

# **Audit of Local Authority Service Delivery Controls for Incidents and Alerts**

Borough Council of Wellingborough  
28-29 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 the Borough Council of Wellingborough conducted between 28 and 29 of September 2015 at the Council offices at Swanspool House, Wellingborough, Northamptonshire, NN8 1BP. The audit was carried out as part of a programme of audits on local authority (LA) controls for Incidents and Alerts. The report has been made available on the Agency's website at:

[www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://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 a number of improvements were required for the Authority to meet the requirements of the Framework Agreement and the Food Law Code of Practice (FLCoP) and to strengthen the interface between the FSA and the Authority. 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 Arrangements for out of hours receipt and response to food alerts needed to be improved by extending arrangements for alerts to be received by the Team Leader in the absence of the Principal Environmental Health Manager.

#### **Organisation and Management**

4.2.2 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.

#### **Enforcement**

4.2.3 Ensure the scheduled review of the Enforcement Policy is completed and review the seizure and detention procedure.

#### **Authorisations**

4.2.4 Ensure that the Lead Officer is appropriately appointed and that authorisations are reviewed to ensure that officers are appropriately authorised under relevant legislation.

#### **Internal Monitoring**

4.2.5 Review the internal monitoring procedure to include qualitative monitoring across the full range of food law enforcement activities.

## **5.0 Audit Findings and Recommendations**

### **5.1 Organisation and Management**

- 5.1.1 The Authority had developed a documented Food Safety Enforcement Service Plan for 2015/16 which had been approved by elected members. The Service Plan was well structured and broadly followed the Service Planning Guidance in the Framework Agreement.
- 5.1.2 As required by the Framework Agreement the Service Plan included a specific section for food safety incidents which stated that the Authority acts on all alerts in accordance with the LAs food alert procedure and the FLCoP. The Plan estimated there would be 40 food alerts in 2015/16 but did not provide an estimate of the resources required to meet this demand.
- 5.1.3 The Plan detailed that the LA had been through a significant restructuring, resulting in reduced staffing and that some lower risk premises may not be inspected within the prescribed period set out in the FLCoP. However Officers advised that the Authority had assessed its resources and was satisfied it had sufficient resources to deliver the work detailed in the Service Plan.
- 5.1.4 The Plan needed to include a comparison of the resources required to deliver the Service Plan against those available and that any shortfall should be identified.

#### **Recommendation**

5.1.5 The Authority should:

Ensure that Service Plans 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]

## 5.2 Incidents and Alerts

### Procedures

- 5.2.1 The Authority had developed documented procedures for reporting food incidents and a separated food alerts procedure for food alerts.
- 5.2.2 The Food Incidents Procedure detailed that the Authority must notify the FSA in the event of
- A serious localised food hazard
  - A non-localized food hazard
  - A serious localized outbreak of a food borne disease
  - Withdrawal of food by a business due to non-compliance with Regulation 178/2002.

It also set out;

- Public Health England should be notified of any serious localized outbreaks of food borne illness
  - Definitions of incidents
  - The methodology for assessing incidents
  - Action to be taken
  - Provisions for incidents received out of hours
- 5.2.3 The food alerts procedure provided that alerts were to be monitored on a daily basis and forwarded to all relevant staff including the Principal Environmental Health Manager (PEHM) and Team Leader who were responsible for determining action to be taken by the LA.
- 5.2.4 The procedure stated that the PEHM would from time to time review action taken on alerts to ensure appropriate action had been taken. There was however no records available of these reviews.

### Out of Hours Arrangements

- 5.2.5 The PEHM had signed up to FSA SMS text alerts to facilitate responses to alerts received out of normal working hours. There was however no arranged cover for when the PEHM was not available and auditors discussed potential arrangements for the Team Leader to provide cover.
- 5.2.6 The LA also provided an out of hours emergency service for food matters via a contact center. The number of the contact center had been provided to the FSA.
- 5.2.7 The out of hours service was provided by six officers of which two held appropriate qualifications to deal with food matters. Auditors were assured that when non-qualified food officers were on call there was sufficient qualified officer available through good will arrangements to

ensure that matters would be dealt with by an appropriately qualified food officer.

- 5.2.8 Out of hours officers had appropriate access to buildings, equipment, computers, and storage facilities to allow a full range of food law enforcement activities. Arrangements were also in place for out of hours sample submissions.

#### Environmental Health Food Alerts

- 5.2.9 Auditors checked the LA actions in regard to four food alerts for action issued by the FSA. All four alerts had been received electronically and actioned.
- 5.2.10 In three cases the LA had actioned the alerts within the same day. One alert had been issued on a Friday afternoon and this had been actioned on Monday morning.
- 5.2.11 The Authority did not record how many premises had been inspected in regard to alerts. Auditors asked how long officers continued to action alerts. Officers advised auditors that the LA expected officers to take into account the product life in assessing how long to continue to take action in relation to products.

#### Environmental Health Notifications

- 5.2.12 The LA had not notified the FSA of any food hazards within the previous two years. Auditors reviewed three food hygiene samples, two complaints, and two herd notifications to evaluate the presence of any food hazards constituting food incidents. In all cases except one the LA was found to have correctly assessed potential hazards which did not require reporting to the FSA. However in one case the LA needed to seek further clarification of a sample result from the Analyst. In examining sample records auditors noted that follow up action was not always recorded and the LA agreed this needed to be addressed.

#### **Recommendation**

5.2.13 The Authority should:

Review its out of hours contact arrangements for the receipt of food alerts to ensure cover is provided in the absence of the PEHM. [The Standard 14.1]

### **5.3 Advice to Business**

- 5.3.1 The Authority highlighted food alerts within the Food Safety Health Protection section of the LA website. This included a link to food alerts on the FSA website.
- 5.3.2 Auditors discussed that the website could be improved by providing access to links to allow consumers and business to subscribe to receive alerts to personal email or mobile phone.
- 5.3.3 Auditors were advised that telephone advice regarding alerts and incidents would be available to businesses who made a service request or requested information during visits/interventions.

### **5.4 Food Inspection and Sampling**

- 5.4.1 The Authority was a member of the Northamptonshire Food Surveillance Group which had created a documented Food Sampling Policy. The policy set out the aims and objectives of the group, and a regional approach to sampling, sampling initiatives and procedures.
- 5.4.2 The LA also further detailed its sampling policy in the Service Plan and had developed a LA protocol for food sampling for examination. The procedure set out the action to be taken by officers when procuring and handling food samples.

### **5.5 Enforcement**

- 5.5.1 The Authority had developed a documented Environmental Health Enforcement Policy which had been appropriately approved by elected members in 2009. The policy did however require updating and auditors were advised that this was scheduled to be undertaken by the PEHM during the year.
- 5.5.2 The Authority had developed documented work procedures for the seizure, detention and voluntary surrender of food. Auditors noted that the Authority did not have a documented procedure detailing the process for certifying that food does not meet food safety requirements under Regulation 29 of the Food Safety and Hygiene Regulations 2013.
- 5.5.3 Auditors reviewed the records in relation to three 3 voluntary surrenders of food. The action was found to be appropriate and well documented with the exception that there was no record of the disposal of the foods.



## **Recommendations**

5.5.4 The Authority should:

- i) Review of the LA Enforcement Policy and gain appropriate approval. [The Standard – 15.1]
- ii) Review the seizure and detention procedure to take account of certificates issued under Regulation 29 of the Food Safety and Hygiene Regulations 2013. [The Standard – 15.3]

## **5.6 Control and Investigation of Outbreaks and Food Related Disease**

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

5.6.2 Auditors reviewed the PHE East Midlands Communicable Disease Outbreak Management Plan the LA procedure. The Control Plan had been developed in association with all relevant organisations.

## **5.7 Authorised Officers**

5.7.1 The Authority had developed a documented procedure for the authorisation of officers. There appeared to be no record of the appointment of the Lead Officer for food although it was clear that the Lead Officer for Food Safety was the PEH Manager.

5.7.2 The qualifications, knowledge and competence required of officers to carry out a range of enforcement functions was detailed in the procedure which included a commitment to appropriate hours food CPD per year for food officers.

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 reviewed at 6 month intervals.

5.7.4 Qualifications and training records for Environmental Health staff were examined and these demonstrated that officers were receiving the 10 hours relevant training per annum based on the principles of continuing professional development. There was however no training recorded in regard to alerts and incidents.

5.7.5 Checks were carried out on the delegated powers and authorisations of officers. Auditors raised concerns about the authorization of officer for the Trade in Animal and Related Products Regulations 2011 and the Official Feed and Food Controls Regulations 2009.

5.7.6 In many cases delegated powers and authorisations were not specific to particular section within legislation and auditors advised that this approach be reviewed with the LA Legal Service.

### **Recommendations**

5.7.7 The Authority should:

- i) Ensure that the Lead Officer is appropriately appointed.  
[The Standard 5.2]
- ii) Review authorisations to ensure officers are appropriately authorised under all relevant legislation in accordance with their individual level of qualification, experience and competency.  
[The Standard – 5.3]

## **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. Auditors found that documented procedures all had review dates in place had been recently reviewed.

## **5.9 Facilities and Equipment**

5.9.1 The authority's had in place 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 food database together with other electronic documents used in connection with food law enforcement services was subjected to end of day back-up to prevent the loss of data.

## **5.10 Food Premises Database**

5.10.1 The Service had developed a documented database maintenance flowchart to summarise how data was to be updated on the database. This included registration of new premises, programmed inspections, post inspection other visits and interventions.

5.10.2 The procedure also identified sources of intelligence to help maintain database accuracy as being Planning, Licensing, newspaper advertising and officer local intelligence.

5.10.3 The LA also operated a District System with Officers being responsible for specific geographic areas and identifying new businesses or change of ownership.

5.10.4 Information entered on the database was also controlled by restricted access for deleting and creating premises.

5.10.5 Auditors had identified potential anomalies and inaccuracies in Food Hygiene Ratings Scheme (FHRS) data and the Authority advised it would carry out further investigation and correction of data if required.

5.10.6 Auditors had prior to the audit randomly selected 6 food establishments located in the authority's area from the Internet. All of the food establishments had been included on the food establishments database had been included in both the food hygiene intervention programme.

5.10.7 One premises found to have no next inspection date. It was unclear as to how this had arisen and auditors advised that this required further investigation.

5.10.8 Auditors discussed the FSA publication "Accurate reporting through LAEMS" as a possible source of guidance for ensuring the database was accurate reliable and up to date.

## **5.11 Liaison with other Organisations**

5.11.1 The LA had good liaison arrangements in place with officers regularly attending the Northamptonshire Food Liaison Group.

## **5.12 Internal Monitoring**

5.12.1 The Authority had developed a documented Internal Monitoring Procedure which had been issued in 2014 and was due to be revised in September 2016.

5.12.2 The monitoring procedure set out the following checks ;

- Six month checks on legislation, guidance, policies and procedures.
- Inspection monitoring checks of 1 inspection per officer every 6 months.
- Monthly monitoring against business plan targets and an annual in depth review.

5.12.3 The procedure was limited in its scope in that it did not include qualitative monitoring of a full range of food law enforcement activities and mainly focused on monitoring inspections. The LA needed to review the scope and content of the internal monitoring procedure.

#### **Recommendation**

5.12.4 The Authority should:

Review the internal monitoring procedure to include qualitative monitoring across the full range of food law enforcement activities. [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 Agency and associated statutory guidance. The following is a summary of potential improvements;

- It would be beneficial if the FSA gave an indication of the timescales for action that would be expected for any FAFA, and the expected duration of the period officers should be looking for the affected products.
- More detailed clarification (examples or descriptions, etc) of difference between localised food hazard and serious localised food hazard / non-localised food hazard would benefit LAs.
- A definition of 'Local Distribution' may assist (specific radius or inside Borough Only e.t.c.)
- Annex 3 document states Fax to FSA, but email is preferred. Section 2.2.1.3 also states email for notification at earliest opportunity. Wording could be clearer as also states we can submit directly online to Investigations Unit.
- Annex 3 refers to HPA rather than PHE
- In regard to Annex 2 of the FLCOP a standard risk assessment template document could be included and the box containing info on VTEC etc requires YES / NO on outward arrows
- We would welcome some FSA training on Alerts and Incidents, possibly to include some interactive scenarios to discuss and

consider against the authorities procedures / officer responses.  
This could be online training or a tutored session.

#### **5.14 Issues Outside Audit Scope**

##### Alternative Enforcement Strategies (AES)

- 5.14.1 Auditors noted that the authority made good use of the flexibilities for interventions as detailed in the FLCoP. The Service Plan highlighted that AES is used for a proportion of category D and E premises.
- 5.14.2 This intervention was undertaken by an unqualified member of staff. Auditors advised the LA that the FLCoP only allows AES to be used at category E premises, but certain D rated premises can be subject to non official controls such as intelligence gathering.
- 5.14.3 The Authority explained that the questionnaire visits to D rated premises are recorded differently on the database to the AES to category Es. Auditors discussed how the Authority recorded these non-official control interventions on their database generated a new Food Hygiene Rating on the FHRS website. The Authority was reminded that Food Hygiene Ratings can only be changed following audit, inspection and partial inspection.
- 5.14.4 Auditors agreed to provide further advice on how the Authority can set up their database to prevent non official control interventions from changing Food Hygiene Ratings on the website.

##### Approved Establishments

- 5.14.5 Auditors reviewed an approved establishment file which changed activities from producing sandwiches to manufacturing cooked chicken products. Auditors noted that although the premises was manufacturing meat products the Authority had approved the establishment for meat preparations.
- 5.14.6 Auditors discussed that the initial approval inspection was undertaken whilst the business was not operating and the Authority fully approved the premises rather than granting conditional approval initially. Auditors advised the Authority to re-issue the approval notification document to ensure that the establishment is correctly approved for meat products.

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## ANNEX A - Action Plan for Borough Council of Wellingborough

Audit date: 28-29 September 2015

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
5.1.5 Ensure that Service Plans 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]	April 2016	Service plan template to be reviewed, and the updated version is to be used for 2016-17. The 2016-17 Service Plan is to include a clear comparison of resources required to carry out the full range of statutory food law enforcement activities, against resources available to the service, and will highlight any shortfall.	Assessment of required resources commenced.  Service plan review to commence January 2016.
5.2.13 Review its out of hours contact arrangements for the receipt of food alerts to ensure cover is provided in the absence of the PEHM. [The Standard 14.1]	Completed	The Team Leader (Health Protection) now receives FSA SMS notifications directly to their personal and work mobile phones.	Completed
5.5.4 (i) Review of the LA Enforcement Policy and gain appropriate approval. [The Standard – 15.1]	April 2016	Enforcement Policy to be reviewed and updated to reflect service and legislative changes.	Review has commenced.

<p>5.5.4 (ii) Review the seizure and detention procedure to take account of certificates issued under Regulation 29 of the Food Safety and Hygiene Regulations 2013. [The Standard – 15.3]</p>	<p>February 2016</p>	<p>Seizure and Detention procedure to be reviewed to include information on use of certificates under Regulation 29 of the Food Safety &amp; Hygiene (England) Regulations 2013</p>	<p>This is on the agenda for discussion at the County Food Liaison group in December 2015 to ensure consistency with other authorities.</p>
<p>5.7.7 (i) Ensure that the Lead Officer is appropriately appointed. [The Standard 5.2]</p>	<p>April 2016</p>	<p>The authorisation procedure will be amended to include specific reference to the appointment of the Lead Officer for Food Safety. A record will be kept of this appointment.</p>	<p>Draft updated scheme of delegation produced.</p>
<p>5.7.7 (ii) Review authorisations to ensure officers are appropriately authorised under all relevant legislation in accordance with their individual level of qualification, experience and competency. [The Standard – 5.3]</p>	<p>April 2016</p>	<p>The current scheme of delegation includes a generic reference to authorisation under the Trade in Animal and Related Products Regulations 2011 and the Official Feed and Food Controls (England) Regulations 2009. Internal legal advice to be sought on amending this to include specific powers and authorisations under the relevant regulations.</p>	<p>This is on the agenda for discussion at the County Food Liaison group in December 2015 to ensure consistency with other authorities.</p>
<p>5.12.4 Review the internal monitoring procedure to include qualitative monitoring across the full range of food law enforcement activities. [The Standard – 19.1 &amp; 19.2]</p>	<p>April 2016</p>	<p>Internal monitoring procedures will be amended to include the full range of food law enforcement activities. Amongst others, this will include sampling; complaints; Food Alerts; file audits; approved premises; database checks; unregistered food businesses.</p>	<p>Draft internal monitoring procedure has been produced.</p> <p>This is on the agenda for discussion at the County Food Liaison group in December 2015 to ensure consistency with other 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.
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	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Food and Feed Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> 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 <b>Audit Scheme</b> 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 Equivalent (FTE)	<p>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.</p>
Member forum	<p>A local authority forum at which Council Members discuss and make decisions on food law enforcement services.</p>
Metropolitan Authority	<p>A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.</p>
Service Plan	<p>A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.</p>
Trading Standards	<p>The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.</p>
Trading Standards Officer (TSO)	<p>Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.</p>

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.