

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

West Yorkshire Joint Services
1-2 September 2011



Foreword

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

This programme of focused audits in England and Wales has been specifically developed to address two of the priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that feed meets the legislative requirements for animal consumption and is safe to enter the human food chain and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at inland feed establishments and effective local authority monitoring throughout the feed chain. The audits will also be an opportunity for the Agency to establish the level of controls being implemented by Local Authorities (LAs) following the FVO Mission to the United Kingdom on animal feed controls which took place from 16-26 June 2009. The report entitled 'The Implementation of Measures Concerning Official Controls on Feed Legislation' is available from the Europa website at: http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335.

The programme examined local authority (LA) systems and procedures for control of feed at inland authorities, in 10 geographically representative LAs in England and 2 in Wales. The audits were confined to feed not of animal origin (FNAO). A similar audit programme in Scotland is being scheduled later in 2011.

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

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

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective feed law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on feeding stuffs. Parallel local authority audit

schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

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

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1. Introduction

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

Reason for the Audit

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

Scope of the Audit

- 1.4 The audit examined West Yorkshire Joint Services' systems and procedures for the control of feed not of animal origin (FNAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of

¹ Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC)

officer training, authorisations, implementation and effectiveness of feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to feed and internal service monitoring arrangements were also covered.

- 1.6 The on-site element of the audit took place at the West Yorkshire Trading Standards Service offices at Nepshaw Lane South, Morley, Leeds on 1-2 September 2011. The audit included a reality check to assess the effectiveness of official controls implemented by the Service and more specifically, the checks carried out by the Service's officers to verify compliance with feed law requirements.
- 1.7 The information gained during this programme will be incorporated into a summary report on the feed inspection and control activities audit programme.

Background

- 1.8 West Yorkshire Joint Services provides certain key services including trading standards enforcement on behalf of five constituent authorities, namely Leeds, Wakefield, Calderdale, Kirklees, and Bradford. The area covered by West Yorkshire Joint Services includes large urban conurbations such as Leeds and Bradford interspersed with areas of countryside and farmland. There is a legacy of significant industrial and manufacturing development in the area relating predominantly to textiles, mining and engineering. The five districts have a combined population of over 2.1 million with large ethnic communities in Bradford, Leeds, Dewsbury, Huddersfield and Halifax. Today the economy has a focus on the service and financial industries and is home to two of the 'Big 4' supermarket chains.
- 1.9 West Yorkshire Joint Services is jointly funded by the five district councils pro rata to their population, and is run by a committee of equal numbers of councillors from the constituent councils.
- 1.10 Feed law enforcement was carried out by officers of the Business Compliance Division of the Trading Standards Service.

2. Executive Summary

- 2.1 The Service had developed a Food and Feed Service Plan for 2011/2012 which included focused delivery objectives for the feed law enforcement service. This Plan generally was in line with the Service Planning Guidance in the Framework Agreement, however, it would benefit from being further developed to include a realistic comparison of the resources required to deliver the feed law enforcement service against the resources available to the Service, based on the full range of demands placed upon it. The Service carried out and reported on regular reviews of its progress against key service performance indicators.
- 2.2 The Service operated an accredited quality system, which included a quality manual of procedures relevant to the feed law enforcement service. There were a number of procedures required by the Framework Agreement that had not been developed, and it was agreed that their need would be reviewed in light of the plan to have a newly qualified officer working in the team later in the year.
- 2.3 The Service had a documented procedure for the authorisation of officers including those working in feed law enforcement. This set out the means by which officers were authorised, based on their qualifications, training, experience and competency. It was clear that the lead officer for feed had received an appropriate level of relevant training and that an officer intending to work in the team was also receiving appropriate training for their intended role.
- 2.4 It was evident at the time of the audit that the register of feed establishments was incomplete and not being routinely maintained. The list was updated following the audit with information obtained from the constituent local authorities and a significant number of farm premises requiring registration were provided with a nominal activity code. Audit database checks on a random selection of feed businesses in a commercial directory confirmed that these were generally present on the database but not necessarily included in the inspection programme or on the register of feed establishments.
- 2.5 The Service had identified the feed establishments that it considered to be high risk and had undertaken to inspect these on an annual basis. It was not evident that medium and low risk establishments were included or targeted as part of a risk based inspection programme. Files generally included information on the visits that had been undertaken including information on samples taken and referrals relating to the business. However, there was insufficient information in visit reports and inspection records to indicate the officers' assessment of feed safety management systems or their implementation by the operators and whether any follow-up actions were required. It was also not clear that intelligence from industry audits was being used to effectively inform the focus of the inspection.

- 2.6 The Service's sampling programme was based around sampling from the establishments that were inspected as high risk. It was discussed that future reviews of the sampling policy and programme should in addition take close account of the National Enforcement Priorities on feed. It was not clear that unsatisfactory sample results relating to similar issues from successive visits were being adequately investigated or resolved, or that the information from such sampling results was informing the focus of future inspections.
- 2.7 The Service had developed a comprehensive enforcement policy which included the feed law enforcement activities. There were in addition some enforcement procedures that formed part of the Quality Manual. These required further development to cover all available enforcement options for feed. The Service advised that there had been no formal enforcement actions in the past two years.
- 2.8 The Service had developed complaints procedures which covered feed, and these included referral arrangements from other local authorities. Audit record checks confirmed that in general appropriate investigations had been undertaken with relevant advice provided to businesses, and there had been effective liaison and communication with other local authorities where appropriate.
- 2.9 It was evident that there was an established structure for reporting the results of quantitative monitoring throughout the Service and to Members. Whilst auditors were advised that there were mechanisms in place for some qualitative monitoring activities, there were no records to confirm this took place.
- 2.10 An officer who regularly carries out feed law enforcement was interviewed to determine if they were able to demonstrate an appropriate level of competency and knowledge of the Service's procedures. The officer was able to demonstrate a satisfactory working knowledge of animal feed enforcement.
- 2.11 A visit to an establishment which processed surplus food into feed was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements. The officer was familiar with the operations taking place at the business, although further detailed investigation of business processes was suggested for future inspections, particularly in relation to general feed hygiene requirements and the procedures for the removal of waste packaging from the product.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Service had developed an overarching and strategic Service Delivery Plan for 2010-2013, which included the feed law enforcement service. In addition there was a Service Business Plan for 2010-2013 for the Trading Standards Division. This included reference to the key delivery objectives for the Business Compliance Division within which the feed law enforcement service sits. The Service had also developed a Food and Feed Service Plan for 2011/2012, which included focused delivery objectives for the feed law enforcement service. This followed the guidance on service planning in the Framework Agreement, with the exception of a clear comparison of the resources required to provide the feed law enforcement service against those available.
- 3.1.2 The Food Standards Agency produces annual guidance on National Enforcement Priorities to assist feed authorities in better targeting of their official control activities on animal feed. The Agency expects these priorities to be taken into consideration and used to inform both inspection and sampling programmes undertaken at feed businesses. An appendix to the Food and Feed Service Plan 2011/2012 included a table confirming that the Service had considered each of the current National Enforcement Priorities and indicated where their enforcement activities would be directed.
- 3.1.3 The Service reported to the Archives, Archaeology and Trading Standards Sub-committee on feed matters and had sought approval from Members on all relevant plans. The report relating to the Food and Feed Plan had highlighted that the Service stated that they had adopted "Hampton principles", and as a result of their interpretation of these was not carrying out certain functions required by the Feed Law Enforcement Code of Practice. These included:
- not inspecting feed establishments at the frequency set out in the Code of Practice
 - not routinely registering establishments categorised as low risk
 - not routinely inspecting low risk feed businesses
 - making appointments for inspections of high risk premises, unless there was a suspicion that the business had significant breaches of legislation.
- 3.1.4 The Service carried out regular reviews of the key performance indicators in the service plans and reported achievement to senior managers and Members. The review process reflected the need to provide regular updates on performance to the five constituent authorities that contributed to the funding of the Service.

- 3.1.5 The Return made to the Agency for 2010/2011 indicated that there was 1 full time equivalent (FTE) officer carrying out feed law enforcement duties. The specialist agriculture officer carried out the bulk of the day-to-day work on animal feed enforcement. Whilst the current Food and Feed Service Plan did not confirm whether the staffing allocation was sufficient to meet the demands of the service, it had been estimated in a report to the Committee on the 2009/2010 Plan that an additional 3.5 officers were required, at £100,000 per annum to fulfil additional demands resulting from the implementation of the Feed (Hygiene & Enforcement) Regulations 2005.

Recommendation

3.1.6 The Authority should:

Further develop the service planning arrangements, in accordance with the Service Planning Guidance in the Framework Agreement, to include a comparison of the resources required to deliver the feed law enforcement service against the resources available to the Service.
[The Standard – 3.1]

Documented Policies and Procedures

- 3.1.7 The Service worked to a Quality System accredited to ISO 9001, which required adherence to a quality manual of procedures relevant to the feed law enforcement service. These were electronically available to officers on a read only basis and any changes to procedures required the agreement of the Quality Manager.
- 3.1.8 The documented feed law enforcement procedures did not cover all of the Service's current operational practices and therefore required further development and review. With the impending arrival of a newly qualified officer working in feed law enforcement it was agreed that the need for further procedures would be reviewed.

Recommendation

3.1.9 The Authority should:

Ensure that all documented policies and procedures relating to its enforcement activities reflect all relevant operational practices.
[The Standard – 4.1]

Authorised Officers

- 3.1.10 The Service had developed a documented procedure which set out the process for authorising officers to undertake feed law enforcement. The Chief Officer had delegated powers to authorise officers based on consideration of their individual qualifications, competencies and experience. Warrant cards only referenced legislation that was appropriate for the level of authorisation, however the warrants did not detail all specific legislative references. Auditors were advised that this approach had been agreed by the Service's legal advisers. The lead officer for feed was appropriately qualified and experienced and their details had been provided to the Agency.
- 3.1.11 Officer training needs were identified and discussed at routine annual performance review meetings. It was clear that the lead officer for feed had received a broad range of relevant training and had attended some specific courses provided by the Agency on feed matters. Records of training were routinely maintained and demonstrated that the officer had achieved more than the ongoing minimum 10 hours of feed related training per year based on Continuing Professional Development (CPD), in accordance with the Feed Law Enforcement Code of Practice. The officer who was intending working in the team had also received a broad range of training including attendance at relevant Agency courses on feed law enforcement.
- 3.1.12 An officer who regularly carried out feed law enforcement activities was interviewed as part of the audit to determine if they were able to demonstrate an appropriate level of competency and knowledge of the Service's procedures. The officer was able to demonstrate a satisfactory working knowledge of animal feed enforcement.

Facilities and Equipment

- 3.1.13 The Service advised that it had access to suitable equipment for sampling a range of feed products.
- 3.1.14 The Service had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official annual returns, and a return had been provided to the Agency for 2010/2011. The Service was not however able to verify the accuracy of the returns made in relation to feed sampling activity and it was agreed that additional checks would be made to fully reflect activity in this area. An amended return on sampling activity for 2010/2011 was subsequently received by the Agency following the audit.
- 3.1.15 The Service had not developed a documented procedure to ensure that its feed premises database was accurate. Auditors were advised

that periodic checks were made to ensure that higher-risk feed businesses were included on the database. In addition the Service advised that checks were periodically made on the internet for feed businesses in the area, and the HMRC database was interrogated for new importers of feed and food, in order for these to be added to the database. Details of 5 out of 6 feed establishments that were found in local business directories were present on the database, but were not necessarily included in the inspection programme or on the register of feed establishments as appropriate.

- 3.1.16 The Service had documented a practical procedure for Dealing with Feed Hygiene Registration Applications, however feed businesses had not been added routinely, particularly farms requiring inclusion onto the register of animal feed establishments. The auditors were advised that there were practical issues in doing so and a decision had been made not to keep the register updated. The importance of an up to date register was however recognised and the Service undertook to ensure that the register was updated with all relevant feed establishments, including an initial nominal activity code. An updated register was subsequently received by the Agency following the audit.
- 3.1.17 Auditors were advised that the Service had agreed with the five constituent authorities that intelligence would be shared on activities relating to animal feed noted as part of animal health interventions, particularly in relation to farms. In addition there had been discussion relating to information gained as part of routine checks on food businesses being made by environmental health colleagues at the constituent authorities, in relation to surplus food which could potentially enter the feed chain.
- 3.1.18 The Service confirmed that they were aware of two representatives in the area covering two third country establishments. These had made applications in the United Kingdom in accordance with the requirements of Directive 98/51/EC.

Recommendation

3.1.19 The Authority should:

Develop and implement a documented procedure to ensure that the database is accurate, reliable and up to date. [The Standard – 11.2]

Liaison with Other Organisations

- 3.1.20 The Service had liaison arrangements on animal feed matters with central government and local enforcement bodies across the region, in particular through on-going informal liaison and shared intelligence between animal health officers at the constituent authorities. More formal liaison arrangements were established through membership of the Yorkshire Animal Health Group; the Yorkshire Principal Feed Officers Group, which occasionally included topics relating to feed; and an officer also contributed to the Yorkshire and Humber Food and Feed Group which is operated as a 'virtual' group.
- 3.1.21 Auditors were advised that the lead officer for feed had made contact with the area inspector from the Inspections and Investigations Team (IIT, formerly the Animal Medicines Inspectorate) with a view to increasing liaison on visits to establishments where there were joint enforcement responsibilities, in line with the national Memorandum of Understanding agreed between the Local Government Regulation and the Veterinary Medicines Directorate.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Service had identified manufacturing premises and those that handled imported feed as high risk and subject to annual feed inspections. At the time of the audit there were 26 establishments that had been categorised as high risk. Premises that were categorised as medium or low risk were not subject to routine inspections as required by the Feed Law Enforcement Code of Practice.
- 3.2.2 Audit record checks on a selection of premises classified as high risk indicated that, in general, these establishments had been inspected at the correct frequency over the last three inspections. However, there was not enough information recorded during interventions to determine whether the businesses were correctly risk assessed.
- 3.2.3 Auditors were advised that for practical purposes the Service usually contacted feed business operators before inspections to ensure appropriate personnel were available at the premises. Auditors discussed amending procedures to carry out unannounced inspections where this was practicable in line with the requirements of Regulation (EC) No 882/2004.
- 3.2.4 Officers recorded the findings from inspections onto a pro-forma, however this often consisted of the use of a tick to confirm that a particular issue had been considered without any supporting detail on any issues found or the officer's assessment of the adequacy of the arrangements in place. A new inspection aide-memoire had been recently introduced, which if completed in full for all future inspections would help to ensure that consistent and sufficient information is recorded. This is essential to:
- demonstrate that feed businesses comply with the law
 - ensure subsequent inspecting officers are aware of individual compliance histories
 - to inform each step of a graduated enforcement approach
 - to permit effective internal qualitative monitoring.
- 3.2.5 The Service had been awarded a grant from the Agency to support official controls at targeted feed business operators. This involved carrying out audits at feed establishments, and the completion of a comprehensive aide-memoire to record the outcome of the audits. The adoption of this template aide-memoire was also discussed as a means of prompting adequate records of HACCP assessments.

Verification Visit

- 3.2.6 A verification visit was carried out to an establishment which processed surplus food into feed. The purpose of the visit was to

assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements. The officer was able to demonstrate a knowledge of the operations carried out at the business, however it was recommended that the inspection process took a more structured approach to the evaluation of the adequacy of the HACCP system in place at the establishment, the assessment of the key feed hygiene issues and the procedures for the elimination of waste packaging from the final product. In addition it was not clear that the inspection had fully considered recommendations made in the last report by the external auditor who had inspected the business as part of their membership of an accredited trade assurance scheme.

Recommendations

3.2.7 The Authority should:

- (i) Ensure that inspections of feed establishments are carried out a frequency which is not less than that determined under the relevant inspection rating scheme, giving priority to higher risk establishments and in accordance with the legislation, Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.1]
- (ii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]
- (iii) Ensure that all observations and/or data obtained in the course of an inspection are recorded and that the records are legible in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]

Feed Inspection and Sampling

3.2.8 The Feed and Food Plan 2010/2011 set out the Service's feed sampling programme for the year as consisting of 100 samples for analysis, of which 60 would be compositional and 40 would be samples taken for aflatoxin testing. This was based on consideration of the feed premises profile in the area, intelligence from rapid alert system for food and feed (RASFF) notifications, and past programmes, and included taking samples as part of inspections of high-risk establishments. Whilst samples taken as part of the

programme did in part reflect the National Enforcement Priorities, it was not clear that the sampling policy and programme had fully considered them. The Service, as part of the Yorkshire and Humber Group, had successfully bid for and secured funding from the Agency for feed sampling and the UK Food Surveillance System (UKFSS) was used to report on results of all relevant activity.

- 3.2.9 The Service had developed a procedure on Food and Agriculture Acts Sampling and Storage, however this could be usefully expanded to provide guidance on the procurement of feed samples.
- 3.2.10 The Agricultural Analyst appointed by the Service was designated an Official Control Laboratory for animal feed analysis and properly accredited. There was evidence of regular liaison including quarterly minuted liaison meetings with the Agricultural Analyst on individual samples and the progress of the sampling programme as a whole.
- 3.2.11 Records of four feed samples were examined. In addition, records of sampling activities that took place as part of selected inspections of high risk feed premises were examined. All samples were informal and had been taken by a suitably qualified and experienced officer and results were retained on the file. It was not always evident however that the feed business had been informed of the result or what action had been taken where a sample was found to be unsatisfactory.
- 3.2.12 The Service routinely obtained informal samples during inspections to establishments designated as high risk. There was evidence that similar samples of feed taken at successive visits yielded similar unsatisfactory results, however it was not clear that appropriate action had been taken to fully investigate the cause of repeated failures or use the results to inform subsequent interventions and enforcement decisions.

Recommendations

3.2.13 The Authority should:

- (i) Ensure that appropriate and proportionate action is taken on feed samples that do not meet prescribed standards, in accordance with the Service's enforcement policy. [The Standard –12.2]
- (ii) Ensure that the feed sampling policy and programme is risk based and takes full account of the National Enforcement Priorities for feed.
[The Standard – 12.4 and 12.6]

Enforcement

- 3.2.14 The Service had an enforcement policy covering all aspects of the Trading Standards Service including feed law enforcement. In addition the Service had developed some enforcement procedures that formed part of their Quality Manual. Further procedures needed to be developed to cover the full range of enforcement options available for feed law enforcement activities, for example the service of notices and for the voluntary surrender of feed.
- 3.2.15 Auditors were advised that there had been no formal enforcement actions on feed issues in the two years preceding the audit.

Recommendation

3.2.16 The Authority should:

Develop formal enforcement procedures for the full range of enforcement actions and follow up action available in relation to feed in accordance with the relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 15.2]

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.17 The Food and Feed Plan 2011/2012 stated that very few complaints regarding feed were received and those that were related mainly to pet food. Auditors were advised that referrals from other enforcement authorities were dealt with in accordance with the Home Authority Principle or the Service's enforcement policy as appropriate.
- 3.2.18 The Service had a number of procedures for dealing with complaints and referrals, the scope of which included feed.
- 3.2.19 The Service confirmed support for the Primary Authority Principle and had entered into Primary Authority agreements with two pet food businesses. Auditors were advised that the Service would continue to provide appropriate advice and guidance in line with its duties under the Regulators' Compliance Code to all businesses, however detailed advice and support in excess of those requirements was now restricted to those businesses that had entered into Primary Authority agreements.
- 3.2.20 Audit checks of three referrals from other enforcement authorities and service requests relating to feed confirmed that there was sufficient

information held on the files regarding the complaints and that appropriate action had been taken.

Feed Safety Incidents

- 3.2.21 The West Yorkshire Feed Incident Plan was included as an appendix to the Food and Feed Plan 2011/2012. Whilst the Incident Plan did not provide reference to action relating to RASFFs, auditors were advised that in practice routine checks were made on RASFFs relating to both feed and food.
- 3.2.22 The Service operated an Out of Hours Team that could respond to emergencies. Whilst none of the team were qualified in feed, arrangements were in place for qualified officers to be contacted if necessary. The Service advised that they would also be able to call upon the services of neighbouring authorities if required.
- 3.2.23 A localised incident relating to copper in sheep feed had been appropriately investigated.

Advice to Business

- 3.2.24 Auditors were advised that specific initiatives providing advice to feed businesses were not being actively pursued. It was however evident that advice was being offered where requested and during inspections.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Service's Quality Manual did not contain a procedure setting out the arrangements for internal monitoring of animal feed activities. There was evidence of extensive quantitative monitoring of achievement against targets and performance indicators including those relating to feed. This activity was routinely reported both to senior managers and Members.
- 3.3.2 Auditors were advised of informal qualitative monitoring activities that took place, including paperwork and database checks, however there was no evidence to confirm this. There had been no accompanied visits carried out as part of the monitoring arrangements.

Recommendation

3.3.3 The Authority should:

Develop and implement a documented internal monitoring procedure to include all aspects of feed law enforcement activities. Implement the procedure to effectively verify the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2 and 19.3]

Records

- 3.3.4 Records of feed law enforcement activity were maintained on a combination of electronic and paper records, and were easily retrievable. Audit checks on inspections confirmed that there were limited records of official controls. The lack of detailed records of checks meant that auditors could not confirm the adequacy of the detail of inspection, the assessments carried out by officers or adequate information about the business and its operations as required by the Feed Law Enforcement Code of Practice.

Recommendation

3.3.5 The Authority should:

Maintain up to date, accurate and comprehensive records in retrievable form for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspections and determinations of compliance carried out by authorised officers. [The Standard – 16.1]

Third Party or Peer Review

3.3.6 The Service had not participated in any inter-authority audit, third party or peer review process relating to the feed service in the last two years. The Service was subject to routine internal audits as part of the Quality Management System.

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Local Authority Audit and Liaison Division

Action Plan for West Yorkshire Joint Services

Audit date: 1-2 September 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.6 Further develop the service planning arrangements, in accordance with the Service Planning Guidance in the Framework Agreement, to include a comparison of the resources required to deliver the feed law enforcement service against the resources available to the Service. [The Standard – 3.1]	31/07/12	arison will be included in the 2012/13 Food and Feed Plan to be considered by the July “Trading Standards” Committee.	This comparison has been prepared in detail to assist Elected Members’ decision making on recommendations at 3.2.7(i) – (iii) and 3.3.5 of this report. Information provided to Joint Committee Members for consideration at the meeting held on 10/11/11.
3.1.9 Ensure that all documented policies and procedures relating to its enforcement activities reflect all relevant operational practices. [The Standard – 4.1]	31/01/12	West Yorkshire Trading Standards Service (WYTSS) will use its current experience of training a second Feed Officer to identify key policies and procedures to be included in the Service’s Quality System. Wherever possible WYTSS will make reference to policies, procedures and guidance produced and maintained by other agencies, such as the FSA.	Trainee Feed Officer has listed areas where she felt she needed WYTSS procedures as opposed to openly available national guidelines. Other Trading Standards Services in Yorkshire and the Humber Region approached for copies of their processes and procedures.
3.1.19 Develop and implement a documented procedure to ensure that the database is accurate, reliable and up to date. [The Standard – 11.2]	31/01/12	The current procedure detailing WYTSS’s processes for approving and registering feed businesses will be amended to include ensuring the register is accurate, reliable and up-to-date. This procedure to be placed in the West Yorkshire Joint Services (WYJS) Quality Manual.	to be updated. The process of identifying and as necessary modifying relevant feed businesses identified as simpler than was believed in July 2011 when the Food and Feed Plan 2011/12 was considered by Members.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.7(i) Ensure that inspections of feed establishments are carried out a frequency which is not less than that determined under the relevant inspection rating scheme, giving priority to higher risk establishments and in accordance with the legislation, Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.1]</p>	<p>31/07/12</p>	<p>Joint Committee Members considered this audit report and their response to it at their meeting on 10/11/11. Members were of the view that as WYTSS's budget for 2011/12 had been set in March 2011 and was an actual cut of 7.4% there was not the scope to increase resources for Feed Law work in 2011/12. Whilst the budget for 2012/13 will not be agreed until March 2012 it is anticipated to be a further actual cut of 6.9%. Whilst no decision will be made until after the budget is known, Members indicated that they would be looking to protect the current level of resources devoted to feed law work, however it was highly improbable that there would be an increase in 2012/13. Members sought and received an assurance from the Chief Officer that WYTSS would divert additional resources to feed law work to deal with any incidents.</p>	<p>Comparison of costs of delivering services in accordance with recommendations at 3.2.7(i) – (iii) and 3.3.5 of this Report has been prepared in detail to assist Elected Members' decision making. Following this the Service will consider a way forward based on the constraints of the decision.</p>
<p>3.2.7(ii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]</p>	<p>31/07/12</p>		<p>Joint Committee Members considered this audit report and their response to it at their meeting on 10/11/11. See detailed comments in 3.2.7(i)</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.7(iii) Ensure that all observations and/or data obtained in the course of an inspection are recorded and that the records are legible in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]</p>	<p>31/07/12</p>	<p>The Principal Officer with responsibility for Food and Agriculture work will sample audit feed business hard copy files to ensure information is correctly recorded.</p>	<p>Joint Committee Members considered this audit report and their response to it at their meeting on 10/11/11.</p> <p>WYTSS is now using inspection documentation which acts as a pro forma to ensure all relevant information is captured and recorded. Copies of these forms are saved on the businesses hard copy files.</p>
<p>3.2.13(i) Ensure that appropriate and proportionate action is taken on feed samples that do not meet prescribed standards, in accordance with the Service's enforcement policy. [The Standard –12.2]</p>	<p>31/10/11</p>	<p>Details of follow-up activity in relation to feed samples is now recorded in the Follow Up Actions field associated with the sample on the feed premises database (in the same way as WYTSS has for food samples for a number of years).</p> <p>Details of this follow-up action will also be detailed in any relevant trader file (where WYTSS maintains such for a business) and/or on the complaint or referral file on the feed premises database.</p> <p>Samples reported in as significantly adverse (i.e. excluding very minor labelling irregularities) will be logged as an infringement report and monitored under the “businesses brought back into compliance process.</p>	<p>WYTSS is of the opinion that <u>in practice</u> it does follow-up samples reported on adversely by the Agricultural Analyst and ensures appropriate remedial action is taken. However WYTSS accepts that at the time of the audit details of follow-up work on feed samples was not easily accessible nor sufficiently detailed to demonstrate this.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.13(ii) Ensure that the feed sampling policy and programme is risk based and takes full account of the National Enforcement Priorities for feed. [The Standard – 12.4 and 12.6]</p>	<p>31/07/12</p>	<p>The 2012/13 Food and Feed Plan will make reference to both adverse sample findings and causes and their link to the sampling programme.</p> <p>The 2012/13 Food and Feed Plan will make clear that WYTSS's feed sampling programme takes account of the National Enforcement Priorities for feed.</p>	<p>More detailed recording of WYTSS activity following adversely reported samples will more clearly demonstrate the link between this and other information in developing a risk based sampling programme.</p>
<p>3.2.16 Develop formal enforcement procedures for the full range of enforcement actions and follow up action available in relation to feed in accordance with the relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 15.2]</p>	<p>31/01/12</p>	<p>Procedures for the issue of these notices will be placed in the Quality System.</p>	<p>Identified that whilst WYTSS has detailed documented procedures in relation to prosecutions, simple cautions and warning letters, they do not cover the full range of notices available under feed legislation. Operational officers and managers aware of these notices. Scheme of delegation extended to authorise relevant officers to issue these notices.</p>
<p>3.3.3 Develop and implement a documented internal monitoring procedure to include all aspects of feed law enforcement activities. Implement the procedure to effectively verify the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2 and 19.3]</p>	<p>31/07/12 30/11/11</p>	<p>Details of how feed law enforcement activity is monitored and reported will be included in the 2012/13 Food and Feed Plan.</p> <p>Qualitative monitoring across the feed law enforcement service will be recorded on files and cases checked by managers, in records of periodic workload reviews between Feed Officers and Managers and in records of Operational (Team) Management reviews. Confirmation that qualitative monitoring is taking place will be provided to WYTSS senior management.</p>	<p>Identified that qualitative monitoring does take place but not recorded.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.5 Maintain up to date, accurate and comprehensive records in retrievable form for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspections and determinations of compliance carried out by authorised officers. [The Standard – 16.1]	31/07/12	<p>Where WYTSS has hard copy files these will be sample audited by the Principal Officer. Sample of complaint / referral / advice request cases dealt with by Feed Officers will be reviewed as part of Principal Officer's periodic monitoring of officers' work.</p> <p>WYTSS is looking at documentation and record keeping processes used by other Trading Standards Services in Yorkshire and the Humber Region and will adopt those that improve service.</p>	WYTSS has improved the detail of its records of its inspections, etc. as set out at 3.2.7 (iii) and 3.2.13 (i)

Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Food and Feed Service Plan 2010/2011 and 2011/2012
- Trading Standards Division Service Business Plan 2010/2013
- Reports to the Archives, Archaeology and Trading Standards Sub-Committee
- West Yorkshire Joint Services Service Delivery Plan 2010/2013
- Procedure for the Authorisation of Officers and associated job descriptions
- Procedure for Dealing With Feed Hygiene Registration Applications
- Procedures for dealing with complaints and referrals
- Feed inspection aides-memoire
- West Yorkshire Trading Standards Service Enforcement Policy
- Procedure for the Control of Seized Items
- Legal Process procedure
- Simple Caution procedure
- Examples of minutes from the West Yorkshire Principal Food Officers Group
- Examples of minutes from the West and South Yorkshire Liaison Group, Animal Welfare Team Meetings
- West Yorkshire Joint Services Members' Handbook
- Examples of Quarterly Review minutes

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

- Authorisation, qualification and training files
- Liaison records
- Feed premises inspection records
- Feed inspection and sampling records
- Feed complaint and referral records

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Principal Officer
- Divisional Manager
- Enforcement Officer

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

(4) On-site verification check:

A visit to a processor of surplus food into feed was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the business with legislative requirements.

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Airways bills	Commercial documents providing a general description of cargo items.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs	Common Entry Documents which must accompany certain food products to designated points of entry or import.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
ERTS	Enhanced remote transit shed. An HM Customs and Excise designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed not of animal origin. Products that do not fall under the requirements of the veterinary control regime.

Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Feed Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Service Planning Guidance • Food and Feed Law Enforcement Standard • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.

Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food control.
Primary Authority	An authority that has formed a partnership with a business.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates feed premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected annually.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or feed service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.