

***Report on the Audit of Local Authority Feed
and Food Law Service Delivery and
Food Business Compliance***

Worthing Borough Council
2-3 February 2010



Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services.

The attached audit report examines the Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for database management, inspections of food businesses and internal monitoring. In addition, the report examines the outstanding issues from a previous audit, carried out on 27 November 2008, which assessed the Authority's arrangements and management systems relating to the procurement and engagement of contractors employed to undertake food law enforcement activities. The findings from this earlier audit were collated with those from the other local authority audits included in the programme, and published in a 2009 summary report¹.

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

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website at:

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

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 food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs.

The report contains some statistical data, for example on the number of food premises inspections carried out annually. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring.

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

¹ <http://www.food.gov.uk/multimedia/pdfs/enforcement/lacontractaudit.pdf>

CONTENTS

	Page
1.0 Introduction	4
<i>Reason for the Audit</i>	4
<i>Scope of the Audit</i>	4
<i>Background</i>	5
2.0 Executive Summary	6
3.0 Audit Findings	8
3.1 Organisation and Management	8
- <i>Strategic Framework, Policy and Service Planning</i>	8
- <i>Documented Policies and Procedures</i>	9
- <i>Officer Authorisations</i>	9
3.2 Food Premises Database	11
3.3 Food Premises Inspections	12
- <i>Verification Visit to a Food Premises</i>	14
3.4 Enforcement	15
3.5 Internal Monitoring, Third Party or Peer Review	18
- <i>Internal Monitoring</i>	18
- <i>Food and Food Premises Complaints</i>	19
- <i>Food Inspection and Sampling</i>	19
- <i>Third Party or Peer Review</i>	19
Annexe A - Action Plan for Worthing Borough Council	21
Annexe B - Audit Approach/Methodology	24
Annexe C - Glossary	26

1. Introduction

- 1.1 This report records the results of an audit at Worthing Borough Council with regard to food hygiene law enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of the food premises database, food premises inspections, and internal monitoring. This report also includes the outstanding issues from the preceding focused audit of the Authority's arrangements and management systems relating to the procurement and engagement of contractors to undertake food law enforcement activities, carried out on 27 November 2008. This report has been made 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 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. The audits of Worthing Borough Council were undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was originally 1 of 20 authorities selected for the audit programme of local authority use of contractors/consultants for feed and food law enforcement services in England, carried out between October-December 2008. That audit, though limited in its scope, identified a number of wider issues regarding the Authority's food law enforcement service. Following a revisit and discussions with the Authority, a further audit with a wider scope was scheduled for February 2010 to enable a broader assessment of the food service to be undertaken.

Scope of the Audit

- 1.4 The original audit in November 2008 examined Worthing Borough Council's arrangements and management systems relating to the procurement and engagement of contractors to undertake food law enforcement activities. In addition, the audit assessed the effectiveness of local authority controls in the management of such contracted services.
- 1.5 The second audit followed up some of the key issues identified in November 2008 and also examined the Authority's arrangements for

food premises database management, general food premises inspections, and internal monitoring with regard to food hygiene law enforcement. Both audits included reality checks at food businesses to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers to verify food business operator (FBO) compliance with legislative requirements. The scope of both audits also included an assessment of the Authority's overall organisation and management, and the internal monitoring of other food hygiene law enforcement activities.

- 1.6 Assurance was sought that key food hygiene law enforcement systems and arrangements at the Authority were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of both audits took place at the Authority's office at Portland House, Richmond House, Worthing, West Sussex on 27 November 2008 and 2-3 February 2010.

Background

- 1.7 Worthing Borough Council is situated in the county of West Sussex and is a compact urban seaside borough, with Worthing being the largest town in the district, having a population of around 100,000 covering an area of approximately 3,300 hectares.
- 1.8 There are approximately 950 registered food business premises within the Authority's area, including approximately 600 catering and 200 retail premises. The seasonal nature of tourist areas such as West Sussex can result in a high turnover of food business ownership in the District. At the time of the latest audit, there were no establishments approved under Regulation (EC) No. 853/2004 in the Authority's area.
- 1.9 Food hygiene law enforcement was the responsibility of the Food and Occupational Health Group (FOH), within the Housing, Health and Community Safety Section. The Team was also responsible for health and safety at work, disease control and infections as well as a wide range of licensing and public health functions.
- 1.10 The Commercial Team was not responsible for food standards and feeding stuffs law enforcement, which was carried out by West Sussex County Council Trading Standards Service.
- 1.11 At the time of the audit in February 2010, the Authority was in the process of developing collaborative arrangements with a neighbouring authority to deliver a range of services, including the food safety service.

2. Executive Summary

- 2.1 This report covers audit checks on actions taken by the Authority to address the priorities identified in an earlier audit, as well as a wider assessment of key areas of activity targeted at achieving food business compliance, across all types of food businesses.
- 2.2 The audit in February 2010 confirmed that since November 2008, the Authority had made some changes and improvements relating mainly to the development and implementation of recently produced procedures. In particular:
- The introduction of a more comprehensive aide-memoire for general food premises inspections to improve the consistency of assessment of compliance and the information held on food businesses;
 - Detailed internal qualitative and quantitative internal monitoring records relating to the delivery of the inspection programme, and the organisation and administration of inspection records;
 - Focused peer review exercises involving file reviews by the manager from a neighbouring local authority.
- 2.3 Officers had generally been authorised in accordance with their individual level of training and qualifications, and evidence was provided that officers' training needs were being identified and addressed. Officers had generally received sufficient training to inspect the types of food establishments that operated in the Borough.
- 2.4 The Authority was able to produce accurate reports relating to its food premises database, and had introduced measures to routinely verify its accuracy.
- 2.5 Auditor checks found that premises files were generally well organised with easily retrievable inspection information, and inspection findings were well recorded, with officers able to demonstrate that businesses were being inspected broadly in accordance with the requirements of the Food Law Code of Practice. This fact was further demonstrated by a verification visit made to a local food business, where auditors were accompanied by an officer from the Authority.
- 2.6 Where formal follow-up actions had been taken, other than revisits, an assessment of the relevant records confirmed that they had generally been undertaken in accordance with the Food Law Code of Practice.
- 2.7 Several further issues were, however, raised by the latest audit, some of which had also been previously identified during the initial audit in 2008:

- The Service needed to review and expand its food safety work plan to include specific details of premises numbers by risk type and subsequent inspection requirements to fully support its estimates of resource needs. In addition the plan would have benefited from the inclusion of estimates of the numbers of likely revisits, and their impact on resource requirements.
- Further file checks relating to several higher risk food premises produced similar findings to the initial audit of 2008, regarding the Authority's inability to demonstrate timely and effective follow-up actions where serious breaches of hygiene legislation was recorded by officers. Although it was evident that officers were willing to help businesses achieve compliance with legal requirements, there appeared to be an over reliance on one type of enforcement option, namely revisits, which frequently failed to achieve business compliance.
- In several cases, there was little or no documentary evidence to support the choice of enforcement option chosen by officers, even when it appeared to be inconsistent with the Authority's enforcement policy. Furthermore, the Service needed to clearly state its commitment to a graduated approach to enforcement in its environmental health enforcement policy, to support officers from the Authority in their attempts to achieve timely business compliance in accordance with the Food Law Code of Practice and centrally issued guidance.
- There appeared to be inconsistencies in the interpretation of inspection findings and subsequent risk scores and risk ratings, between different officers. The Authority needed to introduce measures to ensure a consistent approach amongst officers in these matters.
- Despite detailed evidence of internal monitoring regarding the quality of inspection records, the Authority needed to further review, expand and fully implement its monitoring procedures to cover all aspects of the food law enforcement service, focusing particularly upon higher risk inspection files and any associated follow-up actions.

2.8 Auditors identified an example of good practice, with regard to the peer review exercises that had been introduced by the Authority to improve the quality and consistency of the recording of officer's inspection findings.

3.0 Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

3.1.1 The Authority had developed and implemented a 'Food Safety Service Work Plan' for 2009/2010 which had been formally approved by the appropriate Cabinet Member in June 2009.

3.1.2 The Food Safety Work Plan 2009/2010 stated that:

'The main aim of the food safety service is to ensure that food produced, purchased and/or consumed in the Borough is safe and without risks to health. This aspiration will be met by the appropriate and proportionate enforcement of food safety legislation, carrying out inspection of food and food premises, sampling and analysis of foodstuffs, the investigation of complaints regarding food and food premises, including cases of food poisoning, and the provision of advice to businesses and the public on legislative requirements and good food hygiene practice'. This reflected the overarching priorities in the Council's Corporate Strategy and the strategic objective to 'support and contribute to the health safety and wellbeing of the area.'

3.1.3 The Plan was broadly in line with the Service Planning Guidance in the Framework Agreement and included an explanation of the demands on the service, the scope of the service and resource allocation.

3.1.4 A detailed review of the annual work plan, including the 2008/2009 plan, was undertaken annually and recorded in a report to the appropriate Cabinet Member for the Environment.

3.1.5 The Plan contained an overview of the staffing resources available for food law enforcement. It confirmed that approximately 3.0 full time equivalent (FTE) staff were allocated to food safety matters with 1.0 FTE administrative support. The Plan outlined the need to employ external contractors to meet inspection targets, due to staff secondments. Contractors were employed to carry out a number of medium to low risk inspections to enable employed staff to respond to reactive issues and other work.

3.1.6 The Plan did not, however, include a detailed breakdown of the numbers of food establishments in each risk category, or reasoned estimates of the resulting staffing resources required to inspect these premises, taking into account the likely number of revisits and the impact of other enforcement activities.

Recommendation

3.1.7 The Authority should:

Review and expand its Food Safety Work Plan to include figures regarding the number of establishments in each risk category, the resulting numbers of inspections due and the numbers of likely revisits. The Plan should then provide a reasoned estimate of staffing requirements based on the total demands on the Service.
[The Standard – 3.1]

Documented Policies and Procedures

3.1.8 The Service had developed a wide range of documented policies and procedures covering most of its food law enforcement responsibilities, which generally contained up to date references to legislation and official guidance, although some documents would have benefitted from further review and development. Although the majority of procedures had not been fully implemented at the time of the audit, some progress had been made in relation to the following areas of service delivery:

- Officer authorisations and related competency/training assessments;
- A review and development of its enforcement policy to include reference to relevant current legislation and centrally issued guidance;
- Peer review exercises and internal monitoring of some records including inspection reports and aides-memoire.

3.1.9 The Authority was still developing a document control procedure to detail the process by which the Service's policies and procedures would be produced, authorised and reviewed. At the time of the latest audit, there was no clear system in place of ensuring that all policies and procedures would be the subject of planned review and update. Evidence was provided of a protected system in place to prevent unauthorised amendments to procedural documents.

Officer Authorisations

3.1.10 The Authority had developed a documented procedure for the authorisation, training and competency of all its officers. Although the procedure did not include details of how officer competencies were assessed and linked to the level of authorisation granted, audit

checks confirmed that in most cases officers had been properly authorised in line with their individual levels of qualification, training and experience. Evidence of officers' qualifications were held by individual officers, rather than the Authority, with some evidence being unavailable at the time of the audit.

Recommendation

3.1.11 The Authority should:

Review and revise the documented procedure on the authorisation of officers to include the competency assessment process by which authorisations are conferred, based on officer's individual qualifications, training and experience. [The Standard – 5.3]

3.1.12 Auditors were advised that officers underwent annual performance reviews where individual training requirements were identified, and, in general, officers were receiving appropriate and adequate training to inspect the range of food establishments in the Borough. However, team and individual training needs needed to be collated into a comprehensive documented training programme as detailed in the Authority's officer authorisation procedure, enabling team training needs to be prioritised and monitored to ensure that every authorised officer received regular, relevant update training.

Recommendation

3.1.13 The Authority should:

Set up, maintain and implement a documented training programme for all officers, keeping records of qualifications, training and experience of each authorised officer, in accordance with the relevant Food Law Code of Practice. [The Standard – 5.4 and 5.5]

3.2 Food Premises Database

- 3.2.1 The Environmental Health Manager had responsibility for the management of the Authority's food premises database, with the help of a group administration and IT Officer.
- 3.2.2 Access to the database was password protected, with the day to day inputting of data being mainly carried out by administrative assistants. Deletion or addition of premises could only be carried out by the system manager.
- 3.2.3 The Service had developed and generally implemented a documented procedure for maintaining an accurate and up to date food premises database, which had been reviewed in December 2009.
- 3.2.4 Audit checks of premises randomly selected from a telephone directory confirmed that the majority of those premises were on the Authority's food premises database and included in the Authority's food hygiene inspection programme.
- 3.2.5 The Authority was able to provide a selection of reports relating to the number and types of premises located in the Borough, which generally correlated with the data supplied to the Agency for the Local Authority Enforcement Monitoring System (LAEMS) returns, and independent auditor checks of the premises database.

3.3 Food Premises Inspections

3.3.1 The Authority's Food Safety Work Plan for 2009/2010 did not contain specific details of the food premises profile by risk category or a specific breakdown of the proposed inspection programme by risk category. Auditors were informed that at the time of the audit there were no establishments in the Borough subject to the specific approval requirements of Regulation (EC) No. 853/2004. The Authority was able to provide the following breakdown of premises types and numbers during the audit:

Risk Category	Number of Premises	Interventions due
A	6	500 for risk categories A-E
B	129	
C	433	
D	132	
E	114	
Total	847	

3.3.2 File and database record checks confirmed that the Authority was generally undertaking a risk based inspection programme, prioritising inspections at higher risk premises where possible. However the Authority was not always carrying out all food hygiene inspections at the minimum frequencies required by the Food Law Code of Practice. A review of the inspections carried out over the previous 12 months indicated that there had been 163 inspections completed beyond their due date, 135 of which were higher risk premises (risk categories A-C). At the time of the latest audit, approximately 93 premises (risk categories A-C) were overdue for inspection, including 70 higher risk premises (risk categories A-C). Auditors were informed that the Borough had a large number of seasonal establishments which had led to occasional difficulties in meeting inspection target dates.

Recommendation

3.3.3 The Authority should:

Ensure that food businesses are inspected at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice. [The Standard –7.1]

- 3.3.4 The Authority had recently revised its documented procedure for food hygiene inspections, which detailed the need for prioritisation of inspections and contained reference to the Authority's enforcement policy for cases where follow-up actions were necessary.
- 3.3.5 Files were generally well ordered and in chronological order, inspection records being easily retrievable. Apart from occasional instances inspection reports and aides-memoire had generally been fully completed, identifying any legal contraventions or areas for improvement. However the Authority's routine inspection aide-memoire required further development to prompt officers to record details concerning product traceability and business customers, including vulnerable groups, in accordance with food hygiene legislation and centrally issued guidance.

Recommendation

3.3.6 The Authority should:

Assess the compliance of premises and systems in their area to all the legally prescribed standards, recording all findings in a retrievable form.

[The Standard - 7.3 and 16.1]

- 3.3.7 Auditors were informed that the aide-memoire had been reviewed prior to the audit, and a new form had been developed, reflecting some of the findings from the recently published Inquiry into the 2005 E. coli outbreak in Wales, which officers had begun to use for the latest inspections.
- 3.3.8 Generally officers recorded sufficient information to determine the basis for their assessment of compliance and premises risk ratings. However there were some specific instances where there appeared to be inconsistencies in the interpretation of inspection findings and subsequent risk scoring. There were several examples of food premises receiving a significant reduction in their risk score, often in the space of six months, without detailed justification being recorded.
- 3.3.9 Reports of inspection were routinely left with the food business operator (FBO) which generally contained all the details required by Annexe 6 of the Food Law Code of Practice.
- 3.3.10 Letters sent to confirm the main findings of inspections generally included appropriate timescales for required works to be completed.

They also consistently differentiated between legal requirements and recommendations of good practice.

- 3.3.11 Officers were generally able to demonstrate that they had assessed the businesses progress in implementing a food safety management system (FSMS) based on Hazard Analysis and Critical Control Point (HACCP).

Verification Visit to a Food Premises

- 3.3.12 A verification visit was undertaken to a local catering establishment with a suitably authorised officer from the Authority, who had a detailed knowledge of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview with the FBO by the officer, the general hygiene checks to verify compliance with the structure and hygiene practice requirements and checks carried out by the officer to verify compliance with HACCP based procedures.
- 3.3.13 With regard to the hygiene practice requirements, the audit visit confirmed that the checks carried out by the officer were generally thorough and appropriate and covered all relevant food law requirements. The officer also assessed the effectiveness of the FBO's compliance with HACCP based procedures by reviewing the implementation of the *Safer food, better business* (SFBB) catering pack which had recently been introduced by the business.
- 3.3.14 It was evident from the visit and associated file checks, that this officer was effectively supporting businesses to achieve compliance with the requirements to implement HACCP based procedures.

3.4 Enforcement

- 3.4.1 The Environmental Health Enforcement Policy was approved by the Council and adopted by the Service in 2004. This was revised in 2009 to take account of the Regulators' Compliance Code and covered most food law enforcement activities. However the policy did not contain a detailed strategy regarding revisits, nor did it explicitly state the Authority's commitment to a graduated approach to enforcement, although it did contain statements regarding the Authority's commitment to taking appropriate and timely action to secure public safety.

Recommendation

- 3.4.2 The Authority should:

Review and update its food hygiene enforcement policy to ensure that it includes a clear reference to the Authority's commitment to a graduated approach to enforcement, in accordance with the Food Law Code of Practice.
[The Standard - 15.1]

- 3.4.3 The Service had developed procedural guidance and associate administrative documentation for all formal food law enforcement actions, including hygiene improvement notices and hygiene emergency prohibition proceedings.
- 3.4.4 In several cases where serious legal contraventions had been identified, it could not always be confirmed that an appropriate graduated approach to enforcement had been adopted. The latest audit confirmed these findings. An assessment of several additional food premises files revealed a number of cases where the same significant contraventions had been identified in a series of past consecutive interventions, without an escalation to formal enforcement.

Recommendation

3.4.5 The Authority should:

Take appropriate and timely action on any non-compliance found during interventions, in accordance with the Authority's Enforcement Policy and the Food Law Code of Practice to ensure business compliance with food hygiene legislation and centrally issued guidance.
[The Standard - 7.3]

- 3.4.6 Since the initial audit in 2008, there was evidence to suggest that the Authority had acknowledged this issue, with a range of formal actions, other than revisits, having been taken. However there seemed to be some inconsistency in the approach taken by different officers given similar inspection findings, and an over reliance upon revisits to try to secure business compliance. Files would have benefited from appropriate reference to the collection of evidence by officers, such as photographs or samples, to support possible future formal enforcement options, and to help officers demonstrate that they had, or were, considering the full range of formal enforcement options available to them. Files contained insufficient information to justify the choice of enforcement action taken. At times, the action taken appeared ineffective and inconsistent with the Authority's Enforcement Policy.

Recommendation

3.4.7 The Authority should:

Ensure that all decisions on enforcement are made following consideration of the Authority's enforcement policy. The reasons for any departure set out in the policy should be documented. [The Standard - 15.4]

- 3.4.8 The Authority had developed a specific procedure relating to the drafting and service of notices, and in general, the notices had been drafted in accordance with the Food Law Code of Practice. The notice templates required the addition of the name and address of the relevant magistrates court, in accordance with centrally issued guidance.

3.4.9 File records of the voluntary closure of a food business were examined. The action taken was appropriate given the circumstances, and had been confirmed in writing with the FBO. There was appropriate evidence that monitoring visits were undertaken at the premises to ensure that it had not reopened.

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 The Service had developed and recently revised a documented policy and procedure specifically for qualitative and quantitative monitoring of food safety inspections, which included reference to the work of contractors. Although the procedure included details of monitoring arrangements relating to officer competency and training, the procedure required further development to include details of monitoring arrangements for all aspects of the Service.
- 3.5.2 Individual officer's work, including the quantity and quality of work, was discussed with the Environmental Health Manager at annual performance reviews, and detailed evidence was noted of regular team meetings at which operational issues were shared.
- 3.5.3 Auditors noted detailed documented evidence of monitoring relating to the quality of a random selection of inspections undertaken by all officers in the team. Assessments covered various aspects of officer's work including risk scoring, data entry and satisfactory completion of inspection records, recorded via a '*Food Safety Monitoring Form*'. Evidence was also noted of any resulting issues being reported and discussed with relevant members of staff, either at team meetings or through personal emails.
- 3.5.4 Although the internal monitoring procedure included a reference to the assessment of follow-up actions undertaken by officers, the Food Safety Monitoring Form required further review and development, to record clear and specific comments on the suitability, appropriateness, timeliness and effectiveness of any follow-up actions taken by officers. The Authority should develop a risk based approach to its internal monitoring arrangements, focusing particularly on follow-up actions at higher risk premises.

Recommendation

3.5.5 The Authority should:

Review, expand and implement its internal monitoring procedure to include all aspects of the service, focusing particularly upon inspection records, changes in risk ratings and follow-up actions by officers at higher risk food premises. [The Standard - 19.1]

- 3.5.6 Detailed evidence of quarterly performance monitoring for all officers was provided for auditors, including a breakdown of numbers of inspections achieved and numbers of inspections still outstanding at the end of each relevant quarter. The reports also included details of the numbers of revisits carried out by each officer.

Food and Food Premises Complaints

- 3.5.7 The Authority had recently reviewed its documented policies and procedures for investigating complaints about food and food premises. These outlined the steps that should be followed by officers when dealing with food complaints and referrals under food safety legislation. The procedures provided clear officer guidance, including flow charts, to assist decision making at different stages of investigations.
- 3.5.8 Food premises complaint records were examined, and in general, complaints and referrals had been followed up and investigated in line with Food Law Code of Practice requirements.

Food Inspection and Sampling

- 3.5.9 The Authority had a recently revised combined documented policy and procedure for food sampling, including a sampling programme for 2010/11 developed to address local, regional and national sampling initiatives. The document outlined the Authority's commitment to a prioritised programme of sampling, and included detailed guidance for the sampling officer and Environmental Health Officers (EHOs), regarding appropriate correspondence with FBOs and actions to be taken to deal with any unsatisfactory results. Routine food sampling was undertaken by a sampling officer.
- 3.5.10 Records of unsatisfactory food samples were examined. The nature of these results, which related to catering establishments, indicated that there had been significant problems with hygiene and food safety management systems at these premises. In each case, the sampling officer had notified the relevant EHO, who had in turn informed the FBO of the results and the appropriate actions required. Files contained evidence that appropriate investigations had been carried out to identify the reasons for the results, in accordance with the Food Law Code of Practice and centrally issued guidance.

Third Party or Peer Review

- 3.5.11 Auditors were informed that no recent formal inter-authority audits had taken place in the area. However, the Service had developed and participated in a peer review exercise with neighbouring local authorities. The exercise consisted of a range of representative file checks relating to food premises inspections in the preceding 3 months. The purpose of the exercise was to highlight and minimise

any discrepancies between the enforcement approaches adopted by the participating officers and other authorities. Auditors noted evidence that these exercises had been recently undertaken, and results had been reported to relevant management and staff.

Good Practice – Peer Review Exercise

The Authority had developed and participated in a quarterly file review exercise to promote consistent enforcement approaches between different officers and other local authorities. A range of documented food premises file checks were undertaken by a manager from a neighbouring local authority focused on achieving consistency with the Food Law Code of Practice and centrally issued guidance.

Auditors: **Andrew Gangakhedkar**
Jane Tait

Food Standards Agency

Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Worthing Borough Council

Audit date: 2-3 February 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.7 Review and expand its food safety work plan to include figures regarding the number of establishments in each risk category, the resulting numbers of inspections due and the numbers of likely revisits. The plan should then provide a reasoned estimate of staffing requirements based on the total demands on the Service. [The Standard – 3.1]	Draft by 01/06/10 Approval by Cabinet Member by 01/08/10	2010/2011 work plan to include detail breakdown by risk category of premises, inspections due, likely revisits. More detail to be provided re staffing resource estimates related to service demand.	Target date takes account of normal reporting cycle to cabinet member – report includes review of previous year’s performance.
3.1.11 Review and revise the documented procedure on the authorisation of officers to include the competency assessment process by which authorisations are conferred based on officer’s individual qualifications, training and experience. [The Standard – 5.3]	01/08/10	A formal competency assessment procedure to be produced and adopted. The documented authorisation procedure to be updated to incorporate the competency assessment linked to the level of authorization.	Currently researching best practice through local liaison group and FSA database of authorities audited.
3.1.13 Set up, maintain and implement a documented training program for all officers, keeping records of qualifications, training and experience of each authorised officer, in accordance with the relevant Food Safety Act Code of Practice. [The Standard – 5.4 and 5.5]	01/11/10 (completion for all officers)	Current officers to be assessed against new procedure. Training /development programme to be documented to include record of qualifications, training and experience.	Assessment will follow completion of recommendation 2 above.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.3 Ensure that food businesses are inspected at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice. [The Standard - 7.1]	31/03/10 (year end)	The food hygiene programme will be managed to ensure that all high risk businesses are inspected within 28 days of their due date.	All officers briefed. Contractor budget under review as part of service plan development to ensure adequate resources for the programme are made available. Internal monitoring focusing on high risk premises.
3.3.6 Assess the compliance of premises and systems in their area to all the legally prescribed standards, recording all findings in a retrievable form. [The Standard – 7.3 and 16.1]	01/06/10	Inspection aides-memoire to be reviewed to prompt further detailed recording re product traceability and business customers, including vulnerable groups (also in respect of recommendation 7).	Form currently under review.
3.4.2 Review and update its food hygiene enforcement policy to ensure that it includes a clear reference to the Authority's commitment to a graduated approach to enforcement, in accordance with the Food Law Code of Practice.[The Standard - 15.1]	Completed	Enforcement policy to be updated to include explicit reference to commitment to a graduated enforcement approach.	Action completed.
3.4.5 Take appropriate and timely action on any non-compliance found during interventions, in accordance with the Authority's Enforcement Policy and the Food Law Code of Practice to ensure business compliance with food hygiene legislation and centrally issued guidance.[The Standard - 7.3]	01/06/10	To provide officer training/reinforcement on enforcement policy particularly re use of graduated approach. Inspection aides-memoire to be amended to include a review of previous enforcement actions.	Officer training/briefing session 9Th April 2010.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.4.7 Ensure that all decisions on enforcement are made following consideration of the Authority's enforcement policy. The reasons for any departure set out in the policy should be documented. [The Standard - 15.4]</p>	<p>01/06/10</p>	<p>To provide officer training/reinforcement on enforcement policy particularly re enforcement options. Case study exercises to be arranged to promote consistency of officer interpretation, particularly in the assessment of imminent risk/ possible prohibition. Aides-memoire to be amended to include justification for enforcement decisions Internal monitoring arrangements to be modified to focus on appropriateness of enforcement action/follow-up particularly in high risk premises.</p>	<p>As above.</p>
<p>3.5.5 Review, expand and implement its internal monitoring procedure to include all aspects of the service, focusing particularly upon inspection records, changes in risk ratings and follow-up actions by officers at higher risk food premises. [The Standard -19.1]</p>	<p>01/06/10</p>	<p>Internal monitoring procedure to be revised to include all aspects of the service. Procedure to focus in more detail on enforcement/follow-up actions. Monitoring to be targeted towards high risk premises.</p>	<p>Monitoring form revised.</p>

Audit Approach/Methodology

The audits were 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 Safety Work Plan 2009/2010 and associated minutes;
- The Authority's authorisation and training procedures and officer authorisation, training and qualification records;
- The Authority's Food Law Enforcement Procedures;
- Food Premises and Inspection/Intervention aides-memoire;
- Environmental Health Enforcement Policy;
- The Authority's Internal Monitoring Procedure;
- Reports to Members.

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

- General food premises inspection records;
- Food complaint records;
- Food sampling records;
- Formal enforcement records, and related operational guidance procedures.

(3) Review of Database records:

- To review and assess the completeness of database records of food hygiene inspections, food and food premises complaint investigations, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records;
- To assess the completeness and accuracy of the food premises database;
- To assess the capability of the system to generate food law enforcement activity reports and the monitoring information required by the Food Standards Agency, including data on NI 184.

(4) Officer interviews – the following officers were interviewed:

- Audit Liaison Officer;
- 1 Environmental Health Officer.

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

(5) On site verification checks:

A verification visit was made with the Authority's officers at each audit to local food businesses. The purpose of the visits was to verify the outcome of the last inspections carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice and official guidance, having particular regard to LA checks on FBO compliance with HACCP based food management systems.

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 geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
E. coli	<i>Escherichia coli</i> microorganism presence of which is used as an indicator of faecal contamination of food or water. <i>E. coli</i> 0157:H7 is a serious food borne pathogen.
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"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food 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.
HACCP	Hazard Analysis and Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
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 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.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food 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.