

Report on the Audit of Local Authority Inland Imported Food Controls Arrangements

London Borough of Haringey
12-13 October 2010



Foreword

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

The attached audit report examines the Local Authority's Food Law Enforcement Service. The audit scope includes the assessment of local arrangements in place for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, and implementation and effectiveness of imported food (including inspection, sampling and enforcement). Maintenance and management of appropriate records in relation to imported food activities and food businesses that handle imported food, as well as internal service monitoring arrangements, will also be examined.

This programme of focused audits has been specifically developed to address one of the main priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that imported food is safe to eat and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at ports and local authority monitoring of imports throughout the food chain.

The audits examined Port Health Authority (PHA) and Local Authority (LA) systems and procedures for control of imported food and where relevant imported feed, at ports of entry (sea and air) and at inland authorities, in 15 geographically representative PHAs and LAs in England. The audits of PHAs were confined to food not of animal origin (FNAO), where relevant imported feed. However the audits of inland authorities covered products of animal origin (POAO) and FNAO. As part of the programme, other LAs with ports are also being contacted to establish whether liaison with ports and appropriate checks on imports are being undertaken.

Agency audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) and is available on the Agency's website at:

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

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

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that 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 provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

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

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1. Introduction

- 1.1 This report records the results of an audit at the London Borough of Haringey with regard to food law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the Authority's arrangements for imported food controls. The audit was undertaken as part of the Agency's focused audit programme on imported food and, where appropriate, feed controls. The report has been made publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring. Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of the London Borough of Haringey was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.3 The London Borough of Haringey was included in the Food Standards Agency's programme of audits of local authority food and feed law enforcement services, because the Authority is home to a diverse community and therefore is likely to be an area where many local food businesses handle imported food. In addition the Authority was selected to be representative of a geographical mix of 15 PHAs and LAs selected across England.

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)

Scope of the Audit

- 1.4 The audit examined the London Borough of Haringey's arrangements for imported food controls in respect of both imported food not of animal origin (FNAO) and products of animal origin (POAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, implementation and effectiveness of imported food control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to imported food activities and food businesses that handle imported food, as well as internal service monitoring arrangements, were also examined.
- 1.6 The on-site element of the audit took place at the Authority's office at 272 Lee Valley Technopark, Ashley Road, London on 12-13 October 2010. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers to verify compliance with imported food law requirements.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in imported food law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy. A set of structured questions were used as the basis for discussions which sought views and information on areas related to imported food controls such as:
 - service planning and the strategic framework of controls
 - training and support
 - criteria used to determine the level of checks
 - issues affecting the imported food control programme
 - sampling, surveillance and enforcement approaches.
- 1.8 The information gained during interviews will be incorporated into a summary report on the imported food and feed inspection and control activities audit programme.

Background

- 1.9 Haringey is one of 32 London Boroughs and is located in the north of the capital, covering an area of 11.5 square miles. The Authority, which borders six other London Boroughs, is home to over 225,000 people, over half of which come from ethnic minority backgrounds. It is estimated that about 193 languages are spoken within this diverse community. In the Borough there are five principal population centres, namely:

Tottenham; Green Lanes; Wood Green; Muswell Hill; Hornsey and Highgate.

- 1.10 There are approximately 8,000 businesses in Haringey, the majority of which are small, employing less than 24 people, with a relatively high concentration of businesses involving food and drink. Although there are several meat processing premises manufacturing kebabs or operating cutting establishments, the vast majority of food businesses in the Authority's area comprise small catering outlets, local and regional retailers and larger wholesale premises.
- 1.11 In the 2010/2011 Service Plan for Food Safety Enforcement, the Authority confirmed that there were 1,808 registered food premises within the Borough, including 19 food importers/exporters. The majority of businesses were, however, in the catering sector. There were 68 food manufacturers/packers in the Authority's area with 15 establishments requiring approval under Regulation (EC) No. 853/2004, although current approvals had been highlighted for review.
- 1.12 There were 594 food retailers in the Borough and the Service Plan predicted that, *'as the population diversifies and the number of retail food businesses increase, the amount of imported food coming into the Borough is likely to also increase.'*
- 1.13 The food safety function, encompassing both food hygiene and food standards was delivered by officers within the Commercial Environmental Health Team, who were also responsible for health and safety, pollution control, contaminated land and animal welfare. Although the Team Leader carried out the day to day management of the team and was responsible for the yearly planning of the Service, the Lead Officer for Food Safety provided the specialist support for delivering the food safety function.
- 1.14 The profile of the Borough's food businesses, as shown in the 2010/2011 Service Plan was as follows:

Type of Food Premises	Number
Manufacturers/Packers	68
Importers/Exporters	19
Distributors	28
Retailers	594
Restaurants/Caterers	1,098
Total Number of Food Premises	1,807

2. Executive Summary

- 2.1 The Authority had developed a comprehensive and detailed Service Plan for Food Safety Enforcement which was in line with the Service Planning Guidance in the Framework Agreement. The Plan made numerous appropriate references to the Authority's imported food control arrangements.
- 2.2 A documented procedure for the authorisation of officers had been developed and implemented. Audit checks also confirmed that officers were appropriately authorised for current legislation and had recently undertaken relevant training in relation to imported food control.
- 2.3 It was evident from audit record checks that imported food control is considered by the Authority to be an integral part of the food service. Officers carried out investigations and took proportionate action where illegal imports or high risk third country imports were identified. The Service had recognised, however, that records relating to previous inspections and other interventions were not sufficiently detailed to give a clear picture of the size, nature and scope of the business or the level of inspection and assessment that was carried out. A new comprehensive aide-memoire had therefore been recently implemented to address the absence of essential information relating to food businesses and to ensure that detailed records were made of each intervention.
- 2.4 Audit checks confirmed that appropriate follow-up action, including formal enforcement, was generally taken in relation to illegal food imports or high risk imported foods where food safety issues had been identified. However, it was difficult to ascertain whether due legal process had been followed in every case, due to the lack of cohesive records on individual cases to confirm that seized or surrendered food had been appropriately destroyed. The audit highlighted that, in the absence of paper records, it is essential that all relevant documents are consistently scanned and electronically linked to premises records to enable retrieval.
- 2.5 The Authority did not have a documented procedure for monitoring the accuracy of their food premises database. The current ad hoc systems which were in place to identify food businesses that may not be on the database needed to be further developed and documented. Audit checks confirmed that a significant number of higher risk premises were overdue for food hygiene interventions. This could result in some businesses increasing the risk of their food operations in relation to imported foods or changing ownership without the Authority being made aware of their changing circumstances.

- 2.6 It was clear that the Service was proactive in providing advice to food businesses on imported food controls. This included information leaflets, letters, a targeted area project and talks at business seminars and local events.
- 2.7 It was evident that referrals relating to imported foods were investigated. However, it was not always clear from available records that appropriate and adequate follow-up action was taken. Audit checks confirmed, however, that food alerts requiring action were effectively followed up with appropriate records maintained.
- 2.8 The Service's food sampling policy and sampling programme took account of the diverse nature of imported foods sold in the Authority's area. However, from available records, it was not always clear that appropriate follow-up action had been taken following unsatisfactory sampling results.
- 2.9 The Authority's existing internal monitoring procedure required further development and implementation to include all areas of imported food enforcement activity. There was little evidence of regular qualitative monitoring being undertaken apart from a structured process for authorised managers to agree formal enforcement decisions. Robust and effective internal monitoring would ensure that improved record keeping is sustained and would promote consistency among officers.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a documented Service Plan for Food Safety Enforcement 2010/2011, which was approved in April 2010 by the Head of Enforcement and reflected the Service Planning Guidance in the Framework Agreement. The Plan had been produced in consultation with the Service Manager for Commercial Services and was aimed at contributing to the Council's Key Service Objectives as published in the Urban Environment Directorate Business Plan 2009-2012.
- 3.1.2 The Food Service Plan set out the Service's values, aims and objectives, which included an objective *'to tackle illegal importation of foods into the Borough and to monitor the composition and labelling of imported foods through sampling.'* The scope of the food service as outlined in the Plan also highlighted imported food controls and the Service also recognised that *'as the population diversifies and the number of retail food businesses increase, the amount of imported food coming into the Borough is likely to also increase.'*
- 3.1.3 The Service Plan also contained other appropriate references to imported food controls in relation to targeted sampling, providing relevant advice to businesses and area based initiatives *'to provide a platform for effective enforcement.'* It was therefore evident that the Authority considered imported food control to be an integral part of the day to day food law enforcement service.
- 3.1.4 In addition to the monthly scrutiny by Senior Management and the Director of Frontline Services of the performance indicators contained in the Service Plan, a full documented review of the Plan was undertaken annually. This included the identification of any variances in service delivery and consequent areas for improvement in the following year.
- 3.1.5 The Service Plan confirmed that there was a total staffing allocation of 5.42 Full Time Equivalent (FTE) Environmental Health Officers (EHOs) for food safety work including the management and strategic functions relating to service delivery. The Plan also contained a detailed analysis of staffing resourcing requirements to deliver all aspects of the food safety function. This concluded that there was a *'minimum deficit of 1.1 FTE officers, excluding any unplanned and unquantifiable work.'* However, the Plan confirmed that *'there is no opportunity for further staffing resources. We will continue to prioritise, work smarter and focus our work in the highest risk areas to achieve our objectives.'*

Documented Policies and Procedures

- 3.1.6 The Authority had developed a range of relevant policies and procedures, which were part of their accredited ISO 9001-2008 documented quality management system. Documents were held electronically on a shared drive and the maintenance of the quality manual was the responsibility of the Lead Officer for Food Safety. The Quality Manual was subject to external audit approximately twice a year.
- 3.1.7 Some of the procedures, relevant to the imported food control, required updating, review and further development in order to provide accurate and comprehensive operational guidance to officers and to facilitate effective qualitative internal monitoring.

Recommendation

3.1.8 The Authority should:

Ensure that all documented policies and procedures, including those relevant to imported food control activities, are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance. [The Standard – 4.1]

Authorised Officers

- 3.1.9 The Authority had developed and implemented a documented work instruction on the authorisation of officers. This set out a clearly defined process by which officers were authorised based on their individual qualifications, experience and competency. The power to authorise officers was delegated down, through the Council's Scheme of Delegation, to the Head of Enforcement and then to the Commercial Services Manager and the Team Leader.
- 3.1.10 Audit checks confirmed that officers were appropriately authorised for current legislation relevant to imported food control, in line with their qualifications, experience and competency and that they were acting within their individual conferred levels of authorisation. The officer with lead responsibilities for food hygiene, food standards and imported food had the necessary specialist knowledge and experience to fulfil their role.
- 3.1.11 The Authority provided an out of hours duty rota manned by service managers who were EHOs. If a food related matter arose when an officer without the appropriate authorisation or competency was on

duty, auditors were advised that they would call one of the food officers to take the necessary enforcement action.

- 3.1.12 Officer's individual training and development needs were identified as part of the annual performance review process and when there were changes to legal requirements and centrally issued guidance. Audit checks confirmed that, in general, officers had achieved the minimum of 10 hours relevant training based on the principles of continuing professional development. Officers had attended relevant training on imported food controls and the specific officers interviewed during the audit were able to demonstrate an adequate knowledge of imported food legislation.

Food Premises Database

- 3.1.13 The Authority did not have a documented procedure for monitoring the accuracy of the database and audit checks identified some potential food importers that did not appear to be on the database. Auditors were advised that premises information was obtained through liaison arrangements with other Council departments, although this had not been documented. Information sources included:

- information captured by street enforcement wardens as part of a Business Property Cleansing programme
- planning applications
- property services information on premises leased from the Borough
- data received from the commercial ratepayers team.

Recommendation

3.1.14 The Authority should:

Set up, maintain and implement a documented procedure to ensure that its food premises database is accurate, reliable and up to date. [The Standard –11.2]

- 3.1.15 The Service confirmed that there were no Enhanced Remote Transit Sheds (ERTS) located in the Authority's area.

- 3.1.16 The Authority had in place a computer software system capable of providing accurate food law enforcement monitoring data to the Agency. The Service had not included third country imported food sampling results and enforcement actions on the imported food section of the Local Authority Enforcement Monitoring System (LAEMS) return for

2009/2010. However, the Authority had recognised the need to submit appropriate data on imported food activity and the auditors were advised that this information would be provided in the 2010/2011 official monitoring returns to the Agency.

Liaison with Other Organisations

- 3.1.17 The Authority had effective liaison arrangements with other London Boroughs through the Food Safety and Standards North West Sector Food Group and the London Approvals Group. Auditors were advised that imported food controls including sampling were regularly discussed at Food Group meetings.

3.2 Imported Food Control Activities

Food Premises Inspections

- 3.2.1 The Authority's Service Plan for Food Safety Enforcement 2010/2011 provided the following details of the Authority's food hygiene intervention programme. The Plan also stated that officers review the past inspection history, prior to visiting, to determine whether a food standards inspection was also due, or would become due before the next programmed hygiene visit.

Premises Risk Category	Number of Food Premises Inspections
A	12
B	136
C	549
D	36
Unrated	120
TOTAL	853

The Service also planned to send out 109 premises questionnaires as part of the Alternative Enforcement Strategy for Risk Category E premises.

- 3.2.2 A database report produced during the audit confirmed that a significant number of higher risk premises were overdue for intervention, namely 1 risk category A, 22 risk category B and 100 risk category C premises. For all risk category premises, delayed interventions could result in some businesses increasing the risk of their food operations in relation to imported foods or changing ownership, without the Authority being made aware of their altered circumstances.

Recommendation

- 3.2.3 The Authority should:

Ensure that food hygiene interventions/inspections of higher risk premises in their area are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the relevant legislation, Food Law Code of Practice and other centrally issued guidance.
[The Standard – 7.1]

- 3.2.4 It was evident from audit checks and the Food Service Plan that the Authority was implementing a risk based intervention programme and

that imported food control was an integral part of inspections and interventions. The documented work instruction on food safety interventions guided officers to look for imported food records at food premises, including Common Veterinary Entry Documents (CVED) and Common Entry Documents (CED). The procedure also instructed officers to identify whether products were illegal imports and to take appropriate follow-up action, including enforcement action, where required.

- 3.2.5 Food premises inspections had been historically recorded on a brief inspection report form which did not prompt officers to record sufficient detail regarding their visit to the business. The records relating to previous inspections and other interventions, therefore, were not adequately detailed to give a clear picture of the size, nature and scope of the business. It was also not always clear what level of inspection and assessment had been carried out. However, the Service had recognised this issue as part of their Food Safety Improvement Action Plan 2010/2011, developed and agreed by the senior management team as part of their quarterly Enforcement Service Management Team Meetings. Consequently, a new comprehensive inspection aide-memoire had been implemented on 1 July 2010 for every food premises inspection completed after that date. This document prompted officers to seek relevant information regarding suspected illegal POAO and FNAO third country imports and to ask for relevant documentation from the Food Business Operator (FBO).
- 3.2.6 The consistent implementation of this aide-memoire should resolve the absence of essential information relating to food businesses and ensure that detailed records are made of each premises intervention. The Food Safety Improvement Action Plan 2010/2011 also included a planned improvement to expand the Alternative Enforcement Strategy questionnaire to include questions about imported foods.

Recommendation

3.2.7 The Authority should:

- (i) Assess the compliance of establishments and systems to legally prescribed standards. [The Standard – 7.3]
- (ii) Fully implement the aide-memoire for inspections of all food establishments in its area, to prompt officers to consistently record inspection findings in relation to their assessment of business compliance with legal requirements. Ensure that the records of inspections and key details of business operations are maintained in such a way that they are retrievable and provide complete records of business compliance histories. [The Standard – 7.5]

Verification visit to a Food Premises

3.2.8 During the audit a verification visit was carried out at a local food importer with an officer from the Authority, who had carried out the last food hygiene inspection. The purpose of the visit was to determine the effectiveness of the Authority's assessment and application of imported food controls in relation to third country imports.

3.2.9 During the visit, it was evident that the Service maintained a good working relationship with the FBO, who had clearly taken corrective actions highlighted during previous inspections on the majority of issues identified, despite the Service not undertaking revisits to verify compliance. The visit highlighted ongoing issues with pests, resulting in hygiene problems throughout the food storage area. The FBO retained comprehensive documentation on the importation of high risk FNAO, however, even though the business was the first inland destination, CEDs were not routinely held at the premises. These documents should accompany the food to the first inland destination and be retained by that business for one year. Auditors noted that the new inspection aide-memoire included a prompt for officers to check for the presence of CEDs and CVEDs where appropriate.

Food Inspection and Sampling

3.2.10 In the Food Service Plan, the Authority confirmed that the sampling activities of the Service would '*continue to concentrate on imported foods, working with and seeking the assistance from Port Health*

Authorities. The Service also had a documented food sampling policy which included in its priorities:

- *'A continuing emphasis on foods imported from third countries*
- *The number of producers and importers of food and in particular high risk foods within the Borough.'*

3.2.11 The sampling programme for 2009/2010 took account of the diverse nature of imported foods sold in the Authority's area. The Service also participated in the North West Sector Food Group sampling programme which included imported food sampling, partly funded by an Agency imported food grant.

3.2.12 The Service had produced comprehensive, practical documented guidance to officers on both sampling for analysis and examination. Audit checks confirmed that the official laboratories used by the Authority for food sampling activities were properly accredited.

3.2.13 It was evident that the Authority carried out regular sampling of a wide variety of imported food products. Audit checks were carried out on nine sample records. All the samples had been taken by authorised officers and the results were recorded in every case. However, it was not always possible to determine from the database records the extent or adequacy of the follow-up action taken following the receipt of unsatisfactory sampling results.

Recommendation

3.2.14 The Authority should:

Take appropriate action in accordance with its enforcement policy and centrally issued guidance where food sample results are not considered to be satisfactory.
[The Standard – 12.7]

Good Practice – Sampling methods

The Authority's sampling work instructions which detailed the methodology for sampling specific products provided helpful guidance to officers on sampling.

Enforcement

- 3.2.15 The Authority had developed an Enforcement Services Directorate Enforcement Policy which was originally adopted by the Council in June 2002 and subsequently amended in April 2005. In addition, an Enforcement Strategy 2007-2010 for the Borough had been published which reinforced the Authority's commitment to use proportionate enforcement to help deliver its key objectives.
- 3.2.16 The Service, had developed formal enforcement procedures in the form of flow diagrams for all formal enforcement options relevant to imported food control including those for detention, seizure of suspect food, voluntary surrender and the service of notices. These were contained within the Enforcement Policy and in the documented procedure on Imported Food.
- 3.2.17 If formal enforcement action was considered by an officer, this had to be authorised by the Team Leader following the Service's documented procedure on Enforcement Action Decision Making and Offences Reporting. The aim of the process was to aid consistency of approach and to ensure that there was an audit trail of authorisation of all formal actions considered, whether or not they were instigated.
- 3.2.18 A number of formal enforcement records, taken in relation to imported food, were examined during the audit including:
- 4 voluntary surrenders
 - 2 detentions under the Food Safety Act 1990, section 9
 - 1 seizure under the Food Safety Act 1990, section 9
 - 1 detention under Products of Animal Origin (Third Country Imports) Regulations 2006-Regulation 8(2)
 - 3 illegal imports Notices under Products of Animal Origin (Third Country Imports) Regulations 2006 – Regulation 24.
- 3.2.19 It was evident that appropriate follow-up action, including formal enforcement was generally taken in relation to illegal food imports or high risk imported food where food safety issues had been identified, in accordance with the enforcement policy. However, it was difficult to ascertain whether due legal process had been followed in every case due to the lack of comprehensive records. In the majority of cases examined there were insufficient records to confirm whether seized or surrendered food had been satisfactorily destroyed in line with centrally issued guidance.

Recommendation

3.2.20 The Authority should:

Ensure that formal enforcement actions are carried out in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance.
[The Standard - 15.3]

Food Complaints, Referrals, Primary Authority Scheme and Home Authority Principle

- 3.2.21 The Authority's general risk based policy on food complaints was contained in the work instruction – Food Complaint Investigation Guidance Criteria. The Service had also developed a separate work instruction on the investigation of food complaints, which stated that the imported food procedures should be considered as part of any investigation of a food complaint.
- 3.2.22 Audit checks were carried out in relation to four complaints and referrals relating to imported food. In general, it was evident that these had been appropriately investigated. However, it was not always clear from available records that appropriate follow-up action had been completed.

Recommendation

3.2.23 The Authority should:

Take appropriate action on complaints and referrals received in accordance with its enforcement policy and centrally issued guidance. [The Standard – 12.7]

- 3.2.24 The Authority confirmed its commitment to the Primary Authority Scheme and Home Authority Principle in the Food Service Plan. Auditors were advised that, although there were no formal Primary Authority or Home Authority partnerships with local businesses, the Service acted in an informal advisory capacity with manufacturers in the Borough.

Food Safety Incidents

- 3.2.25 The Authority had developed a documented procedure for responding to and instigating food alerts. Audit checks confirmed that food alerts for

action had been effectively followed up with appropriate records maintained.

Advice to Business

- 3.2.26 The Authority was proactive in providing advice to food businesses on imported food requirements and controls. A variety of activities were undertaken, which included information leaflets and targeted letters, as well as presentations at business seminars and local events. Auditors were advised that imported food advice was also an integral part of day to day interventions at businesses.
- 3.2.27 An imported food project was undertaken in 2009, targeting an area of the Borough where several grocers were known to sell food imported from third countries. The aim of the project was to increase compliance by reducing the volume of illegally imported food sold in the Borough. Officers visited the relevant businesses, examined the food on sale and took appropriate follow-up action to address any non compliance. The businesses were also provided with advice and information on imported food controls and other food safety legislation.

Good Practice –Advice to business

The Authority was proactively involved in providing advice to business in a range of ways to help them comply with imported food legislation.

Records

- 3.2.28 Audit checks generally highlighted a lack of consistency in maintaining comprehensive retrievable records across all areas of imported food law enforcement activities. In the absence of paper records, audit checks revealed that relevant documents were not consistently scanned and effectively electronically linked to premises records to enable retrieval.

Recommendation

3.2.29 The Authority should:

Maintain up to date accurate records in retrievable form on all food establishments in its area and for all relevant checks on imported food, in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions and inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling and follow up action and details of any action taken in relation to complaints and referrals. [The Standard - 16.1]

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Authority had recently produced a food safety internal monitoring procedure which required further development and implementation to include all areas of imported food enforcement activity. Auditors were advised that recent regular qualitative internal monitoring activities had been limited to case discussions during one-to-one meetings with officers and the authorisation of formal enforcement. Audit discussions emphasised that robust and effective structured internal monitoring would ensure that the recently introduced enhanced record keeping would be sustained and promote consistency among officers. The Authority had identified the need to clarify and extend monitoring procedures and this formed part of the Food Safety Improvement Action Plan 2010-2011. This action plan was developed and agreed by the senior management team as part of their quarterly Enforcement Service Management Team Meetings.
- 3.3.2 Other relevant service review and monitoring arrangements undertaken by the Authority included:
- Officer performance reviews
 - External audit of the Quality Manual
 - Regular documented team meetings that included discussion of performance indicators, consistency issues and work planning, including imported food control
 - Monitoring of business performance indicators collected and reported on in the Authority's Food Service and Business Plans.
 - A variety of regular senior management team meetings to discuss performance, budgets and general service updates.

Recommendation

3.3.3 The Authority should:

- (i) Review and expand the documented internal monitoring procedure to include all aspects of the service, including imported food control activities. [The Standard - 19.1]
- (ii) Implement the revised procedure to verify the Service's conformance with the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own policies and procedures and maintain records of all internal monitoring undertaken. [The Standard - 19.2 and 19.3]

Third Party or Peer Review

3.3.4 Auditors were informed that there had been no recent peer review activities undertaken by the Service in relation to imported food law enforcement work.

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Food Standards Agency

Local Authority Audit and Liaison Division

Action Plan for London Borough of Haringey

Audit date: 12-13 October 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.8 Ensure that all documented policies and procedures, including those relevant to imported food control activities, are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance. [The Standard – 4.1]	30/06/11 30/06/11	Set up scheme to review documented policies and procedures at regular intervals and in response to changes in legislation and centrally issued guidance. All procedures are to be dated, authorised and provided with a scheduled review date. Implement a rolling programme of procedure reviews.	Developing itinerary of all food safety policies and procedures. Existing imported food procedure reviewed and amended.
3.1.14 Set up, maintain and implement a documented procedure to ensure that its food premises database is accurate, reliable and up to date. [The Standard –11.2]	30/06/11	Produce and implement a documented procedure to aid maintenance of an accurate, reliable and up to date database. Such a procedure will include periodic audits of food establishments and utilise intelligence obtained from external and internal agencies.	Liaised with other LA's to assist with developing a suitable procedure and best practice.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.7(i) Assess the compliance of establishments and systems to legally prescribed standards. [The Standard – 7.3]	Completed 30/06/11	Officers to receive relevant CPD refresher training on evaluation of FSMS. Implement revised internal monitoring to identify non conformance (see recommendation 3.3.3(i))	All officers recently attended FSA's Evaluation of FSMS course in line with Pennington requirements and to support the assessment of compliance of establishments. Monitoring of aide-memoire during 1 to 1s.
3.2.7(ii) Fully implement the aide-memoire for inspections of all food establishments in its area, to prompt officers to consistently record inspection findings in relation to their assessment of business compliance with legal requirements. Ensure that the records of inspections and key details of business operations are maintained in such a way that they are retrievable and provide complete records of business compliance histories. [The Standard – 7.5]	Completed 30/06/11	Review aide-memoire and inspection document. Review procedure for attaching aide-memoire to database premises record. Implement revised internal monitoring to identify non conformance.	Aide-memoire implemented on 01/07/10. Reviewed its use in November – amended form. Monitoring use via 1 to 1s.
3.2.14 Take appropriate action in accordance with its enforcement policy and centrally issued guidance where food sample results are not considered to be satisfactory. [The Standard – 12.7]	Completed 30/06/11	Brief officers on action following unsatisfactory sample. Implement revised internal monitoring to identify non conformance.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.20 Ensure that formal enforcement actions are carried out in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance. [The Standard 15.3]	Completed 31/01/11 30/06/11	Amend database action codes to include codes for disposal of food Review seizure/detention/voluntary surrender procedures to detail evidence of how food disposed of. Implement revised internal monitoring to identify non conformance.	Database action codes implemented October 2010. Officers briefed.
3.2.23 Take appropriate action on complaints and referrals received in accordance with its enforcement policy and centrally issued guidance. [The Standard – 12.7]	28/02/11 Completed 30/06/11	Review complaints procedure to include recording of information/action on database actions field. Officers to record all actions taken to investigate/conclude complaints and link relevant worksheets and documentation. Implement revised internal monitoring to identify non conformance.	Liaised with other LA's to assist with developing a suitable procedure and best practice. Officers briefed.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.29 Maintain up to date accurate records in retrievable form on all food establishments in its area and for all relevant checks on imported food, in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions and inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling and follow up action and details of any action taken in relation to complaints and referrals. [The Standard - 16.1]</p>	<p>30/06/11</p> <p>Completed</p> <p>30/06/11</p>	<p>Review service procedures to include instructions for recording of information.</p> <p>Brief/retrain officers on recording of information: Remind officers on use and importance of accurate record keeping through use of database fields on actions, activities, linking worksheets, scanning and attaching documents.</p> <p>Implement revised monitoring procedure to identify non conformance.</p>	<p>Monitoring checks during 1 to 1s.</p> <p>Ongoing discussions with team.</p>
<p>3.3.3(i) Review and expand the documented internal monitoring procedure to include all aspects of the service, including imported food control activities. [The Standard - 19.1]</p>	<p>30/06/11</p>	<p>Review and expand on existing procedure to include qualitative and quantitative monitoring of all food law enforcement activities. Specifically: inspections, verification visits, service requests, food complaints, sampling, prosecution, notices and infectious diseases.</p>	<p>Liaison with other LA's to assist in development of procedure.</p>
<p>3.3.3(ii) Implement the revised procedure to verify the Service's conformance with the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own policies and procedures and maintain records of all internal monitoring undertaken. [The Standard - 19.2 and 19.3]</p>	<p>30/06/11</p>	<p>Implement the revised procedures to verify conformance with standard.</p> <p>Maintain records of all internal monitoring.</p>	<p>Additional monitoring checks during 1 to 1s.</p>

Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Service Plan for Food Safety Enforcement 2011/2012
- Urban Environment Business Plan 2009-2012
- Quality system procedures relating to food law enforcement including imported food controls
- Advisory letters to businesses
- Enforcement Strategy 2007-2010
- Environmental Services Enforcement Policy
- Enforcement Action Decision-Making and Offences Procedure and Guidance Notes.

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

- The Authority's authorisation training and qualification records
- General food premises inspection records
- Food and sampling records
- Formal enforcement records
- Internal monitoring records
- Database reports
- Information reports on imported food project work and advice to business

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Lead Officer for Food Safety
- Team Leader
- Senior Environmental Health Officer
- Tactical Enforcement Officer

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

(4) On-site verification check:

A verification visit was made with the Authority's officers to a local food importer. The purpose of the visit was to determine the effectiveness of the Authority's assessment and application of imported food controls in relation to third country imports.

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.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs	Common Entry Documents which must accompany certain food products to first destination inland.
CVEDs	Common Veterinary Entry Documents which must accompany 3 rd country imported POAO to first destination inland
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.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
ERTS	Enhanced remote transit shed. An HM Revenue and Customs designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
FNAO	Food not of animal origin. Non animal food products that fall under the requirements of imported food control regime.

Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
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.
Formal samples	Samples taken in accordance with the requirements of the Food Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Service Planning Guidance • Food and Feed Law Enforcement Standard • 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 annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
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 safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed 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.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
Primary Authority	An authority that has formed a partnership with a business.
Port Health Authority	An authority specifically constituted for port health functions including imported food control.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or feed service to the local community.
Third Country	Countries outside the European Union.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed 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 feed enforcement.