

# **Report on the audit of Official Controls on Feed of Non-Animal Origin and Feed Establishments Including Primary Producers**

**Warwickshire County Council  
19-21<sup>st</sup> July 2016**



## Foreword

The audit of local authority feed and food law enforcement services forms 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 (LAs). The LA regulatory functions for animal feed controls are principally delivered through their Trading Standards Services.

Agency audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard 'the Standard', which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010), a Feed Law Code of Practice (England) (published May 2014) and a Feed Law Practice Guidance (England) (updated June 2014).

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food and feed law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in Wales and Northern Ireland.

Following a review of the delivery of official controls for feed law enforcement the FSA introduced a New Feed Delivery Model<sup>1</sup> in April 2014 to promote consistency, efficiency and value for money in the delivery of feed official controls. This delivery model has been implemented in association with the National Trading Standards (NTS) and it promotes a regional approach to delivery, coordinated by NTS.

An innovation of the New Feed Delivery Model was the introduction of a system of 'earned recognition' whereby Feed Business Operators (FeBOs) who demonstrably maintained high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by LAs when determining the frequency of their official controls.

This programme of focused audits is being undertaken to provide assurance to the FSA that the New Feed Delivery Model has been effectively implemented by local authorities and that official controls, as laid down in the Agency's Feed Law Enforcement Code of Practice, Practice Guidance and Framework Agreement, in regard to FNAO are being carried out by LAs, in order to safeguard animal and public health.

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[https://khub.net/documents/portlet\\_file\\_entry/5524476/New+Feed+Delivery+Model+06.07.2016.pdf/2e8585ff-3e92-4362-928a-5d1b6da2f594?download=true](https://khub.net/documents/portlet_file_entry/5524476/New+Feed+Delivery+Model+06.07.2016.pdf/2e8585ff-3e92-4362-928a-5d1b6da2f594?download=true)

This audit forms part of the programme of audits across a number of animal feed authorities and the findings will be incorporated into a summary report on the outcomes of the overall focused animal feed audit programme.

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 Warwickshire County Council with regard to feed law enforcement. The audit was undertaken as part of the Agency's focused audit programme on feed controls in England. This report has been made publicly available on the Agency's website at

[www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports).

Hard copies are available from the FSA's Regulatory Delivery Division, please email [LAAudit@foodstandards.gsi.gov.uk](mailto:LAAudit@foodstandards.gsi.gov.uk) or phone 01904 232116.

### 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 Warwickshire County Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. The Agency has taken account of the European Commission guidance<sup>2</sup> on how such audits should be conducted.
- 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 focused audits is to provide assurance to the FSA that the new feed delivery model has been effectively implemented by local authorities. The Agency has taken account of the European Commission guidance on how such audits should be conducted.
- 1.4 Warwickshire County Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, having not been audited for feed service delivery by the Agency in the past five years and was representative of a geographical mix of 11 local authority services selected across England.

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<sup>2</sup> 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)

## **Scope of the Audit**

- 1.5 The audit examined Warwickshire County Council's systems and procedures for the control of feed of non- animal origin (FNAO) and feed establishments including primary production.
- 1.6 The audit scope included an assessment of local arrangements for implementing the New Feed Delivery Model (NFDM) and included:
- Feed service planning, delivery and review
  - Competency of officers
  - Implementation and effectiveness of feed control activities
  - Maintenance and management of appropriate feed premises database and records in relation to official controls at feed business premises
  - Effectiveness of the Lead Officer role for feed
  - Effectiveness of the Regional Lead role for feed
  - Accuracy and delivery of official reports to the Agency
- 1.7 The on-site element of the audit took place at the Authority's office at Old Budbrooke Road, Warwick from 19-21<sup>st</sup> July 2016. The audit included a reality check at a feed establishment to assess the effectiveness of official controls implemented by the Service.

## **Background**

- 1.8 Warwickshire is a landlocked county in the West Midlands of England. The county town is Warwick, although the largest town is Nuneaton. Warwickshire is divided into five districts. These districts are: North Warwickshire, Nuneaton and Bedworth, Rugby, Stratford, and Warwick. The County has a population of 546,500 and covers an area of 763 square miles. The local economy is dominated by the service sector, with some industrial and agricultural activity.
- 1.9 The Authority had approximately 830 registered feed businesses, no approved establishments and an additional 900 potential feed businesses which were not yet registered.
- 1.10 The Trading Standards Service was responsible for the delivery of feed law enforcement within the County, and was based within the Community services Business Unit of the Communities Group, within the Authority's organisational structure. There was no distinct feed safety team, as all officers carrying out feed delivery work did so as part of a broader spectrum of trading standards duties. Feed delivery by the department was led by a trading standards officer who acted as Lead Feed Officer for the Authority and Regional Lead Feed Officer for the CEnTSA (Central England Trading Standards Authorities) group.

- 1.11 At the time of the audit the Trading Standards department had recently undergone a reorganisation, including an office move and changes in line management over a period of several months. These changes had inevitably caused some disruption and the Authority reported that this had posed significant challenges to the ongoing management of the feed delivery programme. Auditors were advised that the Trading Standards Service had also lost two support staff in October 2014 and was committed to a £50,000 savings target for the current financial year followed by a £20,000 saving in the next financial year.
- 1.12 The profile of Warwickshire County Council's feed businesses according to their database as at 21<sup>st</sup> June 2016 was as follows:

Type of Feed Premises	Number
R01	3
R04	4
R05	9
R06	3
R07	47
R08	18
R09	6
R10	113
R11	81
R12	63
R13	330
R14	151
<b>Total Number of Feed Premises</b>	<b>828</b>

OR

FSA FELCP Risk category	A	B	C	D	E	Total
Number of businesses	1	0	1	15	811	828

## 2.0 Executive Summary

2.1 The Authority was generally delivering risk-based inspection planning and performing both its lead and regional feed lead officer roles effectively in terms of liaison, training planning and communication. However the Authority needed to make improvements to fully meet the requirements of the NFDM, Framework Agreement and the Feed Law Code of Practice (FELCP). A number of potential improvements in the overall arrangements and controls for feed service delivery were identified. The key strengths and areas for improvement for the LA are set out below.

### 2.2 Strengths:

#### **Service Planning & Delivery**

2.2.1 The Authority had a risk based approach to feed inspection planning and delivery, clearly set out as a project proposal for internal scrutiny.

2.2.2 In 2015/16 the feed service had delivered a successful project examining the safety and compliance of feed bought online, the findings of which had been shared nationally.

#### **Lead Feed Officer Roles – Liaison & Communication**

2.2.3 The liaison and communication roles of the Lead Feed officer and Regional Lead Feed Officer were being carried out effectively, training was planned regionally and expertise was shared with other feed authorities on request.

### 2.3 Key areas for improvement:

#### **Registration & Database Accuracy**

2.3.1 The authority had not completed its work to verify feed establishments on its database in accordance with the National feed Enforcement priorities.

2.3.2 The Authority had a significant number and variety of anomalies in its database, some of which had the potential to affect the validity of feed funding for the Authority. The earned recognition status of a significant number of establishments was not up to date and some feed establishments subject to earned recognition were scheduled for inspection before they were next due. Database monitoring had been insufficient to identify and control these anomalies.

#### **Officer Authorisation**

2.3.3 The extent and limitations of officers were not defined in their authorisations and training records were not always available



## **Inspections**

2.3.4 Inspection reports were not always being provided to feed business operators following an inspection.

### **Earned Recognition and AES Implementation**

2.3.5 Earned recognition and alternative enforcement strategies as defined by the Feed Law Code of Practice had not generally been implemented by the Authority, either in terms of procedure, strategy or reduced scheduled inspection frequency.

## **3.0 Audit Findings**

### **3.1 Feed service planning, delivery and review**

#### **Implementation of the Agency's National Feed Priorities**

- 3.1.1 The Trading Standards department had developed a Service Plan for 2016/17 that outlined themed projects within its area to be delivered. The plan was awaiting approval and was supplemented by detailed project proposals, including one for delivery of the NFDM within Warwickshire. The proposal made reference to the National Feed Enforcement Priorities and included the delivery targets and financial and staff resources available, although the latter would benefit from being expressed in terms of full time equivalent (FTE).
- 3.1.2 Project proposals were approved by management team and progress against project delivery was reviewed quarterly by the Group Manager under the Authority's delegated authority. In 2015/16 the Authority had delivered over 95% of its funded inspections. The Authority had taken a risk-based approach to bidding for and delivering feed inspections, incorporating a consideration of geographical proximity in some cases for the sake of efficiency.
- 3.1.3 Headline project performance was reported to the Communities Overview and Scrutiny Committee.
- 3.1.4 The feed service had no planned service sharing arrangements with other local authorities in the region, however expertise was shared *ad hoc* on request where there was a competency shortfall in another authority. The Lead Feed Officer had carried out some feed work for another authority on this basis.
- 3.1.5 Auditors were advised that the regional feed group had bid on the Authority's behalf for money to inspect 73 businesses more than its estimated capacity for 2016/17. Consequently, the Authority had outlined a risk-based approach to attempt to meet its allocated inspection target. This had been embodied in the 2016/17 feed delivery project proposal.
- 3.1.6 The Authority had not planned any sampling for 2016/17. The Lead Feed Officer indicated that they had considered planned sampling but considered the risk to be low having reviewed the small number of national alerts issued. Auditors indicated that the Service Plan and / or feed project proposal would benefit from an outline of the approach to sampling year on year. This would ensure that the Authority through its scheme of delegation had full ownership of the scope of project delivery together with the risks inherent in not delivering against any specific part of the National Feed Enforcement Priorities. The rationale behind such a

decision including any mitigating approaches to feed control should be included.

**Recommendation 1 - Service planning - sampling**

[The Standard 3.1]

[The National Feed Enforcement Priorities 2016/17]

Include in the 2016/17 Service Plan or Feed Delivery Project Proposal a description of, and the rationale for, the Authority's approach to planned sampling in the context of the National Feed Enforcement Priorities. Include an explanation of how alternative feed control methods (e.g. inspection) will be used to provide an equivalent level of feed safety assurance for the population of Warwickshire, in the absence of any planned sampling.

- 3.1.7 New registrations from non-assured feed businesses in-year were prioritised for inspection in 2016/17, following the incremental approach taken in previous years. Those from assured premises were also inspected in year where capacity allowed or were noted for consideration for the desktop exercise for the following year.
- 3.1.8 The Authority advised auditors by that using mailshots it had completed an update of registration information for the North of the County and was progressing to send registration letters to those feed businesses in the South, in batches. The Authority had registered approximately 830 of its 1700 potential feed businesses and had inspected approximately 336 of those premises since 2009 as at 21<sup>st</sup> June 2016.
- 3.1.9 The Authority reported that it operated a policy of routinely updating registration data on receipt of registration forms from approved assurance schemes (AAS) and promotional events around the County.
- 3.1.10 Auditors were advised that officers had encountered difficulties in attempting to share information with other regulators, and acknowledged that completing registrations on the database remained a challenge. The Authority advised auditors that it was following the progress of a mapping system being developed by another Authority in the region aiming to improve the accuracy of their feed business registration data, to assess its value for use. Auditors discussed with the Authority the fundamental importance of maintaining an accurate and up to date feed database, and its recurring prominence in the National Feed Enforcement Priorities.

**Recommendation 2 - Service planning – feed registrations**

[The National Feed Enforcement Priorities 2016/17]

[The Standard – para. 11.1]

Put in place and implement a plan to complete the registration update exercise for the whole database.

- 3.1.11 It was evident that the Authority shared feed intelligence through the Central England Trading Standards Authority (CEntSA) Regional Feed Group.
- 3.1.12 In 2015/16 the feed service had delivered a successful project examining the safety and compliance of feed bought online, the findings of which had been shared nationally.

**Effectiveness of the implementation and monitoring of earned recognition for feed establishments**

- 3.1.13 The Lead Feed Officer had attended Earned Recognition (ER) training and cascaded the training to all feed officers. The Authority was aware of the guidance published by the Association of Chief Trading Standards Officers (ACTSO) and the National Agriculture Panel (NAP) on implementing earned recognition.
- 3.1.14 The Authority had signed up to the Agricultural Industries Confederation (AIC) and Red Tractor (RT) websites and reported that it was checking AIC and RT updates regularly, with the Lead Officer passing these updates to the database officer for action. Many of those premises which were members of FSA approved assurance schemes (FSA AAS) had been designated with a code denoting their status on the database. However approximately 200 premises on the Authority's database had not yet had their code (and corresponding inspection frequencies/intervals) updated to reflect their status as members of an assurance scheme. In one case checked by auditors this was simply the result of an officer not entering the information on the database following an inspection, however the Authority could not confirm the reasons for the remaining anomalies.
- 3.1.15 The database contained a significant number of entries where the FSA AAS status, inspection interval and / or 'Level of Compliance' (LOC) score and total risk score did not tally. There were also a number of recent inspections where the LOC score indicated that type 2 ER applied but the corresponding inspection intervals did not reflect the correct ER inspection interval. Auditors discussed the need to amend inspection intervals on the database to correspond with the ER status and LOC score in a number of cases, in accordance with the FELCoP, but

acknowledged that the question of amending LOC scores and risk rating scores without a visit was still being discussed nationally. It was clear that a significant number of inspection intervals were incorrect because officers had forgotten to press the 'calculate' button on entering a visit onto the database. In response, the Lead Officer undertook to remind staff of the visit entry procedure in the next internal Trading Standards bulletin.

- 3.1.16 Approximately 100 database entries had an LOC score which was greater than the total risk score, an anomaly which should not occur if the risk rating scheme is correctly applied. The Authority offered no explanation for this anomaly.
- 3.1.17 The Authority confirmed that it had not yet applied ER inspection intervals to its database, and advised auditors that it was unsure how it would apply the percentage inspection frequencies to its existing software platform. Officers were intending to work through draft guidance on ER which had been released by the FSA a couple of weeks before the audit.
- 3.1.18 The Authority reported that it had not yet come across an inspection which warranted making an exception report to the FSA in relation to a feed business belonging to an FSA AAS, despite some LOC scores on the database indicating that an exception report was necessary. Given the database findings, auditors could not conclude that these scores were accurate.

**Recommendation 3 – Earned recognition & database management**

[Feed Law Code of Practice, Chapter 5.3]  
[The Standard, paragraph 11.2]  
[See also recommendation 9]

Review and correct all anomalies in and between AAS status, inspection intervals, level of compliance scores and total risk scores, with a view to recognising ER, maintaining database accuracy and improving the efficiency of use of limited feed official control resources.

Where corrections indicate an ER exception report should have been made to the FSA, such reports shall be submitted immediately in accordance with the Feed Law Code of Practice.

**Promotion of the importance of feed hygiene**

- 3.1.19 The Service had developed a 'new starter feed pack' for new businesses which it sent out to new registrations to assist feed business operators and promote the need for feed registration. The pack included a food and feed hygiene guide for livestock farmers, where deemed appropriate, which provided an outline of the role of good feed hygiene in safe food production, together with further information contact details for the Lead Feed Officer and the FSA.
- 3.1.20 The Authority had published a number of promotional articles in the Trading Standards Business News newsletter which it reported had a circulation of approximately 20,000 farms and feed businesses. In addition, the Authority had mounted information stands at a number of events promoting feed hygiene and feed registration.
- 3.1.21 The Authority had not planned any promotional events for feed for 2016/17 but officers added that their approach to feed promotion was an *ad hoc* one which did not exclude the possibility.
- 3.1.22 Auditors were advised that officers also discussed food waste and feed arrangements with relevant food businesses during food standards inspections as a matter of course, to promote awareness of feed requirements in this sector in accordance with the National Enforcement Priorities.
- 3.1.23 The Authority did not carry out any direct analysis of the impact of specific promotional activities, but advised auditors that it sent a general customer satisfaction questionnaire to a percentage of feed businesses each month and responses were analysed by the management team..

## **3.2 Competence of officers**

- 3.2.1 There was an appropriate scheme of delegation in place for feed enforcement which the Authority reported had recently been updated in the Council's constitution to include recent feed legislation. Authorisations were appropriately signed; however file checks indicated that they did not define the extent and limitations of officers' powers in relation to their feed duties under the Animal Feed (Hygiene, Sampling etc. and Enforcement) Regulations 2015, contrary to advice from the Food Standards Agency and the Standard in the Local Authority Framework Agreement on Feed and Food.
- 3.2.2 The Service had also developed a Competency Matrix in accordance with the Code of Practice which was in the process of being rolled out to all officers. The competency of the Lead Feed Officer had already been assessed against this new matrix by the Lead Feed Officer's new line manager.

**Recommendation 4 – Competency Assessment**

[The Standard, paragraph 5.3]

[Feed Law Code of Practice, Chapter 3.2]

Complete the assessment of all feed officers competency in accordance with the Feed Law Code of Practice. Define the extent and limitations of officers' powers in relation to their feed duties under the Animal Feed (Hygiene, Sampling and Enforcement) Regulations 2015 on authorisations, ensuring that the level of authorisation and duties of officers is consistent with their qualifications, training, experience and the Code of Practice.

- 3.2.3 The Authority had a clear documented approach to the planning of officer training, including a departmental training budget and training plan monitored and agreed by management team. The Service had developed a system of annual staff appraisal where individual officer training needs were identified and monitored.
- 3.2.4 Feed training was planned regionally on the basis of regional need and was reportedly on the Agenda for the September meeting of the regional feed group.
- 3.2.5 The training records and authorisations of four feed officers were checked by auditors, including those of the Lead Feed Officer and her line manager. Evidence was provided of both direct and cascade training of feed officers both within the team and within the region, including ER training, HACCP and sampling training. However the Authority was unable to demonstrate that three of the four officers checked had received the minimum 10 hours feed CPD required by the Code of Practice. Auditors observed that one officer was unable to provide evidence of her qualification, reporting that it had been lost

**Recommendation 5 – Training records**

[The Standard, paragraph 5.5]

Records of training and experience of each authorised feed officer and appropriate support staff shall be maintained by the Authority in accordance with the Feed Law Code of Practice.

3.2.6 A number of officers were registered on the Agriculture Community Knowledge Hub forum. Although there was no activity on the hub by the Lead Feed Officer, auditors were advised that the hub was accessed regularly by the Lead Feed Officer who screened and disseminates information to others. Officers were able to demonstrate that an effective regional training approach and information exchange mechanisms were in place.

### **3.3 Implementation and effectiveness of feed control activities**

#### **Inspection**

- 3.3.1 The Service did not have its own documented feed premises inspection procedure but stated that it had reference to the ACTSO inspections and sampling guidance, together with the Feed Law Code of Practice.
- 3.3.2 The Service had been utilising model template inspection forms developed by the FSA for carrying out inspections and was using the FSA risk rating scheme. Although it was not applying the separate scoring categories of the scheme, it had used a mapped system of single base scores. Officers were then under instruction to allocate an appropriate 'level of compliance' score manually following an inspection. Where it was possible for a premises type to attract several different base scores depending on its nature, the Authority had applied the highest risk base score for each registration type and instructed officers to review the validity of these scores at each inspection.
- 3.3.3 The Authority was able to demonstrate compliance with the memorandum of understanding between the National Agriculture Panel and the Veterinary Medicines Directorate at feed businesses regulated by both organisations.
- 3.3.4 An audit check of five premises files found that registration activity codes had been correctly determined and that generally compliance had been fully assessed against the regulations. Sufficiently detailed inspection records had been made and inspection records were retrievable. Auditors noted a good example of a traceability exercise carried out on a feed business. The appropriate follow up action had been taken in the one case where it had been necessary, with good liaison with the Primary Authority. The AAS code had been entered on the database following the inspection in all but one of the five cases.
- 3.3.5 The Authority had completed almost all of its planned inspections in 2015/16, however a small number of R1, R4 and R5 premises inspections had not been carried out and were now overdue by up to two years.



**Recommendation 6 – Overdue inspections**

[The Standard, paragraph 7.1]

[The New Feed Delivery Model]

[Feed Law Code of Practice, para. 5.8]

Carry out inspections at all overdue R1, R4 and R5 establishments in accordance with the Feed Law Code of Practice and New Feed Delivery Model.

- 3.3.6 Further audit checks on these five premises found that the feed risk rating had not always been adjusted following an inspection. A record of inspection had not been left with the Feed Business Operator (FeBO) at the conclusion of all but one inspection, contrary to the Code of Practice. Auditors were advised that the Lead Officer was already in the process of sourcing carbon-copy inspection forms to address this issue. Auditors observed that officers were not always recording the FSA AAS on the inspection form, however they were recording the name of the certification body.

**Recommendation 7 – Risk ratings & inspection reports**

[The Standard, paragraph 7.2]

[The New Feed Delivery Model]

Adjust feed risk ratings and leave an inspection report with the feed business operator following each inspection in accordance with the relevant legislation, Code of Practice, New Feed Delivery Model and other centrally issued guidance.

**Sampling**

- 3.3.7 The Service had developed a sampling aide-memoire to assist officers, which reflected the National Enforcement Priorities, and there was a documented sampling procedure in place. Samples were recorded on UKFSS and in the Authority's feed database. As already stated in this report, no sampling had been programmed for 2016/17.
- 3.3.8 The Lead Feed Officer advised auditors that there were no feed premises within the district which handled coccidiostats.
- 3.3.9 The records of five informal unsatisfactory sample results were checked. These all related to the sampling carried out as part of the project on the

safety of feed bought online, carried out in 2015/16. The appropriate action had been taken in response to the sampling result in every case.

### **Alternative enforcement**

- 3.3.10 Type 1 and type 2 Alternative Enforcement Strategies (AES) had not yet been implemented by the Authority. Inspection intervals had not been updated on the database to reflect the reduced inspection frequency attracted by those businesses awarded ER. Auditors were advised that no AES visits had yet been carried out, with full inspections being maintained for the present time. The Lead Feed Officer had begun to consider AES toolkits and a possible approach to carrying out a modest number of AES inspections in 2016/17.
- 3.3.11 Although the Authority had not yet explored database options for applying ER inspection frequencies, auditors acknowledged the potential restrictions on implementation posed by database software and have communicated this concern to the FSA Feed and On-Farm Delivery Team .

#### **Recommendation 8 – Alternative enforcement**

[The Feed Law Code of Practice, paragraph 5.4 & 5.6]

[The Standard, paragraph 7.2]

[The New Feed Delivery Model]

Develop, document and implement an AES and procedure to explain how official controls will be conducted at premises where the use of AES is prescribed by Annex 2 of the Feed Law Code of Practice and Practice Guidance.

### **Enforcement**

- 3.3.12 The Authority had a satisfactory Enforcement Policy in place. No feed law enforcement activities had been carried out within the previous two years.

### **Imports and 3rd Country Representatives**

- 3.3.13 The Authority had a proactive relationship in place with the United Kingdom Border Authority (UKBA) at the *de minimus* postal port at Coventry Airport, and it was clear that the Authority was fully engaged with its feed responsibilities in relation to that port, having explored a number of surveillance initiatives with the UKBA.

- 3.3.14 The Authority had no feed businesses within the County acting as representatives for 3<sup>rd</sup> Country establishments.

#### **Verification Visit to a feed establishment**

- 3.3.15 During the audit, a verification visit was undertaken to a farm mixing feed with an officer from the Authority who had carried out the last feed inspection of the establishment. The main objective of the visit was to assess the effectiveness of the Authority's assessment of feed business compliance with feed law requirements. It was clear from the visit that the officer had a good working relationship with the business, was familiar with the processes involved and had a good knowledge of the relevant legislation.

#### **3.4 Maintenance and management of appropriate feed premises database and records**

- 3.4.1 The Service had a feed database in place but it had not developed a documented procedure to ensure the accuracy and completeness of the database.
- 3.4.2 Auditors carried out a number of database checks prior to the audit which were subsequently discussed with officers of the Authority. Most of the anomalies found are described in chapter 3.1 of this report.
- 3.4.3 Auditors also carried out a limited check on the validity of registration codes which found that a significant number of farms had been allocated an R12 registration code. Auditors questioned this as it was unusual to see so many farms registered as co-producers. One example was explored with the Authority who accepted that the registration code was incorrect.

**Recommendation 9 – Database review**

[The Standard, paragraph 11.2]

[See also chapter 3.1 of this report]

Set up, implement and maintain a documented procedure to ensure that the feed database is accurate, reliable and up to date. The accuracy of such databases is fundamental to service delivery and monitoring, as well as to the accurate reporting of feed returns and desktop feed returns to the FSA.

This procedure must include measures to regularly review and correct all anomalies in and between AAS status, inspection intervals, level of compliance scores, total risk scores and registration codes referred to in the audit report.

- 3.4.4 Access to the database was managed by appropriate log-in requirements and user privileges. Personnel restrictions were imposed in respect of changing premises details. Feed inspectors were only permitted to enter visit details. The database server was backed up on a daily basis.
- 3.4.5 Aside from the AFS/AIC databases (see paragraph 3.1.14), the Authority did not cross-reference its data on a frequent routine basis with any other database within or without the Authority, but had made attempts to do so in the past. It reported that it had encountered difficulties in attempting to share information with other regulators. Despite that, officers reported that alerts and notifications from Veterinary Medicines Directorate (VMD) and Animal and Plant Health Agency (APHA) were received as expected and the database updated accordingly.
- 3.4.6 The Authority had concerns about how the database would be configured and whether the database was capable of accommodating the AES inspection frequencies put in place by the FSA, but stated that it had not yet fully explored this with its database provider. However, quarterly feed reports and the annual desktop feed assessment for 2016/17 had been submitted to the FSA.

### **3.5 Arrangements for the Lead Officer role for feed**

- 3.5.1 Lead officer arrangements were discussed in detail in terms of the responsibilities of the role for:
- feed programme bidding,
  - internal reporting,
  - ensuring staff training and competency,
  - liaison with other feed leads in the regions,
  - consistency, and
  - the dissemination of information to staff.
- 3.5.2 The knowledge of the Lead feed officer of the requirements of the New Feed Delivery Model was good and auditors identified no areas for improvement in respect of liaison, the assessment of training needs and the planning and delivery of training, with the Authority able to demonstrate compliance in these areas.
- 3.5.3 The Lead Feed Officer was Chair of the Central England Agriculture Focus Group, had attended all meetings reviewed by auditors and was able to demonstrate active participation. The Officer had prompt and effective liaison arrangements in place with the Regional Feed Coordinator, regional NAP representative, FSA, APHA, VMD, UKBA and her own feed officers. New guidance and NAP updates were reportedly e-mailed directly to feed officers by the Lead Officer and followed up verbally where important.
- 3.5.4 Prior to the recent departmental re-structure, feed inspection records had been routinely monitored and signed off by the Lead Feed Officer. Auditors were advised that it was not yet established whether this particular monitoring would continue under the new structure. The Authority also conducted monthly 1:1 meetings and workload reviews with feed officers and informal conversations as part of its internal monitoring to support consistency. The Service did not record the annual shadowed inspection visits it reported carrying out, or have in place a structured system of recording and following up (where necessary) such assessments.

### **Recommendation 10 – Internal monitoring**

[The Standard, paragraph 19.1 & 19.2]

[See also paragraph 3.1.12, 3.1.13, 3.1.14 & 3.3.3 of this report]

Set up, maintain and implement a documented internal monitoring procedure for the feed service to verify its conformance with the Standard, relevant legislation, Code of Practice, New Feed Delivery Model and other centrally issued guidance.

This procedure shall include the monitoring of inspection paperwork, including risk rating determination and update, and inspection data entry by feed officers.

Records of all internal monitoring, including annual shadowed inspection visits, shall be made and kept for at least 2 years.

- 3.5.5 The Authority had not carried out any structured feed risk rating consistency exercises with officers.

### **3.6 Arrangements for the Regional Lead role for feed**

- 3.6.1 The Lead Feed Officer for the Authority was also the Regional Lead Feed Officer (RLFO) for the CEnTSA region. Arrangements were discussed in detail in terms of the responsibilities of the role for:

- Bidding and allocation,
- Regional training needs assessment and delivery,
- Regional reporting to the FSA,
- Liaison with other feed leads and regulators in the region and nationally,
- Consistency and the dissemination of information from the NAP representative and to other feed leads.

- 3.6.2 The Lead Feed Officer was Chair of the Central England Agriculture Focus Group, had attended all meetings reviewed by auditors and was able to demonstrate a good attendance record and active participation. The Officer had prompt and effective liaison arrangements in place with the Regional Feed Coordinator, regional NAP representative, FSA, APHA, VMD, UKBA and other lead feed officers in the region. Auditors identified no areas for improvement.

- 3.6.3 Auditors noted that the RLFO had been proactive in supporting other local authorities in the region with her own expertise.

- 3.6.4 The RLFO indicated that she had asked VMD to speak to the region and tried to mount joint inspections but with limited success.

3.6.5 The RLFO organised the assessment of competence and took part in the training needs assessment on a regional basis, with the next such assessment reportedly scheduled for the September 2016 regional meeting. The RLFO reported that no formal consistency exercises, peer review or internal audit had been carried out by the region.

3.6.6 Although registered on the Knowledge Hub, the RLFO advised auditors that the preference was to use telephone and e-mail as communication media. The RLFO was not active in posting on this forum. Meeting minutes also indicated that technical and consistency issues were also discussed at regional meetings.

### **3.7 Accuracy and delivery of official feed reports to the Agency**

3.7.1 The inaccuracies identified in the feed database during this audit, including registration types and FSA AAS status, have affected the accuracy of the NTS desktop exercise and may have therefore influenced the validity of subsequent funding.

3.7.2 Recommendations for addressing database anomalies and internal monitoring have been made earlier in this report, with a view to ensuring the validity of official reports to the FSA in future.

3.7.3 The UKFSS return for 2015/16 was believed to be accurate.

**Auditors:** Alun Barnes  
Chris Green

**Technical Advisor:** Theo Hawkins

**Food Standards Agency  
Regulatory Delivery Division**

## ANNEX A - Action Plan for Warwickshire County Council

Audit date: 19-21 July 2016

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p><b>Recommendation 1 - Service planning - sampling</b>            [The Standard 3.1]            [The National Feed Enforcement Priorities 2016/17]</p> <p>Include in the 2016/17 Service Plan or Feed Delivery Project Proposal a description of, and the rationale for, the Authority's approach to planned sampling in the context of the National Feed Enforcement Priorities. Include an explanation of how alternative feed control methods (e.g. inspection) will be used to provide an equivalent level of feed safety assurance for the population of Warwickshire, in the absence of any planned sampling.</p>	31/12/16	Rationale to be added to Feed Delivery Project Proposal and the Sampling Plan	Rationale was added to Feed Delivery Project Proposal in July 2016.
<p><b>Recommendation 2 - Service planning – feed registrations</b>            [The National Feed Enforcement Priorities 2016/17]            [The Standard – para. 11.1]</p> <p>Put in place and implement a plan to complete the registration update exercise for the whole database.</p>	31/12/17	<p>Put in place and implement a plan to complete the registration update exercise for the whole database.</p> <p>The Authority is currently facing large scale redundancies. Resource implications will need to be considered in order to deliver the outcome.</p> <p>The management team will review this by 30/11/2016 and determine a strategy.</p>	<p>Meetings with Head of Service and Database Licensing Manager to agree a plan of action.</p> <p>It is noted that this is a draft NTS priority for 2017/2018 and the timescale required is 12 months.</p>



<p><b>Recommendation 3 – Earned recognition &amp; database management</b>  [Feed Law Code of Practice, Chapter 5.3]  [The Standard, paragraph 11.2]  [See also recommendation 9]</p> <p>Review and correct all anomalies in and between AAS status, inspection intervals, level of compliance scores and total risk scores, with a view to recognising ER, maintaining database accuracy and improving the efficiency of use of limited feed official control resources.</p> <p>Where corrections indicate an ER exception report should have been made to the FSA, such reports shall be submitted immediately in accordance with the Feed Law Code of Practice.</p>	<p>31/5/17</p>	<p>Review and correct all anomalies in and between AAS status, inspection intervals, level of compliance scores and total risk scores, with a view to recognising ER, maintaining database accuracy and improving the efficiency of use of limited feed official control resources.</p> <p>Where corrections indicate an ER exception report should have been made to the FSA, such reports shall be submitted immediately in accordance with the Feed Law Code of Practice.</p> <p>AEO resource has been cut from 1/9/2016 with a redeployment.  The management team will review this by 30/11/2016 and determine a strategy.</p>	<p>In our review it was identified that incorrect database information was provided to the FSA auditors and all anomalies identified in the audit have now been corrected.</p> <p>ER is currently under review by the FSA and likely to change further.  Draft guidance issued by the FSA on 7/7/16 on ER has been studied and will make farms registered as R11 R13 R14 and will not require an initial inspection.</p> <p>A process for maintaining the feed business register on the database is being developed.</p>
<p><b>Recommendation 4 – Competency Assessment</b>  [The Standard, paragraph 5.3]  [Feed Law Code of Practice, Chapter 3.2]</p> <p>Complete the assessment of all feed officers competency in accordance with the Feed Law Code of Practice. Define the extent and limitations of officers' powers in relation to their feed duties under the Animal Feed (Hygiene, Sampling and Enforcement) Regulations 2015 on authorisations, ensuring that the level of authorisation and duties of officers is consistent with their qualifications, training, experience and the Code of Practice.</p>	<p>31/3/2017</p>	<p>Complete the assessment of all feed officers competency and to clearly define the extent and limitations of officers' powers.</p>	<p>This has been completed for two officers so far.</p>

<p><b>Recommendation 5 – Training records</b> [The Standard, paragraph 5.5]</p> <p>Records of training and experience of each authorised feed officer and appropriate support staff shall be maintained by the Authority in accordance with the Feed Law Code of Practice.</p>	31/3/2017	<p>Records of training and experience of each authorised feed officer and appropriate support staff shall be maintained.</p> <p>To include work shadowing (internal monitoring) and other relevant activities.</p>	<p>The Authority has an electronic database for all staff training. However a manual folder will be set up to capture all relevant information in one place.</p> <p>All officers carrying out feed inspections have been booked onto FSA feed training to be delivered regionally by 31/3/2017.</p>
<p><b>Recommendation 6 – Overdue inspections</b> [The Standard, paragraph 7.1] [The New Feed Delivery Model] [Feed Law Code of Practice, para. 5.8]</p> <p>Carry out inspections at all overdue R1, R4 and R5 establishments in accordance with the Feed Law Code of Practice and New Feed Delivery Model.</p>	31/3/2017	Carry out inspections at all overdue R1, R4 and R5 establishments	All overdue inspections have now been identified and are planned to be inspected in the current period to 31/3/2017
<p><b>Recommendation 7 – Risk ratings &amp; inspection reports</b> [The Standard, paragraph 7.2] [The New Feed Delivery Model]</p> <p>Adjust feed risk ratings and leave an inspection report with the feed business operator following each inspection in accordance with the relevant legislation, Code of Practice, New Feed Delivery Model and other centrally issued guidance.</p>	31/12/2016	Adjust feed risk ratings and leave an inspection report with the feed business operator following each inspection.	Some feed risk ratings have been adjusted. A feed inspection template has been drafted.

<p><b>Recommendation 8 – Alternative enforcement</b>  [The Feed Law Code of Practice, paragraph 5.4 &amp; 5.6]  [The Standard, paragraph 7.2]  [The New Feed Delivery Model]</p> <p>Develop, document and implement an AES and procedure to explain how official controls will be conducted at premises where the use of AES is prescribed by Annex 2 of the Feed Law Code of Practice and Practice Guidance.</p>	<p>31/12/2017</p>	<p>Develop, document and implement an AES and procedure to explain how official controls will be conducted at premises where the use of AES is prescribed.</p>	<p>It has been noted that further work is being done nationally which may remove type 1 and type 2 AES and simplify the process. Lead feed officer to liaise with Julie Benson (FSA).</p>
<p><b>Recommendation 9 – Database review</b>  [The Standard, paragraph 11.2]  [See also chapter 3.1 of this report]</p> <p>Set up, implement and maintain a documented procedure to ensure that the feed database is accurate, reliable and up to date. The accuracy of such databases is fundamental to service delivery and monitoring, as well as to the accurate reporting of feed returns and desktop feed returns to the FSA.</p> <p>This procedure must include measures to regularly review and correct all anomalies in and between AAS status, inspection intervals, level of compliance scores, total risk scores and registration codes referred to in the audit report.</p>	<p>31/3/2017</p>	<p>Set up, implement and maintain a documented procedure to ensure that the feed database is accurate, reliable and up to date.</p>	<p>Work has already been carried out by the Database Licensing Manager and Lead Feed Officer. All R12 premise codes have now been reviewed. As a result a funding bid for this has now been declined by the Authority and notified to NTS (FSA)</p>

<p><b>Recommendation 10 – Internal monitoring</b>  [The Standard, paragraph 19.1 &amp; 19.2]  [See also paragraph 3.1.12, 3.1.13, 3.1.14 &amp; 3.3.3 of this report]</p> <p>Set up, maintain and implement a documented internal monitoring procedure for the feed service to verify its conformance with the Standard, relevant legislation, Code of Practice, New Feed Delivery Model and other centrally issued guidance.</p> <p>This procedure shall include the monitoring of inspection paperwork, including risk rating determination and update, and inspection data entry by feed officers.</p> <p>Records of all internal monitoring, including annual shadowed inspection visits, shall be made and kept for at least 2 years.</p>	<p>31/3/2017</p>	<p>Set up, maintain and implement a documented internal monitoring procedure in line with the recommendation.</p>	
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## **ANNEX B - Audit Approach/Methodology**

Audit resource was targeted at the key risk areas. We examined any relevant records, instructions, documents, and evaluated procedures and outcomes. We also conducted appropriate audit testing to form an opinion on the controls in place.

The approach consisted of desktop reviews of information requested from the LA in a pre-visit questionnaire, and a 2 day onsite audit consisting of:

- Examination of plans, policies and procedures.
- Examination of file records.
- Review of database records
- Interviews with local authority officers - opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.
- On-site verification check:  
A visit to a local farm was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements.

## **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 and competent officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of food and feed law.
Feed Law Code of Practice	Government Code of Practice issued under regulation 6 of the Official Feed and Food Controls Regulations 2009 as guidance to local authorities on the execution and enforcement of feed law.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards, food hygiene at the level of primary production 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 not of animal origin. Products that do not fall under the requirements of the veterinary control regime.
The DG Health and Food Safety - Audit and Analysis	Part of the European Commission, formerly known as the Food and Veterinary Office (FVO).
Feed Law Enforcement	Government Code of Practice issued under the

Code of Practice	Official Feed and Food Control Regulations 2009.
Feeding stuffs	Term used in legislation meaning feed, including additives and pet food, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.
Food/feed hygiene	The legal requirements covering the measures and conditions necessary to control hazards to ensure fitness for human consumption of a foodstuff/animal consumption of a feed, taking into account its intended use.
Food/Feed standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Food and Feed Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit yearly returns to the Agency on their feed enforcement activities .e. numbers of inspections, samples, prosecutions and notices.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency conduct 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 feed safety management system used within 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 the prescribed manner laid down in Regulation EC. No 152/2009 laying down the methods of sampling and analysis for the official control of feed.
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.
New Feed Delivery Model (NFDM)	NFDM is a multi-faceted solution to improve the effectiveness of official feed controls, delivered in partnership with key stakeholders, ensuring timely, appropriate, proportionate and consistent delivery of controls to secure compliance with feed law.
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.
Risk rating	A system that rates food/feed premises according to risk and determines how frequently those premises should be inspected.
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, food hygiene at the level of primary production and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards, food hygiene at the level of primary production 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 (including at the level of primary production), food standards and feeding stuffs enforcement.