

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

West Sussex County Council
31 July – 1 August 2013



Foreword

Audits of local authorities' feed and food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

www.food.gov.uk/enforcement/auditandmonitoring.

This programme of focused audits in England and Wales has been specifically developed to address two of the priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that feed meets the legislative requirements for animal consumption and is safe to enter the human food chain and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at inland feed establishments and effective local authority monitoring throughout the feed chain. The audits will also provide an opportunity for the Agency to establish the level of improvement in the delivery of official controls being implemented by local authorities (LAs) following the FVO Mission to the United Kingdom on animal feed controls which took place from 16-26 June 2009 and the subsequent follow-up visit to check on progress in November 2011. The report entitled 'The Implementation of Measures Concerning Official Controls on Feed Legislation' is available from the Europa website at: http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335.

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) and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring.

The programme examined local authority (LA) systems and procedures for control of feed at inland authorities, in 10 geographically representative LAs in England. The audits were confined to feed of non-animal origin (FNAO).

It should be acknowledged that there will be considerable diversity in the way and manner in which LAs may provide their feed enforcement services reflecting local needs and priorities.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that LAs are providing an effective feed law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on feeding stuffs. Parallel LA audit schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

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

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1.0 Introduction

- 1.1 This report records the results of an audit of West Sussex County Council with regard to feed law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the Authority's arrangements for inland controls of feed of non-animal origin. This report has been made publicly available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring/auditreports
Hard copies are available from the Food Standards Agency's Operations Assurance Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of West Sussex County Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 The Authority was included in the Food Standards Agency's programme of audits of local authority (LA) feed law enforcement services as it had not been audited in the past by the Agency and was representative of a geographical mix of 10 feed law enforcement LAs across England.

Scope of the Audit

- 1.5 The audit examined West Sussex County Council's systems and procedures for the control of feed of non-animal origin (FNAO).
- 1.6 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training, authorisations, implementation and effectiveness of feed

¹ Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC)

control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to feed and internal service monitoring arrangements were also covered.

- 1.7 The on-site element of the audit took place at the Authority's offices at County Hall North, Chartway, Horsham, West Sussex, on 31 July - 1 August 2013. The audit included a reality check at a feed establishment to assess the effectiveness of official controls implemented by the Service and more specifically, the checks carried out by the Service's officers to verify compliance with feed law requirements.

Background

- 1.8 West Sussex is a large county in the south east of England and covers approximately 199,145 hectares with a population of around 780,000. The County is recognised as having three distinct economies within its boundaries; the rural economy, the coastal strip and the 'Gatwick diamond'.
- 1.9 The County Council covers seven borough and district council areas and is responsible for the trading standards function across the County. There are two operational teams within Trading Standards responsible for enforcing legislation covering food standards, animal health, agriculture service delivery, age restricted sales, petrol and explosive storage and licensing, consumer product safety, all business advice and the operation of the 'Buy with Confidence' scheme. The team manager of one of the operational teams was responsible for the delivery of the food and feed service. Resourcing between the two teams was flexible depending on the demands of the service.
- 1.10 The profile of West Sussex County Council's feed businesses according to figures submitted to the Agency for 2012/13 was as follows:

Type of Feed Premises	Number
Arable Farms	429
Livestock Farms	2,073
Manufacturers	17
Food businesses selling co-products/surplus food	14
Importers	1
Distributors/Transporters	7
Stores	30
Retailers	265
Total Number of Feed Premises	2,836

2.0 Executive Summary

2.1 West Sussex County Council was selected for audit as it had not been previously audited by the Agency. It was evident from information provided during the audit that staff resources had been significantly reduced over recent years and consequently 8.6 generic operational full time equivalent officers (FTEs) were now responsible for a full range of trading standards functions including feed law enforcement.

2.2 Strength:

Tactical Tasking and Co-ordination Group: A group of senior management officers agreed tasks or projects based on intelligence and information received by the Service to effectively target resources, depending on risk and emerging trends.

2.3 Key areas for improvement:

Service planning: The annual Service Plan did not provide sufficient detail on the feed law enforcement activities to be undertaken by the Authority or an indication of any shortfall in resources. Such information is essential to enable effective service planning.

Frequency of feed premises interventions: The Authority was implementing a risk led interventions programme focusing only on high risk premises. Officers were able to apply a discretionary approach to interventions at high risk establishments, which was not in accordance with the frequencies required in the Feed Law Enforcement Code of Practice (FLECP).

Officer authorisations: Authorisation arrangements required review to ensure that officers have appropriately defined levels of authorisation in accordance with their individual qualifications, experience and training.

Records: With the exception of grant funded interventions, more detailed records were required to confirm key high risk activities at feed businesses, and that all feed law enforcement activities were undertaken in accordance with the FLECP. The adoption of appropriate standard aides-memoire may prompt officers to record more detailed and consistent records of business compliance.

Internal monitoring: Although the Authority was reporting on quantitative aspects of their Service, there was very little evidence of day to day qualitative monitoring of feed law enforcement activities to ensure conformance with the requirements of official controls, official guidance, and with the Standard in the Framework Agreement.

Documented policies and procedures: Auditors were advised that historically these had been available as part of a quality management system. However, procedures for key activities such as feed establishment interventions/inspections, feed sampling, feed

enforcement, internal monitoring and database accuracy had not been developed to provide relevant operational guidance for officers.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Service developed their Trading Standards Business Plan following a strategic assessment, using the corporate priorities set out in their performance framework. A Food Service Plan 2013/14 was produced to ensure that the requirements of the overarching Business Plan were delivered. The Service Plan had been agreed by a senior officer but had not been formally approved by an elected Member. The method of approval was being discussed by the Authority which should ensure that the relevant Portfolio Holder and/or the senior delegated officer are kept informed of the food and feed law enforcement demands on the Service. The Authority reported on 'Making a difference to the communities of West Sussex' to the Cabinet Member which would include feed, if relevant.
- 3.1.2 One of the key aims for the service stated in the Service Plan was; 'to carry out targeted, intelligence led interventions at food businesses, feed businesses and farms to maintain the integrity of the food chain at critical points and to ensure traceability'. The Service considered feed as an integral part of the food chain.
- 3.1.3 The Food Service Plan was generally in accordance with the requirements of the service planning guidance in the Framework Agreement but there was little direct reference to feed law enforcement activities. The Plan stated that a staff resource of 800 officer days was allocated to food, animal health and feeding stuffs interventions but it was not clear what proportion of this was for feeding stuffs enforcement activities and if it included all the duties required of the Service to meet Feed Law Enforcement Code of Practice (FLECP) requirements.
- 3.1.4 The Plan would benefit from further development to include priorities for the feed service, a breakdown of a risk-based inspection programme, and a realistic comparison of the resources required to deliver the feed law enforcement service against the resources available to the Authority, based on the full range of statutory duties placed upon it. The Plan should also take account of official guidance and the National Enforcement Priorities for feed authorities. A review of the Service Plan should be conducted on an annual basis and any variations from the Plan identified.
- 3.1.5 The Service had introduced a tasking approach to its key service activities including feed law enforcement. A Tactical Tasking and Co-ordination Group (TTCG) of senior officers considered information and intelligence received by the Service to target different aspects of feed law enforcement work based on risk and emerging trends throughout

the year. A protected live document 'Actions Summary and Actions Plan' for the food chain had been agreed, accessible by all staff.

- 3.1.6 The Service advised auditors that they were aware of the 2009 Food and Veterinary Office (FVO) Report of Official Controls on Feed Law in the UK, its recommendations, and follow up visits to the UK.

Recommendations

3.1.7 The Authority should:

- (i) Further develop the Service Plan for Food Enforcement in accordance with the Service Planning Guidance in the Framework Agreement, to include all feed demands on the Service, including feed premises profiles and a feed interventions/inspections programme together with a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Service. [The Standard – 3.1]
- (ii) Carry out an annual performance review based on the service delivery plan and ensure that any variances identified are addressed in subsequent years' service planning. [The Standard – 3.2]

Documented Policies and Procedures

- 3.1.8 Although the Authority was able to demonstrate some systems that were in place relating to certain aspects of feed law enforcement, the Service operated with limited policies and procedures. Auditors were advised that historically procedures were held in a quality management system manual. However, procedures for key activities such as feed establishment interventions/inspections, feed sampling, feed enforcement and follow-up, internal monitoring and database accuracy had not been developed to provide relevant guidance for officers.
- 3.1.9 Appropriate and proportionate documented procedures should be developed and implemented covering all aspects of the feed law enforcement service, and in particular for those key activities requiring further improvement, in accordance with Article 8 of Regulation (EC) No. 882/2004, the FLECP and the Standard in the Framework Agreement.

Recommendation

3.1.10 The Authority should:

Set up, maintain and implement a document control system to ensure that documented feed law enforcement procedures reflect current operational practices and are reviewed and updated regularly in line with current legislation and centrally issued guidance.
[The Standard – 4.1 and 4.2]

Officer Authorisations

- 3.1.11 The scheme of delegation included a procedure for the 'Arrangements for Onward Delegation' which outlined the arrangements for the Head of Law and Governance to delegate the authorisation of officers to the Head of Trading Standards.
- 3.1.12 The Authority had not developed a documented procedure for the authorisation of officers for feed law enforcement that set out the means by which officers were authorised based on their individual qualifications, training, experience and competency, together with confirmation of their individual levels of authorisation.
- 3.1.13 The Authority had authorised all officers generically across the full range of feed law enforcement activities. Auditors discussed limiting feed law enforcement powers to certain officers to reflect their individual levels of experience, training and competence. Officers performing duties under the Feed (Hygiene and Enforcement) (England) Regulations 2005 and the Official Feed and Food Controls Regulations 2009 were not separately and specifically authorised to deal with matters arising under these implementing Regulations in accordance with the FLECP.
- 3.1.14 In practice, the Lead Officer role was shared between the Trading Standards Lead Officer (TSLO) and the Senior Trading Standards Officer (STSO). The STSO had responsibility for carrying out the full range of feed law enforcement activities but neither Lead Officer had any line management or supervisory role or responsibility. The STSO for feed was appropriately qualified and experienced and their contact details had been provided to the Agency.
- 3.1.15 The Authority was unable to provide clear evidence of all officers' qualification and training certificates. Auditors were advised that records of qualifications of new appointees were being maintained by the Authority and that officers were responsible for maintaining their own up to date training records, however these had not been verified by internal monitoring checks.

- 3.1.16 From records maintained by the two qualified and competent feed officers, it was clear that adequate provision had been made for feed law enforcement training and generally officers had completed the 10 hours of Continuing Professional Development training in accordance with the requirements of the FLECP.
- 3.1.17 An Animal Health Officer who carried out feed law enforcement activities, and was undertaking the required training and qualifications for this work, was interviewed as part of the audit. The officer was able to demonstrate a satisfactory working knowledge of animal feed enforcement.

Recommendations

3.1.18 The Authority should:

- (i) Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Feed Law Enforcement Code of Practice. [The Standard- 5.1]
- (ii) Review current authorisations to ensure that all officers are appropriately authorised to the appropriate individual level under relevant legislation in line with their qualifications, training, experience and competencies. [The Standard – 5.3]
- (iii) Ensure records of qualifications, training and experience of each authorised officer are maintained in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.5]

Facilities and Equipment

- 3.1.19 Auditors observed that the Service had access to suitable equipment for sampling a range of feed products.
- 3.1.20 The Service had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official annual returns, and a return had been provided to the Agency for 2012/13. It was not clear whether the most recent returns were entirely accurate as there were some coding anomalies noted which may have led to some under reporting of enforcement activities (written warnings) and some incorrect registration details of registered feed establishments. The Authority was undertaking

proactive checks to ensure the accuracy of their feed establishment registration codes.

- 3.1.21 Auditors noted the action type code allocated for interventions included other 'planned work' and was non-specific. It was therefore not always clear when interventions were due. This information is necessary to inform the planning and resourcing of the intervention programme, follow-up actions, and internal monitoring. Officers input their own actions and activities and were also able to 'create' new premises. This had caused duplications on the system, although in practice these were being reduced.
- 3.1.22 Audit database checks on a random selection of feed businesses from a commercial directory and other websites confirmed that the majority were present on the database.
- 3.1.23 The Service was currently supported by a dedicated IT expert whose background was in Trading Standards and who therefore had a comprehensive understanding of activities undertaken by the Service and the associated coding. However, a procedure for the updating, maintaining and monitoring the accuracy of the database needed to be developed and implemented to provide operational guidance for all officers.

Recommendation

3.1.24 The Authority should:

Develop, maintain and implement a documented procedure to ensure that the feed premises database is accurate, reliable and up to date. Ensure an accurate list of all registered feed establishments is maintained, including an appropriate activity code(s) for the establishment, and that accurate information of feed law enforcement activity and registered premises is reported in official returns to the Agency. [The Standard - 11.2 and 16.1]

Liaison with Other Organisations

- 3.1.25 The Authority had liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. The Authority was pro-active in liaising with the Inspections and Investigations Team (IIT), though this was not formally documented. Locally, the STSO was an active attendee of the Trading Standards South East (TSSE) Food and Agriculture Panel where feed matters were discussed.

- 3.1.26 The Authority had recently received grant funding from the Agency to determine the support needed for official controls of imported feed at Gatwick Airport and Shoreham Port. As a result of this project, it was determined that the Authority would liaise with Port Health at Crawley Borough Council should any feed consignments be notified at Gatwick Airport. A written agreement between West Sussex and Crawley Borough Council Port Health concerning importation of animal feed and animal feed ingredients was signed and updated commencing 1 August 2013.
- 3.1.27 The Authority provided evidence of similar steps being taken to liaise with Shoreham Port on potential animal feed consignments arriving at this Port.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Service Plan stated that 'We will measure the effectiveness of our interventions by monitoring the number of interventions we initiate and conclude each month, by measuring the number of traders who are brought into compliance over a given period, the financial impact delivered from the interventions and the 'difference made'. In addition, 'Interventions will be linked to project work which is decided by TTCCG. Planned work carried out during the year will be intelligence led and targeted to meet the aims and objectives of the service's business plan or responsive to an emerging issue'.
- 3.2.2 Tasking document for High Risk Premises also contained some policy on interventions including, 'ensure compliance at those premises which pose most risk of compromising the integrity of the food chain and to ensure labelling and food claims are not misleading', and 'The integrity of the food chain will be maintained by addressing the particular risk factors at each high risk premises'.
- 3.2.3 Auditors were advised that the Service had an annual intervention programme only for premises which they had identified as high risk with the aim of 100% interaction, the majority to receive an inspection visit. The tasking document stated that officers could use their discretion in deciding whether a visit was really necessary where:
- the business was compliant at the last inspection and the trader confirmed there had been no changes since then, or
 - by earned recognition when, for example a feed business had been audited by a third party assurance scheme and paperwork had been submitted to and agreed by the Authority.
- 3.2.4 At the time of the audit there were 13 establishments which had been categorised as high risk (seven of these were for farm animals) and one establishment which had been approved.
- 3.2.5 Medium and low risk establishments were not inspected except when included in a targeted tasking programme or as a result of intelligence. During their on-farm visits, Animal Health Officers were also acting as 'eyes and ears' surveillance where any problems were identified which may impact on feed law enforcement activities.
- 3.2.6 The Service had successfully applied for a grant from the Agency to carry out a programme of official feed controls. The Authority had identified eighteen feed establishments that were in the scope of the grant funded programme, and these inspections at R10 businesses (mixing feeds on farms, with additives and pre-mixtures) were completed by the end of March 2013.

- 3.2.7 Auditors noted some inspections of higher risk activities, including some funded by the Food Standard Agency (FSA) grant programme, had been carried out by an officer without appropriate qualifications.
- 3.2.8 The Service had used the comprehensive FSA aide-memoire when carrying out inspections covered by the FSA grant funded programme. Audit record checks on a selection of other feed establishments indicated that there was not enough information recorded during interventions to determine whether feed businesses had been correctly risk assessed or that a full assessment of compliance, including HACCP assessment, in accordance with Regulation (EC) No 183/2005, had been carried out. Information on the size and scale of the feed business and main activities being undertaken was not generally available. Auditors noted a lack of consistency in completing the aides-memoire used by different officers to record inspection details and in most files examined, records were generally maintained by 'exception' reporting.
- 3.2.9 Most recent interventions at the approved establishment had followed the Authority's discretionary visit intervention strategy and officers had noted the establishment was compliant following a telephone call with the Feed Business Operator (FeBO) confirming there was 'no change since last year'. Although the correct aide memoire had been used at a previous intervention, auditors were unable to establish intervention details or the HACCP assessment undertaken from the poor quality of the printed copy retrieved from the electronic record storage system.
- 3.2.10 Auditors recommended that the Authority further develop their inspection aides-memoire, for example adopting the Agency's templates to ensure that these provide sufficient prompts for officers undertaking inspections and to enable them to clearly document and demonstrate the detail and extent of their inspections, having particular regard to feed safety management systems based on HACCP principles. This is essential to:
- demonstrate that feed businesses comply with the law
 - ensure subsequent inspecting officers are aware of establishment compliance histories
 - to inform each step of a graduated enforcement approach
 - to permit effective internal qualitative monitoring.
- 3.2.11 The Authority had developed a visit report form for a range of trading standards inspections and visits and used this for recording findings, details of which were subsequently recorded on the Authority's database. Auditors discussed that this report form did not include reference to relevant feed hygiene legislation.
- 3.2.12 Documented procedures had not been developed for feed business registration and approval, and interventions/inspections.

Recommendations

3.2.13 The Authority should:

- (i) Ensure that feeding stuffs establishments interventions/inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system, giving priority to higher risk feed establishments and in accordance with the legislation, Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.1]
- (ii) Carry out interventions/inspections and register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2]
- (iii) Develop, maintain and implement documented procedures for the range of interventions/inspections carried out. [The Standard – 7.4]
- (iv) Ensure that inspections of feed establishments adequately assess the compliance of establishments and systems to legally prescribed standards and records are retrievable. [The Standard –7.3 and 7.5]

Verification Visit to a Feed Premises

3.2.14 A verification visit was carried out to a dairy farm which was undertaking the mixing of feeds. 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. The officer was familiar with the feed business and was able to explain the reasons for the recent interventions carried out at the establishment. Although it was clear the officer understood the key operations at the establishment, it was discussed that future inspections of all feed establishments should be carried out by officers with relevant qualifications and experience and these would also benefit from the introduction of effective internal monitoring.

Feed Inspection and Sampling

- 3.2.15 Although there was no formal sampling policy developed, the Authority's Service Plan stated that sampling 'will be done in the form of targeted, intelligence led project work'. 'Individual samples will be taken as a result of complaints where it is deemed necessary to investigate the matter further'.
- 3.2.16 The Authority had no documented sampling procedures, with the exception of procedures for sampling of imported feed at Gatwick Airport. There was no sampling programme for feed and no sampling had been undertaken in the year prior to the audit.
- 3.2.17 Auditors were advised that the Authority was planning to undertake sampling this year following a grant funded bid to the Food Standards Agency within TSSE, having regard to the national enforcement priorities. West Sussex was part of a regional bid within TSSE who were awarded £39,797 in 2011/12.
- 3.2.18 Records of four sample results from feed establishments were examined. Where unsatisfactory results had been obtained, appropriate follow-up actions had been taken and recorded and auditors were informed businesses had been advised of their results. In one of the files, the Authority recently noted that an unsatisfactory result had mistakenly been recorded as satisfactory. The Authority was intending to follow this up with a resample as soon as possible. Sampling was undertaken by a qualified and authorised officer.
- 3.2.19 The Agricultural Analyst appointed by the Service was designated an Official Control Laboratory for animal feed analysis and properly accredited.

Recommendation

3.2.20 The Authority should:

Develop documented feed sampling procedures and a feed sampling programme for sampling at feed establishments and carry out risk based feed sampling taking into account the National Enforcement Priorities for feed, and the Feed Law Enforcement Code of Practice.

[The Standard – 12.4 and 12.5]

Enforcement

- 3.2.21 The Trading Standards Service had developed a generic enforcement policy which confirmed that the Authority was committed to

implementing the Enforcement Concordat and the Regulators' Compliance Code in all enforcement activities.

- 3.2.22 The Authority had not developed and implemented any feed law enforcement procedures to supplement the enforcement policy and provide guidance to officers.
- 3.2.23 No formal feed law enforcement actions had been deemed necessary by the Authority in the two years prior to the audit.

Recommendation

3.2.24 The Authority should:

Set up, maintain, and implement documented enforcement procedures to cover the full range of enforcement actions and follow-up action for feed law enforcement in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.2]

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.25 The Service Plan stated that feeding stuffs complaints would be assessed in accordance with the Council's enforcement policy.
- 3.2.26 The Authority had developed a draft generic 'Routing Guidelines' document which provided procedural guidance for officers undertaking service requests, complaints and referrals.
- 3.2.27 In the absence of any recent feed related complaints received by the Service, audit record checks on service requests confirmed that these had been dealt with appropriately, including liaison with a Port Health Authority, the Public Analyst and FeBOs. Records were maintained and easily retrievable.

Feed Safety Incidents

- 3.2.28 Whilst the Authority had not developed a documented procedure for initiating and responding to feed alerts, auditors were advised that a system was in place for receiving and dealing with these. All alerts were received electronically by the Lead Officer and also received in a trading standards mailbox, so that in the event of their absence the information could still be accessed and acted upon. Auditors were advised that the Lead Officer would respond to any feed alerts that required a rapid response, with any request treated as a request for service and the response recorded on the Authority's database.

- 3.2.29 The Authority operated out of hours cover arrangements to respond to emergencies. This included a list of relevant officers together with their contact details who could be contacted in an emergency as required.

Recommendation

- 3.2.30 The Authority should:

Set up, maintain, and implement a documented procedure for initiating and responding to feed alerts. This procedure should also cover RASFF notifications and out of hours contact arrangements in accordance with the relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 15.2]

Advice to Business

- 3.2.31 It was evident that advice was being offered when requested and during interventions. This included advice to feed business operators on feed premises registration, composition and labelling of animal feed.
- 3.2.32 It was also clear that the Authority was proactive in providing advice to their businesses, for example there was evidence of an officer advising a large food manufacturer about applying to register as an R12 food producer selling co-products, and reducing their waste.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Service had not developed and implemented a documented internal monitoring procedure in accordance with Regulation (EC) No. 882/2004 (Official Feed and Food Controls) and the FLECP.
- 3.3.2 The responsibility for internal monitoring rested with the Team Manager. Auditors were advised of monthly quantitative monitoring of interventions, service requests and formal actions.
- 3.3.3 Additional qualitative monitoring arrangements carried out at the Authority included:
- Monthly one to one meetings by the Team Manager with staff.
 - An annual performance review with quarterly reviews.
 - Regular operational delivery meetings.
 - Shadowing visits by the STSO accompanying less experienced staff, which was evident during the audit reality visit discussions.
- 3.3.4 Auditors discussed the benefit of ensuring qualitative risk-based monitoring was carried out and covered all areas of feed law enforcement to verify conformance with the Standard. For example, interventions, complaints/requests for service, database checks, sampling activities, enforcement actions where relevant. Records were not maintained.

Recommendation

3.3.5 The Authority should:

Set up, maintain and implement appropriate internal monitoring procedures to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2 and 19.3]

Records

- 3.3.6 Records of feed law enforcement activity were maintained electronically, and although in general these were easily retrievable, some scanned intervention records were illegible when printed. Audit checks on feed premises database records confirmed that there were limited details of interventions maintained. The lack of detailed records of checks meant that auditors could not confirm the detail of inspections/interventions undertaken, how compliance was assessed or adequate information about the business and its operations as required by the FLECP.

Recommendation

- 3.3.7 The Authority should:

Maintain up to date, accurate and comprehensive records in retrievable form for all feed establishments and other relevant checks in accordance with the FLECP, including all records of inspections and determinations of compliance carried out by authorised officers. [The Standard – 16.1]

Third Party or Peer Review

- 3.3.8 Auditors were advised of a peer review undertaken of the whole Service in 2008. The Service had not participated in any inter authority audit, third party or peer review process relating to feed law enforcement in the last two years.

Auditors: **Jane Tait**
Christina Walder

Food Standards Agency

Operations Assurance Division

ANNEX A Action Plan for West Sussex County Council

Audit date: 31 July – 1 August 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.7(i) Further develop the Service Plan for Food Enforcement in accordance with the Service Planning Guidance in the Framework Agreement, to include all feed demands on the Service, including feed premises profiles and a feed interventions/inspections programme together with a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Service. [The Standard – 3.1]	31/03/14	Food Service Plan for 2014/15 will incorporate points suggested and be signed off by responsible Cabinet Member.	
3.1.7(ii) Carry out an annual performance review based on the service delivery plan and ensure that any variances identified are addressed in subsequent years' service planning. [The Standard – 3.2]	31/03/14	Review of 2013/14 plan will take place in Feb 2014 and variances addressed in business planning for 2014/15.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.10 Set up, maintain and implement a document control system to ensure that documented feed law enforcement procedures reflect current operational practices and are reviewed and updated regularly in line with current legislation and centrally issued guidance. [The Standard – 4.1 and 4.2]	31/03/14	The Service is shortly to undertake a project to implement a Quality System and recommendations will be incorporated into the QA system as it is developed.	
3.1.18(i) Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.1]	31/03/14	Authorisation procedure to be documented as per recommendation.	
3.1.18(ii) Review current authorisations to ensure that all officers are appropriately authorised to the appropriate individual level under relevant legislation in line with their qualifications, training, experience and competencies. [The Standard – 5.3]	31/03/14	Review to take place as per recommendation.	
3.1.18(iii) Ensure records of qualifications, training and experience of each authorised officer are maintained in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.5]	31/03/14	Copies of qualification certificates to be held by the service, and officer's training records to be verified by line managers as part of the six monthly PDR process.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.24 Develop, maintain and implement a documented procedure to ensure that the feed premises database is accurate, reliable and up to date. Ensure an accurate list of all registered feed establishments is maintained, including an appropriate activity code(s) for the establishment, and that accurate information of feed law enforcement activity and registered premises is reported in official returns to the Agency. [The Standard – 11.2 and 16.1]</p>	<p>31/03/14</p>	<p>Database guidance to be updated to include details of how to code animal feed businesses, include relevant risk factor codes and details to be recorded on appropriate visits.</p> <p>Premises without relevant animal feed activity codes to be updated with a code and risk factor details. These codes will be checked by competent officers after they have conducted visits to the business and if necessary amended.</p>	
<p>3.2.13(i) Ensure that feeding stuffs establishments interventions/inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system, giving priority to higher risk feed establishments and in accordance with the legislation, Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.1]</p>	<p>31/03/14</p>	<p>Inspection plan to be developed as per the Feed Law Enforcement Code of Practice (FLECP), precedence of inspection will be given to high and medium risk premises.</p>	<p>Following an initial look at various feed premises' current risk rating, it is clear we have an issue with over risking most of our livestock farms who do not mix as medium rather than low. We shall correct this by re-assessing such feed premises in accordance with the FLECP then examine our revised premises profile in order to develop inspection plan.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.13(ii) Carry out interventions/inspections and register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2]</p>	<p>31/01/14</p>	<p>a) Feed inspections at high risk premises to be carried out solely by suitably qualified and competent officers. b) All breaches of legislation detected at any premises to be investigated by suitably qualified and competent officers. c) Aides-memoire content and use to be reviewed and a consistent approach to recording compliances as well as non-compliances developed d) See 3.3.5 below for monitoring element of this recommendation.</p>	<p>Items a and b) have already been implemented</p>
<p>3.2.13(iii) Develop, maintain and implement documented procedures for the range of interventions/inspections carried out. [The Standard – 7.4]</p>	<p>31/03/14</p>	<p>a) Aides-mémoire content and use to be reviewed. b) A consistent approach to recording compliances as well as non-compliances to be developed and formalised in QA system.</p>	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.13(iv) Ensure that inspections of feed establishments adequately assess the compliance of establishments and systems to legally prescribed standards and records are retrievable. [The Standard –7.3 and 7.5]	01/12/13	Officers to adopt FSA aides-memoire during inspections and ensure scanned copies are linked to the intervention records and they are able to be read when retrieved.	Officers have already adopted appropriate FSA aides-memoire when carrying out inspections and have been reminded to ensure any linked documentation to a visit record is legible on retrieval. Checks to be made on the above during internal monitoring.
3.2.20 Develop documented feed sampling procedures and a feed sampling programme for sampling at feed establishments and carry out risk based feed sampling taking into account the National Enforcement Priorities for feed, and the Feed Law Enforcement Code of Practice. [The Standard – 12.4 and 12.5]	31/03/14	Sampling procedure guidance will be put in place and the Service Plan for 2014/15 will include a sampling programme which takes account of the national priorities.	
3.2.24 Set up, maintain, and implement documented enforcement procedures to cover the full range of enforcement actions and follow-up action for feed law enforcement in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.2]	31/03/14	We shall examine and revise our existing generic enforcement procedures and where necessary make any additions that are specifically required in relation to animal feed enforcement.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.30 Set up, maintain, and implement a documented procedure for initiating and responding to feed alerts. This procedure should also cover RASFF notifications and out of hours contact arrangements in accordance with the relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 15.2]	31/03/14	Current practice to be formalised into a procedure forming part of the QA system, including RASFF notifications and out of hours contract arrangements.	
3.3.5 Set up, maintain and implement appropriate internal monitoring procedures to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard – 19.1, 19.2 and 19.3]	31/01/14	a) Review and formalise existing monitoring arrangements. b) Instigate a sample check of inspection monitoring for all aspects of animal feed enforcement work in particular for high and medium risk premises and records kept of these checks.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.7 Maintain up to date, accurate and comprehensive records in retrievable form for all feed establishments and other relevant checks in accordance with the FLECP, including all records of inspections and determinations of compliance carried out by authorised officers. [The Standard – 16.1]	31/10/14	Staff will be instructed to record how they arrived at their determination that a business was compliant or non-compliant. This recording will be monitored at staff 1to1 meetings with managers (see 3.3.5 above).	Print drivers have been updated by IT to ensure PDF versions of inspection sheets can be printed off in their entirety. Improvements have been made to ensure that scanned copied of inspection sheets are clearly readable.

ANNEX B Audit Approach/Methodology

The audit was conducted using a variety of approaches and methodologies as follows:

(1) Examination of LA policies and procedures.

The following relevant LA policies, procedures and linked documents were examined before and during the audit:

- Food Service Plan 2013/14
- Trading Standards Business Plan 2013/14
- Scheme of Delegation Arrangements for Onward Delegation April 2013
- Routing Guidelines November 2012
- Tasking sheet APP High Risk Premises
- Tasking sheet Animal Health Disease Control Visits
- Summary of requirements for food and drink businesses that supply material for animal feed use. FSA document, November 2012
- Report on Feed being imported through Gatwick Airport
- West Sussex Trading Standards Service Enforcement Policy
- Example of team meeting minutes
- Example of minutes from the Trading Standards South East meetings.

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

- Evidence of authorisations and qualifications
- Liaison records
- Feed establishments records
- Feed inspection and sampling records
- Feed service request records.

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

- Audit Liaison Officer – Lead Officers; Trading Standards Lead officer and Senior Trading Standards Officer
- Trading Standards Officer.

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

(4) On-site verification check:

A verification visit was made with the Authority's officers to a feed wholesaler/retailer. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the business with legislative requirements.

ANNEX C Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food and feed legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed not of animal origin. Products that do not fall under the requirements of the veterinary control regime.
FVO	Food and Veterinary Office, part of the European Commission, based within the Directorate General for Health and Consumers.
Feed Law Enforcement Code of Practice	Government Codes of Practice issued under the Official Feed and Food Control Regulations.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.

Food/feed hygiene	The legal requirements covering the safety and wholesomeness of food/feed.
Food/feed standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.
HACCP	Hazard Analysis and Critical Control Point – a food/feed safety management system used within food/feed businesses to identify points in the production process where it is critical for food/feed safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food and feed safety/ standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food/feed related policies and procedures.

Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food and feed control.
Primary Authority	An authority that has formed a formal partnership with a business in accordance with the Regulatory Enforcement and Sanctions Act 2008.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates food/feed premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food/feed service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.

Trading Standards
Officer (TSO)

Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.

Unitary Authority

A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.