

Audit of Local Authority Service Delivery Controls for Incidents and Alerts

Broadland District Council
10-11 November 2015



Table of Contents

1.0	Introduction	3
2.0	Scope of the Audit	3
3.0	Objectives	3
4.0	Executive Summary	4
5.0	Audit Findings and Recommendations	5
5.1	Organisation and Management	5
5.2	Incidents and Alerts	6
5.3	Advice to Business	8
5.4	Food Inspection and Sampling	8
5.5	Enforcement	8
5.6	Control and Investigation of Outbreaks and Food Related Disease	8
5.7	Authorised Officers	9
5.8	Reviewing and Updating Documented Policies and Procedures	9
5.9	Facilities and Equipment	9
5.10	Food Premises Database	10
5.11	Liaison with other Organisations	10
5.12	Internal Monitoring	10
5.13	Local Authority Views on Arrangements for Incidents and Alerts	11
5.14	Issues Outside the Scope of the Audit	11
ANNEX A - Action Plan for Broadland District Council		12
ANNEX B - Audit Approach/Methodology		13
ANNEX C - Glossary		13

1.0 Introduction

- 1.1 This is a report on the outcomes of the Food Standards Agency's (FSA's) audit of Broadland District Council conducted between 10 and 11 November 2015 at the Council Offices, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich NR7 0DU. The audit was carried out as part of a programme of audits on local authority (LA) controls for incidents and alerts. The report has been made available on the Agency's website at:

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

Hard copies are available from the FSA's Operations Assurance Division at Foss House, Peasholme Green, York, YO1 7PR. Tel: 01904 232116

- 1.2 The audit was carried out under section 12(4) of the Food Standards Act 1999 and the Agency will produce a summary report covering outcomes from the audits of all local authorities assessed during this programme.

2.0 Scope of the Audit

- 2.1 The audit focused on controls that the LA had in place to deal with incidents and alerts with reference to the Framework Agreement and the Food Law Code of Practice (FLCoP). This included organisation and management, resources, development and implementation of appropriate control procedures, receipt of and response to alerts, reporting of incidents, advice enforcement and sampling, premises database, training and authorisation of officers, liaison and internal monitoring. Views on current arrangements for incidents and alerts were sought to inform FSA policy development.

3.0 Objectives

3.1 The objectives of the audit 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, the FLCoP 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

4.0 Executive Summary

4.1 The Authority was delivering a range of incidents and alerts controls in accordance with the statutory obligations placed on the Authority. The Authority was able to provide evidence of good links with neighbouring authorities and other agencies and demonstrated its ability to carry out detailed and comprehensive investigations and follow up actions.

The Service was about to undergo a period of change following a new “systems thinking” approach. Auditors were provided with assurances that a planned food hygiene intervention programme would be maintained following these changes. Auditors discussed the need to ensure that the Service continued to deliver its duties in line with the Food Law Code of Practice and any associated centrally issued guidance.

The Authority needed to make a small number of improvements to fully meet the requirements of the Framework Agreement and the Food Law Code of Practice (FLCoP). The key areas for improvement are set out below.

4.2 Key areas for LA improvement:

Incidents and Alerts

4.2.1 The Authority needed to ensure that it keeps a suitable record of all alerts and incidents received and any actions taken.

Organisation and Management

4.2.2 The Authority should ensure that future Service Plans clearly identify the impact of any shortfall in resources on its planned intervention programme and any other statutory duties carried out by the Service.

5.0 Audit Findings and Recommendations

5.1 Organisation and Management

- 5.1.1 The Authority had developed a documented Food Service Plan for 2015/16 which had been approved by elected Members. The Plan was well structured and broadly followed the Service Planning Guidance in the Framework Agreement. The Service Plan was supplemented by a number of appendices containing more detailed information on the organisational structure of the Service and detailed performance data.
- 5.1.2 The Plan included an assessment of the demands on the Service, providing estimates for each area of demand, including a profile of the food businesses in the area. The Authority had no formal Primary Authority Agreements in place at the time of the audit. The Food Safety Team dealt specifically with food hygiene alerts and incidents, with feed and food standards incidents being the responsibility of the County Council.
- 5.1.3 Approximately three full time equivalent (FTE) officers were provided for delivering the Food Hygiene Service, including a number of full and part time officers. The Plan included a risk based approach to managing its resources but would have benefited from a clearer explanation of any objectives that wouldn't be achieved under current levels of funding.
- 5.1.4 The Plan referred to the Authority's intention to develop and implement its services, including food hygiene, in line with a "systems thinking" approach. Auditors were informed that a process of review had been completed and the new approach was due to be implemented shortly. Auditors discussed the impact of this new approach on the delivery of food hygiene controls by the Authority including the management of any relevant alerts and incidents. The Authority still planned to develop and deliver a proactive planned intervention programme on a risk basis in accordance with the Food Law Code of Practice (FLCoP). Auditors were informed that the review of the Service using the "systems thinking" approach had led to a number of possible efficiency savings being identified; largely based upon the reduction in administration and documentation, including the provision of some letters to businesses following inspection and the rationalisation, redistribution and re-organisation of officers and administrative staff.
- 5.1.5 As required by the Framework Agreement, the Service Plan included a specific section on food safety incidents outlining the Authority's commitment to investigating any relevant food safety alerts and incidents. In addition the Plan included useful references to service targets for dealing with alerts and incidence.
- 5.1.6 However the Plan would benefit from the provision of additional details concerning arrangements for the receipt of alerts and product recalls from the FSA, and the provision of any details concerning out of hours and emergency service provision.

Recommendation

5.1.7 The Authority should:

Ensure that future Service Plans;

- Identify any shortfall in the resources required to deliver the Service in accordance with the FLCoP, clearly showing the impact of any shortfall on the delivery of its intervention programme and other Service activities.
- Include further details on dealing with alerts and incidents, including the Authority's plans for out of hours alerts and emergency provisions.

[The Standard - 3.1]

5.2 Incidents and Alerts

Procedures

- 5.2.1 The Authority had developed a documented procedure last reviewed in October 2015 for responding to food alerts and food safety incidents. The procedure contained appropriate references to centrally issued guidance and included specific details about how the Authority responded to alerts issued by the FSA.
- 5.2.2 The Authority provided information on how the system for receiving and dealing with alerts and incidents worked in practice, providing officers with appropriate references to the FLCoP, Practice Guidance and other sources of relevant information. The procedure also discussed the liaison arrangements and contact details for Norfolk County Council Trading Standards Team if needed.

Out of Hours Arrangements

- 5.2.3 The Service currently had an informal arrangement for the provision of out of hour's requests including alerts and incidents. This was largely based upon the good will of officers. The Authority had developed a network of contacts and work arrangements with neighbouring LAs which would help this current informal arrangement to work. However auditors noted that this informal arrangement could not guarantee that appropriately qualified and competent officers would be available on each and every occasion.
- 5.2.4 Auditors discussed the benefits of providing a more formal procedure for these current working arrangements including a potential memorandum of understanding (MOU) between all the parties involved.

Food Alerts

- 5.2.5 The Authority was able to demonstrate its current working practices for alerts and incidents providing detailed logs and records of action taken in response to four selected recent food alerts issued by the FSA concerning food hygiene issues. The

Authority had started to enter all recent alerts onto its computer system including alerts for action and information.

- 5.2.6 Auditors planned to check the records for four food alerts sent to the Authority. Records were available for two of the examples selected, but records relating a further two could not be retrieved on the day. However the Authority had recently introduced a new system for receiving and cascading food alerts which should help the retrievability of records relating to alerts. In addition auditors discussed the benefits of documenting officer feedback on alerts and subsequent inspections during routine team meetings.
- 5.2.7 In each of the two cases reviewed timely and appropriate action had been carried out in response to the alerts. The Authority did not record how many premises inspected had been subject to specific questioning regarding the relevant alerts or incidents and it was unclear as to what period of time officers should continue to act on the alert. It was agreed alerts for action generally did not specify how long LAs should continue to act on alerts. However the Authority was able to discuss some of the factors that would influence their decision, including the shelf life of the product.

Notifications

- 5.2.8 The Authority had not found it necessary in the last two years to refer any food safety issues that may be of national importance to the FSA. Auditors assessed a small number of recent complaints and samples carried out in relation to recent food incidents dealt with by the Authority to assess whether any should have been considered as potential food alerts of national or regional importance.
- 5.2.9 In all the cases reviewed, the actions taken by officers, including follow up actions, seemed appropriate and justified given the circumstances, with all the cases assessed being local issues, with none requiring escalation.
- 5.2.10 Work instructions generally included suitable reference to alerts and incidents should they arise, and auditors were provided with evidence that the team had access to the relevant forms and legal documentation to allow the FSA to be notified if and when required.

Recommendations

5.2.11 The Authority should:

Maintain up to date and retrievable records of any food alerts received and document its response to each alert.
[The Standard 14.3 &16.1]

5.3 Advice to Business

- 5.3.1 There were no specific recent examples of advice to businesses in relation to any alerts or incidents. However the Authority provided evidence of its newsletter and information alerts bulletins issued by Norfolk County Council as examples of the mechanisms that could be used to inform businesses about relevant alerts if required. In addition auditors were advised that officers would provide suitable advice to businesses during inspections about any relevant concerns as they arose. The Authority's own website was under review at the time of the audit, but auditors were informed that the County Council website did include relevant information for the public and links to any alerts issued including food hygiene alerts.

5.4 Food Inspection and Sampling

- 5.4.1 The Authority's Service Plan contained details of its policy and commitment to taking appropriate samples when necessary as part of its delivery of official controls. In addition the Authority had procedures to provide officers with guidance on taking samples for examination and samples for analysis.

5.5 Enforcement

- 5.5.1 The Authority had developed a documented Environmental Health Enforcement Policy. The Policy had been reviewed in November 2015 and identified enforcement options available to the Authority and circumstances under which they should be used, taking into account the Code for Crown Prosecutors, the Regulators Code and an Appeals mechanism.
- 5.5.2 The Authority had developed a full range of documented work instructions for various enforcement options including the seizure, detention and surrender of food.
- 5.5.3 Although the Authority had not needed had to issue or formally deal with any food alerts or incidents recently, the Authority was able to demonstrate its ability to use any relevant formal actions if needed. Auditors assessed the Authority's use of formal enforcement in a number of cases, including detention notices and voluntary surrender notices in relation to a localised food hazard at a cheese manufacturer in the area. In each case the notices seemed to be appropriate given the circumstances and had been issued in accordance with the FLCoP. Particularly detailed and comprehensive investigations were noted, including extensive evidence and record keeping in relation to the case.

5.6 Control and Investigation of Outbreaks and Food Related Disease

- 5.6.1 Auditors reviewed the Norfolk, Suffolk and Cambridge Joint Communicable Disease Incident/ Communicable Disease Management Plan. The Control Plan had been developed in association with all relevant organisations.
- 5.6.2 The work instruction provided a general framework within which officers could operate, including the facilities required, particularly with regard to facilitating a response to a serious incident or outbreak outside normal working hours.

5.6.3 The Authority had confirmed that there had been no recent outbreaks of food related infectious disease recorded in the last 2 years.

5.7 Authorised Officers

5.7.1 The Authority had developed a documented work instruction for the authorisation of food safety officers carrying out food hygiene duties. Auditors discussed the benefits of reviewing this procedure in light of the recent changes to the FLCoP including the methods to be used by the Authority to assess officer competency.

5.7.2 The qualifications, knowledge and competence required of officers to carry out a range of enforcement functions was detailed in the procedure. It also included a commitment to a minimum of 10 hours training in line with the principles of continuing professional development (CPD) per year for food officers. Officer development and training needs were assessed on an annual basis through one to one meetings.

5.7.3 Qualifications and training records for Environmental Health staff were examined and these demonstrated that officers were receiving the minimum 10 hours relevant training per annum based on the principles of continuing professional development.

5.7.4 There was no specific training recorded in regard to alerts and incidents, although auditors did acknowledge that there was currently little specific external training currently available.

5.7.5 Checks on the legislation referenced within authorisations for officers found that officers had generally been appropriately authorised in accordance with their level of training and competence.

5.8 Reviewing and Updating Documented Policies and Procedures

5.8.1 The Authority had adopted a range of documented policies, procedures and work instructions which were directly and indirectly related to incidents and alerts food law enforcement activities.

5.8.2 Auditors found that the majority of the documented procedures in place had been recently reviewed and contained up to date legal references.

5.9 Facilities and Equipment

5.9.1 The Authority had a computerised software package capable of providing information required by the FSA and specifically information regarding incidents and alerts.

5.9.2 The database, together with other electronic documents used in connection with food and feed law enforcement services, was subject to end of day back-up to prevent the loss of data.

5.10 Food Premises Database

5.10.1 The Authority used the software provider to carry out detailed database audits to ensure the accuracy of its database and the data returns to the FSA via the Local Authority Enforcement Monitoring System (LAEMS). The Authority had implemented a basic documented procedure concerning its LAEMS submissions. Information entered on the database had been controlled in the past by restricted access for officers. Auditors were informed however that new working arrangements prompted by its system thinking review would involve officers entering their own records onto the database directly. The need to carry out effective monitoring of this process to ensure the quality and consistency of records being entered was discussed, including any records linked to alerts and incident investigations.

5.10.2 Prior to the audit several randomly selected food establishments located in the Authority's area from the Internet were selected. All the food establishments had been included on the food establishments database.

5.11 Liaison with other Organisations

5.11.1 The Authority was able to provide detailed evidence of the good liaison arrangements in place between itself, neighbouring authorities and other national agencies. Officers regularly attended regional food groups and detailed examples of regular communications with the FSA and Public Health England amongst others were noted.

5.11.2 The Authority also provided evidence of a specific documented protocol outlining liaison arrangements between itself and other members of the Norfolk Food Liaison Group on matters relating to food, animal health and animal by-products enforcement.

5.12 Internal Monitoring

5.12.1 The Authority had developed a documented work instruction for monitoring of food hygiene law enforcement activities, primarily aimed at monitoring the quality of inspections, last reviewed in September 2015.

5.12.2 A wide range of comprehensive documented quantitative and qualitative internal monitoring was being carried out across many Service activities, including reviews of officer inspection records and letters to businesses. Auditors discussed the benefits and advantages of routine internal monitoring and the importance of ensuring that this work continued to be carried out in the future. Auditors recommended that the Authority review and update its internal monitoring procedure as required to reflect any new internal monitoring activities to be carried out under the new way of working across all areas of the Service, including alerts and incidents. In addition, the time taken for effective internal monitoring to be carried out should be included in any calculation of resources needed to deliver the Service.

5.13 Local Authority Views on Arrangements for Incidents and Alerts

5.13.1 At the conclusion of the audit the Authority was asked to provide some feedback on the arrangements in place for incidents and alerts at the Agency and associated statutory guidance. The responses to these questions were noted and will be considered in the final summary report for the audit programme.

5.14 Issues Outside the Scope of the Audit

5.14.1 There were no specific issues discussed that were considered outside the scope of the audit. Auditors did however discuss the Authority's future plans and the resilience of the Service moving forward, given the planned cuts to resources.

Audit Team: **Andrew Gangakhedkar – Lead Auditor**
 Michael Bluff – Auditor

Food Standards Agency
Local Delivery Audit Team
Operations Assurance Division
Foss House
Peasholme Green
York
YO1 7PR

ANNEX A - Action Plan for Broadland District Council

Audit date: 10-11 November 2015

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>5.1.7 The Authority should:</p> <p>Ensure that future Service Plans;</p> <p>1. Identify any shortfall in the resources required to deliver the Service in accordance with the FLCoP, clearly showing the impact of any shortfall on the delivery of its intervention programme and other service activities.</p> <p>2. Include further details on dealing with alerts and incidents, including the Authority's plans for out of hours alerts and emergency provisions. [The Standard - 3.1]</p>	<p>1st April 2016</p> <p>1 April 2016</p>	<p>1. An additional section will be included in the annual service plan which will detail the resource provision provided for the year under review, reflect upon any significant under performance or service delivery failure and where necessary make recommendations to address any failings.</p> <p>2. The current references to alerts and incidents will be developed and enhanced and will include details of out hours and emergency provisions.</p>	<p>Target date reflects publication of 2016/2017 Service Plans.</p> <p>Target date reflects publication of 2016/2017 Service Plans.</p>
<p>5.2.11 The Authority should:</p> <p>1. Maintain up to date and retrievable records of any food alerts received and document its response to each alert. The Standard -14.3 & 16.1]</p>	<p>Completed</p>	<p>The current recording activity will be enhanced to ensure the required information is documented.</p>	<p>Enhancements already in place.</p>

ANNEX B - Audit Approach/Methodology

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

- (1) Examination of LA plans, policies and procedures.
- (2) A range of LA file records were reviewed.
- (3) Review of Database records
- (4) Officer interviews

ANNEX C - Glossary

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 legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
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.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	The Framework Agreement consists of:

- Food and Feed Law Enforcement Standard
- Service Planning Guidance
- Monitoring Scheme
- Audit Scheme

The **Standard** and the **Service Planning Guidance** set out the Agency's expectations on the planning and delivery of food and feed law enforcement.

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.

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.

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.
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.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food 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.