

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

Devon and Somerset Trading Standards Service
26-28th July 2016



Foreword

The audit of local authority feed and food law enforcement services forms part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities (LAs). The LA regulatory functions for animal feed controls are principally delivered through their Trading Standards Services.

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

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

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

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

This programme of focused audits is being undertaken to provide assurance to the FSA that the new feed delivery model has been effectively implemented by local authorities and that official controls, as laid down in the Agency's Feed Law Enforcement Code of Practice, Practice Guidance and Framework Agreement, in

1

https://khub.net/documents/portlet_file_entry/5524476/New+Feed+Delivery+Model+06.07.2016.pdf/2e8585ff-3e92-4362-928a-5d1b6da2f594?download=true

regard to FNAO are being carried out by LAs, in order to safeguard animal and public health.

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

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

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1.0 Introduction

- 1.1 This report records the results of an audit at Devon and Somerset Trading Standards Service with regard to feed law enforcement. The audit was undertaken as part of the Agency's focused audit programme on feed controls in England. This report has been made publicly available on the Agency's website at

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

Hard copies are available from the FSA's Regulatory Delivery Division, please email LAudit@foodstandards.gsi.gov.uk or phone 01904 232116.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Devon and Somerset Trading Standards Service was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. The Agency has taken account of the European Commission guidance² on how such audits should be conducted.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these focused audits is to provide assurance to the FSA that the new feed delivery model has been effectively implemented by local authorities. The Agency has taken account of the European Commission guidance on how such audits should be conducted.
- 1.4 Devon and Somerset Trading Standards Service was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, having not been audited for feed service delivery by the Agency in the past five years and was representative of a geographical mix of 11 local authorities selected across England.

² Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC)

Scope of the Audit

- 1.5 The audit examined Devon and Somerset Trading Standards Service's systems and procedures for the control of feed of non- animal origin (FNAO).
- 1.6 The audit scope included an assessment of local arrangements for implementing the NFDM and included:
- Feed service planning, delivery and review
 - Competence of officers
 - Implementation and effectiveness of feed control activities
 - Maintenance and management of appropriate feed premises database and records in relation to official controls at feed business premises
 - Arrangements for the Lead Officer role for feed
 - Arrangements for the Regional Lead role for feed
 - Accuracy and delivery of official reports to the Agency
- 1.7 The on-site element of the audit took place at the Authority's office at Devon County Council, County Hall, Topsham Road, Exeter from 26 – 28th July 2016. The audit included a reality check at a feed establishment to assess the effectiveness of official controls implemented by the Service.

Background

- 1.8 Devon and Somerset Trading Standards Service were formed from a merger between Devon County Council and Somerset County Council's trading standards departments. Devon County Council is based in the south west of England bordering Somerset, Dorset and Cornwall and covers an area of around 6,707 km² with a population of approximately 1.1 million people. Devon has a comparatively low population density with other parts of the UK and the major industries are agriculture and tourism, including two national parks, Dartmoor and Exmoor. Devon's major town is Exeter and there are road and rail links to London and the rest of the country. Somerset County Council is also based in the South West of England and borders Devon, Dorset and the unitary authorities of North Somerset and Bath and North East Somerset, with an area of around 3,451 km² and a population of approximately 532,000 people. Somerset like Devon has a low population density with the main industries being agriculture and tourism. The largest town in the area is Taunton.

- 1.9 Devon and Somerset Trading Standards Service is a merged service governed through a Joint Services Review Panel (JSRP) derived from both partner authorities. There was also a Trading Standards Management Group (TSMG) comprising of senior managers and team managers. The Service was administered by Devon County Council and operated from three regional and one central office. Delivery of the feed law enforcement duties were the responsibility of Trading Standards Officers (TSO) with varying levels of qualifications, competence and experience. All the officers carrying out feed law enforcement activities also undertook enforcement in other areas of trading standards work.
- 1.10 The profile of Devon and Somerset's feed businesses as at 31 March 2015 according to their submitted enforcement return was as follows:

Type of Feed Premises	Number
Manufacturers/Packers	55
Distributors/Transporters	136
Retailers	34
Co-products/surplus food	162
Stores	11
Arable farms	577
Livestock farms	22,231
Importers	2
Total Number of Feed Premises	23,208

2.0 Executive Summary

2.1 The Authority was effectively delivering risk-based intervention planning and delivery in accordance with the FSA's New Feed Delivery Model, National Enforcement Priorities and the principles of earned recognition. Some potential improvements in the overall arrangements and controls for feed service delivery were identified to fully meet the requirements of the New Feed Delivery Model, Framework Agreement and the Feed Law Code of Practice (FELCP). The key strengths and areas for improvement for the LA are set out below.

2.2 Strengths:

Service Planning & Delivery

2.2.1 The Authority had a risk based approach to feed interventions planning and delivery. Areas of work were clearly set out in project proposals and subject to internal scrutiny. It was clear that FSA National Enforcement Priorities had been taken into consideration in the planning of the annual interventions programme.

2.2.2 A system for Type 1 and Type 2 earned recognition had been developed and implemented.

2.2.3 The Service, in conjunction with SWERCOTS, had helped to develop and trial an Alternative Enforcement Strategy Toolkit which would be rolled out nationally and taken part in NTS sponsored projects such as Coccidiostats sampling.

Inspection

2.2.4 The Service had developed a system for the identification of appropriate feed premises to be targeted for intervention and populate the NTS desktop model.

2.2.5 Interventions at feed premises had been carried out to a high standard with appropriate assessment of business compliance with feed law requirements. Inspections had been carried out at the frequency required by FELCP and the Feed Law Practice Guidance.

Database

3.2.6 The Service had developed a system to ensure that the feed premises database was up to date and accurate. Data cleansing had been carried out through a combination of validation and coding exercises and comparison with information held by other agencies.

Lead Feed Officer Roles – Liaison & Communication

2.2.7 The liaison and communication roles of the Lead Feed officer and Regional Lead Feed Officer were being carried out effectively, including the compilation and submission of the NTS desktop model and quarterly reports in co-operation with the Regional Co-Ordinator.

2.3 Key area for improvement:

Service Planning

2.3.1 The Service Plan would benefit from more detail in regard to the demands placed upon the Service and a comparison of full time equivalents available to the Service against those needed to deliver the full range of official controls for feed.

Officer Authorisation

2.3.2 A documented procedure for the authorisation of officers based on their competency and qualifications was not in place.

2.3.3 The extent and limitations of officers were not fully defined in their authorisations.

Internal Monitoring

2.3.4 The monitoring procedures should be extended to cover all areas of the monitoring activities taking place.

3.0 Audit Findings

3.1 Feed service planning, delivery and review

Implementation of the Agency's National Feed Priorities document

- 3.1.1 The Authority had developed a Feed Service Plan for 2016/17 that detailed how it would deliver official controls within its area and the resources required. The Service Plan had generally been developed in accordance with the Service Planning Guidance in the Framework Agreement. We discussed further developing the Service Plan to include greater detail in regard to the demands placed on the Service and to include a comparison of full time equivalents (FTEs) available to the service against what was needed to deliver official controls for feed. The Service Plan made appropriate reference to the Agency's National Enforcement Priorities (NEPs) document.
- 3.1.2 The Service Plan had been approved at the appropriate Member forum. In addition, the Service Plan had been linked into the Joint Trading Standards Service Strategic Plan 2016-2019 which emphasised that the Service would have particular regard to rural businesses.
- 3.1.3 A number of Task Proposal documents had been appended to the Service Plan and these detailed projects that would be implemented as part of the annual programme for official feed controls. It was clear from the Task Proposal documents that the FSA's NEPs had been considered in detail in the development of the project objectives and annual intervention programme. Based upon discussions and interviews with staff during the audit there appeared to be a detailed awareness amongst staff of how the NEPs influenced the day to day execution of their duties and contributed towards the national delivery of official feed controls.
- 3.1.4 The Service was overseen by the Trading Standards Management Group (TSMG) and the Joint Services Review Panel (JSRP) also considers monthly progress reports.
- 3.1.5 The Service, in conjunction with SWERCOTS, had been at the forefront of the development and trialling of the Alternative Enforcement Strategy (AES) Toolkit which has been rolled out nationally. In addition, the Service had taken part in various NTS Projects including the Coccidiostats sampling project. The Service had also been involved in looking at the consistency of imported feed controls across the region which had been further developed by NTS as a national project.
- 3.1.6 Future projects included participation in the Earned Recognition Guidance Review which aimed to give greater clarity to Authority's where

feed business operators (FeBOs) had been suspended or withdrawn from an FSA Approved Assurance Scheme (AAS).

Recommendation 1 - Service Planning

[The Standard 3.1 & 3.2]

[The National Feed Enforcement Priorities 2016/17]

[The Feed Law Code of Practice 5.1]

Further develop the service delivery plan in accordance with Service Planning Guidance in Chapter 1 of the Framework Agreement to include:

- greater detail in regard to the demands placed on the Service; and
- a comparison of the numbers FTE needed to deliver the programme against those available to the Service.

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

3.1.7 The Service had implemented a system for Type 1 earned recognition (ER) for members of an FSA AAS and premises that were members of the schemes had been effectively tagged on the database. It was established that the Service had access to the Red Tractor (RT) and Agricultural Industries Confederation (AIC) databases and systems had been implemented to take into account notifications from AAS's where membership had been withdrawn or suspended. File checks showed that frequencies of inspections for assurance scheme members were in line with the Feed Law Practice Guidance (FLPG) and Likelihood of Compliance (LOC) scores appropriately allocated. In addition, the Service had implemented a system for Type 2 earned recognition for businesses which were broadly compliant but not members of an FSA AAS.

3.1.8 Steps had been taken to ensure the database reflected the membership of FSA AAS schemes including the creation of a unique code for animal feed premises, 6 months of data cleansing and implementation of the FELCP risk rating scheme. The Service had also implemented systems to ensure that notifications regarding the attainment or removal of FSA AAS membership were acted upon to ensure the appropriate increase or decrease in ER was awarded. Auditors were informed that notifications of withdrawal from a scheme for non-compliance were put on a list for a visit in the current year and withdrawal for any other reason was

scheduled for a visit within next financial year. Auditors discussed scenarios in cases of FeBOs that had never been visited and it was acknowledged that the question of amending LOC scores and risk rating scores without a visit was still being discussed nationally. Visit frequencies for Type 2 ER was generated automatically on allocation of the LOC score

- 3.1.9 On occasions the Service had considered the use of exception reports to the FSA in relation to a feed business belonging to an AAS but in each case the premise had been compliant on revisit.
- 3.1.10 The Service was aware of the guidance published by the Association of Trading Standards Officers (ACTSO) and the National Agriculture Panel on implementing earned recognition.

Promotion of the importance of feed hygiene

- 3.1.11 The Service had implemented a number of promotional activities to raise the awareness of the importance of feed safety, earned recognition and to provide practical help and disseminate information. These included an agriculture section for the Service's website, which included the facility for FeBOs to look up their own registration number, Farming Standards Guidance Leaflets, Trading Standards stands at the Devon County Show and Bath and West Show, talks to the Smallholders Group and Bicton College agricultural students and the use of Facebook and Twitter for product recalls. Additionally the Service had relaunched the Trading Standards Farming Partnership.

3.2 Competence of Officers

- 3.2.1 The Service had an appropriate scheme of delegation in place for feed enforcement. The Head of Trading Standards was delegated to authorise officers advised by the TSCConnect Manager who was responsible for the maintenance of officer CPD records. There was no documented procedure in place for the authorisation of officers and auditors were informed that officers had received authorisation for all areas of feed legislation irrespective of their levels of feed law enforcement, although in practice, officers only carried out duties appropriate to their individual qualifications and competencies. Auditors were informed that a review was in progress and that proposals had been put forward to update and improve the system of officer authorisation, including the implementation of an authorisation matrix. Document checks showed that the list of feed law legislation for authorised officers would benefit from a review to ensure that it was up to date.

Recommendation 2 – Authorisation of officers

[The Standard, paragraph 5.1 and 5.3]

[Feed Law Code of Practice, Chapter 3.2]

Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Feed Law Code of Practice and any centrally issued guidance

Define the extent and limitations of officers' powers in relation to their feed duties on authorisations, ensuring that the level of authorisation and duties of officers is consistent with their qualifications, training, experience and the Code of Practice.

- 3.2.2 Training needs were identified at annual staff appraisals, including those specific to feed law enforcement. It was clear from discussions with staff that the Service was committed to ensuring staff were well trained and competent to carry out feed law enforcement duties. The Service was in the process of developing a more formal method of linking staff competency requirements to the identification of training needs, including the implementation of a training and competency matrix.
- 3.2.3 The training records and authorisations of five feed officers were checked by auditors, including those of the Lead Feed Officer. File checks also showed that officers had been sufficiently and appropriately trained for feed law enforcement in accordance with their level of authorisation. All officers had received 10 hours annual CPD based on the principles of continuous professional development, received HACCP training where appropriate, and general enforcement training. Officer qualifications and training records had been maintained by the Authority and were easily retrievable. The Lead Officer for feed had recently attended a BTSF course to ensure their competency levels were maintained for their role within the Service as well as their duties as a member of the National Agricultural Panel and Chair of the Regional Feed Group.
- 3.2.4 It was observed that officers were registered and engaged on the Agriculture Community Knowledge Hub forum.

3.3 Implementation and effectiveness of feed control activities

Inspection

- 3.3.1 The Service had developed and implemented a documented feed premises inspection procedure.
- 3.3.2 Auditors discussed how the Service, in drawing up the annual intervention programme, and the population of the desktop model, decided upon the most appropriate interventions at feed businesses. We were informed that the Lead Officer compiled a list of premises that were due and separated them into assured and non-assured premises. From this list a number were selected that had never been visited. The rest were selected on the basis of those that were deemed to present the highest risk. In the selection of premises the Lead Officer was careful to ensure that all categories of feed premise were considered.
- 3.3.3 File checks on a selection of feed establishment interventions showed that inspections had been conducted by appropriately authorised staff and it was clear that effective assessments of the compliance of premises and systems, including HACCP based systems, to legally prescribed standards had been carried out. In addition, auditors noted good examples of traceability exercises carried out on inspection. Interventions had been carried out at the frequencies specified by the FELCP and Practice Guidance and in accordance with the principles of earned recognition. In all cases checked feed premises had been effectively and consistently risk rated and registration activity codes had been correctly determined.
- 3.3.4 The Service had utilised model template inspection forms developed by the FSA for carrying out inspections to capture inspection findings and to help officers demonstrate that businesses were being inspected against all relevant legislation. File checks showed that the contemporaneous observations of officers had been recorded in detail and records had been maintained and were easily retrievable.
- 3.3.5 During file checks on approved premises auditors noted that there was no approval documentation available on the electronic approved premises files. This was due to the length of time since the initial approval documents had been issued and the Authority's policy on timescales for data retention. Auditors discussed the benefit of maintaining paper files for the few approved premises within the area to ensure that the Approval documents were retained.
- 3.3.6 The Service reported that there was limited contact with the Veterinary Medicines Directorate (VMD) and that liaison arrangements were under review. Under the present Memorandum of Understanding with the VMD

separate visits were being carried out at feed premises regulated by both organisations.

Recommendation 3 – Approved Premises Files

[The Standard, paragraph 16.1]

[Feed Law Practice Guidance, para 2.6.9]

Maintain up to date accurate records in retrievable form, including the approval documentation for all approved feed establishments.

Sampling

- 3.3.7 The Service had developed and implemented appropriate sampling procedures including the adoption of specialist sampling protocols for the procurement of samples at Teignmouth Quay.
- 3.3.8 The Service had developed a documented feed sampling programme co-ordinated regionally, agreed with NTS, and compiled with due consideration to NEPs. The sampling programme also included additional samples funded from the Service's own budget. The sampling programme had specifically taken into account the FSA's priority for the inclusion of a number of appropriate carry over samples for coccidiostats.
- 3.3.9 The records of five unsatisfactory sample results were checked. All the samples taken had been recorded and documented with analytical results retained on file. In all but one case, follow up action had been taken to address the concerns found, including detailed contact and advice to businesses and Primary Authority contact where appropriate.
- 3.3.10 Samples were recorded on UKFSS and on the Authority's feed database.

Alternative enforcement

- 3.3.11 The Service had developed and implemented a strategy for Tier 1 alternative enforcement in accordance with the FELCP which entailed the use of a questionnaire sent by post to the FeBO. The questionnaire required the FeBO to answer a series of questions designed to establish if there had been any changes to business operations that would impact on registration activity codes, risk ratings or trigger a higher level intervention.
- 3.3.12 The Service had been instrumental in the development and implementation of the SWERCOTS AES Toolkit Guidance and had taken part in the pilot.

Enforcement

- 3.3.13 The Authority had developed and implemented an Enforcement Policy and had procedures in place for the issuing and administration of formal enforcement notices under the relevant feed legislation.
- 3.3.14 No feed law enforcement activities had been carried out within the previous two years.

Imports and 3rd Country Representatives

- 3.3.15 The Service was aware of the requirements surrounding imports and 3rd Country Representatives. The Service had 3 businesses in the area that acted as 3rd Country Representatives and generally only imported in small quantities. None of the feed materials imported by these businesses were subject to specific control measures under EU legislation.
- 3.3.16 Checks had been carried out at Teignmouth Quay on transshipments of feed from the Port of Rotterdam and monitoring and liaison arrangements with Associated British Ports were in place to ensure feed landed at the port were subject to regular and appropriate official controls, including documentary, identity and physical checks.

Verification Visit to a feed establishment

- 3.3.17 A reality visit was carried out at a local brewery that supplied its spent grain as feed to a local farmer with the officer that had carried out the last visit. It was clear from the visit that the officer had a good working relationship with the business, was familiar with the processes involved and had a good knowledge of the relevant legislation.

3.4 Maintenance and management of appropriate feed premises database and records

- 3.4.1 The Service had not developed a specific procedure to ensure the accuracy and completeness of the feed premises database. However, a number of database instructions had been woven into the general procedures to assist officers with data entry.
- 3.4.2 Periodically validation reports were run to target specific errors such as duplicate premises and historically a re-coding of premises had also helped to identify duplicate premises and premises no longer active, facilitating extensive data cleansing. Other methods for keeping the database accurate included regular comparison with the Red Tractor and

AIC updates and websites and occasional comparison with the Animal Livestock Movement System when resources permitted.

- 3.4.3 Access to the database was managed by appropriate log-in requirements and user privileges. Personnel restrictions were imposed in respect of changing premises details. The database server was backed up on a daily basis.

3.5 Arrangements for the Lead Officer role for feed

- 3.5.1 Lead officer arrangements were discussed in detail in terms of the responsibilities of the role for:

- feed programme bidding,
- internal reporting,
- ensuring staff training and competency,
- liaison with other feed leads in the regions,
- consistency, and
- the dissemination of information to staff.

- 3.5.2 The knowledge of the Lead feed officer of the requirements of the New Feed Delivery Model was good and auditors identified no areas for improvement in respect of liaison, the assessment of training needs and the planning and delivery of training, with the Service able to demonstrate compliance in these areas.

- 3.5.3 The Lead Feed Officer had prompt and effective liaison arrangements in place with the Regional Feed Coordinator, FSA, APHA, VMD, UKBA and her own feed officers. In addition the Lead Officer was the regional representative on the National Agriculture Panel and the Sub-Group for Earned Recognition. New guidance and NAP updates were reportedly e-mailed directly to feed officers by the Lead Officer and followed up verbally where important.

- 3.5.4 The Service provided a flowchart showing the various levels of monitoring activity. The Lead Officer was responsible for the monitoring of officer CPD and the qualitative aspects of the Service and Project Managers monitor progress against the annual Task Projects on a monthly basis. The TSMG receives monthly performance reports on annual targets, while the JSRP also considers monthly progress reports.

- 3.5.5 The Service did not have a standalone documented procedure for the monitoring of feed law enforcement. However, a number of the general procedures specified monitoring activities and we discussed extending these to include all the monitoring activities carried out in practice.

- 3.5.6 Qualitative monitoring activities being carried out included aide memoire and database checks, monthly 1 to 1 meetings, regular team meetings and accompanied inspections for officers, most of which was formally recorded.
- 3.5.7 In addition quantitative aspects of the Service, including the delivery of the desktop model in relation to interventions and sampling were monitored regularly via delivery of the quarterly return to the FSA and through the aforesaid monthly reports to the TSMG and JSRP.
- 3.5.8 The Lead Officer ensured consistency in the delivery of official controls through the monitoring regime. In addition the Lead Officer recently delivered a presentation called Safety and Integrity of Feed Chain which focussed on delivery of the annual tasks and highlighted areas where consistency could be improved.
- 3.5.9 During Lead Officer absence the Service had nominated deputies in place to ensure monitoring was carried out.
- 3.5.10 The Lead Officer was observed to be actively engaged in the relevant Knowledge Hub Groups and is a Member of the National Agriculture Panel and the Sub-Group for Earned Recognition. In addition the Lead Officer maintains links with the National Animal Feeds Port Panel and various other relevant agencies.

Recommendation 4 – Internal monitoring

[The Standard, paragraph 19.1 & 19.2]

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

Extend the documented internal monitoring procedures for the feed service to cover all aspects of the monitoring carried out to verify its conformance with the Standard, relevant legislation, Code of Practice, New Feed Delivery Model and other centrally issued guidance. Records of internal monitoring should be maintained.

3.6 Arrangements for the Regional Lead role for feed

- 3.6.1 The Lead Officer for the Service is also the Joint Regional Feed Lead for the SWERCOTS area and as such had a regional co-ordinating role for funding submissions and reporting to NTS, and supporting and promoting competent and consistent delivery of feed law activities. Regional Feed Lead duties are divided between inland and import enforcement, with the Lead Officer for Devon and Somerset taking the inland role.

Arrangements were discussed in detail in terms of the responsibilities of the role for:

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

- 3.6.2 We discussed with the Regional Feed Lead how effective communications are established with the various Lead Officers in the region on a day to day basis to ensure the collation of the regional funding bid within the agreed timescales, working with Lead Officers to achieve consistency and minimise discrepancies in funding submissions, collating and submitting quarterly reports and any other reports requested by NTS and/NAP and encouraging the timely submission of results for NTS co-ordinated projects.
- 3.6.3 In addition the Regional Feed Lead was jointly responsible co-ordinating the SWERCOTS regional group meetings and ensuring certain items on the agenda are fixed to ensure specific information is disseminated to the attendees e.g. feedback from NAP meetings. Regional Meetings are also the main forum for the dissemination of best practice examples and these are often posted on the Knowledge Hub also.
- 3.6.4 The Regional Feed Lead had been particularly active in the initiation, development and trialling of a new competency dashboard to be hosted by the SWERCOTS website. This is an innovation where officers across the region will be able to register and record and monitor their ongoing levels of CPD. This will enable Lead Officers to identify where qualified and competent officers are located and direct capacity across the region.

3.7 Accuracy and delivery of official feed reports to the Agency

- 3.7.1 The Service did not have any specific documented procedures for assessing the accuracy of official feed reports to the Agency and generally followed official guidance for the submission of returns. In practice NTS annual and quarterly desktop model returns were checked manually to ensure data was correctly entered.
- 3.7.2 The NTS annual desktop exercise and NTS quarterly monitoring return was accurate. Checks on the UKFSS return prior to the audit showed that this had also been filed accurately.
- 3.7.3 There were no technical issues with the uploading and submission of the returns reported during the audit. However, the Regional Feed Lead

observed that in the Nov-Jan period, at the end of quarter 3 and the beginning of quarter 4, returns became difficult to co-ordinate across all local authorities and there should be a greater awareness at the FSA of the pressures of these deadlines in this time period.

Auditors: **Robert Hutchinson**
 Jamie Tomlinson

Food Standards Agency
Regulatory Delivery Division

ANNEX A - Action Plan for Devon and Somerset Trading Standards Service

Audit date: 26-28th July 2016

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>Recommendation 1 - Service planning [The Standard 3.1 & 3.2] [The National Feed Enforcement Priorities 2016/17] [The Feed Law Code of Practice 5.1]</p> <p>Further develop the service delivery plan in accordance with Service Planning Guidance in Chapter 1 of the Framework Agreement to include:</p> <ul style="list-style-type: none"> •greater detail in regard to the demands placed on the Service; and •a comparison of the numbers FTE needed to deliver the programme against those available to the Service. 	30/4/17	<p>“The provision of enhanced information with regards to demands on Service and the provision of FTE needed to deliver program against that which is available will be considered in the Feed Service Plan for 2017/18”.</p>	<p>No action taken yet as service planning for 2017/18 does not start until November 2016. The Feed Service Plan will not be finished until the Desktop exercise and funding for Feed Delivery is completed and confirmed in early 2017.</p>
<p>Recommendation 2 – Authorisation of officers [The Standard, paragraph 5.1 and 5.3] [Feed Law Code of Practice, Chapter 3.2]</p> <p>Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Feed Law Code of Practice and any centrally issued guidance</p> <p>Define the extent and limitations of officers’ powers in relation to their feed duties on authorisations, ensuring that the level of authorisation and duties of officers is consistent with their qualifications, training, experience and the Code of Practice.</p>	30/4/17	<p>The paperwork and methods of documenting this procedure are currently being trialled and a report going to TSMG on 13/10/16. Subject to approval we will:</p> <ul style="list-style-type: none"> • roll it out Service wide towards the end of Q3. • aim to have the process completed by end Q4 with officers authorisations re-issued in the new format for beginning of 2017/18 	<p>There has been ongoing review of authorisations with assessment of competency for all officers in the Service. We have created a competency assessment and training needs form and produced spreadsheets to show an overview of the service including an authorisation matrix.</p>

<p>Recommendation 3 – Approved Premises Files [The Standard, paragraph 16.1] [Feed Law Practice Guidance, para 2.6.9]</p> <p>Maintain up to date accurate records in retrievable form for all approved feed establishments.</p>	<p>31/3/17</p>	<p>Create paper-based files for approved premises.</p> <p>Apply for exception from information governance to enable us to keep records for approved premises for longer than 6 years.</p>	
<p>Recommendation 4 – Internal monitoring [The Standard, paragraph 19.1 & 19.2] [See also paragraph 3.1.12, 3.1.13, 3.1.14 & 3.3.3 of this report]</p> <p>Extend the documented internal monitoring procedures for the feed service to cover all aspects of the monitoring carried out to verify its conformance with the Standard, relevant legislation, Code of Practice, New Feed Delivery Model and other centrally issued guidance. Records of internal monitoring should be maintained.</p>	<p>30/4/17</p>	<p>Review the current internal monitoring procedures to ensure all aspects are included. This will include an overview chart for ease of reference.</p>	<p>Work on recommendation 2 has included adding further internal monitoring requirements which will be included in the overview chart.</p>

ANNEX B - Audit Approach/Methodology

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

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

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

ANNEX C – Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Authorised officer	A suitably qualified and competent officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of food and feed law.
Feed Law Code of Practice	Government Code of Practice issued under regulation 6 of the Official Feed and Food Controls Regulations 2009 as guidance to local authorities on the execution and enforcement of feed law.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards, food hygiene at the level of primary production and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed not of animal origin. Products that do not fall under the requirements of the veterinary control regime.
The DG Health and Food Safety - Audit and Analysis	Part of the European Commission, formerly known as the Food and Veterinary Office (FVO).
Feed Law Enforcement	Government Code of Practice issued under the

Code of Practice	Official Feed and Food Control Regulations 2009.
Feeding stuffs	Term used in legislation meaning feed, including additives and pet food, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.
Food/feed hygiene	The legal requirements covering the measures and conditions necessary to control hazards to ensure fitness for human consumption of a foodstuff/animal consumption of a feed, taking into account its intended use.
Food/Feed standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • 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 to the Agency on their feed enforcement activities .e. numbers of inspections, samples, prosecutions and notices.</p> <p>Under the Audit Scheme the Food Standards Agency conduct audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed

enforcement.

HACCP	Hazard Analysis and Critical Control Point – a feed safety management system used within feed businesses to identify points in the production process where it is critical for food/feed safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food and feed safety/ standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food/feed related policies and procedures.
Informal samples	Samples that have not been taken in the prescribed manner laid down in Regulation EC. No 152/2009 laying down the methods of sampling and analysis for the official control of feed.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
New Feed Delivery Model (NFDM)	NFDM is a multi-faceted solution to improve the effectiveness of official feed controls, delivered in partnership with key stakeholders, ensuring timely, appropriate, proportionate and consistent delivery of controls to secure compliance with feed law.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food and feed control.
Primary Authority	An authority that has formed a formal partnership with a business in accordance with the Regulatory Enforcement and Sanctions Act 2008.

Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Risk rating	A system that rates food/feed premises according to risk and determines how frequently those premises should be inspected.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food/feed Service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards, food hygiene at the level of primary production and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards, food hygiene at the level of primary production and feeding stuffs legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene (including at the level of primary production), food standards and feeding stuffs enforcement.