

Audit of Local Authority Service Delivery Controls for Incidents and Alerts

South Lakeland District Council
8 September 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 South Lakeland District Council conducted on 8 September 2015 at South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4DQ. The audit was carried out as part of a programme of audits on local authority (LA) controls for incidents and alerts. In the Authority these controls were delivered by the Public Protection Group. The report has been made available on the Agency's website at:

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

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

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

2.0 Scope of the Audit

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

3.0 Objectives

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

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

The audit also sought to;

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

- Identify and disseminate good practice for incidents and alerts controls

4.0 Executive Summary

4.1 The Authority was delivering a range of incidents and alerts controls in accordance with the statutory obligations placed on the Authority and the interface between the FSA and the Authority was for most parts effective. However the Authority needed to make some improvements to fully meet the requirements of the Framework Agreement and the Food Law Code of Practice (FLCoP). A number of potential improvements in the overall arrangements and controls for incidents and alerts were identified. The key areas for improvements for the LA are set out below.

4.2 Key areas for LA improvement:

Incidents and Alerts

4.2.1 The Authority had not recorded receipt, response and outcomes to the food alerts for action that we assessed. The Authority should ensure that it documents responses and outcomes to all alerts.

4.2.2 The Authority should develop, implement and maintain a documented procedure for initiating food incidents and how serious localised food hazards and non localised food hazards are to be reported to the FSA.

Organisation and Management

4.2.3 The Authority's service planning document did not set out the proactive and reactive demands on the service, including the planned intervention programme and the arrangements for food alerts and incidents. The Authority needed to ensure that the Service Plan included a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service.

4.2.4 Authorisation and training:

The Authority had not developed a specific documented procedure for the authorisation of officers based on officer competence

Internal Monitoring

4.2.5 The Authority had no documented internal monitoring procedures to detail how the Service monitored the food law enforcement activities carried out.

5.0 Audit Findings and Recommendations

5.1 Organisation and Management

- 5.1.1 The Authority had developed an overall Service Plan for the Public Protection Group dated 30th March 2015 which included food safety enforcement. This Plan provided details of a range of quantitative performance indicators including those for food safety enforcement based upon completion of the planned intervention programme. This comprised a list of tasks and targets and was not in line with the Service Planning Guidance, as laid down in the Framework Agreement.
- 5.1.2 The Plan did not contain any assessment of the resources required to deliver the food law enforcement service or detail the resources available. Other key elements such as the proactive and reactive demands on the service including the Authority's duties to deliver official controls in relation to shellfish beds in the area, the planned intervention programme, duties involved with approved establishments in the area and arrangements for incidents and alerts were also not included.
- 5.1.3 Officers advised auditors that the Authority that staffing resources were sufficient to deliver the service. The auditors reviewed the LAEMs data for 2014 which supported this statement and indicated that the Authority was satisfactorily managing its workload including its intervention programme.

Recommendation

5.1.4 The Authority should:

- (i) Develop and implement future service delivery plans in accordance with the Service Planning Guidance in the Framework Agreement, giving consideration to the demands on the service and including details of the proposed food premises inspection programme for the year and taking into consideration the arrangements for food alerts and incidents. The Plan should include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard - 3.1]
- (ii) Ensure that a documented performance review is carried out by the Authority at least once a year, based on the service delivery plan and that this is submitted for approval to the relevant Member forum or senior officers. [The Standard - 3.2]
- (iii) Any variance in meeting the service delivery plan should be addressed by the Authority in its subsequent Service Plan. [The Standard - 3.3]

5.2 Incidents and Alerts

5.2.1 The Authority had developed a comprehensive documented procedure that detailed the authority's procedures for responding to food alerts dated June 2014 which was in the process of being updated. The procedure described how food alerts are automatically forwarded to all Food Officers, and that the administrator generates a 'Service Request' to alert the Principal EHO or an EHO.

5.2.2 However the Authority had not documented its procedures for initiating food incidents and how serious localized food hazards and non localised food hazards are to be reported to the FSA.

5.2.3 Auditors were informed that the Authority had a business continuity plan for out of hour's arrangements and that all managers had access to an emergency contact list for out of hour's emergencies. However practical arrangements were informal and were largely based upon the good will of officers. All officers are provided with an emergency grab bag and have out of hour's access to the office. In addition informal arrangements existed with other neighbouring authorities to call upon specialized experience in various areas of food law enforcement. The

Authority conformed that this informal arrangement is to be developed with the creation of a Cumbrian wide directory.

- 5.2.4 Auditors advised the Service to expand the documented food alerts procedure to also include the initiation of food alerts in response to a locally identified risk, the arrangements for the liaison with other relevant bodies including neighbouring authorities and the arrangements to provide adequate staff resources to allow effective response to alerts including the out of hours arrangements for the service.
- 5.2.5 In addition auditors also recommended reviewing the specific procedures for shellfish and Official TB Free (OTF) notifications procedures to ensure that they provide specific work instructions in case serious food hazards/incidents are identified.

Food Alerts

- 5.2.6 Four food alerts for action from the FSA were reviewed. The Authority was able to demonstrate that one food alert had been received electronically; however there were no records for the other three food alerts. The Authority advised that only food alerts that are responded to are recorded on the database. Auditors recommended that the Authority review the handling of food alerts for action, ensuring that it keeps an accurate record of the outcome of each food alert.

Notifications

- 5.2.7 There had been no serious localised incidents in the two years prior to the audit.

Recommendations

5.2.8 The Authority should:

- i) Ensure that it documents its responses to and the outcome of each alert. [The Standard 14.3]
- ii) Review its procedures for alerts to ensure that effective arrangements are in place for responding to food alerts received out of hours [The Standard 14.1]
- iii) Develop, implement and maintain a documented procedure for responding to food safety incidents. [The Standard 14.4]

5.3 Advice to Business

- 5.3.1 Whilst the Authority website did not provide specific advice material in regard to alerts and incidents, the food alert procedure described how all food alerts links are posted on the council's website. Officers also described the use of other methods to communicate food alerts to businesses and members of the public including the use of social media such as Twitter and Facebook. The team was also considering producing a newsletter.
- 5.3.2 The authority has recently created a Primary Authority Partnership with Lakeland Ltd, and are currently working with the company to develop this partnership and create inspection plans.
- 5.3.3 The Team delivered a forum to Food Businesses and is in the process of planning a further forum for 2016.

5.4 Food Inspection and Sampling

- 5.4.1 The Service have produced a stand-alone food sampling policy, this is dated May 2005 and is in need of updating. Auditors were advised that the policy was under review along with other policies and procedures. The food sampling procedure confirmed that the Authority may take part in national sampling programmes.
- 5.4.2 The Authority had developed and implemented a comprehensive sampling procedure, which highlighted what action an officer should take depending on the sampling results.
- 5.4.3 Three unsatisfactory sampling result records were checked. The outcome in each case was found to be consistent with the Authority's procedure and the FLCoP as to whether these should have been reported as an incident or alert.

5.5 Enforcement

- 5.5.1 The Authority had developed a Food Safety Enforcement Policy dated May 2011, which made reference to out dated legislation. Auditors were advised that the policy was under review along with the rest of the policies and procedures.
- 5.5.2 There was no record available that the enforcement policy had been approved by the appropriate Member forum or senior delegated officer.

- 5.5.3 Auditors recommended that the enforcement policy is updated and approved by the relevant Member forum or senior delegated officer.
- 5.5.4 The Authority had not needed to take any specific enforcement action in relation to alerts and incidents recently.
- 5.5.5 The Authority had developed a documented procedure for the voluntary surrender, and formal detention and seizure of foods which was dated March 2011. The procedure requires review to ensure it references current legislation. The Auditors were advised that an action plan is in place for the review of all policies and procedures, which includes the updating of this procedure.
- 5.5.6 The Authority had not undertaken any food seizures, detentions, voluntary surrenders, simple cautions or prosecutions in the two years prior to the audit.

Recommendation

5.5.7 The Authority should:

- i) Ensure that the enforcement policy is updated and approved by the relevant Member forum or senior delegated officer. [The Standard 15.1]
- ii) Ensure the documented procedure for the voluntary surrender, and formal detention and seizure of foods is updated to reflect current legislation. [The Standard 15.2]

5.6 Control and Investigation of Outbreaks and Food Related Disease

- 5.6.1 The Authority had implemented a multi-agency plan for outbreaks of infectious disease covering Cumbria and Lancashire which had been approved by Public Health England (PHE) and the Chief Officers Group.
- 5.6.2 The procedure was generally in line with the FSA guidance on management of outbreaks of foodborne disease. .
- 5.6.3 Auditors noted that the Authority also had a local procedure relating to infectious disease which was highlighted for review.
- 5.6.4 The Authority had confirmed that there had been no recent outbreaks of food related infectious disease recorded in the last two years.

5.7 Authorised Officers

- 5.7.1 The Authority had not developed a specific documented procedure for the authorisation of officers based on officer competence. Such a procedure should include guidance on the means by which the Service ensures that the competence and qualifications of officers have been assessed before authorisation, including officers returning to food law enforcement duties.
- 5.7.2 Authorisations required review to take account of the Official Feed and Food Controls (England) Regulations 2009, which the authority had already identified and was due to be completed by April 2016.
- 5.7.3 The Authority had a corporate appraisal and performance system in place whereby officer development and training needs were assessed on an annual basis and also during one to ones.
- 5.7.4 Qualifications and training records for Environmental Health staff were examined and these demonstrated that officers were receiving the minimum 10 hours relevant training per annum based on the principles of continuing professional development. However some officers would benefit from attending training on the FSA's reducing the risks from E coli O157 in small and medium sized businesses, shellfish and inland imported food training. Training in these subject areas would enable the Authority to provide an adequate response to an alert or incident in these specialised areas.
- 5.7.5 There was no specific training recorded in regard to alerts and incidents, although auditors did acknowledge that there was currently little specific external training currently available.

Recommendations

- 5.7.6 The Authority should document a suitable process for the authorisation of officers, including the lead officer, based upon their competencies and qualifications, linking this process to officer training and competency requirements.
[The Standard – 5.1]

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 including seizure and detention, sampling and food alerts.

5.8.2 The Authority had developed an action plan to review and update all current documented procedures, and future reviews were to be scheduled in the author's outlook calendar.

5.9 Facilities and Equipment

5.9.1 The Authority had a computerised software package which was capable of providing information that may be generally required by the FSA and specifically in 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.

5.10 Food Premises Database

5.10.1 There was no written documented procedure to ensure the premises database was accurate and up to date. However arrangements were in place to keep the food premises database up to date, accurate and secure.

5.10.2 The Authority's prime mechanisms for maintaining the accuracy of the database were;

- Checking planning applications to identify new businesses
- Checking licensing applications
- Periodically checking local newspaper and social media for new food businesses
- Officers being responsible for specific geographic areas and identifying new businesses or change of ownership.

5.10.3 Auditors identified potential anomalies and inaccuracies in data in relation to LAEMs codes. The Authority advised it would carry out further investigation and correction of data if required.

5.10.4 Auditors had prior to the audit randomly selected six food establishments located in the Authority's area from the internet. All of the food establishments had been included on the food establishments' database in the food hygiene intervention programme.

5.11 Liaison with other Organisations

5.11.1 The Authority had good liaison arrangements in place with officers attending the Regional Food Hygiene Liaison Group, Infectious Disease Liaison Group and the regional Shellfish Liaison Group, in

addition to good informal liaison with the county council trading standards department.

5.12 Internal Monitoring

5.12.1 The Authority had no documented internal monitoring procedure for food law enforcement activities. However there was evidence of quantitative monitoring being undertaken by the Service which included monthly one to ones with officers to discuss progress with work allocated. In addition, when there is a change of food establishment intervention rating, the inspection record, report of visit form and letter are verified by the Principal Environmental Health Officer. Shadow visits are also conducted by the Principal Environmental Health Officer and feedback given to officers.

5.12.2 Auditors recommended developing a documented internal monitoring procedure that covers both quantitative and qualitative monitoring covering all service activities including officer authorisations, food and food establishment complaints etc., and that any findings and resulting actions are recorded.

5.12.3 The time taken for appropriate internal monitoring should be included in any calculation in the resources required in the calculations for the resources required in the service plan.

Recommendation

5.12.4 The Authority should review, document and implement internal monitoring procedures to accurately reflect the range of risk based monitoring activities it carries out across all areas of the Service including officer authorisations, food and food establishment complaints etc. [The Standard – 19.1]

5.13 Local Authority Views on Arrangements for Incidents and Alerts

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

- Local authorities are given a good level of support by the FSA during an incident. Although sometimes the role of the FSA and LA can be confusing particular to the consumer.

- The LA felt that the FLCoP would benefit on a checklist for authorities to use when reporting an incident.
- Further training provided by the FSA on incidents and alerts would be beneficial.

5.14 Issues Outside the Scope of the Audit

5.14.1 During the course of the audit, Auditors did have some concerns regarding the follow up actions taken by an officer during an intervention of a local butchers shop. The case involved the dual use of a vacuum pack machine to pack raw meat and ready to eat cheese.

5.14.2 There was insufficient evidence to provide assurance that this activity was no longer taking place at the business. The case was discussed with the lead officer, and the auditors recommended an urgent review of the case and a site visit if required.

5.14.3 The authority confirmed that the business had been revisited following the audit and that the business now had a separate vacuum packing machine for ready to eat foods.

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ANNEX A - Action Plan for South Lakeland District Council

Task/area of work	Actions to be taken	Owner	Date	Comments	Completed and Verified/Outcome
Service plan	Develop and implement a service plan in accordance with the Service Planning Guidance in the Framework Agreement.	HB/FI	March 2016	The food and safety service plan is to be incorporated into the Public Protection Service plan and subject to the normal approval/review procedure.	
	Annual documented service review based on the service plan and approved by members of SMT.	HB/FI	March 2016		
	Variance in meeting the service delivery plan addressed in the subsequent Service Plan.	HB/FI	March 2016		
Food Alerts	Policy/procedure document to be reviewed to include alerts including the Shellfish Beds and TB notifications. Policy/procedure to include location of information, registration documents (Shellfish beds) and procedures in place for receipt of registration documents.	HB	May 2016	These have been incorporated to the action plan to review and update all procedures.	

	Finalise details of detention and seizure document – i.e. details of stores etc and this document to be updated to reflect current legislation.	DCW	March 2016	Work to be raised at officer's next one to one	
	Develop and maintain a Cumbria wide out of hours shared expertise based on officer competency to respond to food incidents and alerts.	HB	May 2016	Work to be raised at next Food Liaison group meeting which is on 19 th November 2015	
	Procedure relating to incidents and alerts to be reviewed to update officer out of hours details and incidents/alerts received out of hours.	PH	March 2016	Work to be raised at Officer's next one to one and procedure/policy action plan updated.	
	Set up a spreadsheet detailing the alert, SR number (if applicable) and reason for not taking any action (if applicable).	JL	December 2015	Work to be raised at officer's next one to one	Work completed in November see embedded document:  Food Alerts Spreadsheet 2016.xls
Enforcement	Food Enforcement policy dated May 2011 to be updated and approved by the relevant Member forum or senior delegated officer.	HB/FI/SH	July 2016	Food Enforcement policy to be replaced with a Corporate Enforcement policy. Procedure/policy action plan updated to reflect this work.	

Authorised Officers	Guidance and documented procedure required for the authorisation of officers, in particular assessing of competence and qualifications of officers prior to authorisation, including officers returning to food law enforcement duties.	HB	April 2016	Cumbria wide policy to be adopted	
	Authorisations to be reviewed to take account of Official Feed and Food Controls (England) Regulations 2009.	HB	June 2016	Blanket authorisation for EHO's to be drafted, approved by monitoring officer and signed by delegated officer as per the constitution/Council procedures.	
	Review officer training to ensure they have had recent training on reducing the risk from E coli O157 in small and medium sized businesses, shellfish and inland imported food training.	HB	June 2016		
Internal Monitoring	Written documentation required to ensure the premises database was accurate and up to date.	GB/HB	July 2016	GB to document procedures and cascade information with other Public Protection Support Assistants	
	Officers to review the	ALL	Ongoing		

	LAEMS scope code and usage code after each inspection.				
	Review, document and implement internal monitoring procedures to accurately reflect the range of risk based monitoring activities it carries out across all areas of the Service including officer authorisations, food and food establishment complaints etc.	HB	July 2016	Checklist to be developed which covers qualitative and quantitative checks for shadow inspection, change of inspection frequency and Service requests.	

Key: HB = Hardeep Burnley
 FI = Fiona Inston
 JL = Jane Latham
 DCW = Diane Wright
 PH = Pat Harris
 SH = Sean Hall
 GB = Gill Booth
 ALL = All Food EHO's

ANNEX B - Audit Approach/Methodology

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

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

ANNEX C - Glossary

Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	The Framework Agreement consists of:

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

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

The **Monitoring Scheme** requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.

Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.

Unitary Authority

A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.