

Audit Programme Summary Report

Incidents and Alerts

An Assessment of Local Authority Food & Feed Controls Enforcement for Incidents and Alerts in England and Wales

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Foreword

Audits of local authority (LA) feed and food law enforcement functions are part of the Food Standards Agency's arrangements to improve the consistency and effectiveness of enforcement. These arrangements recognise that the enforcement of UK feed and food law relating to feed and 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 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

Agency audits assess LAs' conformance against the Feed and Food Law Enforcement Standard ('the Standard'), the Food Law Code of Practice (FLCoP) and relevant official enforcement guidance. 'The Standard' was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at: www.food.gov.uk/enforcement/enforcework/frameagree.

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 feed and food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and to provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented and managed by the Agency's offices in England, Wales and Northern Ireland.

The power to set standards, monitor and audit feed and food law enforcement authorities was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Control (England) Regulations 2009, along with parallel Regulations for the devolved countries. The Agency's audits of LAs are undertaken under section 12(4) of the Act. 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 implemented effectively. 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 guidance¹ on how such audits should be conducted.

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)

Further information on the Agency's LA audit scheme, including questions and answers on the operation of the scheme and details of good practice identified during audits, is available on the Agency's website at the first link above.

Table of Contents

1.0	Background	5
2.0	Scope and Key Objectives of the Audit Programme	7
3.0	Audit Methodology and Design	9
4.0	Executive Summary	9
5.0	Summary of Findings	10
6.0	LA Ideas for Improvements	25
7.0	Overall Conclusions	25
8.0	Summary of Recommendations	27
	Annex i - Audit Methodology and Design.....	299
	Annex ii - Local Authorities Audited by Type	30
	Annex iii- Summary Report Circulation.....	31
	Annex iv- Glossary.....	32

1.0 Background

1.1 Incidents

- 1.2 The Food Standards Agency (FSA) is the central competent authority in England, Northern Ireland and Wales responsible for protecting public health from risks which may arise in connection with the consumption of food and otherwise to protect the interests of consumers in relation to food.
- 1.3 In discharging its responsibilities the FSA has, through the Secretary of State for England and the Minister of Health and Social Services for Wales, issued the following statutory Codes of Practice for the delivery and enforcement of food and feed legislation;
- Food Law Code of Practice England 2015
 - Food Law Code of Practice Wales 2014
 - Feed Law Code of Practice England 2014
 - Feed Law Code of Practice Wales 2014
- 1.4 The Codes are supplemented by the Framework Agreement on Official Feed and Food Controls by Local Authorities (LAs) (the Framework Agreement) 2010.
- 1.5 The above documents set out the requirements and arrangements for local authorities in the delivery and management of controls on food and feed law. These include requirements in relation to “Incidents” which are defined as;
- ‘Any event where, based on the information available, there are concerns about actual or suspected threats to the safety or quality of food and feed that could require intervention to protect consumers’ interests.’
- 1.6 Incidents are identified to the Agency from a wide range of sources and organisations including;
- Businesses who are required to inform competent authorities where they have reason to believe that they have imported, produced, manufactured or distributed food which is not in compliance with food/feed safety requirements.
 - Local Authorities and Port Health Authorities who regularly carry out activities such as inspections and sampling or receive complaints or information that can identify incidents and they have a responsibility to notify the Agency of certain incidents.
- 1.7 In 2014, the FSA investigated 1,645 notified incidents. The frequency of reported incidents has over recent years increased with 301 more incidents reported in 2014 than in 2006.

The four largest contributors to notified incidents in 2014 were:

- Microbiological contamination (24%)
- Veterinary medicines (13%)
- Environmental contamination (12%)
- Natural chemical contamination (9%)

1.8 **Alerts**

- 1.9 On receipt or notification of an incident it is assessed and classified by the Agency in relation to its potential impact and how it can be best managed in terms of the most appropriate level of competence and authority. The levels of classification are routine and non-routine, which can be then classified as serious, severe and major. Serious, severe and major incidents are dealt with through the FSA Incidents Management Plan for Non-Routine Incidents. However, the vast majority of incidents are classified as “routine” and are managed through the arrangements set out in the Codes of Practice and guidance.
- 1.10 The risk communication actions available to the Agency for routine incidents include issuing:
- Food Alerts for Action (FAFA) where enforcement action is required by Local Authorities.
 - Product Recall Information Notices (RIN) to inform consumers and local authorities that a food product is being ‘recalled’
 - Product Withdrawal Information Notices (WINs) to inform consumers and local authorities that a food product is being ‘withdrawn’ from sale.
 - Allergy Alerts (AA) in cases where foods are being withdrawn or recalled, either because the allergy labelling is missing or incorrect, or if there is any other risk specific to consumers with a food allergy or intolerance.
- 1.11 Alerts and information notices are emailed to Local Authorities. In the case of PRINs, PWINs and AAs LAs are not required to take action. However, in the case of FAFA, LAs may be required to take specific action. The tables below provide Food Alert and Information Notice data for 2013 and 2014. During this period the Agency issued a total of 183 alerts and information notices. Of these, 107 of the alerts related to allergies, 58 for recall information, and four for withdrawal information. Fourteen Food Alerts for Action were issued in the two year period where specific action was required of LAs.

Food Alerts and Information Notices by Alert Category UK 2014					
	Allergy Alerts (AA)	Food Alert for Action (FAFA)	Recall Information Notice (RIN)	Withdrawal Information Notice (WIN)	Total
Allergens	60	0	0	0	60
Microbiological	-	0	14	1	15
Foreign Bodies	-	0	6	0	6
Chemical	-	0	1	0	1
Other	-	4	2	0	6
Total	60	4	23	1	88

Food Alerts and Information Notices by Alert Category UK 2013					
	Allergy Alerts (AA)	Food Alert for Action (FAFA)	Recall Information Notice (RIN)	Withdrawal Information Notice (WIN)	Total
Allergens	47	0	0	0	47
Microbiological	-	3	16	0	19
Foreign Bodies	-	0	9	0	9
Chemical	-	1	2	1	4
Other	-	6	8	2	16
Total	47	10	35	3	95

Local Authorities

- 1.12 An effective and efficient system for the management and investigation of incidents or threats to the safety and quality of food is a vital element of the Agency's overall strategy. Local Authorities in their role as a competent authority play a key role in identifying and notifying the Agency of incidents and responding to alerts to minimise risks to consumers and business. The effective discharge of LAs responsibilities in accordance with the relevant codes and guidance is vital in protecting consumers and business from unacceptable levels of risk and ensuring that food is safe and honest.

2.0 Scope and Key Objectives of the Audit Programme

- 2.1 The audit programme comprised of audits at fifteen Local Authorities (LAs) in England and Wales focusing on arrangements for delivery of controls on incidents and alerts. The programme took place between July and December 2015 at a range of LAs selected on the authority type and geographical location.

2.2 The objectives of the audits were to gain assurance that:

- LAs have adequate capability and effective controls in place to deal with incidents and alerts with reference to the requirements of the Standard in the Framework Agreement, Codes of Practice and centrally issued guidance.
- The interface between the FSA and LAs with regard to the handling of incidents and alerts is appropriate and effective.

The audit also sought to;

- Identify any significant weaknesses and potential improvements in the overall arrangements for the handling of incidents and alerts.
- Identify and disseminate good practice for incidents and alerts controls

2.3 The audit programme focused on controls that LAs had in place to deal with Incidents and Alerts with reference to the Framework Agreement, Codes of Practice and centrally issued guidance. These included:

- Organisation and Management
- Incidents and Alerts
- Advice to Business
- Inspection and Sampling
- Enforcement
- Control and Investigation of Outbreaks and Food Related Diseases
- Authorisation of Officers
- Reviewing and Updating Policies and Procedures
- Facilities and Equipment
- Food Premises Database
- Liaison with other Organisations
- Internal Monitoring

2.4 Views on current arrangements for incidents and alerts and how improvements could be made were discussed with each LA during audits and consultation on the draft report.

3.0 Audit Methodology and Design

- 3.1 Details of the audit methodology, design, and the evaluation and assessment framework used during the audits are set out in Annexi.

4.0 Executive Summary

- 4.1 This report highlights the findings and conclusions of the audit programme of fifteen Local Authorities (LAs) in England and Wales focusing on arrangements for delivery of controls on incidents and alerts. The audit programme was requested by the Agency's Incidents and Alerts Unit.

4.2 Key Findings:

- 4.2.1 LAs were found to be delivering a wide range of incidents and alerts controls in accordance with requirements of the Food and Feed Law Codes of Practice and the Framework Agreement. Incidents and Alerts controls delivery had been prioritised by LAs and was adequately resourced, delivered by qualified staff and supported by capable computerised recording and web based systems. However the delivery of controls was found to be variable particularly in regard to out of hours service and underpinning management systems and business processes required by the Codes of Practice to ensure consistent and effective delivery of controls.

- 4.2.2 In some cases LAs were unable to demonstrate any action in regard to FAFAs due to a lack of records, many LAs appeared to lack robust arrangements for out of hours service provision and many required improvement to Incidents and Alerts procedures.

- 4.2.3 A full list of recommendations for LAs is contained in the report however key areas for improvements to the delivery of Incidents and Alerts controls to meet the requirements of the Codes of Practice are as follows.

LAs must ensure:

- The receipt of FAFAs, premises visited and actions taken are recorded.
- Incidents and alerts procedures meet the requirements of the Codes of Practice.
- Out of hours procedures and arrangements are sufficiently robust to provide an effective out of hours response.
- The delivery of Incidents and Alerts controls is monitored as part of a risk based approach to internal monitoring.

- 4.2.4 Whilst overall arrangements for the delivery of Incidents and Alerts controls provided an effective delivery framework there was potential for improvement. LA suggestions for improvements have been passed to lead policy officers in the Agency. Key improvements the Agency should consider

are:

- The creation of a mechanism for closing FAFA such as specifying how long LAs should continue to take action requested in FAFA.
- The need to provide training for alerts and incidents controls delivery.
- A review of feedback arrangements from LAs to the Agency to enable monitoring of outcomes and the effectiveness of alerts.
- A review of the classification and description of alerts that clearly and adequately describes the level of urgency required for the LA response.
- A review of the need for LAs to provide out of hours services which includes, consideration of response times to FAFA, the need for LAs to monitor incidents and alert notifications during office closure hours and reality checks for the robustness of out of hours services required.

4.2.5 There were two examples of good practice identified which should be considered by LAs and the FSA. These are:

- Using social media to disseminate alerts to business and consumers.
- Providing links to the FSA website enabling business and consumers to subscribe to receive alerts to personal email or mobile phones.

5.0 Summary of Findings

LA Performance - Framework Agreement and F/FLCoPs

5.1. Organisation and Management – Service Planning

5.1.1 Service Plans are the foundation of effective management of service delivery and ensuring priorities and standards are addressed and delivered locally. The F/FLCoPs and FA require that LAs maintain up to date appropriately approved Service Plans reflecting Service Planning Guidance including a specific incidents section as follows:

Framework Agreement section	Requirement
3.7 Feed/Food Safety Incidents	A statement in relation to the Authority's policy on handling food alerts to confirm that it complies with the relevant Codes of Practice; an estimation of the likely demand on the service and an estimation of the resources required.

- 5.1.2 Whilst section 3.7 is titled Feed/Food Safety Incidents the requirements are in relation to LA policy and the likely demand and resources required to deal with alerts. There is currently no requirement to include reference to incidents in the Authority's statement.

Audit Programme Findings

- 5.1.3 Fourteen of the 15 LAs had developed documented Service Plans for 2015/16. However one LA had no current plan and another LA had devised a plan with a structure and content which did not reflect the Service Planning Guidance.
- 5.1.4 Most Service Plans included statements of the LA policy on handling food alerts which mainly consisted of a short statement affirming the LAs policy is to handle food alerts in accordance with the relevant codes. However many LA Service Plans lacked an estimation of resource required to deal with the anticipated demand.
- 5.1.5 More generally many Service Plans lacked a comparison of the overall staff resources to deliver official controls in accordance with the F/FLCoPs against the resources available to the service.

Conclusion

- 5.1.6 Whilst most LAs had Service Plans in place the absence of a Service Plan in one LA and the unique format in another LA which did not reflect Service Planning Guidance is concerning as is the lack of information in many plans regarding the adequacy of resources to deliver controls in accordance with the requirements of the F/FLCoP.

Recommendation 1 - Service Planning

Framework Agreement - Service Planning Guidance

LAs should review Service Plans to ensure they meet the requirements of section 3.7 of the Service Planning Guidance and include an estimate of the staff resources required to deliver incidents and alerts controls.

5.2 Incidents and Alerts Procedures

- 5.2.1 Formal procedures help ensure that the delivery of food and feed controls are undertaken consistently and in a way that meets the requirements of the F/FLCoPs within the context of the individual LA. They are useful for training, as reference for officers and a focus for improvements. The F/FLCoPs require LAs to have in place a documented procedure for dealing with incidents and food hazards which includes an effective response to alerts.

Audit Programme Findings

5.2.2 All LAs had documented procedures in place for dealing with food incidents and hazards, however more than half of the LA procedures required review and improvement to meet the requirements of the F/FLCoPs. Weaknesses found in procedures include the following:

- Lack of detail of how in practice officers would deal with food alerts, food hazards and incidents.
- No inclusion of the process for the initiation of food alerts in response to a locally identified risk.
- Absence of out of hours arrangements emergency contact details for relevant staff and practical arrangements for access to buildings and the Authority's food premises database.
- No detail of arrangements for the liaison with other relevant bodies including neighbouring Competent Authorities, both within and outside normal hours.

Conclusion

5.2.3 Whilst all LAs had incidents and alerts procedures in place there were a significant number of LAs where procedures required review to ensure they met the requirements of the FA & F/FLCoPS.

Recommendation 2 – Incidents and Alerts Procedures

Framework Agreement - The Standard Section 14

LAs should review their incidents and alerts procedures to ensure they are consistent with F/FLCoPs and particularly with respect to;

- How officers deal with food alerts, food hazards and incidents.
- How food alerts are initiated in response to a locally identified risk.
- Out of hours arrangements emergency contact details for relevant staff and access to buildings, equipment and the LA database.
- Arrangements for the liaison with other relevant bodies including neighbouring Competent Authorities, both within and outside normal office hours.

5.3.0 Out of Hours Arrangements

- 5.3.1 Food and Feed hazards may be discovered at any time and the increased globalisation of food and feed manufacturing and distribution contribute to the potential for official action outside normal LA working hours. The Agency provides an out of hours service for the notification of hazards to enable speedy assessments and effective responses by the Agency and LAs.
- 5.3.2 LAs are required to put in place out of hours arrangements for the receipt and prompt response to alerts and to protect public health and safety at the earliest opportunity. The requirements include access to appropriate staff, facilities, equipment, etc.
- 5.3.3 The Food Law Codes of Practice do not specify timescales for prompt response or action however the Feed Law Code of Practice 2014 states LAs “must ensure that any action specified by the FSA in a Feed Alert is undertaken promptly and in any event by the next working day”. The timescale for response and action to feed alerts is therefore within one working day. This may result in inconsistent responses in that alerts issued on Monday to Thursday must be responded to by the next day but responses to feed alerts issued on Friday or over Bank Holiday periods may be actioned up to 5 days later.

Audit Programme Findings

- 5.3.4 Findings of the audit programme were that the majority of LAs were not providing sufficiently robust out of hours arrangements to be certain appropriately qualified and competent officers would be available to receive, assess and promptly action alerts. The main reasons for this were:
 - The provision of out of hours service was often largely based upon the good will of officers rather than formal cover arrangements.
 - A lack of systems in some LAs for the receipt and management of food alerts outside normal office hours.

Conclusion

- 5.3.5 For the majority of LAs the procedures and arrangements for an out of hours service were not sufficiently robust to provide confidence that there will be an effective out of hours response. However the demand for out of hours action arising from alerts appears to be very low and over the last two years the Agency has not issued any alerts for action requesting any LA to take action outside normal working hours.

Recommendation 3 - Delivery of Alerts Controls

The Agency should review the arrangements for the delivery of alerts controls to;

- Give consideration to the response times to food and feed alerts to provide consistency between the requirements in the Codes of Practice.
- Assess the need for LAs to monitor alerts during weekend, bank holidays and LA office closure hours.
- Consider the re-classification and description of alerts to more clearly describe the level of urgency required for LA response.

Recommendation 4 – Out of Hours Responses

Framework Agreement - The Standard 14.1

The Agency should consider carrying out reality checks to test the robustness of LAs out of hours service responses to alerts.

5.4.0 LA Responses to Food Alerts for Action

5.4.1 Alerts for action issued by the FSA require LAs to take specific action to deal with hazards. The action is primarily aimed at removing hazards from the food chain. There were 14 food alerts for action in 2013-2014 and during audits checks were carried out to assess the actions and records of LAs from receipt of the alert to closure.

Audit Programme Findings

5.4.2 LA handling of alerts for action was very variable. In many instances LAs had demonstrated speedy and appropriate action but some issues of concern were identified including:

- Several LAs had no records of receipt of some alerts. In one LA there were no records of receipt or action for 3 out of 4 alerts checked. In another LA four alerts were checked however it was not possible to confirm any action had been taken as there was no mechanism in place for recording the receipt or subsequent actions taken.
- Many LAs did not record the outcome of the alert in terms of premises inspected or products found or not found.

- Due to the absence of specific FSA guidance LAs were unclear how long the LA should continue to inspect premises for the products identified in alerts.

Conclusion

5.4.3 Whilst some LAs are properly responding to FAFAs the findings demonstrate that LAs and the FSA need to do more to ensure effective systems and arrangements are in place. Within the existing framework for the delivery of alerts there is insufficient feedback on the outcomes of alerts to allow ongoing assessments on the effectiveness of current overall arrangements or the effectiveness or outcome of each alert.

Recommendation 5 – FAFAs Responses and Actions

Framework Agreement The Standard Section 14.3

LAs should review the effectiveness of the systems for recording the receipt of FAFAs, premises visited and actions taken.

Recommendation 6 - Closure of FAFAs

The FSA should give consideration to a mechanism for closing FAFAs.

Recommendation 7 - LA Feedback

The FSA should review arrangements for feedback from LAs in order to enable assessments of the effectiveness of overall arrangements for alerts and the effectiveness of individual alerts.

5.5 LA Reporting of Incidents

5.5.1 The reporting of incidents by LAs is key element of the overall framework for protecting consumers and business from hazards. LAs are required to report serious localised food hazards and non-localised hazards to the FSA and in 2014 LAs reported over 400 incidents. During audits a range of enforcement activities such as samples, complaints, and TB notifications were examined to establish if LAs were correctly assessing and reporting hazards and incidents to the FSA.

Audit Programme Findings

- 5.5.2 Overall LAs were found to be correctly assessing and reporting incidents as required by the F/FCoPs although in a number of cases records were not readily available.

Conclusion

- 5.5.3 LAs were generally found to be assessing potential and reporting incidents correctly.

5.6 Business Advice and Promotion Incidents and Alerts

- 5.6.1 The provision of business advice and the promotion of food and feed issues are part of a balanced approach to achieving compliance and protecting consumers and business. The FSA provides that LAs shall work with business to help them comply with legislation and promote food and feed safety standards.

Audit Programme Findings

- 5.6.2 All LAs assessed were providing businesses advice on alerts and incidents in response to requests and as required during visits/interventions. LA websites provided limited incidents and alerts advice but often linked to the FSA website where further information was available.
- 5.6.3 A number of LAs promoted food and feed safety by providing links to the FSA website enabling business and consumers to subscribe to receive alerts to personal email or mobile phones. Two LAs were using social media to disseminate alerts to local businesses and consumers.

Conclusion

- 5.6.4 LAs were providing a varied but adequate level of incidents and alerts business advice through interventions, service request, and websites.
- 5.6.5 LA websites enabling consumers to sign up for personal alerts via the FSA appeared to be a very effective mechanism to protect consumers especially in regard to allergy alerts. The use of social media was also innovative but these mechanisms were not fully exploited by all LAs and are identified as good practice for consideration by LAs.

Alerts Good Practice 1 – Subscribing to Alerts

A number of LAs promoted food and feed safety by providing links to the FSA website enabling business and consumers to subscribe to receive alerts to personal email or mobile phones.

Alerts Good Practice 2 – Disseminating Alerts

LAs were using social media to disseminate alerts to local businesses and consumers.

5.7 Sampling

5.7.1 Effective sampling is an integral element of the overall food/feed law regulatory enforcement system and the identification, investigation and reporting of food hazards and incidents. LAs are therefore required to have in place sampling policies, programmes, procedures and to take appropriate follow up action on the results of samples.

Audit Programme Findings

5.7.2 All LAs except one had a documented sampling policy although the content of policies varied and all LAs had sampling procedures in place. A small number of LAs required improvement to procedures. Examples of where improvement was required included:

- The LA sampling procedure was ten years overdue for review.
- One LA had put in place two sampling procedure templates for food examination and analysis however, these were nationally produced templates but neither procedure had been adapted to be specific to the Authority.

5.7.3 Checks on samples with adverse results found that in all cases LAs had acted in accordance with the requirements of the F/FLCoP requirements for the reporting of incidents.

Conclusion

5.7.4 Overall LAs were generally meeting requirements in regard to sampling policies and procedures although a number of LAs could have better procedures in place.

5.8 Enforcement

5.8.1 Incidents and alerts work often can include the seizure, detention, surrender and certification of products to remove them from the market to protect consumers. LAs are required to have in place appropriate up to date documented enforcement policies and procedures to ensure enforcement is reasonable, risk based and consistent with good practice.

Audit Programme Findings

- 5.8.2 All LAs had documented Enforcement Policies however in one LA this was a draft policy. Four LAs were unable to demonstrate that policies had received appropriate approval and five policies omitted information such as references to the Regulators Code, Primary/Home Authority or contained references to out of date legislation.
- 5.8.3 Although all LAs had enforcement procedures in place nearly half of them would benefit from review as the following types of information was omitted:
- References to current legislation.
 - Instruction on the method of safe disposal of surrendered and condemned food and feed and/or liaison with district councils.
 - Reference to the detention and/or seizure of illegally imported food and feed inland.
 - Detail of local working arrangements.
 - The process for certifying that food did not meet food safety requirements under Food Safety and Hygiene Regulations.
- 5.8.4 File checks were carried out in relation to the seizure, detention, surrender and certification of food by LAs within the last two years. A number of LAs had not needed to undertake this type of enforcement action. Where action was taken it was generally appropriate and timely and followed the provisions of the F/FLCoPs. There were a small number of LAs where action was not consistently carried out in accordance with the FLCoP.
- 5.8.5 There were a number of LAs where improvements were required and these included better recording of notice withdrawal, product seizure, and receipt and disposal of food following voluntary surrender

Conclusion

- 5.8.6 Whilst Enforcement Policies and procedures on incidents and alerts were found to be in place, many LAs would benefit from a review to ensure these documents are complete, up to date, and approved as appropriate and that action taken by officers is consistent with procedures.

Recommendation 8 – Enforcement Policies and Procedures

Framework Agreement The Standard Section 15.1, 15.2, 15.3

LAs should review enforcement policies and procedures and ensure appropriate internal monitoring is in place for implementation by officers.

5.9 Control and Investigation of Outbreaks and Food Related Diseases

- 5.9.1 The control and investigation of outbreaks is an integral part of managing incidents and alerts and LAs are required to have in place appropriate procedures.

Audit Programme Findings

- 5.9.2 All LAs had participated in the development of regional Outbreak and Incident Control Plans which had been agreed by a range of stakeholders including other LAs.
- 5.9.3 In several cases the arrangements in place did not appear to make proper provision or include sufficient details to facilitate a response to a serious incident or outbreak outside normal working hours and in some instances outbreak control plans needed to contain more local contact detail for use in the event of notification to the FSA.
- 5.9.4 A number of LAs had experienced outbreaks of food related diseases in the last two years and all LAs had reported outbreaks as required by the FLCoP.

Conclusion

- 5.9.5 Whilst overall arrangements were in place in all LAs some improvements were required in regard to contact details and out of hours service.

Recommendation 9 – Control and Investigation of Outbreaks

Framework Agreement The Standard Section 13.1, 13.2

LAs should review arrangements for the control and investigation of outbreaks and food related diseases to ensure appropriate contact details are included and out of hours service is facilitated.

5.10 Authorisation and Training of Officers

- 5.10.1 LAs are required to ensure that officers are appropriately authorised, qualified, competent, and trained to carry out food/feed law enforcement activities including incidents and alerts.

Audit Findings

5.10.2 All LAs had documented officer authorisation procedures, however just over half of LAs needed to review the specific legislation contained in authorisation documents to ensure officers were appropriately authorised under all relevant legislation. Omissions included the Trade in Animal and Related Product Regulations 2011 and incorrect references to substantive legislation such as the Food Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013 and the European Communities Act 1972.

5.10.3 Other authorisation issues included;

- An officer found to be delivering official controls without appropriate qualifications.
- A LA unable to demonstrate that two officers authorised to issue Remedial Action Notices complied with the competence requirements of the FLCoP.
- A LA where officers had been inappropriately authorised in excess of their qualification, experience and competency.
- Instances where Lead Officers did not meet competency requirements.

5.10.4 Checks of LA training records found that officers were receiving 10 hours continuing professional development. There were only three LAs where specific training had been provided in regard to incidents and alerts as follows;

- All staff had been recently trained on the procedure for Food Incidents and Alerts.
- One officer had received specific training in regard to alerts and incidents.
- One Lead Officer had received some recent supervisory training which included incidents and alerts.

Conclusion

5.10.5 Whilst all LAs had developed authorisation procedures some LAs required improvement to ensure officers were appropriately qualified and authorised for all relevant legislation. There was little training available or delivered in regard to incidents and alerts.

Recommendation 10 – Authorisations

Framework Agreement The Standard Section 5.3

LAs should review officer qualifications and authorisations to ensure they contain all appropriate legislation to ensure the effective delivery of incidents and alerts controls.

Recommendation 11 – Training

The FSA should give consideration to the need for providing training for alerts and incidents.

5.11 Reviewing and Updating Policies and Procedures

- 5.11.1 The production, review and update of procedures and policies by LAs ensure that the current requirements of the F/FLCoP are taken into account in the organisation and facilities within each LA.
- 5.11.2 LAs are required to review all documented food law enforcement policies and procedures at regular intervals and whenever there are changes to legislation or guidance. LAs must also have in place a control system to ensure appropriate up to date documentation, legislation and guidance is available to staff. These policies and procedures and their review is part of the infrastructure of support for officers and LAs in delivering food/feed controls including incidents and alerts.

Audit Findings

- 5.11.3 Just over half of LAs had satisfactory arrangements in place for the review and control of procedures, documents and guidance. There was wide variation in arrangements and these included:
 - Use of certificated ISO 9000 quality systems including internal auditing procedures to review procedures
 - Deployment of procedures developed and reviewed as part of a regional quality management system.
 - The use of generic third party computer based software package providing intervention and enforcement procedures.
 - LAs where review systems were in place but these were not properly implemented with policies and procedures requiring review.
 - LAs where there was no process for the review and update of policies and procedures.

Conclusion

- 5.11.4 Whilst just over half of LAs had appropriate arrangements in place for reviewing and updating policies and procedures, three LAs appeared not to have any review process in place and other LAs required improvements.

Recommendation 12 – Updating of Policies and Procedures

Framework Agreement The Standard Section 4.1, 4.2

LAs should implement and maintain a process for the review and update of policies and procedures to ensure procedures, including incidents and alerts procedures, provide reliable up to date guidance for officers.

5.12 Food Premises Database and Equipment

- 5.12.1 Complete, accurate, reliable, up to date premises databases are fundamental to effective food/feed law control, planning, service delivery, and regulatory activity and reporting. In the case of incidents and alerts LAs need systems to quickly identify premises which may require inspection, investigation or other action arising from alerts. LAs are required to have software systems that are capable, reliable and secure and supported by documented procedures to ensure that information held is accurate.
- 5.12.2 In 2009 the Agency issued guidance on database management in the publication “Every Inspection Counts²” and audit protocols and checklists are also published on the FSA website³ to help LAs with database management.

Audit Programme Findings

- 5.12.3 All LAs had computerised software packages capable of providing information that may be required by the FSA and to support actions in response to incidents and alerts. Databases and electronically stored records were found to be secured through regular back-ups.
- 5.12.4 The majority of LAs had documented procedures to ensure databases were complete and accurate however several LAs had no written procedures. The processes for ensuring that LA databases were accurate varied and included the following actions:

² <http://www.food.gov.uk/enforcement/enforcetrainfund/inspection-tips>

³ <http://www.food.gov.uk/enforcement/auditandmonitoring/auditdocs>

- Information provided by other services within the LA such as Licensing and Business Rates Department.
 - Internet searches.
 - Restricting database access for updating, creating and deleting premises.
 - Checking planning and building regulations applications.
 - Officers being responsible for specific geographic areas and identifying new businesses or change of ownership.
 - Reports were also produced highlighting any missing data which required entering.
- 5.12.5 There was little evidence that the Agency Guide “Every Inspection Counts” had been fully utilised by LAs.
- 5.12.6 During each LA audit checks were carried out to ensure that six previously selected food establishments located in the LA were captured on the LA database and included in the LA intervention programme. These were typical of the types of premises where incidents may be detected or alerts require action. In most LAs the premises were found to be both on the database and included in the LA intervention programme. However, in 4 LAs premises were found to be absent from the LA database.

Conclusion

- 5.12.7 LAs have appropriate computerised systems in place and most have procedures in place to ensure the accuracy of databases. However many LAs would benefit by reviewing procedures to take into account the guidance provided by the Agency in the “Every Inspection Counts” guidance.

Recommendation 13 – Database Accuracy

Framework Agreement The Standard Section 11.2

To ensure effective delivery of incidents and alerts controls LAs should review procedures to ensure databases are complete, accurate, reliable and up to date taking into account the Agency Guidance “Every Inspection Counts”.

5.13 Liaison with other Organisations

- 5.13.1 The Regulators Code 2014 provides that, where the law allows, regulators should share information about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.
- 5.13.2 Incidents and alerts may require regional or national coordinated action by LAs. The FA and F/FLCoPs require that LAs have appropriate liaison

arrangements in place both with neighbouring LAs and other official control bodies.

Audit Programme Findings

- 5.13.3 LAs were found to have appropriate liaison arrangements in place with neighbouring authorities primarily through regional food liaison groups. LAs also demonstrated good liaison with other Agencies such HMRC, Police and the FSA UK Border Agency (UKBA), Medicines and Healthcare Regulatory Agency (MHRA), Association of Port Health Authorities (APHA) and a number of External Temporary Storage Facilities (ETSFs). Auditors did however recommend that one LA improve liaison arrangements with a Port within the Authority.

Conclusion

- 5.13.4 All LAs except one had appropriate liaison in place.

Recommendation

- 5.13.5 No recommendations arising from findings.

5.14 Internal Monitoring

- 5.14.1 LAs are required to carry out quantitative and qualitative internal monitoring checks to verify conformance with their legal obligations, official guidance and their own policies and procedures. Internal monitoring is an essential function in maintaining consistency and improving the quality of service provided and ensuring conformance to the requirements of the Codes of Practice. The Agency has provided advice for LAs on internal monitoring through its guide Every Inspection Counts published in 2009.

Audit Programme Findings

- 5.14.2 Most, but not all, LAs had developed documented internal monitoring procedures but these were often limited in terms of qualitative monitoring and needed to include a wider range of food law enforcement activities, a more risk based approach, and better recording. In regard to incidents and alerts there was no evidence of LAs monitoring the quality of incident assessments, reporting or responses to alerts. There was little evidence of the Agency guidance being used by LAs.

Conclusion

- 5.14.3 Internal monitoring is generally being undertaken by LAs but this is often limited and qualitative monitoring in respect to incidents and alerts should be improved in many LAs.

Recommendation 14 – Internal Monitoring

Framework Agreement The Standard Section 19.1, 19.2

LAs should review internal monitoring arrangements to ensure the delivery of incidents and alerts controls is monitored as part of a risk based approach to internal monitoring.

5.15 Good Practice

- 5.15.1 The programme found two examples of good practice in relation to alerts and incidents which were:

Alerts Good Practice 1 – Subscribing to Alerts

A number of LAs promoted food and feed safety by providing links to the FSA website enabling business and consumers to subscribe to receive alerts to personal email or mobile phones.

Alerts Good Practice 2 – Disseminating Alerts

LAs were using social media to disseminate alerts to local businesses and consumers.

6.0 LA Ideas for Improvements

- 6.1 During audits LAs identified potential improvements to arrangements for the handling of incidents and alerts which have been referred to FSA policy leads for considered. The main issues identified by LAs were:
- Improving FSA and LA communications.
 - Better understanding of LA legal powers.
 - Greater clarity on timescales for dealing with FAFAs.
 - Improvements in Annex 2 and 3 of the FLCoP.

7.0 Overall Conclusions

- 7.1 LA Service Plans provide an overall plan and strategy for the delivery of food and feed controls including incidents and alerts and whilst some

improvements were required the vast majority of LAs detailed a commitment to handling alerts in accordance with requirements.

7.2 Operational resources allocated to incidents and alerts were, with the exception of out of hours services, adequate to meet the existing demands. However that must be set within the following context:

- Lack of requirements for LAs to undertake action in relation to allergy alerts, product recalls, or withdrawals.
- A relatively low level of demand for FAFAs being issued in 2014 and in 2015.
- Many FAFAs do not require LAs to take action other than to look for products during routine inspection.
- The uncertainty within LAs as to the period of time for which LAs should continue to action FAFAs.
- Reported LA reducing inspection volume especially in regard to food standards.

7.3 Operational officers delivering incident and alerts controls were generally found to be appropriately qualified although there was little specific training on incidents and alerts. Officers had at their disposal capable information and communication technologies to deliver and record incidents and alerts activities. LA websites and associated links were delivering incidents and alerts information and advice. However LAs needed to review the use of these systems to ensure the full potential was released through:

- Better recording of receipt of FAFAs, premises visited and results of action taken.
- Providing links to the FSA website enabling business and consumers to subscribe to receive alerts to personal email or mobile phones.
- Using social media to disseminate alerts to local businesses and consumers.

7.4 The FA and relevant Codes of Practice set out requirements for underpinning management systems and business processes to set standards, policies, procedures and to provide instruction in the design, operation and delivery of controls. This aims to ensure LAs provide consistent and effective protection for consumers and business. Whilst LAs demonstrated many underpinning systems and controls were in place many LAs had weaknesses and required improvement. The most critical LA weaknesses and areas for improvement were:

- Poor incidents and alerts procedures (including out of hours service)
- Lack of effective internal monitoring.
- LAs unable to demonstrate the delivery of effective controls arising from a lack of records of receipt or any action in regard to FAFAs issued by the Agency.
- LAs being unable to assure effective delivery of controls due to poor arrangements for out of hours service.

7.5 The most significant weaknesses in the overall arrangements for the delivery of Incidents and Alerts controls for consideration by the Agency are:

- The lack of guidance as to the timescales that LAs should continue to act on alerts.
- The lack of clarity as to the need to resources out of hours service, and the speed of response to FAFAs.
- The limited feedback on the outcomes of alerts and incidents to enable ongoing assessment of the effectiveness of current arrangements.

8.0 Summary of Recommendations

No	Recommendations for Local Authorities
1	Service Planning LAs should review Service Plans to ensure they meet the requirements of section 3.7 of the Service Planning Guidance and include an estimate of the staff resources required to deliver incidents and alerts controls.
2	Incidents and Alerts Procedures LAs should review their incidents and alerts procedures to ensure they are consistent with F/FLCoPs and particularly with respect to; <ul style="list-style-type: none">• How officers deal with food alerts, food hazards and incidents.• How food alerts are initiated in response to a locally identified risk.• Out of hours arrangements emergency contact details for relevant staff and access to buildings, equipment and the LA database.• Arrangements for the liaison with other relevant bodies including neighbouring Competent Authorities, both within and outside normal office hours.
5	FAFAs Responses and Actions LAs should review the effectiveness of the systems for recording the receipt of FAFAs, premises visited and actions taken.
8	Enforcement Policies and Procedures LAs should review enforcement policies and procedures and ensure appropriate internal monitoring is in place for implementation by officers.
9	Control and Investigation of Outbreaks LAs should review arrangements for the control and investigation of outbreaks and food related diseases to ensure appropriate contact details are included and out of hours service is facilitated.
10	Authorisations LAs should review officer qualifications and authorisations to ensure they contain all appropriate legislation to ensure the effective delivery of incidents and alerts controls.

12	Updating of Policies and Procedures LAs should implement and maintain a process for the review and update of policies and procedures to ensure procedures, including incidents and alerts procedures, provide reliable up to date guidance for officers.
13	Database Accuracy To ensure effective delivery of incidents and alerts controls LAs should review procedures to ensure databases are complete, accurate, reliable and up to date taking into account the Agency Guidance “Every Inspection Counts”.
14	Internal Monitoring LAs should review internal monitoring arrangements to ensure the delivery of incidents and alerts controls is monitored as part of a risk based approach to internal monitoring.
No	Recommendations for the FSA
3	Delivery of Alerts Controls The Agency should review the arrangements for the delivery of alerts controls to; <ul style="list-style-type: none"> • Give consideration to the response times to food and feed alerts to provide consistency between the requirements in the Codes of Practice. • Assess the need for LAs to monitor alerts during weekend, bank holidays and LA office closure hours. • Consider the re-classification and description of alerts to more clearly describe the level of urgency required for LA response.
4	Out of Hours Responses The Agency should consider carrying out reality checks to test the robustness of LAs out of hours service responses to alerts.
6	Closure of FAFAs The FSA should give consideration to a mechanism for closing FAFAs.
7	LA Feedback The FSA should review arrangements for feedback from LAs in order to enable assessments of the effectiveness of overall arrangements for alerts and the effectiveness of individual alerts.
11	Training The FSA should give consideration to the need for providing training for alerts and incidents.

Annex i - Audit Methodology and Design

The audits assessed LA implementation of official controls through:

- (i) Use of structured audit protocols and checklists for checks of LA file and database records relating to routine official controls relating to food establishments audits/inspections, sampling and any resulting follow-up enforcement activities.
- (ii) Meetings with LA officers.
- (iii) Document reviews including all relevant LA food law enforcement service plans, policies and procedures.

Annex ii - Local Authorities Audited by Type

The Agency is grateful for the assistance and views provided by officers of the following LA's who were audited during the programme:

	Local Authority	Type of LA
1	Surrey Heath	District
2	Brighton and Hove City	Unitary
3	London Borough of Hillingdon	Unitary
4	Hambleton District Council	District
5	Blackburn with Darwen Borough Council	Unitary
6	Wellingborough District Council	District
7	Kent County Council	County
8	South Lakeland District Council	District
9	Adur and Worthing District Council	District
10	Hart District Council	District
11	Dudley Metropolitan Council	Unitary
12	Broadlands District Council	Unitary
13	Torfaen County Borough Council	Unitary
14	Conwy County Borough Council	Unitary
15	Cyngor Sir Ceredigion County Council	Unitary

Annex iii- Summary Report Circulation

All local authorities participating in this audit programme

Local Government Association Regulatory Control Unit (formerly LG Regulation/LACORS)

Chartered Institute of Environmental Health (CIEH)

Trading Standards Institute

Animal Plant Health Agency (APHA)

Copyright Library

British Library

National Assembly for Wales Library

Annex iv- Glossary

ABP	Animal By Products
APHA	Animal Plant Health Agency
CA	Competent Authority
Defra	Department for Environment, Food and Rural Affairs
EC	European Commission
EU	European Union
FBO(s)	Food Business Operator(s)
FLCoP	Food Law Code of Practice
F/FLCoPs	Food and Feed Law Codes of Practice
FLPG	Food Law Practice Guidance
FVO	Food and Veterinary Office
HACCP	Hazard Analysis Critical Control Point
LA	Local Authority
OTF	Officially Tuberculosis Free
TB	Tuberculosis