 of the Official Feed and Food Control Regulations (Northern Ireland) 2009⁴.

²[Commission Decision \(October 2006\)](#): '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'.

³ [Food Standards Act 1999](#)

⁴ [Official Feed and Food Control Regulations \(Northern Ireland\) 2009](#)

- Title II of and Annex II to the European Union (EU) Official Feed and Food Controls Regulation 882/2004 which requires all Member States to report relevant food law data and ensure the audit of competent authorities delivering Official Controls. This includes LA performance and enforcement data to underpin and verify implementation of the Multi-Annual National Control Plan.
- 1.1.5. The Food Standards Agency in Northern Ireland (FSA in NI) has provided support and resources specifically targeting the food standards activities carried out by councils in Northern Ireland. This programme of focused audits has been developed to assess the impact of providing this additional support and resource to LAs in Northern Ireland.
- 1.1.6. The Agency's Food Fraud Unit is also committed to providing LAs with support when tackling food fraud, which includes any deliberate illegal activity relating to the supply of food or feed. This programme of focused audits will be used to gather information on LAs' Food Fraud Activity.
- 1.1.8 Four councils were included in the FSA's programme of audits of LA food law enforcement services. All four councils were selected based on the fact that they had not received an audit from the FSA in the last five years as recommended in Commission Decision 2006/677/EC⁵.

1.2 Scope and key objectives of the audit programme

- 1.2.1 The audit programme examined each council's arrangements for food standards controls.
- 1.2.2 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations, implementation and effectiveness of food standards activities, including inspection, sampling, and enforcement. Maintenance and management of appropriate records in relation to food standards activity in the Council's area and internal service monitoring arrangements were also covered.
- 1.2.3 Each audit included an on-site visit which was carried out over two days and took place at the Council's offices.
- 1.2.4 Commission Decision 2006/677/EC sets out three guiding principles for how competent authorities can comply with the requirements of Article 4(6)

⁵ Paragraph 5.1, Systematic Approach - A systematic approach should be applied to the planning, conduct, follow-up and management of audits. To that end, the audit process should: form part of an audit programme that ensures adequate coverage of all relevant areas of activity and all relevant competent authorities within the sectors covered by Regulation (EC) No 882/2004 at an appropriate risk-based frequency over a period not exceeding five years.

of Regulation (EC) No 882/2004⁶, one of the guiding principles, (b) Effective implementation states 'Verification of the effective implementation of planned arrangements. In order to assess effectiveness, that is the extent to which planned results are achieved, on-site operational implementation must be included. This should include an assessment of the quality and consistency of the controls and should involve on-site audit activities. The audit team will require the relevant technical expertise in order to address this audit objective.'

- 1.2.5 To comply with this principle the on-site audit included a reality check to assess the effectiveness of official controls implemented by the Council at an FBO in the Council's area and, more specifically, the checks carried out by the Council's officers to verify compliance with food standards law requirements.

⁶ [Regulation \(EC\) No 882/2004 - official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules](#)

2.0 EXECUTIVE SUMMARY

- 2.1** The majority of councils in the audit programme had developed service plans as defined by the Service Planning Guidance in the Framework Agreement.
- 2.2** All council officers were appropriately authorised against specific legislation to carry out enforcement activities. All officers had the required continuing professional development training and appropriate food training. In most cases the record keeping arrangements in relation to officer qualifications and training were accurate, complete, and readily retrievable.
- 2.3** The majority of councils had developed and implemented policies and procedures covering most areas within the scope of the audit.
- 2.4** In the majority of cases, food standards interventions were carried out to the frequency required by the Food Law Code of Practice (Northern Ireland) 2012 (FLCoP). However three of the four councils did not complete all due interventions at high risk A and B establishments to the frequency required by the FLCoP.
- 2.5** In the majority of cases examined the auditors noted the level of detail recorded during and following food standards inspection did not contain sufficient evidence to indicate an assessment of the compliance of the establishment and its systems had been carried out to the prescribed standards set out in the FLCoP.
- 2.6** The majority of councils had developed food standards sampling programmes. However, in the majority of councils, the range and scope of sampling was both restrictive and repetitive and could have included a wider range of food sampling activities. The auditors did note the records and results relating to samples examined during the audit were processed correctly.
- 2.7** All councils had implemented internal monitoring procedures which included monitoring of food standards activities. However, in the majority of councils, either internal monitoring records were not available for examination or monitoring checks were not maintained at the frequency defined in the councils' internal monitoring procedure.

3.0 AUDIT FINDINGS

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 Three of the four councils audited had developed documented Food Control Service Plans which followed the majority of the service planning guidance in the Framework Agreement. All four plans had either been approved or noted by their respective councils
- 3.1.2 Three of the four councils had carried out acceptable reviews against performance of their plans as required by paragraph 3.2 and 3.3 of Chapter two of the Framework Agreement and as detailed in Chapter one of the Framework Agreement.
- 3.1.3 All four councils' service plans had specifically addressed their food standards activities in relation to interventions and food standards targeted sampling. One council had covered food standards seminars and food standards labelling issues.

Documented Policies and Procedures

- 3.1.4 Three of the four councils had developed and implemented a range of relevant policies and procedures as part of a documented quality management system which was available to relevant staff and to the auditors.

Authorised Officers

- 3.1.5 All four councils had developed and implemented documented policies and procedures for the authorisation of enforcement officers with respect to food safety. The policies and procedures examined set out the means by which officers were authorised based on their qualifications, experience, and competency.
- 3.1.6 Audit checks on officers carrying out food standards official controls confirmed that authorisations had been conferred generally under the European Communities Act 1972, and specifically under the Regulations relating to food made under that Act.
- 3.1.7 Paragraph 3.4.4 of the Food Law Practice Guidance (Northern Ireland) 2012 (FLPG)⁷ details specific powers of seizure and detention for district councils enforcing food standards. It was recommended all four councils should consider including the list of food standards legislation contained in the FLPG in their specific list of legislation used to authorise officers. The

⁷ [Food Law Practice Guidance \(Northern Ireland\) 2012](#)

legislation detailed in the FLPG gives powers of seizure and detention to district councils.

- 3.1.8 For all four councils, officer training records were maintained to a good level of detail. In all cases examined, officers had received the required 10 hours annual training to maintain their professional competency and had received training on food controls.
- 3.1.9 In the majority of cases the record keeping arrangements in relation to officer qualifications were complete, and readily retrievable.

Facilities and Equipment

- 3.1.10 All four of the councils audited had in place a computer software system capable of providing food law enforcement monitoring data to the Agency.
- 3.1.11 Three of the four councils had documented a procedure for accessing the food establishment database and secure storage of the database.
- 3.1.12 Two of the four councils did not have a process in place to verify the information held on their food establishment database.

Liaison with other organisations

- 3.1.13 All four councils had general liaison arrangements with central government, other enforcement bodies, and professional organisations. This was achieved in part through the Council's participation as a constituent council in their respective Group Environmental Health Committees (GEHC).

3.2 Food Standards Control Activities

Food Establishments Interventions and Inspections

- 3.2.1 Paragraph 7.4 of the Framework Agreement states 'The Authority shall set up, maintain and implement documented procedures for the range of interventions / inspections it carries out. Three of the four councils audited had a procedure which documented how they carry out food standards inspections.
- 3.2.2 The FLPG details a number of different aspects of interventions and in particular inspections which councils should consider when preparing a procedure on interventions at food businesses. The auditors noted the food standards inspection procedure for three of the councils did not contain a reference to how the council deals with:
- New establishment inspections (FLPG - 4.1.4)
 - Announced / unannounced inspections (FLPG - 4.2.2)
 - Use of experts (FLPG – 4.2.3)

- 3.2.3 The auditors examined the establishment file records in relation to food standards official control activities for seventeen establishments during the four audits. In order to focus on risk the auditors selected higher risk A and B food businesses for the on-site file examinations. In the majority of cases records were easily found and retrieved. However, in one council the auditors were not able to examine the majority of reports left on site following an inspection as the reports were not available for examination.
- 3.2.4 In most cases officers in the four councils in the audit programme were using appropriate inspection checklists which had been drafted by Northern Ireland Food Liaison Group (NIFLG) and issued to councils.
- 3.2.5 A common theme across the majority of the councils audited was the level of detail recorded in the food standards inspection records examined did not contain sufficient evidence to indicate an assessment of the compliance of the business and its systems had been carried out to the prescribed standards set out in paragraph 4.2.4 of the FLCoP. Including:
- Traceability
 - Supplier specifications
 - Materials in contact
 - Product specifications
 - Composition, presentation, recipe control
 - Effectiveness of management systems
- 3.2.6 The auditors examined the frequency of interventions carried out in relation to the prescribed frequencies specified in Annex 5 of the Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP). In particular the auditors focused on interventions at higher risk establishments, specifically category A and B.
- 3.2.7 For three of the four councils audited the auditors found examples of food standards inspections in higher risk, category A and B, establishments that were not carried out to the frequency required by the FLCoP.
- 3.2.8 In one council the auditors noted follow-up on interventions was either not carried out or not recorded in the records held for the five establishments examined.

Food Sampling

- 3.2.9 Three of the four councils audited had a documented sampling policy based on the sampling policy drafted by NIFLG in August 2008. Three of the four councils had a sampling procedure and had implemented an annual sampling programme.
- 3.2.10 For all samples examined during the audit programme councils had maintained good records including sample results and correspondence with FBOs. All samples examined had been taken by authorised officers

and when relevant the FBO was informed of any unsatisfactory results as required by paragraph 6.1.9 of the FLCoP.

- 3.2.11 Paragraph 6.1.1 of the FLCoP states 'Effective routine sampling is an essential part of a well-balanced enforcement service and should therefore feature in the Sampling Policy of all district councils. Guidance to help ensure sampling by district councils is undertaken effectively and consistently is set out in the Practice Guidance, in LGA⁸ advice and in NIFLG guidance.'

'Whilst the Food Safety (NI) Order 1991, the Food Safety (Sampling and Qualifications) Regulations (NI) 1991 and the Food Hygiene Regulations (NI) 2006 provide a framework for district council sampling which is carried out specifically with a view to pursuing legal action if the results show an offence has been committed, it is important to recognise that samples may also be taken for the purposes of surveillance, monitoring and providing advice to food business operators.'

- 3.2.12 The auditors noted a large variation in the number and scope of food standards samples taken across the four councils audited. During the audit programme it was clear the level of sampling activity carried out by a council did not always directly relate to 'a well-balanced enforcement service' or 'pursuing legal action if the results show an offence has been committed'. For example, one council had been carrying out relatively large annual sampling programmes but had not been following up on unsatisfactory results which had led to repeated sampling for the same reason. Another council in the audit programme had been carrying out relatively small sampling programmes which had led to a successful prosecution.

Enforcement

- 3.2.13 All four councils had an Enforcement Policy. The auditors did not specifically examine enforcement actions during the audit programme but did note the four councils had carried out some enforcement activity which related to food standards controls in the last two years. Specifically the enforcement actions related to thirteen voluntary surrenders, one formal caution and one prosecution.

Food Complaints and Home Authority Principle

- 3.2.14 While the auditors did not review specific food complaints they did review the documentation provided by each council to support the information supplied in the audit Pre-visit Questionnaire⁹ (PVQ).

⁸ [Local Government Association](#)

⁹ Pre-visit Questionnaire – contains specific requests from the auditors for information prior to the on-site visit to the council.

3.2.15 Paragraph 8.1 of the Framework Agreement states 'The Authority shall set up, maintain and implement a documented policy in relation to complaints about food'. Three of the four councils in the audit programme had a food complaint policy as required by paragraph 8.1 of the Framework Agreement.

3.2.16 All four councils had developed a procedure specifically for food complaints. However, in all four cases the procedures did not cover complaints against establishments as required by paragraph 8.1 of the Framework Agreement and did not state how the Agency was to be notified when a complaint became a serious localised hazard as required by paragraph 2.4.2 of the FLCoP.

3.2.17 Three of the four councils' service plans confirmed support for the Home Authority Principle. The councils had identified thirty three establishments to which they would provide support through informal agreement.

Verification Visit to a Food Establishment

3.2.18 During each of the four audits a verification visit was carried out at a local food establishment accompanied by an authorised officer from the council. The purpose of the visit was to determine the effectiveness of the council's assessment of food standards including risk assessment, composition and labelling and traceability.

3.2.19 The types of establishment visited as part of the verification checks were:

- A large manufacturer
- A medium size manufacturer
- A small manufacturer
- A hotel

3.2.20 During three of the four verification visits, the officer demonstrated a basic understanding of the food standards official controls required for the establishment. The officers had not demonstrated how systematic and in depth they could perform the task of a food standards intervention. In consequence the auditors did not have confidence in how food standards inspections were being carried out.

3.2.21 During these verification visits the auditors noted a number of areas in relation to food standards activities which officers did not demonstrate sufficient knowledge or awareness of FBO monitoring or checks, e.g. testing the effectiveness of FBO management systems, traceability, supplier specifications, composition, presentation, recipe control, allergens, and food contact materials, as detailed in paragraph 4.2.4 of the FLCoP.

3.3 Internal Monitoring

- 3.3.1 All four councils had developed and implemented a documented procedure for the internal monitoring of the food safety systems within their respective environmental health departments.
- 3.3.2 However, for three of the four councils audited the auditors noted monitoring checks had not been carried out at the frequency stated in their internal monitoring procedure or the auditors had difficulty verifying monitoring checks due to monitoring records not being presented for examination during the audit.
- 3.3.3 In two of the councils the auditors recommended that the internal monitoring procedure should include risk score reduction in food standards category A risk rating. Paragraph 7.7.2.2 of the FLCoP states 'The monitoring system should include measures to assess the consistent assessment of intervention ratings'. This would be consistent with existing monitoring checks currently in place for risk score reduction in food hygiene category A risk rating.

4.0 OBSERVATIONS AND CONCLUSIONS

4.1 Inspection Frequencies

- 4.1.1 Three of the four councils did not complete all due interventions at high risk A and B establishments to the frequency required by the FLCoP.
- 4.1.2 The auditors noted lower risk establishments, category C, were being completed even though some of the relatively small number of category A establishments had not had an intervention, in some cases, in two years.
- 4.1.3 Two of the four councils in the audit programme had indicated in their LAEMS returns for 2010/2011 and 2011/2012 that they had not carried out interventions at their higher risk category A establishments. Their LAEMS returns also stated they had carried out the majority of interventions at their lower risk category C establishments.
- 4.1.4 According to the LAEMS data published for 2011/2012 six councils in Northern Ireland had not achieved 100% of interventions at their category A establishments. The LAEMS data also showed that five of the six councils had achieved over 70% of interventions at their Category C establishments. A similar trend was also present in the 2010/2011 LAEMS data.
- 4.1.5 When making this observation the auditors were aware there may be reasons why some lower risk food standards interventions were being completed earlier than required, for example, a food hygiene intervention was being carried out at the lower risk establishment and it was a better use of resource to bring forward the food standards intervention to make more efficient use of resource.
- 4.1.6 It is a requirement of Regulation (EC) No 882/2004 and Annex 5 of the FLCoP that planning and resourcing intervention programmes should be based on risk. Councils experiencing difficulty in resourcing intervention programmes should focus their resources towards achieving interventions at higher risk category A and B establishments.
- 4.1.7 One council indicated it had carried out 100% of its food standards interventions in 10/11, 11/12 and 12/13 yet a category A had not had an intervention between May 2009 and August 2012¹⁰.
- 4.1.8 Another council indicated it had carried out 100% of food standards inspections in 10/11, 11/12 and 12/13 yet a category B had not been inspected between Feb 2003 and Feb 2012¹¹.
- 4.1.9 These inconsistencies indicate a discrepancy between council file records and the data reported on LAEMS. Further exploration of councils' LAEMS returns will be carried out by the FSA in NI during a focused audit on LA

¹⁰ The FLCoP defines the minimum intervention frequency for food standards category A establishments as at least every 12 months.

¹¹ The FLCoP defines the minimum intervention frequency for food standards category B establishments as at least every 24 months.

reporting and monitoring of food law enforcement activities to the FSA in the spring of 2014.

4.2 Assessment of Food Standards Compliance

- 4.2.1 The systems and procedures found in each of the councils on the whole suggested that standards inspections were subject to a systematic approach and evaluation. However, it was disappointing that this was not confirmed during the verification checks.
- 4.2.2 While the auditors noted all councils in the audit programme had carried out food standards interventions, the level of detail recorded in the food standards inspection records examined was below the level expected and did not contain sufficient evidence to indicate an assessment of the compliance of the establishment and its systems had been carried out to the prescribed standards set out in paragraph 4.2.4 of the FLCoP.
- 4.2.3 In three of the councils the auditors noted the scope of food standards activities covered at successive interventions was limited to a narrow range of activities and did not cover the range of activities already described on paragraph 3.2.5 of this report.
- 4.2.4 To provide clarity regarding the approach used by the auditors during the food standards verification visits a detailed scope has been included in Annexe E.
- 4.2.5 There may be a number of reasons why officers are not adequately covering the range of food standards activities referred to in the FLCoP. For example, lack of sufficient time allocated to carrying out the food standards intervention because the intervention was carried out during the same visit to the food establishment as a food hygiene intervention¹² or a health and safety intervention.
- 4.2.6 From an examination of eight¹³ Northern Ireland councils' service plans the auditors noted, on average, less time had been allocated to carry out food standards interventions than food hygiene interventions¹⁴.
- 4.2.7 Another possible reason could be a lack of technical expertise by the council officer carrying out the intervention. The Agency in NI had provided numerous food standards related training programmes to support officers in enhancing their expertise over the last eight years.
- 4.2.8 The summary details of the support provided are as follows:

¹² It should be noted that the practice of carrying out a food standards and food hygiene intervention during the same visit is acceptable as stated in 4.1.9, Co-ordination of food hygiene and food standards inspections, of the FLCoP.

¹³ The eight councils were made up of four councils in the food standards audit programme and information taken from recent service plans of four other NI councils.

¹⁴ The average time allocated to a food hygiene inspection at a category A establishment was **6.7** hours. Whereas the average time allocated to a food standards inspection at a category A establishment was **4.6** hours

- Setting up and funding 5 joint food standards inspections between EHO/Public Analyst
- Creating a summary report of findings of joint visits to help officers
- Providing joint funding for Campden BRI food standards and labelling course
- Provision of training at Cafre on sampling for analysis
- Funding targeted standards sampling e.g. Southampton colours

4.2.9 The Agency in NI had provided a Food Standards Training Manual to help officers. The purpose of the Food Standards Training Manual was to provide officers with a comprehensive reference to Food Composition and Labelling Legislation and allowed officers to become more familiar with standards rules¹⁵.

4.2.10 We noted all four of the councils in the audit programme did not refer to the use of the Food Standards Training Manual during the audit.

4.2.11 In conclusion, this audit programme has indicated there may be a deficit of experienced officers in relation to food standards activities and the Agency, councils and partner organisations will need to work together to address this issue.

4.2.12 It is recommended officers with a responsibility for food standards should:

- *Attend food standards specific training* - ensure that food officers get the opportunity to attend FSA / NIFLG training initiatives in particular Low cost training (Food Standards Inspections).
- *Visit manufacturing establishments* - where the opportunity arises, visit manufacturing establishments as a group and ask the quality assurance staff to fully explain their different production processes and procedures e.g. technology used and the significance of recent changes.
- *Facilitate shadowing in larger establishments* - encourage officers responsible for larger establishments to allow colleagues to accompany and participate in an inspection/intervention.
- *Share knowledge and experience* - where officers have a particular specialism or expertise in relation to particular food processes they should be encouraged to share that knowledge with other enforcement officers.
- *Develop an enhanced relationship with the Public Analyst and Food Examiner* - use the expertise of the public analyst and food examiner to better understand the issues in relation to specific food composition and labelling requirements. The joint analyst / EHO

¹⁵ [Northern Ireland Food Standards Training Manual](#)

visits have demonstrated the benefits of working collaboratively with the public analyst.

- *Collaborative working with Manufacturers* - encourage manufacturers to approach the enforcement officers regarding changes in production processes or food composition as this will ensure there are no surprises for officers when they next visit an establishment for the next planned intervention.
- *Reference aide memoire documents* - be familiar with and properly utilise the aide memoire documents for food standards produced by the NIFLG to ensure a structured approach to the food standards inspection process.
- *Make full use of the Food Standards Training Manual* - the manual is available to all councils and FBOs through the FSA's website.

4.2 Sampling

- 4.2.13 A total of 8,364 official food samples were taken in Northern Ireland in 2012/13, an increase of 4.5% from 2011/12. When analysed further this increase related to microbiological contamination samples.
- 4.2.14 Food standards targeted sampling numbers, mainly composition, labelling and presentation, have been in decline in Northern Ireland over the last number of years, with a 7.65% decrease in food standards related sampling in Northern Ireland in 2012/2013.
- 4.2.15 The recommendations made by the auditors around sampling covered a range of issues including documenting policies and procedures, the limited scope, range of samples taken and the follow-up and use of sample results.
- 4.2.16 The auditors were encouraged to see one council had maintained relatively high levels of food standards targeted sampling. It was also noted another council that has struggled to maintain relatively high levels of food standards targeted sampling had implemented an effective sampling programme to contribute to a well-balanced enforcement service.
- 4.2.17 It is likely that following implementation of Local Government Reform in Northern Ireland in April 2015 councils will experience further reductions in resources. Taking this into consideration, together with the general economic environment and the need for councils to achieve value for money the convention of each individual council planning and carrying out its own sampling plan may not provide the best use of resource.
- 4.2.18 In conclusion, co-ordination between councils on a Northern Ireland wide basis for specific or even entire sampling programmes would free up individual council resource, ensure sampling is co-ordinated on a much

larger scale, and allow greater sharing of intelligence and expertise which will target sampling activity in those areas of highest risk.

- 4.2.19 Greater co-ordination regarding sampling programmes could be achieved by the inclusion of the expertise of the public analyst in Northern Ireland and enhanced use of the UK Food Surveillance System (UKFSS).¹⁶

4.3 Internal Monitoring Internal monitoring is required under section 19 of the Framework Agreement and section 7 of the FLCoP. The main objective of internal monitoring is to determine if existing processes are working effectively, and minimise potential inefficiencies through the timely application of appropriate remedial action.

- 4.3.2 Monitoring of internal controls is an essential tool in assessing the effectiveness of the delivery of a council's objectives and services. Poorly designed or ineffective internal monitoring controls can result in deception, waste, misuse and mismanagement.

- 4.3.3 Whilst the FSA carry out checks on councils internal monitoring during their audits of councils it is also important that management carry out regular reviews of internal monitoring controls. These regular reviews will enable management to respond in a timely manner to irregular, unethical, uneconomical, inefficient and ineffective internal monitoring control processes and systems.

- 4.3.4 All four councils did not comply fully with this section of the Framework Agreement. In two of the councils, records relating to internal monitoring could not be presented to the auditors whilst on-site.

- 4.3.5 In conclusion, it is important for councils to ensure they actively comply and demonstrate their compliance with the Framework Agreement and FLCoP. Internal monitoring by councils is not only one of the key elements of the Framework Agreement it is a crucial aspect of a council's governance system in relation to how they provide an effective service to protect public health.

¹⁶ [The UK Food Surveillance system \(UKFSS\) is a national database for central storage of analytical results from feed and food samples taken by enforcement authorities \(local authorities and port health authorities\) as part of their official controls.](#)

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Annexe A – Spread of Audit Recommendations for LAs in the Programme

LA activity [related section of the Standard]	Audit Findings	
	No. of LAs with recommendations	No. of LAs without recommendations
Service Planning [3.1, 3.2 & 3.3]	2	2
Training and Authorisation - documented authorisation procedure [5.1] - officer training records [5.5]	3 1	1 3
Interventions and Inspections - inspection frequencies [7.1] - assessments of compliance and conformance with legal & FLCoP requirements [7.2 & 7.3] - inspection procedures [7.4]	3 3 3	1 1 1
Food Establishments Complaints [8.1,8.2 & 8.3]	3	1
Food Establishments Database [11.1 & 11.2]	2	2
Food Inspection and Sampling - inspection of feed and follow-up and feed procedures [12.1, 12.2 & 12.3] - sampling policy, programme and procedures [12.4 & 12.5] - Carry out sampling [12.6] - Follow-up sampling results [12.7] - Appointing a public analyst [12.8]	1 1 1 1 1	3 3 3 3 3
Enforcement - enforcement policy [15.1]	1	3
Records [16.1 & 16.2]	3	1
Internal Monitoring [19.1, 19.2 & 19.3]	4	0

Annexe B – Good Practice

Good Practice

The Environmental Health Unit publishes a biannual newsletter for businesses which Moyle District Council has enforcement responsibility for food safety and/or health and safety. As the frequency of inspections varies, these newsletters aim to keep business operators and their employees up to date with topical Environmental Health issues relevant to their business. Food standards matters promoted through the newsletter have included allergy awareness, describing food and alcohol sales which included details of the outcome of the successful prosecution for adulteration.

Good Practice

Moyle District Council had a relatively low level of food standards sampling due to limited resources. To make the best use of these limited resources the Council had used a common practice of screening products to identify those which indicated potential issues before selecting samples for analysis. This process was used successfully and as a result the Council pursued and obtained a prosecution for adulteration.

Annexe C – Audit Methodology

The audits assessed LA implementation of official controls through:

- (i) Use of structured audit protocols and checklists for checks of LA file and database records relating to routine official controls relating to food standards establishments audits/inspections, sampling and any resulting follow-up enforcement activities
- (ii) Structured interviews and meetings with LA officers
- (iii) Document reviews including all relevant LA food law enforcement policies and procedures
- (iv) An accompanied verification visit to a food businesses

Annexe D – Authorities Audited

The auditors wish to acknowledge the co-operation of the following councils which took part in the audit programme:

- Strabane District Council
- North Down Borough Council
- Moyle District Council
- Carrickfergus Borough Council

Annexe E – Scope of Food Standards activities for verification visits

The auditors were interested in establishing the knowledge of the officer in the following areas:

1. How well did the officer know the premises equipment layout and the purpose of different pieces of equipment from a food technology perspective?
2. How well did the officer understand the manufacturing process and how aware were they concerning specific standards for product being produced on the day?
3. How familiar were the officers with internal checks on process lines or during production regarding compositional standards?
4. How familiar were officers regarding the nature of the products being produced e.g. their composition and the scope of distribution?
5. Were officers familiar with the FBO's advertising and web pages and had they discussed the scope of sales and distribution of products local, regional, national and international?
6. How familiar were officers with the nature of additives used in products and the checks done to assess if they were permitted to be used on the food and at what level?
7. How familiar were officers with compositional standards for products being made and how did the officer assure themselves that the procedures in operation on the day were correct?
8. How familiar were officers with the requirements for safety under the guise of food standards e.g. use of materials and articles in contact with food? This aspect includes awareness of contact materials in the equipment and process setting and not just wrapping materials.
9. How well did the officer understand the training needs of the business from a food standards perspective?
10. How familiar were officers with the FBO's traceability system? Had they ever asked to put the system to a test and evaluate its effectiveness? This is particularly important as someday the officer could be called upon by FSA to give some assurance of the credibility of a traceability system in the wake of a food incident.
11. Auditors also wanted to determine how inquisitive the officers were regarding any recent changes in equipment or process. This was with intent of establishing whether or not there was any evaluation of the potential for fraudulent practices to creep into the production operations e.g. lowering meat content of or type of ingredient.
12. Many manufacturers are audited by 3rd parties and there are documented reports and records of non-compliance. The auditors were keen to see how well or open

the FBO was to the EHO in discussing previous non-conformances and subsequent corrective actions. Was the officer aware of such procedures and did the officer ask for feedback on previous audits?

13. The auditors were mindful of the subject of fraud and how it can be hidden from inspecting officers. The audit reality check was an opportunity to evaluate how much concern the officer had regarding small changes to specifications or if in fact specifications were compared during a visit.
14. Did the officers use check sheets or aide memoires? The field of food standards is very broad and a blank page is not necessarily the right approach when conducting food standards inspections. It is beneficial to take along pre-prepared pro formas drafted by liaison groups for the benefit of all officers. Only one of the four councils in the audit programme demonstrated effective use of a pro forma in detecting and highlighting a range of unacceptable practices.
15. Officers conducting food standards inspections are expected by FBOs to be fully conversant with food standards legislation. The auditors were there to determine how well officers knew the legislation and where they turned to for guidance. The Food Standards Training Manual was one resource that auditors were looking officers to reference during the verification visit.

Annexe F – Glossary

Audit	Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
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 (CoP)	Government Codes of Practice issued under Section 40 of the Food Safety (NI) Order 1991 as guidance to local authorities on the enforcement of food legislation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Food Business Operator (FBO)	This refers to the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP)	Article 39 of the Food Safety (NI) Order 1991 (the Order), Regulation 22 of the Food Hygiene Regulations (NI) 2006 and Regulation 6 of the Official Feed and Food Controls Regulations (NI) 2009, which empower the Department of Health Social Services and Public Safety to issue codes of practice concerning the execution and enforcement of that legislation by district councils. This code is issued as guidance to Local Authorities on the enforcement of food legislation. It relates to Northern Ireland only.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Food Standards Agency	The Food Standards Agency is an independent

(FSA)	Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.
Formal samples	Samples taken in accordance with the requirements of the Food Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <p>Chapter One Service Planning Guidance Chapter Two The Standard Chapter Three Monitoring of Local Authorities Chapter Four Audit Scheme for Local Authorities</p> <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples, and prosecutions. 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.
Home Authority	<p>An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues.</p> <p>Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.</p>
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.
Local Authority (LA)	An organization that is officially responsible for all the public services and facilities in a particular area.
Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Northern Ireland Food Liaison Group (NIFLG)	NIFLG is a sub-group of the Chief Officers Group (CEHOG), acts on behalf of 26 district councils in Northern Ireland as a co-ordinating body for the Food Control function, and consists of food specialist officers from each of the four Group areas in Northern Ireland, Belfast City Council, a district council representative, and a representative from the Food Standards Agency in Northern Ireland.
Practice Guidance	Guidance issued by the Food Standards Agency to assist district councils with the discharge of their statutory duty to enforce the Food Safety (NI) Order 1991, Regulations made under it, and food law made under the European Communities Act 1972.
Pre-visit Questionnaire (PVQ)	Used by FSA auditors to request information prior to an audit visit, to maximise the effectiveness of the time spent with a local authority.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
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.
Third Country	Countries outside the European Union.