

Audit of Local Authority Service Delivery Controls for Incidents and Alerts

Hillingdon London Borough Council
12-13 August 2015



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1.0 Introduction

- 1.1. This is a report on the outcomes of the Food Standards Agency's (FSA's) audit of Hillingdon London Borough Council, conducted on the 12 and 13 August 2015 at Hillingdon London Borough Council offices at the Civic Centre, High Street, Uxbridge UB8 1UW. The audit was carried out as part of a programme of audits on local Authority (LA) controls for incidents and alerts.
- 1.2. The audit was carried out under section 12(4) of the Food Standards Act 1999 and the Agency will produce a summary report covering outcomes from the audits of all local authorities assessed during this programme. This report has been made available on the FSA's website at:

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

Hard copies are available from the FSA's Operations Assurance Division at Foss House, Peasholme Green, York, YO1 7PR. Tel: 01904 232116
- 1.3. Hillingdon London Borough Council is a Unitary Authority with responsibility for inland food hygiene, standards and feed official control and imported food and port health services at Heathrow airport. Auditors were advised that no feed was imported through the airport.
- 1.4. Inland food hygiene, food standards and feed hygiene service delivery were the responsibility of the Food Health and Safety/Port Health Team based at the Civic Centre in Uxbridge. This Team was managed by the lead food officer for the Authority and was also responsible for the delivery of Port Health controls at food businesses located within the curtilage of Heathrow airport itself. Normal working hours were Monday to Friday from 08:30 to 17:00. The Authority also operated an out of hours contact centre to deal with certain enquiries.
- 1.5. Imported food official control was the responsibility of the Imported Food Team based at Heathrow airport, managed by the Authority's imported food Lead Officer. This Team also had in place arrangements with other local authorities to carry out official controls at External Temporary Storage Facilities (ETSFs) outside the borough. The Team routinely operated 24 hours a day, seven days a week with reduced staffing after midnight.
- 1.6. The managers of both Teams reported to the Public Protection Services Manager who in turn reported to the Deputy Director Residents' Services.

2.0 Scope of the Audit

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

3.0 Objectives

3.1 The objectives of the audit were to gain assurance that:

- The Authority had adequate capability and effective controls in place to deal with incidents and alerts with reference to the requirements of the Standard in the Framework Agreement, the F/FLCoP and centrally issued guidance.
- The interface between the FSA and LAs with regard to the handling of incidents and alerts was appropriate and effective.

3.2 The audit also sought to;

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

4.0 Executive Summary

4.1 The Authority was delivering a range of incidents and alerts controls in accordance with the statutory obligations placed on the Authority and the interface between the FSA and the Authority was for most part effective. However the Authority needed to make improvements to fully meet the requirements of the Framework Agreement and the Food and Feed Law Codes of Practice (F/FLCoP) and to strengthen its response to alerts outside normal office hours. A number of potential improvements in the overall arrangements and controls for incidents and alerts were identified. The key areas for improvement for the LA are set out below.

4.2 Key areas for LA improvement:

Incidents and Alerts – Inland Enforcement

4.2.1 No out of hours food/feed alert response arrangements had been established, in contrast with a robust 24/7 arrangement which was in place to deal with service requests including foodborne illness outbreaks.

Organisation and Management

4.2.2 No service performance review had been carried out, documented and presented to the relevant member of delegated senior officer in the last year, contrary to the Standard in the Framework Agreement. It is essential that members are kept informed of performance in service delivery.

5.0 Audit Findings and Recommendations

5.1 Organisation and Management

5.1.1 The Authority had developed a documented Food Service Plan for 2012-15 which applied to both the Food Health and Safety/Port Health Team and the service provided by the Imported Food Team based at Heathrow airport. The Plan included food hygiene and food standards service delivery but made no reference to feed service delivery.

5.1.2 The 2012-15 Service Plan had been approved by elected members and broadly followed the Service Planning Guidance in the Framework Agreement.

5.1.3 As required by the Framework Agreement the Service Plan included a specific section for feed/food safety incidents. This set out arrangements for the receipt of alerts from the FSA, the notification of incidents and the provision of an out of hours and emergency service, though the extent of this service was not detailed. Whilst

there was an estimation of the likely number of incidents and alerts, the plan did not identify the resources required to deliver this part of the service and compare them with the resources available to identify any shortfall. The plan would benefit from this comparison of resources and an outline of the extent of the out of hours / shift arrangements for both Teams.

5.1.4 No performance review against the service plan had been documented and presented to the relevant member forum or delegated senior officer in the last year, contrary to the Standard in the Framework Agreement. It is essential that members are kept informed of performance in service delivery.

5.1.5 The 2015-18 Service Plan was in draft.

Recommendations

5.1.6 The Authority should:

- (i) Finalise, document and implement a service delivery plan for the period from 2015 onwards in accordance with the Service Planning Guidance in the Framework Agreement. Include in this plan an identification of the resources required to deliver the handling of incidents and alerts and compare them with the resources available to identify any shortcoming. The Plan should also outline the extent of the out of hours arrangements for both teams and the regional and local approach to feed service delivery by the team. [The Standard - 3.1]
- (ii) Carry out and document a performance review of the last year based on the Service Delivery Plan and submit it for approval to the relevant member forum or, where appropriately delegated, the relevant senior officer. [The Standard - 3.2]

5.2 Incidents and Alerts

Food Health and Safety/Port Health Team Procedures

5.2.1 The Food Health and Safety/Port Health Team had developed two documented procedures for initiating and responding to food alerts, product withdrawals and recall notices and for the investigation of food safety incidents respectively. These procedures largely provided only general guidance; they did not reflect all existing local arrangements, including reference to the Authority's out of hours

arrangements, facilities and resources and the system for the receipt and dissemination of alerts. Further, there was no reference to feed.

5.2.2 The Authority maintained a computer system capable of receiving feed and food alerts by e-mail and had a nominated Lead Officer within the Team to monitor alerts and manage responses where required. The mailbox was also monitored by the Principal Environmental Health Officer.

5.2.3 Alert responses were recorded under a single service request for each alert, facilitating efficient monitoring. It was the policy of the Team to respond to Food Alerts For Action (FAFA) only.

Food Health and Safety/Port Health Out of Hours Arrangements

5.2.4 Outside office hours the Authority operated a customer service call centre, "Careline", which passed urgent service requests (including infectious disease complaints) directly to an out of hours officer on the Food Team rota. One officer on this list was not a member of the Food Team; the authority was unable to demonstrate the officer's competence and it was agreed that their competence would be reviewed.

5.2.5 There was no established system in place for the receipt and management of food alerts outside normal office hours and the Authority was unable to demonstrate that duty officers could reliably access the database and equipment required in the event of an incident or alert at these hours.

Food Health and Safety/Port Health Notifications

5.2.6 Records for two incident notifications to the FSA were checked. In both cases thorough investigations had been carried out, good liaison took place with other local authorities and timely enforcement action had been undertaken to remove potentially hazardous food. The FSA was notified promptly on both occasions.

5.2.7 In one instance the LA had been proactive in following up on an incident that extended beyond the borough boundary and had overseen the product recall and subsequent destruction of the affected food.

5.2.8 Auditors also reviewed two incidents instigated by the Authority concerning approved premises; both had been correctly highlighted as incidents by the Authority and correctly reported to the FSA.

5.2.9 Auditors reviewed the Authority's handling of routine notifications from the Animal and Plant Health Agency (APHA) of a loss of "Tuberculosis Free Status" (OTF) at local farms. Although the Authority had alerted a local dairy to the loss of OTF status by

'phone at a local farm in one instance, it had not in instances of OTF status loss as a result of overdue tuberculosis tests, contrary to the Food Law Code of Practice Guidance. This indicated that a more consistent approach was required.

Food Health and Safety/Port Health Food Alerts

- 5.2.10 LA records of four Food Alerts for Action issued by the FSA in the last two years were examined. In the three cases where records were available the Authority was able to demonstrate that information had been recorded and cascaded to authorised officers on the same day. Appropriate visits had been carried out to targeted premises and in the case where suspect product was found, the officer had taken appropriate action to remove it from sale.
- 5.2.11 No information could be found relating to the remaining FAFA; consequently the local Authority was unable to demonstrate it had responded to this alert.

Imported Food Team Procedures

- 5.2.12 Every Common Veterinary Entry Document (CVED) and Common Entry Document (CED) presented at the port was stored in hard copy and the corresponding action taken by the Team recorded on a database. The Team also carried out manifest checks at transit sheds to support their statutory checks.
- 5.2.13 The Imported Food Team had developed a Rapid Alert System for Food and Feed (RASFF) procedure which detailed procedures for both monitoring incoming RASFF alerts and reporting consignment failures to the FSA through the iRASFF and Trade Control and Expert System (TRACES). The procedure instructed officers to keep the FSA incidents Team informed of any action taken following the issue of a RASFF notification by the Team, in accordance with the Food Law Code of Practice (FLCoP).
- 5.2.14 Further work instructions relating to incidents were provided within the enforcement and sampling procedures, including the arrangements for making returns to the FSA.

Imported Food Team Out of Hours Arrangements

- 5.2.15 Daytime office hours for the Team were 8am to 5.30pm, 365 days a year. Two staff would be on duty from 5.30pm until midnight and between midnight and 8am a duty officer would be on call. These hours broadly reflected the pattern of flight arrivals. All officers were members of the Imported Food Team and had access to the facilities required to respond to food alerts & incidents at all times.

Imported Food Notifications

5.2.16 Two notifications to the FSA incidents Team were looked at in detail. One was concerned with contamination with pathogens and the second with exceptional levels of pesticide residues. In both cases the assessment of the hazard was appropriate and compliant with the FLCoP. There was good evidence of prompt liaison between the Team and the FSA. Enforcement action taken as a result was proportionate to the risk and follow up in both cases was documented.

5.2.17 The Authority was also able to demonstrate the reporting of food fraud intelligence to the imported food Team at the FSA.

Imported Food Team Alerts

5.2.18 Although food alerts were rarely of relevance to the imported food Team, they were continually monitored and an example was given of a response by the Team which arose from a food alert. Existing procedures would benefit from making reference to the monitoring of alerts by the Team.

5.2.19 The Team had a computer system capable of receiving RASFF alerts and food alerts together with CVEDs and CEDs.

Recommendations

5.2.20 The Authority should:

- i) Review and amend its documented Food Health and Safety/Port Health Team food alerts procedure to prescribe the system which was being implemented for the initiation of alerts and the receipt, response to and dissemination of alerts during the audit. The procedure should also expand its scope to include and implement arrangements for feed alerts and a system for the receipt and management of all alerts outside normal office hours, including the provision of the facilities and equipment necessary. This must include the maintenance of up to date emergency (including out of hours) contact details for neighbouring Competent Authorities. The Imported Food Team should document its food alerts arrangements in a procedure. [The Standard - 14.1]
- ii) Document its response to and the outcome of each feed and food alert. [The Standard – 14.3]
- iii) Complete the written incidents procedure to reflect local arrangements for responding to feed and food safety incidents. [The Standard – 14.4].
- iv) Review the qualifications and competence of the officer on the out of hours rota who is not a member of the Food Health and Safety/Port Health Team. Make any necessary changes to ensure these are consistent with their level of authorisation and duties and the F/FLCoP. [The Standard - 5.3]
- v) Notify local farms and raw milk purchasers of OTF status loss notifications in accordance with the Food Law Code of Practice Guidance and put in place a documented procedure to guide this process. [The Standard – 7.2 & 7.4]

5.3 Advice to Business

5.3.1 The Authority did not display food or feed alerts on the Authority's website and had not issued any media releases in the last two years in relation to alerts. However, the Authority's website was under review and auditors were provided with evidence of plans to include a link to the Agency's food alerts webpage on the new site.

- 5.3.2 In relation to the Food Health and Safety/Port Health Team, auditors were advised that information regarding alerts and incidents would be available to business via service requests or where business had requested information during visits/interventions.

5.4 Food Inspection and Sampling

Food Health and Safety/Port Health Team

- 5.4.1 The Team had developed an appropriate documented food sampling policy and programme. The policy made reference to sampling in response to food alerts and outlined the basis of the sampling programme which took into account FSA national sampling priorities, regional surveys and local priorities. The policy would benefit from a reference to incident reporting where necessary following unsatisfactory sampling results.
- 5.4.2 Feed sampling was led by the National Trading Standards Board arrangements for UK feed delivery.
- 5.4.3 The Team had put in place two sampling procedure templates for food examination and analysis respectively. However, these were nationally produced templates and neither procedure had yet been adapted to be specific to the Authority. In addition, both procedures would benefit from reference to incident reporting.
- 5.4.4 Auditors checked the records of three food samples. The Team had documented its response to each unsatisfactory sample and taken the appropriate action in all cases. None of the results had required an incident report.

Imported Food Team

- 5.4.5 The Team had developed an appropriate documented food sampling policy together with food sampling plans. Sampling plans for both Product of Animal Origin (POAO) and Product Not of Animal Origin (PNOAO) took into account the FSA national coordinated food sampling programme, statutory sampling frequencies and local intelligence. The plan made reference to the immediate reporting of unsatisfactory samples to the FSA via the iRASSF system.
- 5.4.6 The Team had a comprehensive sampling procedure together with a number of documented standard operating procedures for specific controlled foods.
- 5.4.7 Consignments of imported food were routinely examined and where necessary rejected, destroyed, recalled or re-exported and the FSA was kept informed via the TRACES or iRASFF system, as well as by

direct communication with the incident Team and/or imported food Team.

- 5.4.8 Three sampling records were examined. All were reported to the Agency promptly when it was apparent that there was a food hazard following examination/analysis. There was good evidence to demonstrate ongoing investigation and communication with LA's that were the final destination points for consignments. Enforcement actions carried out included the service of Trade in Animal and Related Products Regulations (TARP) Consultation Documents and the destruction of contaminated foods.

Recommendation

5.4.9 The Authority should:

- (i) Set up, maintain and implement documented procedures for the Food Health and Safety/Port Health team for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the FLCoP and centrally issued guidance. [The Standard – 12.5]

5.5 Enforcement

- 5.5.1 The Authority had developed a documented Residents Services Enforcement Policy which covered both Teams and was generally in accordance with official guidance. The policy identified enforcement options available to the Authority and circumstances under which they should be used. It took into account the Regulators Compliance Code (now replaced by the Regulators' Code), the Human Rights Act 1998 and the Primary Authority and Home Authority Principles. The policy had been approved by the appropriate portfolio member in 2013 and published on the Authority's website. The Policy would benefit from the inclusion of a reference to the Regulator's Code at the next review.
- 5.5.2 Both Teams had developed their own procedures for the detention and seizure of food which were generally in accordance with the relevant codes of practice and official guidance.
- 5.5.3 The Food Health and Safety/Port Health Team's procedure reminded officers to consider the extent of any contamination into any other lots or batches and outlined incident reporting guidelines as well as Primary Authority liaison. It did not make reference to the detention and/or seizure of illegally imported food & feed inland

through the use of powers under the Trade in Animal and Related Products Regulations (TARP) or the Official Food and Feed Regulations (OFFC).

- 5.5.4 The Imported Food Team's enforcement and sampling procedures included an instruction to report enforcement action to the FSA incident Team where incident reporting criteria were fulfilled.
- 5.5.5 Both Teams shared a procedure for the voluntary surrender of food which was generally in accordance with the relevant codes of practice and official guidance.
- 5.5.6 Auditors examined the records relating to two TARP notices served by the Imported Food Team in response to consignment failures. Neither consignment had left the port and so no incident report was necessary, however enforcement had been timely and the action taken had been appropriate.
- 5.5.7 A TARP notice and a Remedial Action (RAN) notice served by the Food Health and Safety/Port Health Team were also reviewed and in both cases enforcement was timely, the action taken was appropriate and where relevant incidents had been reported to the FSA within the time frame and in the manner prescribed by the FLCoP.

Recommendation

5.5.8 The Authority should:

- (i) Amend the Enforcement Policy to make reference to the Regulator's Code at the next review. [The Standard – 15.1]
- (ii) Amend the procedure of the Food Health and Safety/Port Health team to include guidance for the detention and/or seizure of illegally imported food & feed inland through the use of TARP or OFFC powers. [The Standard – 15.2]

5.6 Control and Investigation of Outbreaks and Food Related Disease

- 5.6.1 The Authority had put in place the "London Infectious Disease Outbreak Management Plan" which also made reference to the Public Health England "National Communicable Disease Outbreak management operational guidance". The former document had been produced in consultation with the Authority.

- 5.6.2 The Authority had also signed a memorandum of understanding with the North West London Health Protection Team to provide a 24/7 response capacity to outbreaks of foodborne disease.
- 5.6.3 These documents together were comprehensive. However, none included guidance on reporting incidents to the FSA or a list of up to date emergency (including out of hours) contact details for nearby local authorities with responsibility for managing an outbreak.
- 5.6.4 Auditors examined three sets of records reported by the authority as outbreaks in pre-audit information. One was concerned with foreign travel and the other two were reported as “food poisoning” or “gastrointestinal”. None warranted further investigation under the LAs regional policy. In all instances the criteria for incident reporting had not been met and therefore no incident reports had been necessary.

Recommendations

5.6.5 The Authority should:

- (i) Amend or append as appropriate the local documented outbreak procedure or MoU to include guidance on reporting incidents to the FSA and up to date emergency (including out of hours) contact details for nearby local authorities with responsibility for managing an outbreak. [The Standard – 13.1]

5.7 Authorised Officers

- 5.7.1 The Authority had developed a single documented procedure for the authorisation of officers of both the Food Health and Safety/Port Health Team and Imported Food Team. The procedure was based on an assessment of competence and was in accordance with the FLCoP, but would benefit from the inclusion of a statement documenting the post/s responsible for assessing competence at the Authority. In practice competence was assessed by the Lead Food Officer and the Imported Food Team Leader for each team, who then made a written request to the Deputy Director of Residents Services for authorisation.
- 5.7.2 The Authority had appointed two Lead Officers; one for food hygiene and food standards and another for imported food control. Auditors found that both officers had the necessary specialist knowledge.
- 5.7.3 The Authority indicated that the Lead Feed Officer for the Authority was the Food Team Manager. However, the authority acknowledged

that this officer did not have the specialist knowledge to have lead responsibility for this legislation. Due to a shortage of competency within the Authority, feed inspections had been carried out by a contractor in the last programme. Feed service delivery was being developed on a regional basis through the Association of London Environmental Health Managers (ALEHM), including the provision of competent officers.

- 5.7.4 A sufficient number of officers had been appointed to carry out the incidents and alerts work set out in the Service Delivery Plan in both Teams, subject to out of hours alerts arrangements yet to be finalised as a result of the findings of this audit.
- 5.7.5 The authorisations of three officers of the Food Health and Safety/Port Health Team were checked, including that of the lead food officer. All were appropriately authorised, qualified and most officers had received ten hours of training in the period 2013 – 2014 as required by the FLCoP. Auditors noted that some officers had received imported food training.
- 5.7.6 The authorisations of two officers of the Imported Food Team were checked; both were appropriately authorised, qualified and both had received 10 hours of training as required by the FLCoP. The imported food Team delivered in house training as part of the CPD and induction programme. Whilst this was comprehensive and included an examination assessment once completed, certification had not been issued.
- 5.7.7 The Authority maintained records of all qualifications and training, although auditors did note some gaps in officer training records.
- 5.7.8 Training needs were assessed through a combination of corporate appraisals and one-to-one interviews. Food Team officers each had a “learning log” detailing key learning objectives agreed with the Lead Food Officer.

Recommendations

5.7.9 The Authority should:

- (i) Ensure that the Lead Feed Officer is given the specialist knowledge to have lead responsibility for this legislation and that all authorised officers receive the training hours prescribed by the F/FLCoP. Alternatively appoint an officer with the specialist knowledge to have lead responsibility for that legislation. [The Standard – 5.2 & 5.4]
- (ii) Maintain records of relevant qualifications and training of each authorised officer in accordance with the FLCoP. [The Standard – 5.5]

5.8 Reviewing and Updating Documented Policies and Procedures

5.8.1 The Authority had developed a range of documented policies, procedures and work instructions which were directly and indirectly related to incidents and alerts food law enforcement activities. Some documents applied to both food Teams within the Authority and in other cases each Team maintained its own policies and procedures.

5.8.2 Both Teams were in the process of converting procedures into a new electronic format provided by a third party.

Food Health and Safety/Port Health Team

5.8.3 There was some evidence of a document control system; procedures in place were stored in an electronic folder accessible to all officers, with a separate folder for draft documents. However there was no formal system of regular document review and removal of out of date procedures.

Imported Food Team

5.8.4 Policies and procedures were reviewed at least quarterly and were controlled through the maintenance of a master hard copy file. Auditors were advised that duplicate hard copies were not issued.

Recommendation

5.8.5 The Authority should:

- (i) Develop, maintain and implement a control system for all procedures relating to its Food Health and Safety/Port Health team enforcement activities to ensure that all are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance and that superseded documents are removed from use throughout the Authority. [The Standard – 4.1 & 4.2]

5.9 Facilities and Equipment

Food Health and Safety/Port Health Team

- 5.9.1 The Authority had in place a reliable computerised database which was capable of providing information required by the FSA specifically with regard to incidents and alerts.
- 5.9.2 The database, together with other electronic documents used in connection with food and feed law enforcement services, was subject to end of day back-up to prevent the loss of data.
- 5.9.3 Officers had been provided with individual passwords and access for entering and deleting data had been restricted.

Imported Food Team

- 5.9.4 The Authority had in place computerised software packages which were capable of providing information that may be required by the FSA and specifically in regard to incidents and alerts. These included spreadsheet software to maintain a database of clearing agents and storage facilities and linkages to the national TRACES and iRASFF systems through which imported food activity was reported to the FSA and shared with other EU ports.
- 5.9.5 All of the above used in connection with food and feed law enforcement services were subject to end of day back-up to prevent the loss of data.
- 5.9.6 Officers had been provided with individual passwords and access had been restricted to the imported food Team.

5.10 Food Premises Database

Food Health and Safety/Port Health Team

- 5.10.1 The Team had two documented procedures to ensure the accuracy and reliability of its database, one an instruction to staff on the entry of Food Hygiene Rating Scheme data and another prescribing the premises closure procedure. The latter procedure had been produced to address an ongoing “legacy” issue of duplicate premises having been created during the recent migration of the database from a different software package.
- 5.10.2 The database was shared by a number of council departments. Staff were checking reports from some other local Authority Teams (such as business rates) against their database and running reports including looking for missing data fields. Auditors noted that the Authority would benefit from a routine comparison of premises registrations with Trading Standards Team to scrutinise for coding errors.
- 5.10.3 The database procedure/s would benefit from an expanded scope to include all activities currently carried out and intended to be introduced as a result of the findings of this audit.
- 5.10.4 A database super-user forum had been set up at the Authority which provides a platform to put in place further structured processes for database accuracy checks in the future, including premises reports, premises and names and addresses duplicates.
- 5.10.5 Auditors had prior to the audit randomly selected six food establishments located in the Authority’s area from the internet. Of those four located in the LA area two were found to be correctly listed on the database and subject to the inspection programme. One establishment was known to operate under a different trading name and one was not found on the LA database.
- 5.10.6 The Authority maintained a database of all registered feed establishments. Work was ongoing across London to establish and maintain an accurate regional database.

Imported Food Team

- 5.10.7 The Team had no documented procedure to ensure the accuracy and reliability of its databases including records of clearing agents, Internal Temporary Storage Facilities (ITSFs), ETSFs. Auditors were advised that the UKBF are responsible for maintaining up-to-date lists of ITSF and ETSF facilities which they disseminate to the Authority who make them available to their staff. Furthermore, the Authority advised auditors that a UKBF representative for London Heathrow Airport (LHR) is responsible for informing LA's with a vested interest in LHR of any changes to these lists (e.g. additions or removals).

5.10.8 The Authority carried out a number of checks in practice to maintain accuracy, including:

- Internet searches
- Liaison with UK Border Force
- Liaison with other UK airports

5.10.9 Auditors noted the Authority's representation that there was a national difficulty in maintaining an accurate register of imported food clearance agents as there is no legal requirement for them to register with the Competent Authority.

Recommendation

5.10.10 The Authority should:

- (i) Set up/review as appropriate, maintain and implement a documented procedure/s to ensure the food premises and trader databases of the Food Health and Safety/Port Health Team and Imported Food Team are accurate, reliable and up to date, within the limit of their statutory powers and responsibilities. [The Standard – 11.2]

5.11 Liaison with other Organisations

5.11.1 The Authority had good liaison arrangements in place for food and feed to facilitate efficient, effective and consistent responses to alerts and incidents, including foodborne disease outbreaks, with officers attending groups including:

- The North West London Food Liaison Group (NWLFG);
- London Approvals Group
- London Food Fraud Group
- Association of London Environmental Health Managers Forum (ALEHM) (representing a forum for regional feed arrangements);
- PHE (in relation to foodborne outbreaks)
- Heathrow Airport Working Group;
- FSA Big Ports Forum
- UK Border Agency

5.12 Internal Monitoring

Food Health and Safety/Port Health Team

5.12.1 The Team had developed and implemented a draft documented procedure for monitoring food hygiene and food standards law

enforcement activities, which included a range of qualitative checks on file records and enforcement activities. These included checks of all seizure and detention notices. Port health and commercial Team leaders were responsible for carrying out the monitoring, whilst the monitoring process itself was monitored by the lead food officer.

- 5.12.2 The procedure would benefit from making reference to existing internal monitoring arrangements for complaints and food sampling.
- 5.12.3 No monitoring of alerts and reporting of incidents was carried out, and the procedure made no reference to monitoring any elements of feed service delivery.
- 5.12.4 There was no deadline in place to complete the procedure and remove its draft status.
- 5.12.5 Auditors were provided with evidence of qualitative monitoring which included documented conclusions and feedback given to the officers who had been checked.
- 5.12.6 The Authority was able to demonstrate that quantitative internal monitoring of food law enforcement activities had been implemented, including regular checks on the following:
 - Weekly due inspections
 - Overdue premises numbers
 - Blank database fields
 - Service Request response times
 - Sampling budget spend and progress against programme
- 5.12.7 Shortfalls in staff performance were dealt with promptly through one-to-one contact with staff.

Imported Food Team

- 5.12.8 The Team had developed a documented procedure for the monitoring of imported food enforcement activities, which included reference to qualitative monitoring of consignment checks, follow up actions, sampling and imported food inspection centre structure and facilities. The imported food Team manager and senior official veterinarian were responsible for carrying out the monitoring. Generally, the Team was able to demonstrate that qualitative internal monitoring of food law enforcement activities had been implemented.
- 5.12.9 The procedure did not cover the monitoring of incoming RASFF alerts and the notification of incidents to the FSA.
- 5.12.10 The Authority was able to demonstrate that quantitative monitoring was carried out in the form of quarterly checks on the percentage of

consignments checked and sampled. Shortfalls in performance were dealt with promptly through one-to-one contact with staff, followed up by repeat checks in the next quarter to ensure those shortfalls had been resolved.

Recommendation

5.12.11 The Authority should:

- (i) Review, finalise and implement its internal monitoring procedure for the Food Health and Safety/Port Health team to include the monitoring of alerts and reporting of incidents in relation to food and feed and existing internal monitoring arrangements for complaints and food sampling. [The Standard – 19.1 & 19.2]
- (ii) Amend and implement its Imported Food Team internal monitoring procedure to include the monitoring of incoming RASFF alerts and the notification of incidents to the FSA. [The Standard – 19.1 & 19.2]

5.13 Local Authority Views on Arrangements for Incidents and Alerts

5.13.1 At the conclusion of the audit the Authority was asked to provide some feedback on the arrangements in place for incidents and alerts at the FSA. The Authority was also asked for feedback on associated statutory guidance. The following is a summary;

- Queries sent to the FSA by the Authority in response to alerts and on which enforcement decisions rest do not always receive a prompt response from the FSA (an example of a six month delay was given)
- Alerts do not always include sufficient information to allow LAs to make a risk-based decision about which enforcement option is both appropriate and legal
- The criteria in place for publishing RASFF alerts across the EU are not consistent. The Imported Food Team have submitted sample results indicating that EU Maximum Residue Limits have been exceeded for a number of contaminants which have not resulted in the issue of a RASFF, however the same results in other Member States (and in some cases where a lower exceedance exists) have resulted in a RASFF publication.
- RASFF reporting of illegally imported food found by inland LAs was perceived to be poor, unnecessarily reducing the intelligence available to the UK ports and thereby potentially increasing the risk of illegal imports entering the UK.
- There remains a need for a national database of clearing agents to assist ports in tracking agents who continually change their import

pathways and deliberately target ports and airports which are not Designated Points of Entry (DPEs) to import food illegally.

- Intelligence sent to the FSA by the LA concerning potentially illegal activities by clearing agents in relation to imported food does not always receive a complete response on what action has been taken. This has the potential to undermine ongoing intelligence-based enforcement at the airport.
- There is confusion about FSA advice on whether costs can be recovered in cases where products are sampled where suspicion is present as a result of local intelligence. For example, if routine surveillance identifies bacteriological contamination in an unrestricted product, can the costs of analysis be recovered if the same product is imported and sampled at a later date?
- There remains an issue with a lack of capacity for emergency laboratory sampling facilities due to the limited working hours of laboratories used for examination and analysis.

Audit Team: **Alun Barnes – Lead Auditor**
 Jamie Tomlinson – Auditor

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

ANNEX A - Action Plan for Hillingdon London Borough Council

Audit date: 12-13 August 2015

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>5.1.6 (i) Finalise document and implement a service delivery plan for the period from 2015 onwards in accordance with the Service Planning Guidance in the Framework Agreement. Include in this plan an identification of the resources required to deliver the handling of incidents and alerts and compare them with the resources available to identify any shortcoming. The Plan should also outline the extent of the out of hours arrangements for both teams and the regional and local approach to feed service delivery by the team. [The Standard - 3.1]</p>	<p>1st January 2016</p>	<p>Review service plan and implement, outlining arrangements for managing food and feed alerts including arrangements out of hours.</p> <p>Estimated resources required to deal with food and feed alerts will be based upon alerts in the previous year. Any shortfall in FTE will be identified.</p>	<p>Service plan for 2015 - 2018 placed on forward plan for cabinet member approval in December 2015. Currently undergoing corporate consultation.</p> <p>Resources outlined in Para 3.7.3</p>
<p>5.1.6 (ii) Carry out and document a performance review of the last year based on the Service Delivery Plan and submit it for approval to the relevant member forum or, where appropriately delegated, the relevant senior officer. [The Standard - 3.2]</p>	<p>30th November 2015</p>	<p>Document performance review for 2014/2015 to submit to head of service,</p>	

<p>5.2.20 (i) Review and amend its documented Food Health and Safety/Port Health Team food alerts procedure to prescribe the system which was being implemented for the initiation of alerts and the receipt, response to and dissemination of alerts during the audit. The procedure should also expand its scope to include and implement arrangements for feed alerts and a system for the receipt and management of all alerts outside normal office hours, including the provision of the facilities and equipment necessary. This must include the maintenance of up to date emergency (including out of hours) contact details for neighbouring Competent Authorities. The imported Food Team should document its food alerts arrangements in a procedure. [The Standard - 14.1]</p>	<p>1st December 2015</p> <p>1st December2 015</p>	<p>Review Food Health and Safety/Port Health Team food alerts local procedures including arrangement for feed and alerts received outside normal office hours.</p> <p>Amend the Imported Food Team procedure to include the arrangements in place for dealing with food alerts.</p>	<p>The Imported Food Team procedure file has been updated to include its process for dealing with food alerts, incidents and notifications.</p> <p>Two local procedure documents identified and allocated to inspectors for review.</p> <p>Investigating Food Alerts for Action (FP6E)</p> <p>Investigating food incidents identified in LA area (FP7E)</p>
<p>5.2.20 (ii) Document its response to and the outcome of each feed and food alert. [The Standard – 14.3]</p>	<p>1st December 2015</p>	<p>Local procedures to highlight the approach to handling and recording food and feed alerts including detailing responses on Civica APP.</p>	<p>Two local procedure documents identified and allocated to inspectors for review. (as above).</p> <p>The Imported Food Team use the RIAMS system to outline any action that was taken following the publication of a food alert.</p>
<p>5.2.20 (iii) Complete the written incidents procedure to reflect local arrangements for responding to feed and food safety incidents. [The Standard – 14.4].</p>	<p>1st December 2015</p>	<p>Review Food/ feed alert procedures.</p>	

5.2.20 (iv) Review the qualifications and competence of the officer on the out of hours rota who is not a member of the Food Health and Safety/Port Health Team. Make any necessary changes to ensure these are consistent with their level of authorisation and duties and the F/FLCoP. [The Standard - 5.3]	1 st January 2015	Officer authorisation is restricted. Food incident and alerts reported out of hours will be deferred to another named food competent inspector from the out of hours rota.	
5.2.20 (v) Notify local farms and raw milk purchasers of OTF status loss notifications in accordance with the Food Law Code of Practice Guidance and put in place a documented procedure to guide this process. [The Standard – 7.2 & 7.4]	1 st December 2015	Put in place documented procedure to guide notification of local farms of OTF Status loss. and overdue test reports.	OTF Letter completed and circulated. New Procedure Document draft assigned to inspector for review
5.4.9 (i) Set up, maintain and implement documented procedures for the Food Health and Safety/Port Health team for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the FLCoP and centrally issued guidance. [The Standard – 12.5]	31 st January 2016	Review existing sampling procedures in the Food Health and Safety/Port Health team. Control of Evidence Procedure subject to Review	Four local procedures related to sampling identified and allocated to inspector for review Food Sampling for Analysis (FP22E) Control of Evidence MP41E Food Sampling for Examination (FP1E) Environmental Hygiene Sampling (FP3E)
5.5.8 (i) Amend the Enforcement Policy to make reference to the Regulator’s Code at the next review. [The Standard – 15.1]	28 th February 2015	Briefing to go to Director and Cabinet member. Amend Enforcement Policy to include a reference to the Regulators Code at next review.	

<p>5.5.8 (ii) Amend the procedure of the Food Health and Safety/Port Health team to include guidance for the detention and/or seizure of illegally imported food & feed inland through the use of TARP or OFFC powers. [The Standard – 15.2]</p>	<p>31st January 2016</p>	<p>Review and amend the Food Health and Safety/Port Health Detention/Seizure procedure outlining arrangements for dealing with illegally imported food & feed inland through the use of TARP or OFFC powers.</p>	<p>Two local procedure documents identified and allocated to inspector for review.</p> <p>Detention Notices (FP9E)</p> <p>Detention and seizure of food (FP8E)</p>
<p>5.6.5 (i) Amend or append as appropriate the local documented outbreak procedure or MoU to include guidance on reporting incidents to the FSA and up to date emergency (including out of hours) contact details for nearby local authorities with responsibility for managing an outbreak. [The Standard – 13.1]</p>	<p>31st March 2016</p>	<p>Review documented outbreak procedure and MoU and consider arrangements for reporting incidents to the FSA as well as liaising with nearby local authorities.</p>	<p>Local Procedure currently under review.</p>
<p>5.7.9 (i) Ensure that the Lead Feed Officer is given the specialist knowledge to have lead responsibility for this legislation and that all authorised officers receive the training hours prescribed by the F/FLCoP. Alternatively appoint an officer with the specialist knowledge to have lead responsibility for that legislation. [The Standard – 5.2 & 5.4]</p>	<p>30th May 2016</p>	<p>Review of options for managing responsibilities including regional arrangements.</p>	<p>Correspondence is continuing with ALEHM over arrangements to provide a formalised regional feed lead.</p>
<p>5.7.9 (ii) Maintain records of relevant qualifications and training of each authorised officer in accordance with the FLCoP. [The Standard – 5.5]</p>	<p>immediate</p>	<p>Review all records of qualifications ensuring they are up to date.</p>	<p>Consolidated all records of CPD and hours accrued.</p>

<p>5.8.5 (i) Develop, maintain and implement a control system for all procedures relating to its Food Health and Safety/Port Health team enforcement activities to ensure that all are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance and that superseded documents are removed from use throughout the Authority. [The Standard – 4.1 & 4.2]</p>	<p>June 30th 2016</p>	<p>Develop a document management system in the Food Health and Safety/Port Health team to ensure that all procedures are reviewed at regular intervals, The management system is to include a mechanism to remove superseded documents.</p>	<p>Procedure to Manage Documents assigned to Food Health and Safety Team Manager to collaborate with Imported Food Office Manager.</p>
<p>5.10.10 (i) Set up/review as appropriate, maintain and implement a documented procedure/s to ensure the food premises and trader databases of the Food Health and Safety/Port Health Team and Imported Food Team are accurate, reliable and up to date, within the limit of their statutory powers and responsibilities. [The Standard – 11.2]</p>	<p>30th May 2016 1st November 2015</p>	<p>Produce and implement a procedure to ensure that the food premises data base in the Food Health and Safety/Port Health Team is accurate and reliable and up to date.</p> <p>Introduce mechanisms for ensuring that clearing agent details are accurate and up-to-date.</p>	<p>The Imported Food Team has adjusted its procedure file to introduce mechanisms for ensuring clearing agent details are accurate and up-to-date.</p> <p>An officer has been delegated responsibility for contacting clearing agents at regular intervals to verify the accuracy of their details. The Team Manager and Principal EHO are responsible for updating internal systems with this information.</p> <p>Procedure to formalise the maintenance of the Food Health and Safety food premises database assigned to Food Health and Safety Team Manager</p>

<p>5.12.11 (i) Review, finalise and implement its internal monitoring procedure for the Food Health and Safety/Port Health team to include the monitoring of alerts and reporting of incidents in relation to food and feed and existing internal monitoring arrangements for complaints and food sampling. [The Standard – 19.1 & 19.2]</p>	<p>31st January 2016</p>	<p>Review, finalise and implement internal monitoring procedure for the Food Health and Safety/Port Health team to include the monitoring of alerts and reporting of food and feed incidents</p>	<p>Assigned to Food Health and Safety Team Manager to update Procedure for internal monitoring</p>
<p>5.12.11 (ii) Amend and implement its Imported Food Team internal monitoring procedure to include the monitoring of incoming RASFF alerts and the notification of incidents to the FSA. [The Standard – 19.1 & 19.2]</p>	<p>1st November 2015</p>	<p>Review and implement Imported Food Team internal monitoring procedure to include the monitoring of incoming RASFF alerts and the notification of incidents to the FSA</p>	<p>The Imported Food Team internal monitoring document has been updated to include its process for dealing with food alerts, incidents and notifications, including contacting the FSA and inland Local Authorities.</p>

ANNEX B - Audit Approach/Methodology

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

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

ANNEX C - Glossary

Authorised officer	A suitably qualified officer who is authorised by the local Authority to act on its behalf in, for example, the enforcement of legislation.
Border Inspection Post (BIP)	A border inspection post approved under Commission Decision 2009/821/EC.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
County Council	A local Authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
Common Entry Document (CED)	A notification document which must be sent to the Designated Point of Entry in advance of an import of certain feed and food of non-animal origin from certain non-EU countries that are considered to be 'high-risk'.
Common Veterinary Entry Document (CVED)	The Common Veterinary Entry Document (CVED) is a document that the importer uses as pre-notification of an import of food of animal origin and that the BIP uses to show the outcome of the checks. The CVED is established in Commission Regulation 136/2004.
District Council	A local Authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Designated Point of Entry	A port or airport approved to carry out official controls on „high risk“ food not of animal origin detailed within Annex 1 of Regulation (EC) No 669/2009 (as amended).
Environmental Health Officer (EHO)	Officer employed by the local Authority to enforce food safety legislation.
External Temporary Storage Facility	An External Temporary Storage Facility - ETSF (formerly known as Enhanced Remote Transit Sheds – ERTS) is a warehouse designated by HM Revenue and Customs (HMRC), where goods are temporarily stored pending clearance by HMRC, and prior to release into free circulation.

Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Alert	A “Food Alert for Action” (FAFA) is a communication from the FSA to a Competent Authority concerning a food hazard or other food incident. The FSA might also issue information to Competent Authorities on product recalls or withdrawals via its Product Recall/Withdrawal Information Notices. Allergy Alerts are also issued by the FSA to quickly communicate allergen risks directly to the consumer. Competent Authorities receive copies of these Allergy Alerts for information purposes only.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food/Feed Incident	A “food/feed incident” is defined as any event where, based on the information available, there are concerns about actual or suspected threats to the safety or quality of food/feed and that might require intervention to protect consumers' interests.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency’s expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>

Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.
Internal Temporary Storage Facilities (ITSFs)	An Internal Temporary Storage Facility - ITSF (formerly known as Enhanced Remote Transit Sheds – ERTS) is a warehouse designated by HM Revenue and Customs (HMRC), where goods are temporarily stored pending clearance by HMRC, and prior to release into free circulation.
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.
Rapid Alerts System for Food and Feed (RASFF)	An electronic alert system allowing information on unsafe food or feed to be shared rapidly between EU member countries. iRASFF is the electronic system allowing UK ports to share alerts of their own with the FSA.
Service Plan	A document produced by a local Authority setting out their plans on providing and delivering a food service to the local community.
Trade Control and Expert Systems (TRACES)	An online system that makes it easier for importers and exporters to provide health certification and track consignments of animals or animal products. EU official control officers at ports have access to this system for monitoring purposes.
Trading Standards	The Department within a local Authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local Authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority	A local Authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London

Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.