



**Focused Audit of  
Local Authority Regional Delivery of  
Feed Law Enforcement Services  
in Wales**

**March 2022**

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## Foreword

Audits of local authority feed law enforcement services are part of the Food Standards Agency's (FSA) arrangements to improve consumer protection and confidence in relation to feed and food. Safe and nutritious feed is essential for the health of animals and the safety of foods of animal origin.

This audit programme was developed to assess how local authorities were meeting their obligations for delivering animal feed official controls in accordance with statutory requirements and to provide assurance that the regional feed delivery model in Wales has been effectively implemented. The audit process also provided the opportunity to identify and disseminate good practice and to provide information to inform FSA policy on the execution and enforcement of feed law.

The audit programme assessed local authorities' conformance against the Feed and Food Law Enforcement Standard within the [Framework Agreement on Official Feed and Food Controls by Local Authorities](#) (Framework Agreement) and against the requirements of the [Official Controls Regulation \(EU\) 2017/625](#). Local authority delivery was assessed against the requirements of [animal feed legislation](#) including the Agriculture Act 1970, The Animal Feed (Hygiene, Sampling etc. and Enforcement) (Wales) Regulations 2016 and the Official Feed and Food Regulations (Wales) 2009.

Assessments were also made against the [Feed Law Code of Practice \(Wales\) 2014](#) along with related centrally issued guidance including the [Feed Law Practice Guidance \(Wales\) 2016](#).

The FSA is grateful for the cooperation and assistance from all local authorities including regional lead feed officers for sharing their views during the development of this audit programme, for providing the information requested prior to each regional audit and for their engagement during the audit process.

For assistance, a glossary of technical terms used within the audit report can be found at *Annex A*.

This report is available in hard copy from the FSA's Consumer Protection Team, 11<sup>th</sup> Floor, Southgate House, Wood Street, Cardiff, CF10 1EW, Telephone: 029 2067 8999, and electronically on the [FSA's website](#).

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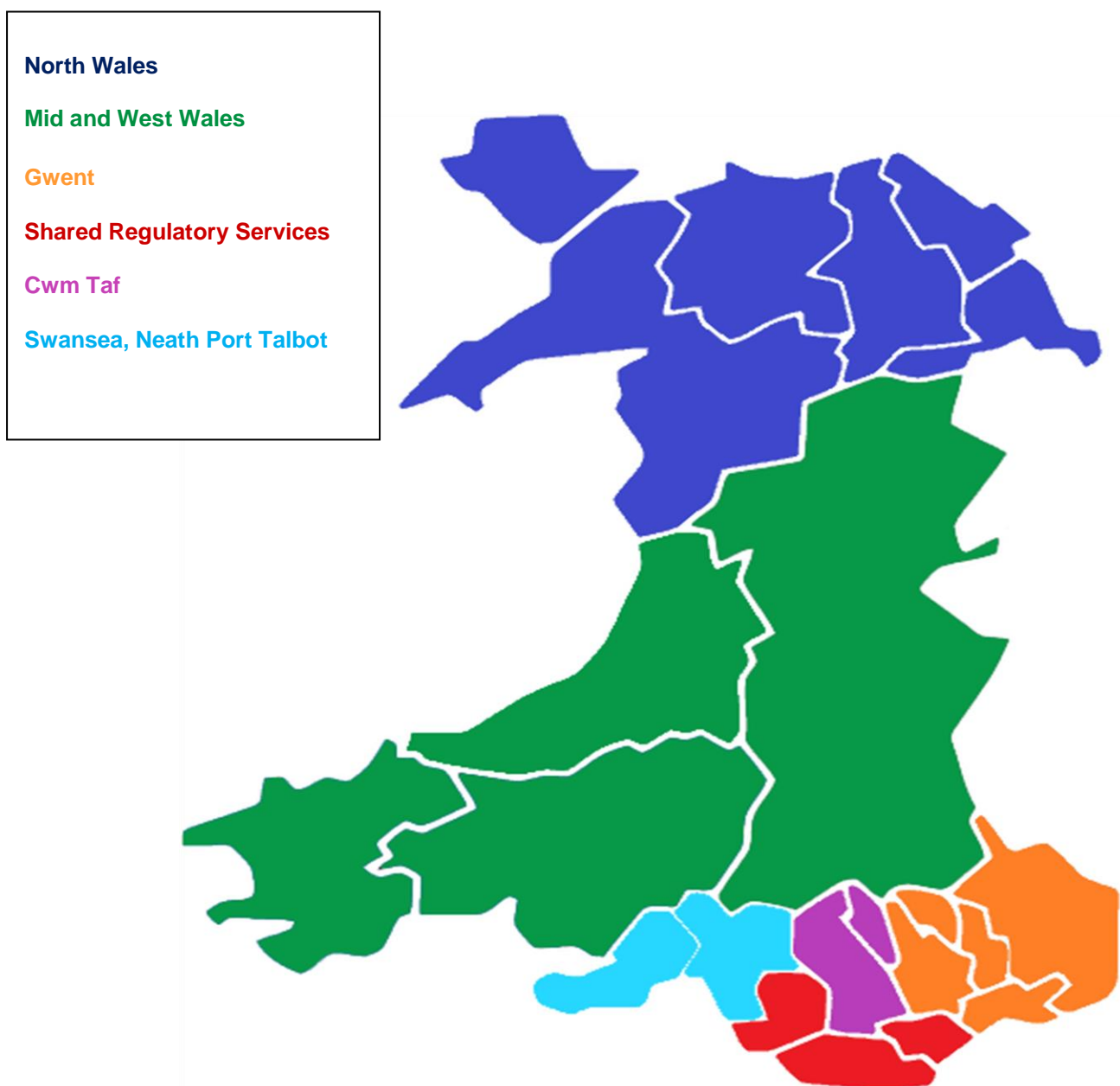
## 1.0 Introduction

### Background

- 1.1 The Food Standards Agency (FSA) is the Central Competent Authority (CCA) responsible for animal feed safety and standards law and for ensuring risk-based official controls are carried out at feed business establishments in Wales.
- 1.2 Feed official controls aimed at verifying feed business compliance are fundamental to safeguarding animal and public health and contribute to the FSA's strategic outcome that 'food is safe and what it says it is'.
- 1.3 Day-to-day monitoring and enforcement of feed business compliance is the responsibility of local authorities (LAs) in Wales. LA funding for feed work was historically included in the LA revenue support grant (RSG).
- 1.5 In 2009 and 2011, the European Commission (EC) Food and Veterinary Office's (FVO) audits of the UK's arrangements for delivering feed official controls, which included verification visits to Wales, identified considerable shortcomings. FSA focused audits and feed data returns submitted to the FSA also indicated that improvements were required in the effective delivery of LAs feed official controls.
- 1.5 In July 2014 the FSA published a report entitled "[Food and Feed Law Enforcement in Wales](#)", in which concerns were expressed about the delivery of official feed controls by Welsh LAs. The report led to changes in the funding and delivery model for feed within Wales. Based on a model proposed by Directors of Public Protection Wales (DPPW) and estimated costs provided by the FSA, Welsh Ministers agreed the total sum of £490,000 should be removed from the RSG for LAs throughout Wales on a recurrent basis from 1 April 2015. This funding was made available to the FSA thereafter to direct and support LAs and other partners to deliver animal feed enforcement services in Wales.
- 1.6 From April 2015 animal feed official controls have been delivered on a regional basis in Wales, whilst each LA still maintains its own management structures and decision-making procedures. The 22 LAs in Wales operate within six regions, each with a designated regional lead feed officer (RLFO). LAs work collaboratively with oversight provided by the FSA.

**Figure 1 – A Map of Wales illustrating the local authorities by feed region**

**Key to Regions operating within the Feed Delivery Model in Wales:**



## Reason for the Audit

- 1.7 The FSA are required to monitor and audit local authority food and feed law enforcement services under the Food Standards Act 1999, the Official Feed and Food Controls (Wales) Regulations 2009 and the Official Controls Regulation (EU) 2017/625. In developing its audit arrangements, the FSA has taken account of the European Commission guidance on how such audits should be conducted.
- 1.8 This audit programme was developed to assess how local authorities were meeting their obligations for delivering animal feed official controls in accordance with statutory requirements. Audits were conducted under the legislation referred to above, to provide assurance that the regional feed delivery model in Wales, that has been operating since April 2015, has been effectively implemented by LAs.
- 1.9 As part of the development of the audit programme the FSA consulted with relevant stakeholders and produced a terms of reference document which is attached at *Annex B*.

## Scope of Audit Programme

- 1.10 The LAs selected for on-site audits are listed in table 1 below, along with the audit date.

**Table 1 – Feed Audit programme**

<b><u>Region</u></b>	<b><u>Co-ordinating authority</u></b>	<b><u>Other authority within region</u></b>	<b><u>Date</u></b>
<b>North Wales</b>	Wrexham	Gwynedd	Nov 19
<b>Cwm Taf</b>	Rhondda Cynon Taff	Merthyr Tydfil	Dec 19
<b>Gwent</b>	Newport	Monmouthshire	Jan 20
<b>Shared Regulatory Services</b>	Shared Regulatory Services	Shared Regulatory Services	Feb 20
<b>Swansea &amp; Neath-Port Talbot</b>	Neath-Port Talbot	Swansea	Cancelled due to pandemic.
<b>Mid &amp; West Wales</b>	Powys	Pembrokeshire	Cancelled due to pandemic.

- 1.11 A sample of LAs were selected for on-site audits from within all six feed regions across Wales, including all co-ordinating authorities where each RLFO was based. Audits in two of the six regions were initially postponed due to the local authority response to the Covid-19 pandemic and then subsequently cancelled.
- 1.12 The scope of the on-site audit visits included an assessment of the arrangements for service planning, delivery and review, the role of lead feed officers, officer authorisations and competence, the implementation and effectiveness of interventions, enforcement actions, feed incidents and feed sampling. The audit methodology is contained with *Annex C*.
- 1.13 The on-site audits aimed to verify the information supplied by these local authorities. They also provided the opportunity to identify and disseminate good practice and provide information to inform FSA policy on the execution and enforcement of feed law.
- 1.14 Regional audit reports with recommendations along with any examples of good practice were issued. These included an assessment of assurance for each region. An overview of the assurance categories is contained in *Annex D*. Action plans to secure improvements were developed by each of the regions that were audited.



## 2.0 Executive Summary

- 2.1 Following the adoption of a regional delivery model for official feed controls in Wales during 2015, this audit programme was set up to assess whether local authorities were effectively delivering animal feed official controls in accordance with statutory requirements.
- 2.2 The audit identified effective arrangements for liaison between LAs and regions throughout Wales with the co-ordination of feed activities between the local authorities visited working well within each region.
- 2.3 There has been an overall increase in the number of full-time equivalent officers (FTEs) involved in animal feed work within the four regions audited since the regional model was implemented. The increase in FTE is likely to be due to the associated change in funding mechanism, whereby LAs are allocated finance based on interventions undertaken. More officers are now available in most authorities to undertake feed duties, often combining feed work with other regulatory functions and increasing the resilience levels in this specialist area of work. However, officers spent a low proportion of time on feed work and this finding was consistent with concerns raised in previous audit activity. This low proportion of time provides an increased risk that officers will be unable to gain or sustain sufficient experience to consistently and effectively undertake official feed controls. Evidence relating to inconsistent application of official controls was identified in several key areas.
- 2.4 RLFOs were involved in assessing the competence of feed officers across each region, for authorisation purposes, however, not all LAs had documented procedures for authorising officers. Where they did exist, authorisation procedures required further development and more consistent implementation to ensure the authorisation of all feed officers based on their competence.
- 2.5 A review of feed databases for data quality issues found data cleansing activities by LAs to remove duplicate and exempt feed businesses and generally to improve the accuracy and currency of the feed databases which were mostly well maintained with few errors. LAs undertook to investigate and resolve those errors that were identified.
- 2.6 The four regions audited had delivered the planned numbers of inspections as part of a targeted risk based programme, with some variance in the type of activity; which were reasonable reflecting decisions made by authorities in response to changes in businesses and trading activities within each area. However, it was not always possible to identify which establishments formed the basis of each financial claim return to the FSA.

- 2.7 Whilst common intervention forms were in place to capture officer observations, documented intervention procedures would benefit from improvement to ensure better consistency of approach within regions. The use of earned recognition was variable with database issues and inconsistent raising of exception reports affecting its effective implementation.
- 2.8 Inspection records demonstrated that a thorough assessment of business compliance had taken place during most feed interventions. However, several possible improvements were identified in order to ensure consistency of inspection and recording and retention of feed business information and inspection observations. Reports to businesses were more variable with most reports containing most of the required information. However, there were many examples where information had not been provided. Reports would benefit from a review to ensure that they contain all the information required. Where further action was required arising from inspections, this had been undertaken appropriately for most businesses.
- 2.9 Regions had delivered sampling programmes as planned or as much as possible according to changes in the regional trading markets. Three areas of good practice were identified relating to sampling policies and procedures, however, improvements were identified to ensure consistency of approach and documentation. Improvements were identified as necessary in order to increase the consistency of investigation and enforcement in relation to unsatisfactory sample results.
- 2.10 Whilst not many incidents required action by regional feed services, where such action had been required, this was undertaken effectively. Not all feed incident procedures had been documented and some required further development to ensure consistency.
- 2.11 A limited range of formal enforcement action had been taken and this was appropriate and generally, carried out according to requirements. Some regions had not undertaken formal feed enforcement activity. All regions had developed enforcement policies but in general, they required improvement to ensure inclusion of all of the criteria for taking feed enforcement. The absence of sufficient decision making criteria risks affecting the amount of formal enforcement being initiated. Whilst isolated examples of documented enforcement procedures covering all of the feed enforcement options were available, these had not, in general, been developed across the regions.
- 2.12 Quantitative internal monitoring of the feed delivery programme is undertaken by RLFOs who provide quarterly reports to the FSA in Wales, detailing progress in delivering the target number of inspections specified in the feed work programme. Some qualitative monitoring had been

undertaken in each region with a mixture of regional and local monitoring activity, however, improvements were required to ensure better consistency, officer competence and recording of outcomes. The development and implementation of documented internal monitoring procedures was variable and required improvement to ensure the quality and consistency of controls undertaken by authorised officers.

- 2.13 There has been a significant improvement in the delivery of animal feed official controls in Wales following implementation of the new feed delivery model in April 2015. All four regions audited were assessed as providing a moderate assurance that service delivery requirements were being met. However, further improvements are required in order to demonstrate fully effective service delivery, including improved regional working to gain consistency.

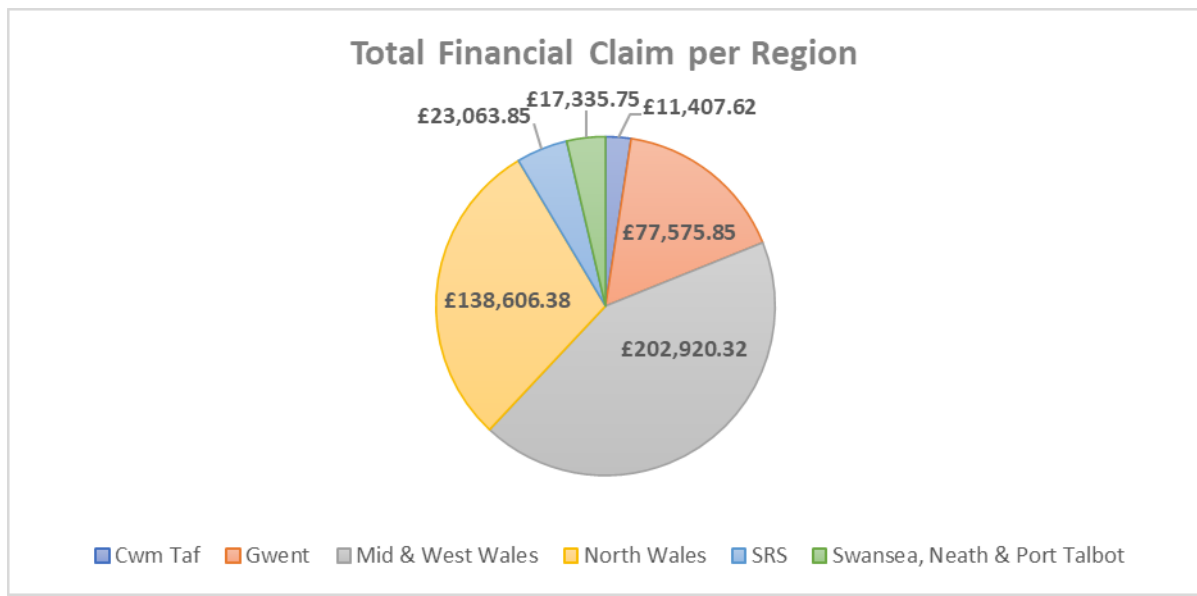
## **3.0 Audit Findings**

### **3.1 Organisation and Management**

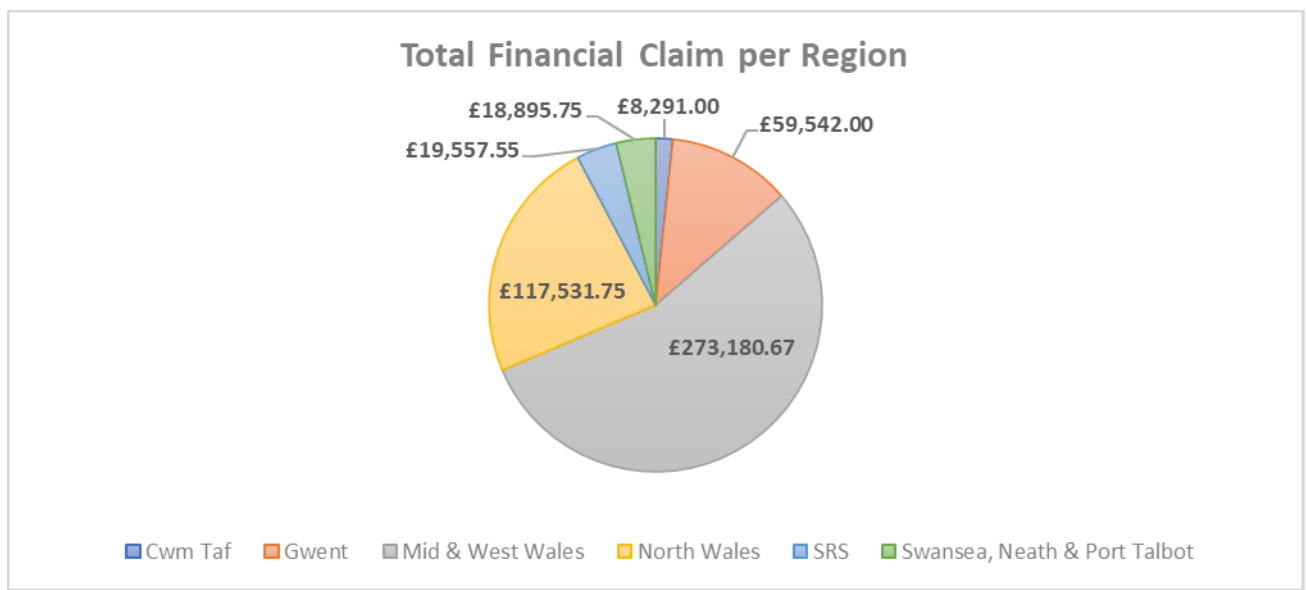
#### Financial Allocation

- 3.1.1 The budget of £490,000 for feed delivery work was transferred from the Welsh Government (WG) to the FSA in Wales from April 2015 on an ongoing, annually recurring basis, to direct and support the regional delivery of animal feed official controls by LA officers.
- 3.1.2 The funding available to each region is largely based on the number and type of feed establishments in the region enabling resources to be appropriately targeted at areas of highest demand and for a risk-based approach to be adopted.
- 3.1.3 Unit costs for inspections have been agreed. These costs cover staffing, travel, subsistence and information technology costs. A budget allocation is made available to each of the six feed regions for their agreed inspections programme. An allocation is also provided for RLFOs, sampling, and import controls. The FSA facilitates and delivers training for feed officers.
- 3.1.4 A Memorandum of Understanding (MoU) between the FSA and each feed region is agreed annually. This provides a framework for the delivery of animal feed official controls in Wales. Each region plans its activities in relation to the intervention targets agreed by the FSA and the Feed Governance Group. A sampling plan is created at regional level according to the budget provided by the FSA. The MoU seeks to ensure that the enforcement of feed legislation in Wales is carried out in an effective, consistent and coordinated manner, establishes roles and responsibilities between parties and contains the financial arrangements including a breakdown of the numbers and types of inspections being funded and sampling costs.
- 3.1.5 Payment for feed activities is made quarterly by the FSA based on work completed by the region during the previous quarter.
- 3.1.6 For 2017/18 and 2018/19 the money paid to the regions for the completion of feed work was in line with expectations with some minor variances. These were deemed to be reasonable by the auditor reflecting decisions made by authorities in response to changes in businesses and trading activities within each area as illustrated in Figures 2 and 3 below.

**Figure 2 – Total financial claim by region for feed work (2017/18)**



**Figure 3 – Total financial claim by region for feed work (2018/19)**



3.1.7 Figures 2 and 3 indicate the varying funding by region due to the targeting of resources to areas of highest demand which support the risk-based approach that is in place.

Staffing Allocation

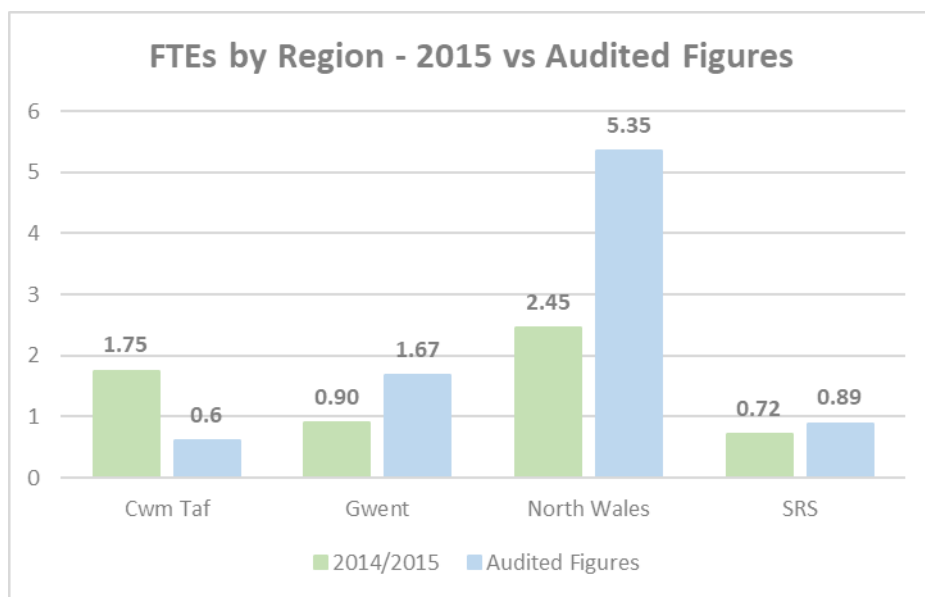
3.1.8 Feed inspections were being carried out by Trading Standards Officers, Environmental Health Officers, Animal Health Officers and Fair Trading Officers. They were often combined with other functions such as animal health or food hygiene at primary production in order to reduce the regulatory burden on businesses and to ensure that LA resources are used

efficiently. A flexible approach to service delivery is necessary due to the more intensive use of feed during the winter months.

3.1.9 Since the inception of the regional feed delivery model there has been an overall increase in the number of full-time equivalent officers (FTEs) involved in animal feed work within the four regions audited, from 5.8 to 8.5 FTEs. The increase in FTE is likely to be due to the change in funding mechanism, with more money now reaching front line services. More officers are now available in most authorities to undertake feed duties, increasing the resilience levels in this specialism.

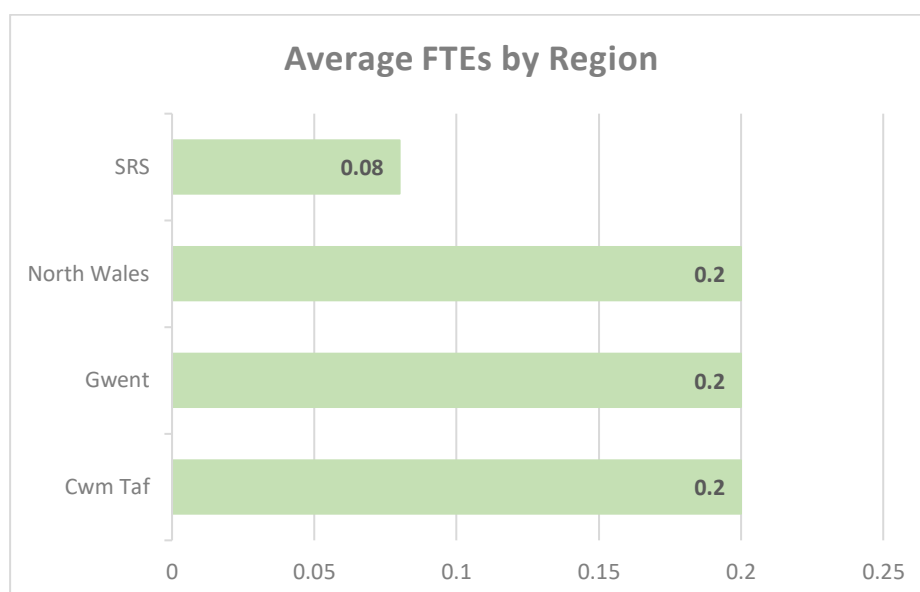
3.1.10 On a regional basis the increase in the number of FTEs involved in animal feed work is illustrated in figure 4 below. It compares staffing levels when the regional feed delivery model was introduced in April 2015 to the time of each regional feed audit.

**Figure 4 – Feed officer total FTEs by region (comparison between 2015 and at the time of each regional audit)**



3.1.11 Figure 5 indicates the average proportion of time spent on feed work by officers at the time of the audit across all six regions.

**Figure 5 – Feed officer average FTE by region (at time of each regional audit)**



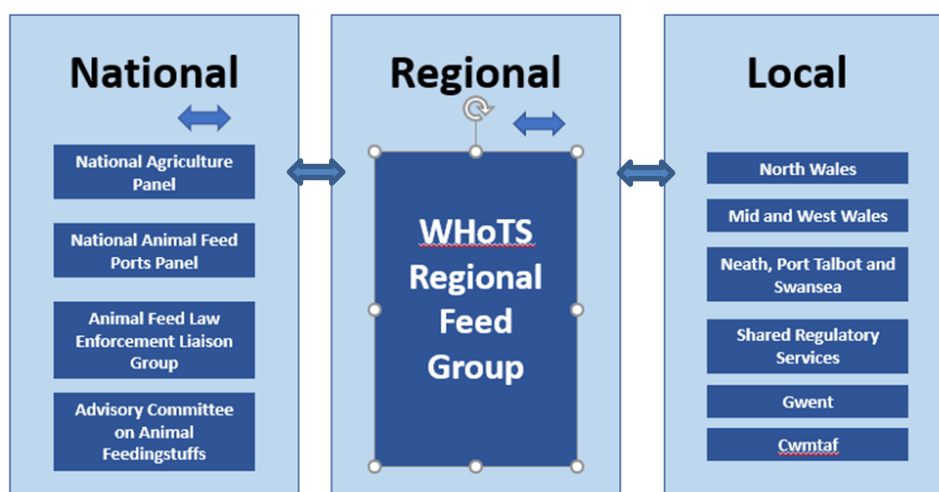
### Liaison Groups

3.1.12 Across the UK, there are several national panels with an interest in feed including the National Agriculture Panel (NAP), National Animal Feed Ports Panel (NAFPP), Animal Feed Law Enforcement Liaison Group (AFLELG) and the Advisory Committee on Animal Feeding stuffs (ACAF). LAs in Wales are represented on the first three of these UK panels.

3.1.13 In Wales, the Feed Governance Group oversees the delivery of animal feed official controls and includes representation from DPPW, Welsh Head of Trading Standards (WHoTS, now Trading Standards Wales (TSW) , WLGA and the FSA. It provides strategic direction and oversight of delivery and is responsible for agreeing arrangements for ensuring effective collaboration and cooperation of LA feed delivery.

3.1.14 The TSW Regional Feed Group was established to promote consistency in the delivery of animal feed official controls in Wales and to provide a link with the FSA and other key stakeholders. The Regional Feed Group comprises the six RLFOs and includes representation from the FSA in Wales and TSW, . This group coordinates collaborative regional working and is represented on and delivers to national standards set by the NAP and National Trading Standards (NTS). The group which meets quarterly reports to both DPPW through TSW and the Feed Governance Group. The exchange of information between animal feed panels and the Welsh feed regions is illustrated in Figure 6 below.

**Figure 6 – Information exchange between animal feed panels and regions**



3.1.15 The audit identified effective arrangements for liaison between LAs and regions throughout Wales. Close liaison exists between all 22 LAs in Wales through Directors of Public Protection in Wales (DPPW), its Trading Standards and Environmental Health Groups and their Expert Panels. These groups are also attended, where deemed appropriate, by representatives from other bodies with coordinating roles such as the FSA, the FSA’s National Food Crime Unit (NFCU), Public Health Wales, Communicable Disease Surveillance Centre (Wales), Public Analysts, the Welsh Local Government Association (WLGA), Welsh Government, Local Government Regulation, Chartered Institute of Environmental Health, Chartered Trading Standards Institute and Office of Product Safety and Standards. Liaison arrangements within each region were co-ordinated by the regional lead feed officer and designated points of contact within each local authority. The exception to this arrangement was at SRS where the services of each local authority had been merged into a single service. Co-ordination of feed activities between the local authorities visited appeared to be working well within each region.

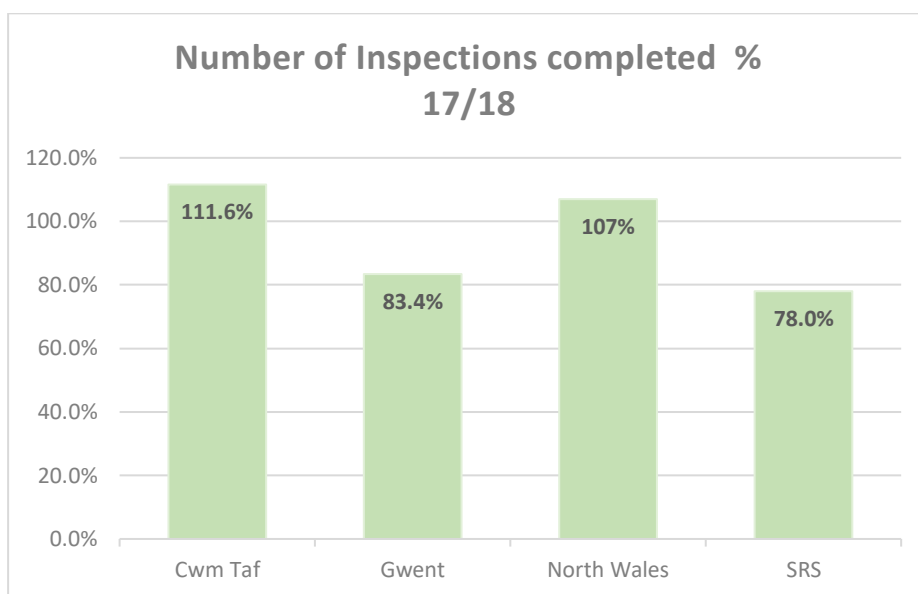
### Performance Review

3.1.16 Auditors were advised that an annual review of performance is carried out by the Regional Feed Group supported by the FSA against the inspection programme and specified performance targets and standards, and other stated outcomes.

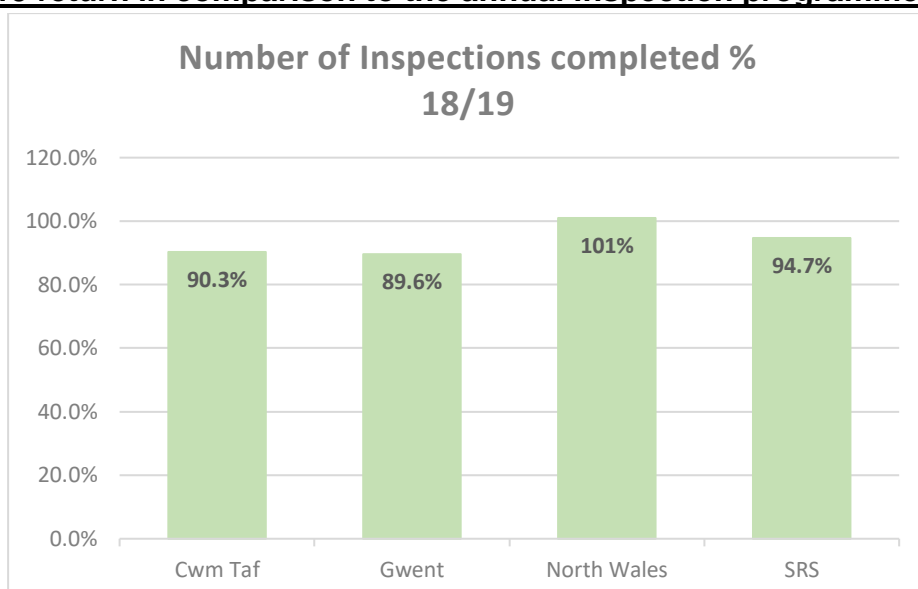


3.1.17 Activities undertaken by LAs are reported quarterly to the RLFO and then a combined return for the region is made to the FSA. The returns at the end of the last two reporting years indicated that the four regions audited had generally delivered the planned numbers of inspections with some variance in the type of activity. The variances were deemed by the auditor to be reasonable and reflected decisions made by authorities in response to registration of new businesses or changes in business trading activities within each area, as illustrated for inspections over the two-year period by Figures 7 & 8 below.

**Figure 7 - The number of inspections completed by region (%) according to the 2017/18 return in comparison to the annual inspection programme**

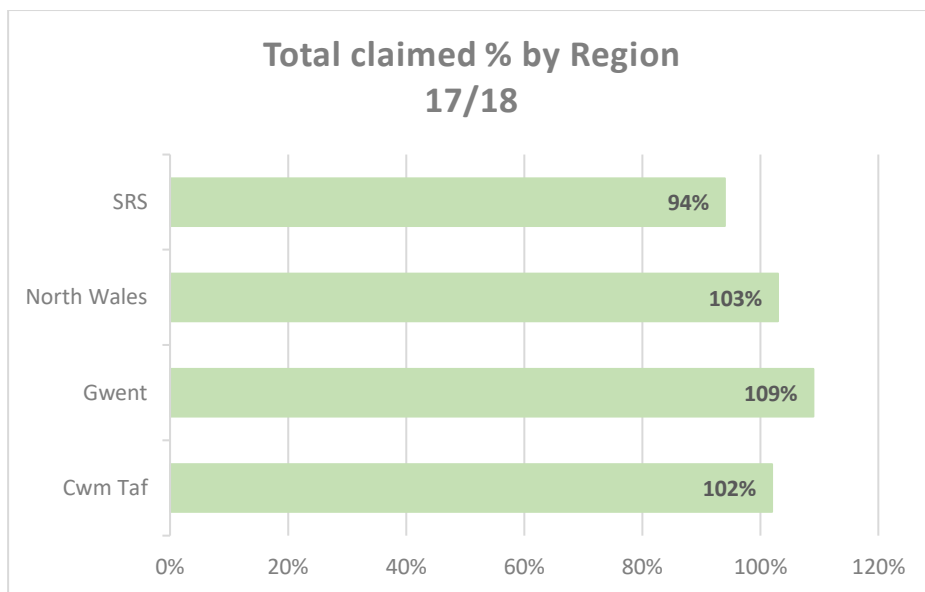


**Figure 8 - The number of inspections completed by region (%) according to the 2018/19 return in comparison to the annual inspection programme**

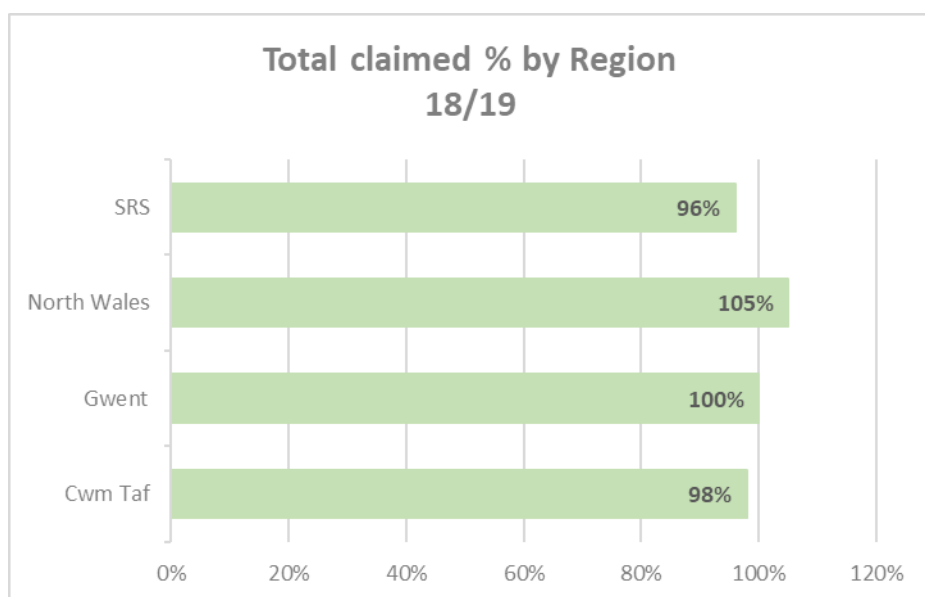


3.1.18 The total financial claim by region as a percentage of the regional budget allocation over the two-year period is illustrated by Figures 9 & 10. This information is unrelated to the information in figures 7 & 8 and the two datasets bear no comparison. There are other activities involved in the feed delivery model in addition to inspections that local authorities will claim against their regional budget allocation.

**Figure 9 - Total claimed by region as a percentage of the budget allocation (2017/18)**



**Figure 10 – Total claimed by region as a percentage of the budget allocation (2018/19)**



- 3.1.19 Auditors noted that, in two out of the four regions audited, it was not always possible for the services to identify the actual establishments that had received an intervention as included within each return.

### ***Recommendation 1***

Local authorities must ensure that they are able to identify the actual establishments that are included in each return on feed activity, through the maintenance of appropriate records. [The Standard 6.3 / Articles 5(1(a)&(b), 10(2), and 13(1) of Regulation (EU) 2017/625]

The FSA should ensure that MOU documents are amended to clarify the requirement for LAs to maintain such records.

## **3.2 Authorisation and Training of Officers**

### Numbers of Authorised Officers

- 3.2.1 LAs are required to have, or have access to, a sufficient number of suitably qualified, experienced and competent staff so that official controls to verify compliance with feed law can be performed efficiently and effectively.
- 3.2.2 Since the inception of the regional feed delivery model in Wales, there has been an overall increase in the number of FTEs involved in animal feed work across the 4 regions audited from 5.8 FTE to 8.5 FTE. The latest FTE figure is derived from data that shows a total of 47 officers are involved in feed delivery work across the 4 regions, often combining feed work with other regulatory functions.
- 3.2.3 The low average proportion of time spent by authorised officers undertaking feed law enforcement work (18%) is consistent with the findings and the concerns raised in the European Commission (EC) Food and Veterinary Office's (FVO) audit of the UK's arrangements for delivering feed official controls during 2014.
- 3.2.4 The relatively high numbers of authorised feed officers and low average proportion of their working time dedicated to feed controls (see fig .5 at 3.1.10), present continued challenges for LAs in Wales to ensure that feed officers are competent and that they receive sufficient and appropriate ongoing training and development opportunities, whilst at the same time helping to provide resilience. The small proportion of time spent by officers

on official controls relating to the verification of animal feed law in Wales provides an increased risk that officers will be unable to gain or sustain sufficient experience to consistently and effectively undertake official feed controls. Evidence relating to inconsistent application of official controls is provided at 3.3.28, 3.3.30 & 3.5.11).

### Authorisation and Training

- 3.2.5 The authorisation of feed officers to carry out official controls must be in accordance with a documented procedure and be in writing. Authorised officers must be suitably qualified, experienced and competent to carry out the range of tasks and duties they are allowed or required to perform. Officers must not be authorised to perform tasks which they are not competent to perform, regardless of whether they are actually asked to perform such tasks as part of their duties.
- 3.2.6 The FeLCP and Practice Guidance stipulate the qualification, training and on-going continuing professional development (CPD) requirements which competent authorities should have regard to when authorising feed officers.
- 3.2.7 Authorised feed officers must receive appropriate training enabling them to undertake their duties competently and to perform official controls in a consistent manner. LAs must ensure staff maintain their competency.
- 3.2.8 Documented procedures for assessing competence in relation to authorisations and for the process of authorising officers had been developed within all four regions, however, the documented procedures did not cover all local authorities in two of the regions. In all four region(s) RLFOs were involved in assessing the competence of feed officers across the region, for authorisation purposes.
- 3.2.9 Documented authorisation procedures required further development or amendment in three regions to include documenting the full process of authorisation, include the assessment of officer competence, detail how authorisations are restricted according to assessments of competence, detail the training provision for those officers who have been away from feed law enforcement for more than three years and to include reference to experience as well as qualifications and competence in accordance with the content of the FeLCP.
- 3.2.10 Authorisation was being carried out by each LA for officers undertaking enforcement activities within their areas. Within three regions, LAs had authorised officers from their partner authorities to undertake feed enforcement activities within their respective areas enabling them to operate

across local authority boundaries. Where this was the case, the RLFO was authorised to undertake duties across the region. Within two regions the RLFO had also been appointed as lead feed officer within other partner authorities.

- 3.2.11 Authorisations were based on assessments of competence conducted by the RLFO. Within three regions these relied upon on information collected from each LA in a standard all Wales format, whilst in the remaining region the format of information collection was region specific. In two regions the competence assessment was only partially completed for some feed officers or required updating to reflect the competency requirements required by the FeLCP.
- 3.2.12 A sample of officer authorisation documents indicated that some officer authorisations in each of the four regions had not been restricted in accordance with officers' qualifications, training and experience, either specifically on the authorisation document or as referenced in an associated record of the assessment of competence. In some cases, authorisations required updating to ensure that all relevant and up to date legislation was included.
- 3.2.13 A sample of qualification and training records indicated that officers had generally been authorised in accordance with their qualifications, training and experience. Academic and other relevant qualifications were generally available for feed officers, where relevant. Evidence of the required minimum of 10 hours continuing professional development (CPD) training, was available in most cases. In all four regions at least one LA had not maintained records of qualifications and training for all of their authorised officers.

## **Recommendation 2**

- (a) Local authorities must improve regional collaboration to ensure that official controls are carried out by suitably qualified, competent and experienced staff, authorised to operate across each region, so that official controls and control duties can be carried out efficiently and effectively. [Article 5(1)(e), Regulation (EU) 2017/625]
- (b) Local authorities shall set up, review, amend (as necessary) and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance. [The Standard 5.1 / Articles 5 & 12, Regulation (EU) 2017/625]
- (c) Authorities should review and update authorisation documents to ensure they include references to all relevant and up to date legislation. The level of authorisation of officers should be consistent with their qualifications, training, experience and the Feed Law Code of Practice. Where authorisation certificates do not provide information on the level of authorisation, but such information is provided within respective assessments of competence, these documents should be linked within a single overarching instrument of authorisation. [The Standard 5.3 / Articles 5 & 12, Regulation (EU) 2017/625]
- (d) Records of qualifications, training and experience of each authorised officer must be maintained by local authorities. Authorities must ensure that feed officers receive a minimum of 10 hours continuing professional development training per year. [The Standard 5.4 & 5.5 / Articles 5 & 12, Regulation (EU) 2017/625]

### **3.3 Feed Establishments Interventions and Inspections, Records and Reports**

#### Risk Basis for Controls

- 3.3.1 LAs are required to undertake official controls on all feed business operators (FeBO) within the feed programme regularly, on a risk basis and with appropriate frequency.
- 3.3.2 Risk based controls must cover all parts of the feed chain including, where appropriate, controls on imports, both inland and at points of entry, and on those food businesses placing surplus food or co-products into the feed chain.

- 3.3.3 New feed business establishments that come to the attention of each LA for the first time must be registered or approved and included in its feed establishment database and feed programme. A risk rating is determined following each initial inspection.
- 3.3.4 Inspection risk-ratings determine the interval that should elapse between one planned inspection of an individual feed establishment and the next. The inspection risk-ratings of a feed business must be assessed or re-assessed at the conclusion of every planned inspection in accordance with the animal feed law inspection rating scheme<sup>1</sup>. The assessment considers potential risk and level of current compliance of a feed business.
- 3.3.5 A risk category attributed to an establishment following an inspection and scoring of the premises in accordance with the animal feed law inspection rating scheme is used to determine the frequency of inspection of the premises.
- 3.3.6 As part of each regions' agreed MoU with the FSA for the delivery of animal feed official controls in Wales, an annual risk-based inspection programme is developed and agreed between local authorities and the FSA. Inspection numbers for different risk categories of feed business are determined following a desktop modelling exercise coordinated by each RLFO and then agreed by the FSA and the Feed Governance Group. This considers factors such as the risk rating category of the feed business, the registration or approval activity code, the inspection due date and whether earned recognition should be applied.
- 3.3.7 Quarterly payment for completed interventions is made to the RLFO by the FSA to distribute as appropriate to LAs based upon feed activity returns. Payments vary depending upon the feed business registration activity code. Point of entry, revisits and ceased trading activities are included within the payment system.
- 3.3.8 The returns at the end of the last two reporting years indicated that all four regions had generally delivered the planned numbers of inspections (see figs

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<sup>1</sup> Competent Authorities may also base the feed law risk assessment on the ACTSO National Trading Standards Board Risk Assessment Scheme for trading standards. Where assessments are based on the ACTSO/ NTSB scheme, the inspection frequency for feed law purposes should not be less than would have been the case under the FeLCP. In addition, earned recognition must be applied to individual feed business establishments as it is described in the FeLCP.

7 & 8 at 3.1.16), with some variance in the type of activity which was considered reasonable

- 3.3.9 In addition to the interventions being delivered within the agreed risk-based, targeted inspection programme, within three of the regions there continued to be a small number of rated establishments, that were overdue in accordance with the frequencies required by the FeLCP, whilst the remaining region had a backlog of overdue, mostly low risk inspections. There were no unrated establishments in one region whilst in the remaining three regions unrated establishments were being gradually incorporated into the targeted programme and interventions were being selected for inclusion within the programmes in a risk-based manner.

### Earned Recognition

- 3.3.10 Feed business operators who demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by the LA when determining the frequency of their official controls and therefore earn recognition.
- 3.3.11 The frequency of audits or inspections at an individual feed business establishment whose operator is a member of an approved assurance scheme is reduced in accordance with the frequencies specified in the Practice Guidance.
- 3.3.12 The FeLCP describes two approaches as to how a feed business may qualify for earned recognition:
- a business which is not a member of an assurance scheme but demonstrates broad compliance,
  - or a business which is a member of an approved assurance scheme and demonstrates satisfactory or broad compliance.
- 3.3.13 Earned recognition can be lost in a number of ways, which include when:
- the assurance scheme is no longer approved by the FSA,
  - feed business operator is no longer a member of the approved assurance scheme or has been suspended;
  - the LA becomes aware of a serious non-compliance,
  - the LA has any other concern that would suggest an establishment may not comply with relevant feed law e.g. intelligence from other enforcement agencies which suggest the requirements of feed law might not be being met,
  - a significant change of activity takes place which is outside the scope of the business operator's membership of the assurance scheme,



- ownership of the feed business establishment to which earned recognition applies changes.
- 3.3.14 When a LA becomes aware that a feed business will lose earned recognition and is a member of an approved assurance scheme, this must be notified to the FSA as soon as possible using the earned recognition exception report form.
- 3.3.15 Earned recognition had been applied correctly within two regions whilst database issues had prevented the full application of earned recognition status in at least one local authority in each of the other two regions. There was evidence of some exception reports being raised where this was appropriate, in accordance with the Practice Guidance. However, in two regions a small number of premises were identified that had met the criteria for removal of earned recognition, whilst no corresponding exception report had been raised with the FSA in accordance with the Practice Guidance.

#### Intervention Procedures

- 3.3.16 Feed official controls must be undertaken in accordance with documented procedures which contain up to date instructions for staff performing these functions.
- 3.3.17 LAs within three regions provided evidence of documented procedures for undertaking feed interventions and in some cases, procedures for registering and approving feed businesses. LAs within one region had adopted a documented revisit procedure which provided detail on whether a revisit was required and the timeliness of revisits; although this had not been adopted by all LAs within the region.
- 3.3.18 It was noted that in all four regions consistent and comprehensive feed intervention procedures had not been adopted and implemented across the region which had potential to affect the consistency of approach taken by different feed officers, particularly where cross boundary work was being undertaken. Despite there being no requirement to ensure region-wide procedures are adopted, the possible effect on consistency of cross border working merits consideration.
- 3.3.19 The interventions procedures that were examined required review and amending in some cases, to include all relevant information. This included:
- directing officers to the appropriate inspection forms, report forms and registration/approval forms,

- including information relating to the application or removal of earned recognition,
- ensuring the accuracy of feed activity codes,
- referencing the Primary Authority and Home Authority Principle,
- prioritising risk within new businesses,
- undertaking unannounced or short notice inspections,
- requiring officers to capture the size and scale of business operations,
- instructing officers to either leave a feed inspection report with FeBOs or to post a copy to them promptly after an inspection,
- providing information to officers on revisits including when they are appropriate, and timescales, and
- detailing considerations relating to imported feed.

3.3.20 The intervention procedures were supplemented by inspection forms for use at different types of feed establishment. Standardised inspection forms were in use within all four regions in Wales which provided a consistent approach to capturing inspection observations and for recording of assessments made during inspections.

3.3.21 The inspection forms would benefit from minor amendment to ensure capture of information in relation to:

- whether interventions were unannounced or at short notice,
- inclusion of reasons for providing notice of the inspection and
- recording imported feed assessments.

3.3.22 Various inspection report forms, some of which were tailored to different types of feed establishment, had been developed by LAs in order to provide FeBOs with information about the outcome of each intervention. In three regions auditors were advised that the same inspection report forms were in use across the region which promotes consistency in the provision information to FeBOs following an intervention. In some LAs and across some regions, multiple inspection report forms or methods of communicating inspections findings to FeBOs were in place. This resulted in practical considerations for these LAs to ensure that appropriate and complete information was being provided to FeBOs, particularly where cross boundary feed inspections were being undertaken.

### Intervention Records and Reports

3.3.23 LAs are required to maintain up to date accurate records on all feed establishments in accordance with the FeLCP, Practice Guidance and centrally issued guidance.

- 3.3.24 The LAs establishment record files, which may be computer based, must be updated after each official control and must include the information as required and set out in the Practice Guidance.
- 3.3.25 The outcome of an inspection or audit must always be reported in writing to the feed business operator including when findings are satisfactory.
- 3.3.26 Feed businesses that fail to comply with significant statutory requirements must be subject to appropriate enforcement action and revisit(s) where compliance cannot be assessed by other means. Revisits should focus on the contraventions identified at the last planned programmed inspection and ensure that they have been remedied before deciding that no further action is required. The timing of the revisit will be determined by the severity of the non-compliances identified.
- 3.3.27 A total of 10 premises files were selected for audit from local authorities within each region in relation to feed intervention file records. Inspection observations were available in 90% of file checks completed during the audit programme.
- 3.3.28 Generally, assessments were thorough and in accordance with requirements. However, there were issues in relation to some files identifying areas of improvement in the consistency of inspection and recording of inspection observations, as shown below:
- use of the correct inspection form,
  - recording the size and scale of business operations,
  - recording activity codes,
  - evidencing thorough traceability assessments,
  - assessing business progress in meeting compliance with HACCP requirements,
  - evidence of assessments in relation to imported feed, where appropriate,
  - recording the nature and extent of pest issues
  - ensuring significant issues from previous inspections are followed up,
  - application of correct risk rating scores,
  - application of earned recognition,
  - ensuring database records were accurate,
  - consistently undertaking appropriate follow up action and
  - where necessary; undertaking timely revisits.
- 3.3.29 A total of 10 premises files were selected for audit from local authorities within each region in relation to feed intervention reports to FeBOs.

Inspection reports provided to FeBOs were available in 73% of file checks completed during the audit programme.

3.3.30 The various inspection report forms to FeBOs contained specific prompts to record much of the required information. However, whilst most reports to FeBOs contained most of the required information, there were many examples of where that information had not been provided as follows:

- the name of the FeBO,
- time of the inspection,
- the specific legislation under which the intervention was conducted,
- key points discussed,
- whether or not samples were taken,
- the contraventions identified,
- contraventions not clearly worded,
- measures to secure compliance,
- wording to distinguish between legal requirements and recommendations,
- timescales for compliance,
- contact details of the inspecting officer,
- senior officer contact details, and
- the action to be taken by the feed authority.

Isolated examples were identified where forms were not recognisable as an inspection report, and they were missing most of the required information. In one LA, none of the inspection forms issued as reports had been counter-signed on behalf of the FeBO in accordance with local procedures.

3.3.31 Analysis of the feed establishments databases across each region indicated that most businesses had received appropriate follow up action.

### **Recommendation 3**

- (a) Local authorities shall set up, review and amend (as necessary) documented procedures for the range of interventions/inspections carried out. This should include ensuring that Feed Business Operators who maintain high standards of compliance with feed law, benefit from earned recognition. [The Standard 7.4 / Articles 5 & 12, Regulation (EU) 2017/625]
- (b) Local authorities shall carry out interventions/inspections in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the authority's policies and procedures. This should include ensuring that when a feed business will lose earned recognition and is a member of an approved assurance scheme, this must be notified to the FSA as soon as possible using the earned recognition exception report form. [The Standard 7.2 / Articles 12 & 14, Regulation (EU) 2017/625]
- (c) Local authorities shall assess the compliance of establishments and systems in their area to the legally prescribed standards. [The Standard 7.3 / Article 14, Regulation (EU) 2017/625]
- (d) Local authorities shall maintain up to date accurate records in retrievable form on all feed establishments in its area, in accordance with Codes of Practice and centrally issued guidance. These records shall include the determination of compliance with legal requirements made by the authorised officer and details of action taken where non-compliance was identified. The authority should also record, with reasons, any deviations from set procedures. [The Standard 16.1 / Article 13, Regulation (EU) 2017/625]

## **3.4 Feed Establishments Databases**

- 3.4.1 LAs must ensure that they have an appropriately configured feed database. Any computer software package or other method of record administration used by LAs must be reliable and capable of providing any information reasonably requested by the FSA.
- 3.4.2 LAs databases must record the details of establishments, risk-rating scores, inspections/audits, sampling and enforcement actions. This data informs official controls undertaken by officers, supports LAs monitoring of its delivery of official controls and provides the data which is required by the FSA on an annual basis to enable it to report enforcement and sampling activity in Wales, England and Northern Ireland.

- 3.4.3 Funding for activities undertaken by LAs as part of the feed delivery programme in Wales is reviewed annually and now includes the work undertaken by LAs to identify businesses that have ceased trading both as a result of visits and other activities. These activities can include but are not restricted to verifiable tasks such as database cross-reference checks, surveys, and postal or telephone surveys.
- 3.4.4 The feed audit programme included in its methodology a review of LAs feed database records. Specific analysis was carried out prior to on-site audits to identify overdue and unrated feed establishments, duplicate premises, database configuration and calculation anomalies, officers undertaking feed inspections, feed business membership of FSA approved feed assurance schemes, feed risk ratings and exception report applicability. Any potential issues that were identified during pre on-site audit analysis were discussed during the course of each regional on-site audit.
- 3.4.5 A review of feed databases for data quality issues found that they were mostly well maintained with few errors. Where errors were identified, details were provided to enable LAs to investigate and correct any issues.
- 3.4.6 Evidence of data cleansing activities by LAs to remove duplicate and exempt feed businesses and generally to improve the accuracy and currency of the feed databases was noted during the audit programme. It is likely that these activities had been encouraged by LA funding for these activities which had been introduced to recognise the importance of feed database integrity.

### **3.5 Feed Sampling**

#### Feed sampling policy

- 3.5.1 LAs are required to prepare and publish a feed sampling policy and to make it available to businesses and consumers. The policy must set out the LAs general approach to feed sampling and its approach in specific situations such as process monitoring, the Primary Authority partnership scheme including inspection plans, the Home Authority Principle, inspections, complaints, special investigations and national, regional and locally co-ordinated programmes. The feed sampling policy should be prepared in consultation with the LAs Agricultural Analyst and must commit the LA to providing the resources necessary to carry out its feed sampling programme.

### ***Good Practice***

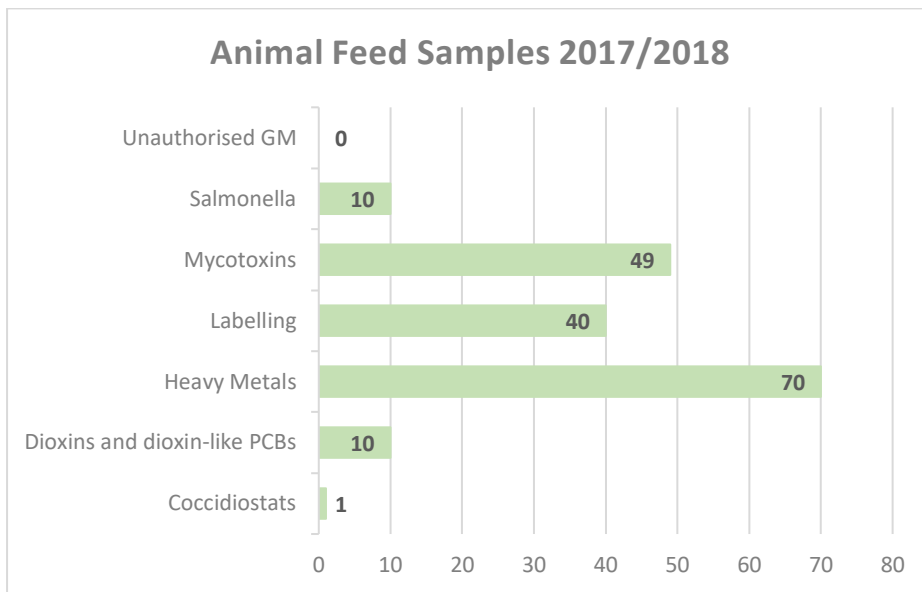
Rhondda Cynon Taff had published its feed sampling policy on its website making it easily available to consumers and businesses.

- 3.5.2 During the audit programme, within two regions, all LAs visited had documented sampling policies. Within a further one region at least one LA that was audited provided evidence of a documented feed sampling policy which provided a commitment to implementing and allocating resources to the annual feed sampling programme. In the remaining region, no sampling policy had been documented.

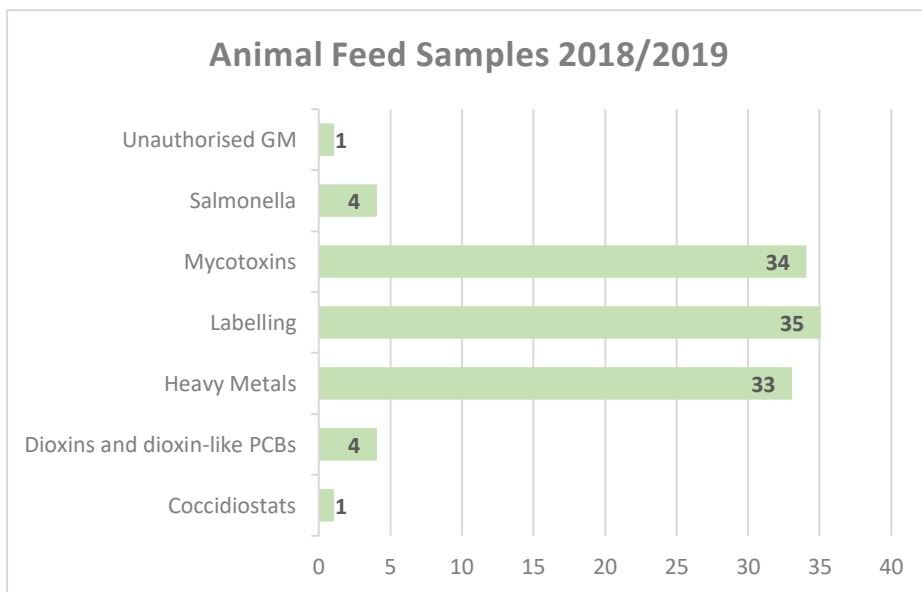
#### Feed sampling programme

- 3.5.3 Feed sampling programmes detail intended feed sampling priorities taking into account of the number, type and risk-ratings of the feed businesses, the type of feed produced in the area, the LAs Originating or Home Authority responsibilities, Primary Authority inspection plans and the need to ensure that the provisions of feed law are enforced.
- 3.5.4 Feed sampling in Wales is coordinated by the FSA and organised through the WHoTS Regional Feed Group. Provision has been made for LAs to conduct sampling in the annual feed budget. Feed sampling is planned and coordinated taking account of the National Feed Enforcement Priorities with flexibility in the programme should there be a local issue or an emerging risk. An annual feed sampling programme is developed for Wales with feed samples inputted onto the UK Food Surveillance System (UKFSS).
- 3.5.5 Risk based, all Wales feed sampling programmes were developed and agreed by the six feed regions. Two of the four regions audited had delivered the planned numbers of samples in the year prior to the audit, with some variance in the type of activity. The remaining regions had delivered planned sampling activity where this was possible; with some variance in the type of activity. The variances were reasonable reflecting decisions made by authorities in response to changes in businesses and trading activities within each area. Figures 11 and 12 show the breakdown of animal feed tests undertaken, indicating the type of analysis conducted.

**Figure 11 - A breakdown of the analytical testing of animal feed samples across Wales in 2017/18**



**Figure 12 - A breakdown of the analytical testing of animal feed samples across Wales in 2018/19**



### Feed sampling procedures

3.5.6 LAs are required to set up, maintain and implement documented procedures for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the FeLCP and centrally issued guidance.



### ***Good Practice***

Wrexham had developed a supplementary guidance document to assist officers in undertaking feed sampling.

### ***Good Practice***

Newport were using template letters to ensure a consistent approach in relation to the sampling of imported feed.

- 3.5.7 Within one region all LAs visited had documented their feed sampling procedures. Within a further two regions at least one LA that was audited provided evidence of documented feed sampling procedures which provided information for officers working within the LA on how to conduct sampling activities. In the remaining region, feed sampling procedures had not been documented.
- 3.5.8 Documented sampling procedures were mostly in accordance with requirements, although amendment was required in some instances, for example to detail actions to be taken when in receipt of unsatisfactory sampling results and to ensure that the Primary Authority and the Home Authority Principle are considered, where appropriate.

### Unsatisfactory feed sample results

- 3.5.9 22 feed sample files were subject to audit checks, across the four regions, where the results of analysis indicated the feed was unsatisfactory. Assessments were made to determine if LAs had taken appropriate action in accordance with their enforcement policy.
- 3.5.10 All sampling had been undertaken by authorised officers and all results of analysis were available.
- 3.5.11 In some instances, across all regions, areas for improvement were identified which included:
- consistently ensuring timely notification of unsatisfactory results to FeBOs,
  - following the Home Authority Principle and
  - undertaking further investigations; including verifying that FeBOs had made all the necessary improvements.

#### ***Recommendation 4***

Local authorities shall set up, maintain and implement a documented sampling policy that shall accord with any centrally issued or relevant guidance, and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency. [The Standard – 12.4 / Articles 5 & 12, Regulation (EU) 2017/625]

#### ***Recommendation 5***

Local authorities shall set up, review, amend (as necessary) and implement documented procedures for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the relevant Codes of Practice and centrally issued guidance. [The Standard – 12.5 / Articles 5 & 12, Regulation (EU) 2017/625]

#### ***Recommendation 6***

Local authorities shall take appropriate action where sample results are not considered to be satisfactory. [The Standard – 12.7 / Articles 12,13 & 138, Regulation (EU) 2017/625]

### **3.6 Feed Incidents**

- 3.6.1 Feed incidents arise where there are concerns about actual or suspected threats to the safety or quality of feed that requires intervention to protect public or animal health.
- 3.6.2 LAs are required to set up and implement a documented procedure for dealing with feed incidents that are identified within their area. In response to feed incidents, LAs must consider the use of feed law enforcement powers to protect human and animal health, liaison with other LAs and relevant agencies, and notifying the FSA of any serious localised incident or a wider feed safety problem in accordance with the FeLCP.

- 3.6.3 The documented procedure for dealing with feed safety incidents must include the prompt and effective response to feed alerts, which is the method by which the FSA informs LAs about feed hazards and advises of specific action to be taken. The response to and the outcome of each feed alert must be recorded.
- 3.6.4 LAs must also comply with any reasonable request for information or administrative assistance from another LA, from the FSA or from a feed control body in another Member State.
- 3.6.5 The audit programme considered the availability and content of LAs documented feed incident procedures and feed incidents that had been initiated by or responded to by LAs were reviewed and assessed.
- 3.6.6 Within two regions, all LAs visited had a documented feed incident procedure and at least one LA from within one of the other two regions had developed documented procedures which provided information for officers in relation to feed incidents. Where developed, the procedures were mostly in accordance with requirements. In one LA, whilst documented procedures for responding to feed incidents had been developed, they did not include a procedure for initiating feed incidents. In one LA the procedure required further development regarding the response to alert notifications.
- 3.6.7 Examples were provided in relation to incidents being initiated and escalated to the FSA in accordance with requirements within two regions.
- 3.6.8 Across two regions examples were provided in relation to incident responses including a feed incident request for administrative assistance and co-operation (AAC). There was evidence of effective responses in accordance with requirements.

#### ***Recommendation 7***

Local authorities shall set up, review and amend (as necessary) and implement a documented procedure for initiating and responding to feed alerts, in accordance with the relevant Codes of Practice. [The Standard – 14.1 / Articles 5 & 12 Regulation (EU) 2017/625]

### **3.7 Enforcement**

#### Enforcement Policy

- 3.7.1 LAs must document their feed law enforcement policy which must be made available to FeBOs and consumers. The policy must be kept up to date and

cover all areas of feed law that the LA has a duty to enforce, include criteria for the use of all the enforcement options that are available and be approved at the appropriate level.

- 3.7.2 All LAs audited within each of the feed regions had documented enforcement policies which covered feed legislation and all policies had been approved at the appropriate level. Within one region the enforcement policy contained all of the information required for feed enforcement including the criteria for taking the different types of enforcement action. Within the other three regions, some enforcement policies could be improved in some cases by including the criteria for taking informal action and all other types of enforcement action and from being updated to reference current feed legislation.

### Enforcement Procedures

- 3.7.3 LAs are required to set up, maintain and implement documented procedures for follow up and enforcement actions in accordance with the FeLCP and official guidance.
- 3.7.4 A documented enforcement procedure covering the full range of feed law enforcement options in accordance with requirements had been developed in one LA in one of the regions audited.
- 3.7.5 A further two LAs within two of the regions audited had developed documented enforcement procedures which would benefit from including instructions to officers in relation to the use of all enforcement options that are available and ensuring that template notices and legal forms for all type of enforcement options were available and linked to the procedure. Documented enforcement procedures had not been developed in two of the regions.

### Enforcement Actions

- 3.7.6 LAs must ensure that enforcement action taken by their authorised officers is reasonable, proportionate, risk-based and consistent with good practice.
- 3.7.7 Authorised officers must implement their LAs feed law enforcement policy. Departures from the policy must be exceptional and the reasons for any departure should be recorded.
- 3.7.8 Authorised officers must take account of the full range of enforcement options. This includes educating feed business operators, giving advice, informal action, sampling, detaining and seizing feed, serving feed business

improvement notices (FBINs), serving feed business prohibition or emergency prohibition notices (with follow-up applications for court orders), and initiating prosecution procedures.

- 3.7.9 Except where circumstances indicate a significant risk, officers must operate a graduated and educative approach (the hierarchy of enforcement) starting with advice/education and informal action moving to more formal action where the informal action does not achieve the desired effect. The approach taken must ensure the timely remedy of non-compliance with feed law.
- 3.7.10 A limited range of enforcement sanctions had been undertaken by two LAs within two regions during the specified two-year audit timeframe. These consisted of FBINs and voluntary closure agreements within one LA and a detention notice served in respect of imported feed within another LA. The use of these enforcement sanctions was, in all cases, appropriate in the circumstances and these enforcement sanctions were generally carried out according to requirements.
- 3.7.11 Within the remaining two regions no formal feed enforcement action had been undertaken.

#### ***Recommendation 8***

Local authorities shall review and amend documented enforcement policies, in accordance with the requirements of relevant Codes of Practice and other official guidance. [The Standard – 15.1 / Article 12, Regulation (EU) 2017/625]

#### ***Recommendation 9***

Local authorities shall set up, review, amend (as necessary) and implement documented procedures for follow up and enforcement actions in accordance with the relevant Codes of Practice and official guidance. [The Standard – 15.2 / Articles 5 & 12, Regulation (EU) 2017/625]

### **3.8 Internal Monitoring**

- 3.8.1 LAs must ensure that official controls are carried out to a consistently high standard, and that the planned programme of controls is being maintained.
- 3.8.2 Quantitative internal monitoring of the feed delivery programme is undertaken by RLFOs who provide quarterly reports to the FSA in Wales,

detailing progress in delivering the target number of inspections specified in the feed work programme. This information is used to inform payment for the work.

- 3.8.3 LAs must maintain documented procedures for monitoring progress of the planned programme of official controls and the quality and consistency of controls undertaken by authorised officers to ensure they are carried out competently. Procedures must include steps to be taken to address any performance which does not meet expected standards. The measures to assess when undertaking internal monitoring are listed within the FeLCP.
- 3.8.4 In one region/s, a documented procedure for carrying out internal monitoring checks on the quality of service delivery had been developed at regional level. In a further region, an internal monitoring procedure had been drafted but not yet implemented. At least one LA had developed local procedures for internal monitoring in one region. Further, in the remaining region there was no documented internal monitoring procedure.
- 3.8.5 Whilst some of the procedures identified the persons responsible for undertaking the internal monitoring, specified the frequency and number of checks on interventions to be undertaken and included shadowed inspections to monitor the competency of authorised officers, the specified checks focussed largely on inspections and procedures would benefit from:
- inclusion of checks on other intervention types and feed control activities,
  - fully specifying the scope, quantity and frequency of internal monitoring activity and
  - the use of standard forms, to ensure that more detailed assessments take place.
- 3.8.6 Auditors were able to verify that some qualitative monitoring had been undertaken in each region which comprised a mixture of checks by the RLFO and local checks being undertaken to complement that being undertaken at regional level. There was also evidence of shadowing of officers by the RLFO within three regions to ensure that officers were competent, consistent, using the correct forms and that advice given to businesses was correct and factual. Further examples included meetings with officers to discuss inspections, complaints and training, accompanied inspections and file record checks.
- 3.8.7 Areas for improvement in respect of qualitative internal monitoring checks included:
- checks to ensure consistency,

- checks to monitor officer competency and
- to consistently record the outcomes of such checks.

### ***Recommendation 10***

(a) All procedures for internal monitoring must be documented including specifying the records to be completed. Documented internal monitoring procedures should include, where appropriate at regional level, local level or both, the following checks:

- That the database risk ratings (including total scores) and due intervention dates are correct. Database checks should include, where applicable, that risk ratings have been amended to reflect the earned recognition status and that an exception report has been made where required.
- That information held on databases and establishment files are consistent with each other; including the correct officer who conducted each intervention.
- An examination of files involving complaints or service requests about feed or feed establishments.
- An examination of files involving sampling activity, particularly those relating to unsatisfactory samples.
- An examination of files involving responses to incidents.
- An examination of files involving formal enforcement actions.

[The Standard – 19.1 / Articles 5 & 12, Regulation (EU) 2017/625]

(b) Internal monitoring procedures should be fully implemented, and local authorities should record the outcome of any check and the action taken in relation to any inconsistency identified. [The Standard – 19.1 & 19.3 / Article 12, Regulation (EU) 2017/625]

## 4.0 Conclusions

- 4.1 The audit programme showed that there was a significant improvement in the delivery of animal feed official controls in Wales following implementation of the new feed delivery model in April 2015. Three areas of good practice were identified and these have been highlighted. All four regions audited were assessed as providing a moderate assurance that service delivery requirements were being met. However, further improvements are required in order to demonstrate fully effective service delivery.
- 4.2 The process of submission of funding claims required improvement to ensure official controls undertaken at individual establishments were being effectively accounted for.
- 4.3 The audit identified inconsistencies in the operational commitment to regional working among LAs which was having an impact on the quality of official control activities. Most regions had enabled officers to operate across local authority boundaries, however, not all had done so, creating a barrier to regional working. Furthermore, the large number of part time officers involved in service delivery resulted in a small proportion of officer time spent practising feed official controls within regions. This provided a practical challenge to ensuring officers maintained sufficient experience to provide consistent official control delivery.
- 4.4 Consistency could also be improved in relation to policies, procedures and working documents within regions and where appropriate, across Wales. It is recognised that efforts are already underway to ensure these further improvements on a Wales level.
- 4.5 Investment in expansion of internal monitoring processes, beyond inspections, to ensure a regular, frequent, in-depth and continuing examination of officers' official feed control activities, at a regional level, will drive improvements in consistency and increase assurance.
- 4.6 All LAs within each region are encouraged to discuss the audit outcomes and work together to ensure the recommendations are addressed in accordance with their regional action plans.



## 5.0 Summary of Recommendations

- 5.1 The focused audit of the regional delivery of local authority feed law enforcement services in Wales identified the following recommendations:

### ***Recommendation 1***

Local authorities must ensure that they are able to identify the actual establishments that are included in each return on feed activity, through the maintenance of appropriate records. [The Standard 6.3 / Articles 5(1(a)&(b), 10(2), and 13(1) of Regulation (EU) 2017/625]

The FSA should ensure that MOU documents are amended to clarify the requirement for LAs to maintain such records.

### ***Recommendation 2***

- (a) Local authorities must improve regional collaboration to ensure that official controls are carried out by suitably qualified, competent and experienced staff, authorised to operate across each region, so that official controls and control duties can be carried out efficiently and effectively. [Article 5(1)(e), Regulation (EU) 2017/625]
- (b) Local authorities shall set up, review, amend (as necessary) and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance. [The Standard 5.1 / Articles 5 & 12, Regulation (EU) 2017/625]
- (c) Authorities should review and update authorisation documents to ensure they include references to all relevant and up to date legislation. The level of authorisation of officers should be consistent with their qualifications, training, experience and the Feed Law Code of Practice. Where authorisation certificates do not provide information on level of authorisation, but such information is provided within respective assessments of competence, these documents should be linked within a single overarching instrument of authorisation. [The Standard 5.3 / Articles 5 & 12, Regulation (EU) 2017/625]
- (d) Records of qualifications, training and experience of each authorised officer must be maintained by local authorities. Authorities must ensure that feed officers receive a minimum of 10 hours continuing professional development training per year. [The Standard 5.4 & 5.5 / Articles 5 & 12, Regulation (EU) 2017/625]

### ***Recommendation 3***

- (a) Local authorities shall set up, review and amend (as necessary) documented procedures for the range of interventions/inspections carried out. This should include ensuring that Feed Business Operators who maintain high standards of compliance with feed law, benefit from earned recognition. [The Standard 7.4 / Articles 5 & 12, Regulation (EU) 2017/625]
- (b) Local authorities shall carry out interventions/inspections in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the authority's policies and procedures. This should include ensuring that when a feed business will lose earned recognition and is a member of an approved assurance scheme, this must be notified to the FSA as soon as possible using the earned recognition exception report form. [The Standard 7.2 / Articles 12 & 14, Regulation (EU) 2017/625]
- (c) Local authorities shall assess the compliance of establishments and systems in their area to the legally prescribed standards. [The Standard 7.3 / Article 14, Regulation (EU) 2017/625]
- (d) Local authorities shall maintain up to date accurate records in retrievable form on all feed establishments in its area, in accordance with Codes of Practice and centrally issued guidance. These records shall include the determination of compliance with legal requirements made by the authorised officer and details of action taken where non-compliance was identified. The authority should also record, with reasons, any deviations from set procedures.  
[The Standard 16.1 / Article 13, Regulation (EU) 2017/625]

### ***Recommendation 4***

Local authorities shall set up, maintain and implement a documented sampling policy that shall accord with any centrally issued or relevant guidance, and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency. [The Standard – 12.4 / Articles 5 & 12, Regulation (EU) 2017/625]

### ***Recommendation 5***

Local authorities shall set up, review, amend (as necessary) and implement documented procedures for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the relevant Codes of Practice and centrally issued guidance. [The Standard – 12.5 / Articles 5 & 12, Regulation (EU) 2017/625]

### ***Recommendation 6***

Local authorities shall take appropriate action where sample results are not considered to be satisfactory. [The Standard – 12.7 / Articles 12,13 & 138, Regulation (EU) 2017/625]

### ***Recommendation 7***

Local authorities shall set up, review and amend (as necessary) and implement a documented procedure for initiating and responding to feed alerts, in accordance with the relevant Codes of Practice. [The Standard – 14.1 / Articles 5 & 12 Regulation (EU) 2017/625]

### ***Recommendation 8***

Local authorities shall review and amend documented enforcement policies, in accordance with the requirements of relevant Codes of Practice and other official guidance. [The Standard – 15.1 / Article 12, Regulation (EU) 2017/625]

### ***Recommendation 9***

Local authorities shall set up, review, amend (as necessary) and implement documented procedures for follow up and enforcement actions in accordance with the relevant Codes of Practice and official guidance. [The Standard – 15.2 / Articles 5 & 12, Regulation (EU) 2017/625]

### ***Recommendation 10***

(a) All procedures for internal monitoring must be documented including specifying the records to be completed. Documented internal monitoring procedures should include, where appropriate at regional level, local level or both, the following checks:

- That the database risk ratings (including total scores) and due intervention dates are correct. Database checks should include, where applicable, that risk ratings have been amended to reflect the earned recognition status and that an exception report has been made where required.
- That information held on databases and establishment files are consistent with each other; including the correct officer who conducted each intervention.
- An examination of files involving complaints or service requests about feed or feed establishments.
- An examination of files involving sampling activity, particularly those relating to unsatisfactory samples.

- An examination of files involving responses to incidents.
- An examination of files involving formal enforcement actions.

[The Standard – 19.1 / Articles 5 & 12, Regulation (EU) 2017/625]

(b) Internal monitoring procedures should be fully implemented, and local authorities should record the outcome of any check and the action taken in relation to any inconsistency identified. [The Standard – 19.1 & 19.3 / Article 12, Regulation (EU) 2017/625]

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## **Annex A: Glossary**

Agricultural Analyst	Means an agricultural analyst appointed under section 67 of the Agriculture Act 1970 and, unless the context otherwise requires, includes a deputy agricultural analyst so appointed for the same area
Animal Feed	Defined in Article 3.4 of 178/2002 to mean any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral to food or non-food producing feeding to animals.
Animal feed risk rating system	Risk assessment criteria used to determine planned animal feed law inspection programmes
Audit	A systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
Authorised Officer	Means a person (whether or not an officer of the Competent Authority) who is authorised by the Competent Authority, either generally or specifically to act in relation to matters arising under the Hygiene Regulations
Continuing Professional Development	The means by which members of a profession maintain, improve and broaden their knowledge and skills and develop the qualities required in their professional lives.
Earned recognition	Feed Business Operators who demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by the Competent Authority when

determining the frequency of their official controls and therefore earn recognition.

Establishment

“Establishment” defined in EU law as a ‘unit of a feed business’, does not simply mean “premises”, but is directly linked to the business occupying the establishment (“establishment denotes both premises and the manner in which those premises are being used by the feed business operator”).

Feed Alert

The method by which the FSA informs LAs about feed hazards and advises of specific action to be taken.

Feed Business

Means any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, transport or distribution of feed including any producer producing, processing or storing feed for feeding animals on his own holding. (Statutory definition)

Feed Business Operator

Means any natural or legal person responsible for ensuring that the requirements of the relevant legislation are met within the feed business under their control. (Statutory definition)

Feed Hazard

A biological, chemical or physical agent in feed capable of causing adverse effect to public health.

Feed Law Code of Practice (Wales)

This Code of Practice is issued under regulation 6 of the Official Feed and Food Controls. The Code is directed at local authorities (Competent Authorities) responsible for the delivery of official controls for feed. Competent Authorities are required under the relevant official feed and food controls legislation to have regard to this Code when discharging their duties.

Feed Law Practice Guidance (Wales)	This Practice Guidance is issued by the Food Standards Agency (FSA) to assist Competent Authorities with the discharge of their statutory duty to enforce relevant feed law. It is non-statutory, complements the statutory Code of Practice, and provides general advice on approach to enforcement of the law where its intention might be unclear.
Feed Region	Animal feed official controls are delivered on a regional basis in Wales, with the 22 LAs in Wales divided up into six regions.
Food Standards Agency (FSA)	The FSA acts as the Central Competent Authority for feed law enforcement by local authorities (LAs) in Wales, England and Northern Ireland. This includes ensuring the delivery of activities in relation to feed hygiene, labelling and composition of animal feed, including pet food. The FSA has the statutory function of providing expert advice and knowledge, as well as the role of influencing the way that LAs deliver animal feed official controls.
Framework Agreement	The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. It has been developed in consultation with the local authorities themselves, the local government associations and the professional bodies.
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed
Hazard analysis and critical control points (HACCP) system	Feed business operators carrying out operations other than those referred to in

	Article 5(1) of Regulation (EC) No 1831/2003 shall put in place, implement and maintain, a permanent written procedure or procedures based on the HACCP principles
Home Authority	Means the authority where the relevant decision-making base of an enterprise is located.
Home Authority Principle	A local authority acting as a Home or Originating authority will place special emphasis on the legality of goods and services originating within its area. It aims to prevent infringements by offering advice and guidance at source in order to maintain high standards of public protection at minimum cost.
Inspection	An inspection would form part of an investigation of any aspect of feed in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and welfare rules.
Intervention	Methods or techniques used by a local authority for verifying or supporting business compliance with feed law.
Local Authorities (LAs)	Has the meaning set out in Section 270 of the Local Government Act 1972. The 22 local authorities in Wales are divided into six feed regions.
Official Controls	Any form of control for the verification of compliance with feed law.
Originating Authority	Means the authority in whose area a decentralised enterprise produces goods and services.
Primary Authority	Once nominated, the Primary Authority has certain statutory functions and local authorities that regulate the business must do



so in accordance with the provisions of the scheme.

Regional Lead Feed Officer (RLFO)

Each of the six Welsh feed regions has identified a regional lead feed officer who is responsible for overseeing the delivery of animal feed official controls in their area. Regional Lead Feed Officers meet at least quarterly to ensure a consistent approach is taken across Wales.

Registration

A legal process requiring all feed business operators to notify the appropriate local authority when setting-up a feed business.

Sampling

Means taking feed or any other substance (including from the environment) relevant to the production, processing and distribution of feed or food or to the health of animals, in order to verify through analysis compliance with feed or food law or animal health rules.

Shared Regulatory Services (SRS)

Shared Regulatory Services (SRS) is a collaborative service formed between Bridgend, Cardiff and the Vale of Glamorgan Councils

Unrated business

A feed business identified by an authority that has not been subject to a regulatory risk rating assessment.

Verification

Means the checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled.

## **Annex B: Terms of Reference**

### **FOOD STANDARDS AGENCY WALES**

#### **Terms of reference – Animal Feed Focused Audits – July 2019**

##### **1. Audit Objective(s)**

To provide assurance that the regional feed delivery model that has been in operation since April 2015 in Wales, has been effectively implemented by local authorities (LAs) in that official controls are being delivered in accordance with the Framework Agreement, Feed Law Code of Practice (Wales), Feed Law Practice Guidance (Wales), Memorandum of Understanding (MoU) and legislation, in order to safeguard animal and public health.

##### **2 Key Risk(s) and Scope of Audit**

**Key Risk(s):** That the six-region delivery model for feed law enforcement in Wales has not been effective in implementing timely, appropriate, proportionate and consistent delivery of official feed controls resulting in failure to secure compliance with feed law which could detrimentally affect animal health and welfare and the human food chain, resulting in reputational damage to LAs and the FSA as well as loss of confidence in the feed and food industry.

**Scope:** The audit programme will consist of all six Regions in Wales and will focus on the risks associated with the following areas of official control (**Where such information already exists within the FSA it will not be requested from LAs**): -

###### **1. Feed service planning, delivery and review, including: -**

- a. Implementation of the regional and local obligations in accordance with the annual service plan
- b. Effectiveness of how LAs implement and monitor the system of earned recognition for feed establishments that are members of an approved assurance scheme
- c. MOU for Regional Feed delivery.
- d. Review of local delivery against the service plan

###### **2. Role of Lead Feed Officers – with reference to: -**

- a. Feed service monitoring arrangements (internal monitoring)
- b. Consistency in delivery of official controls (internal monitoring)
- c. Training and professional development of staff

- d. Links and communications with the Regional Feed Lead, the National Agriculture Panel (NAP) and the National Feed Ports Panel (NAFPP) (as appropriate)
- e. Liaison arrangements with other feed authorities and other agencies responsible for feed controls, FSA, APHA and VMD
- f. Funding submissions and reporting

**3. Authorisation and competence of officers including: -**

- a. Authorisation of officers
- b. How LAs ensure officer competency
- c. Procedures

**4. Interventions, including: -**

- a. Intervention procedures
- b. Referrals to other authorities
- c. Imported feed
- d. Latest intervention data
- e. Assessment records and reports
- f. Reality visits and interviews with staff
- g. Appropriateness of follow up actions, including adherence to enforcement policies and procedures

**5. Databases to include: -**

- a. Accuracy of data
- b. Numbers of feed premises
- c. Internal monitoring
- d. Procedures
- e. UKFSS returns
- f. Quarterly monitoring returns,
- g. Annual FSA animal feed monitoring returns; and
- h. Annual list of registered and approved feed establishments

**6. Feed incidents to include: -**

- a. How investigated / procedures
- b. Feed incident actions
- c. Referrals/Liaison with Primary Authorities or Home Authorities

**7. Sampling to include: -**

- a. Individual sampling files / records
- b. Numbers of samples taken in accordance with sampling programme
- c. Policies/procedures

d. Referrals/liaison with Primary Authorities or Home Authorities

**3 Audit Reference Criteria**

National Feed Law Enforcement Priorities 2019-20

Framework Agreement

Feed Law Enforcement Code of Practice (Wales)

Feed Law Practice Guidance (Wales)

Regional Memoranda of Understanding for the Enforcement of Animal Feed Official Controls in Wales (MoU)

Agriculture Act 1970

The Animal Feed (Hygiene, Sampling etc. and Enforcement) (Wales) Regulations 2016

The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016

Official Feed and Food Regulations (Wales) 2009

The Genetically Modified Organisms (Traceability and Labelling) (Wales) Regulations 2005

Transmissible Spongiform Encephalopathies (Wales) Regulations 2018

Animal By-Products (Enforcement) (Wales) Regulations 2014

Regulation (EC) No 852/2004 on the hygiene of foodstuffs

Regulation (EC) No 669/2009 regards the increased level of official controls on imports of certain feed and food of non-animal origin

Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rule

Regulation (EC) No 183/2005 on feed hygiene

Regulation (EC) No 767/2009 on the placing on the market and use of feed

Regulation (EC) No 1830/2003 on the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18

Regulation (EC) No 1829/2003 on genetically modified food and feed;

Regulation (EC) No 1831/2003 on additives for use in animal nutrition

Regulation (EC) No 152/2009 laying down the methods of sampling and analysis for the official control of feed

Regulation (EC) No 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption

Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies

Commission Directive 98/51/EC

Commission Directive 95/69/EC

FVO Mission Report 2009 –Official Controls on Feed Legislation

FVO Mission Report 2011 –Official Controls on Feed Legislation  
Making Every Inspection Count (August 2011)  
Effective Feed Law Enforcement (December 2012)  
NTS and NAP/NAFPP guidance issued to local authorities

## ***Annex C: Methodology***

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

### *(1) Examination of local authorities' policies and procedures.*

The following local authorities' policies, procedures and documents were examined to inform the audit:

- MOUs the delivery of animal feed Official Controls in Wales
- Feed law enforcement service plans / reports to Members
- Authorisation of Officer / competency assessment procedures
- Feed inspection and revisit procedures, imported feed procedures
- Feed business report forms, inspection forms
- Feed business establishment registration/approval procedures and forms
- Feed sampling policies & procedures
- Feed enforcement policies & procedures and template notices/forms
- Internal monitoring procedures and forms
- Feed incidents procedures and forms
- Feed establishments database management procedures

### *(2) Review of local authorities' database records*

A review was undertaken of local authorities' feed database records to establish the following (where possible):

- Overdue and unrated feed establishments
- Duplicate premises
- Database configuration and calculation anomalies
- Officers undertaking feed inspections
- Feed business membership of FSA approved feed assurance schemes
- Feed risk ratings
- Exception report applicability

### *(3) On-site file reviews*

The following local authorities' file records were reviewed during on-site audit visits (where possible):

- Feed inspection and revisit records and reports
- Imported feed checks
- Feed sampling records
- Feed incident records
- Feed enforcement notices and forms
- Officer authorisations, competency assessments, qualification and training records
- Internal monitoring records for feed

#### *(4) On-site officer interviews*

Officer interviews were carried out at local authorities with the purpose of gaining further insight into the practical implementation and operation of the authority's arrangements for the delivery of animal feed Official Controls. Any opinions and views raised during officer interviews remain confidential and are not referred to directly in this report.

#### *(5) On-site reality visits*

Reality visits were carried out to assess the effectiveness of the local authorities' assessment and application of feed enforcement controls with feed law requirements. Visits were undertaken to verify the findings from the last inspection and to determine the extent to which the inspection met the requirements of relevant legislation, the Feed Law Code of Practice and official guidance.

## Annex D – Audit Opinion

Audit Opinion – Assessment of Assurance	
Assurance	Definition
Substantial	The system for delivering official controls demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.
Moderate	The system for delivering official controls requires some improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.
Limited	The system for delivering official controls requires significant improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.
Unsatisfactory	The system for delivering official controls requires substantial improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.