

# Manual for Official Controls: Amendment 95

## Chapter 1 Introduction

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# 1. Background and Functions

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- 1.3 Contacts

## 1.1 Food Standards Agency

### 1.1.1 Food Standards Agency remit

The Food Standards Agency (FSA) is an independent Government body, established in 2000 to protect public health and consumer interests in relation to food.

The FSA is the national authority responsible for food safety and food hygiene across England, Wales and Northern Ireland.

FSA's remit includes:

- within the European Union, negotiations on behalf of England, Wales and Northern Ireland by legal experts and policy officials to ensure that EU law reflects the interests of consumers
- removing unsafe food from sale, in conjunction with other enforcement organisations
- ensuring good food hygiene, through various initiatives delivered in partnership with Local Authorities (LAs)
- ensuring meat hygiene in approved slaughterhouses and meat establishments throughout Great Britain; in Northern Ireland, this role is carried out by the Department of Agriculture Environment and Rural Affairs (DAERA)

This guidance manual, the Manual for Official Controls (MOC), contains details of the tasks, responsibilities and duties FSA staff and veterinary contractors undertake in approved meat establishments.

This version of the Manual for Official Controls has been updated to take account of new EU Official Control requirements which came into effect on the 14

December 2019. It is important that FSA Authorised Officers, FSA and LA staff implement the legislation as set out in this manual.

Guidance on some aspects of the new Official Control package has not yet been introduced as these require more consideration. The FSA is working on this and as guidance is finalised it will be communicated to staff and included within the MOC. In the meantime, staff must continue to undertake official controls as outlined within the MOC.

The FSA's website is [www.food.gov.uk](http://www.food.gov.uk)

## 1.2 Food Standards Agency Operations (meat hygiene)

### 1.2.1 Principal functions

The principal functions of FSA staff working in approved meat establishments are listed in the table below together with the Government department that holds the policy lead.

Function	Policy lead
Provision of meat inspection and health marking	FSA
Enforcement of Food Hygiene Regulations in approved slaughterhouses, cutting plants and minced meat, meat preparations and meat products premises which are combined with approved fresh meat premises	FSA
Enforcement of controls over Specified Risk Material (SRM) and other animal by-products (ABP)	FSA, (TSE) Defra and Welsh Government
Enforcement of welfare at transport and slaughter regulations	Defra and Welsh Government
Collection and despatch of samples for statutory veterinary medicines residue testing and testing of suspect cases	Defra, Veterinary Medicines Directorate (VMD)
Collection and despatch of sheep and goat brain stem samples for the testing of Transmissible Spongiform Encephalopathy (TSE)	Defra and Welsh Government
Supervision of Bovine Spongiform Encephalopathy (BSE) testing	Defra and Welsh Government
Collection and despatch of samples for examination and testing for some notifiable diseases	Defra, Animal and Plant Health Agency (APHA)

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Function	Policy lead
Provision of export certification when required by the importing authority or by EU regulations	Defra / APHA
Inspection of imported meat in approved premises	FSA
Provision of services to British Cattle Movement Service (BCMS) for the Cattle Tracing System	Defra (Rural Payments Agency)
Provision of other services on a repayment basis to other Service Level Agreement customers	Other customers

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### 1.3 Contacts

<b>Corporate Support Unit York Transactions Team</b>	T: 01904 232177
	<a href="mailto:CSU@food.gov.uk">CSU@food.gov.uk</a>
<b>Approvals and Registrations</b>	T: 01904 232060
	<a href="mailto:approvals@food.gov.uk">approvals@food.gov.uk</a>
<b>SLA and Contracts</b>	T: 01904 232093
	<a href="mailto:sla.contracts@food.gov.uk">sla.contracts@food.gov.uk</a>
<b>FSA Helpline</b>	<a href="mailto:helpline@food.gov.uk">helpline@food.gov.uk</a>
	T: 020 7276 8000
<b>Data and Performance</b>	<a href="mailto:operations.data@food.gov.uk">operations.data@food.gov.uk</a>
<b>Guidance Team (MOC)</b>	<a href="mailto:MOC@food.gov.uk">MOC@food.gov.uk</a>
<b>FSA National Food Crime Unit</b>	<a href="mailto:foodcrime@food.gov.uk">foodcrime@food.gov.uk</a>
	T: 0207 276 8787
<b>FSA Throughput</b>	T: 01904 232209
	<a href="mailto:FSA.Throughput@food.gov.uk">FSA.Throughput@food.gov.uk</a>
<b>Food Incidents Team</b>	<a href="mailto:foodincidents@food.gov.uk">foodincidents@food.gov.uk</a>
	T: 020 7276 8448
<b>Imported Food Team</b>	<a href="mailto:Imported.food@food.gov.uk">Imported.food@food.gov.uk</a>
<b>Defra</b>	<a href="https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs">https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs</a>
<b>APHA</b> Find a relevant APHA regional office	T: 03000 200 301
	<a href="https://www.gov.uk/government/animal-and-plant-health-agency">https://www.gov.uk/government/animal-and-plant-health-agency</a> <a href="https://www.gov.uk/animal-and-plant-health-agency/access-and-opening#field-services-offices-animal-health--welfare">https://www.gov.uk/animal-and-plant-health-agency/access-and-opening#field-services-offices-animal-health--welfare</a>
<b>Find a relevant LA office</b>	<a href="https://www.food.gov.uk/contact/consumers/find-details/contact-a-local-food-safety-team">https://www.food.gov.uk/contact/consumers/find-details/contact-a-local-food-safety-team</a>
<b>Companies House</b>	T: 0870 33 33 636
	<a href="mailto:enquiries@companies-house.gov.uk">enquiries@companies-house.gov.uk</a>
<b>Food Standards Scotland – Operations</b>	<a href="mailto:operations@fss.scot">operations@fss.scot</a>

## 2. Relationships with Other Bodies

- 2.1 Introduction
- 2.2 Defra
- 2.3 Animal and Plant Health Agency
- 2.4 Local Authorities
- 2.5 Meat industry

### 2.1 Introduction

#### 2.1.1 Stakeholders and customers

The FSA has many stakeholders and customers, primarily consumers and the public, but also including:

- other government departments and agencies
- health ministers in England, Scotland and Wales
- meat industry
- halal, kosher and religious slaughter groups
- staff and their professional / representative organisations
- Local authorities (LAs)
- farming industry
- animal welfare organisations
- competent authorities of other countries
- European Commission (EC)
- DAERA / Veterinary Public Health Unit (VPHU)

#### 2.1.2 Service standards

Our approach to customers and stakeholders, including Food Business Operators (FBOs) and their staff, must be:

- courteous
- professional
- considerate
- patient

FSA officials must always make a clear distinction between statutory requirements and recommendations of best practice. All advice and enforcement action should be proportionate and comply with the Enforcement Policy.

**Reference:** For additional information see chapter 7 on 'Enforcement'.

## 2.2 Defra

### 2.2.1 Responsibility

Defra are the central competent authority for animal health and animal welfare legislation in England.

### 2.2.2 Defra executive agencies

FSA Operations carries out work on behalf of the following Defra Executive Agencies:

- Rural Payments Agency (RPA), which incorporates BCMS for cattle identification matters
- VMD for medicinal residues
- APHA for animal welfare, identification and disease control and monitoring

### 2.2.3 Work on behalf of Defra

The work that FSA undertake on behalf of Defra and its agencies is outlined in this chapter at section 1.2.

### 2.2.4 Contact information

Defra can be [contacted via their website](#).

### **2.3 Animal and Plant Health Agency**

#### **2.3.1 Background**

FSA Operations works closely with APHA on matters relating to animal welfare and disease control.

#### **2.3.2 Contact information**

More information on the [operational responsibilities and structure of APHA](#) can be found via their website.

### **2.4 Local Authorities**

#### **2.4.1 LA purpose**

LAs provide services directly to the local communities. These services include trading standards and environmental health.

#### **2.4.2 LA Animal Health Enforcement Officers**

County Councils, Unitary Authorities, Metropolitan Borough Councils and London Boroughs are responsible for the enforcement of legislation relating to the health and welfare of farmed animals. The Trading Standards departments within these authorities usually provide this service, but this is dependent on the individual structure of each authority.

LA Animal Health Officers are responsible for the enforcement of legislation related to the health and welfare of animals on farms and during transport. The legislation covers animal identification, animal movements, disease control, animal welfare, animal by-products, bio-security and contingency planning.

LA Food Officers may visit food premises and have right of entry.

#### **2.4.3 LA Food Enforcement Officers**

LA Food Enforcement Officers are responsible for enforcement in all food establishments, except for those requiring approval by the FSA under the food hygiene legislation.

Food establishments falling within the remit of the LA range from major national manufacturers to stand-alone cold-stores where the FSA is not present.

LA Food Enforcement Officers are also responsible for the prevention of illegal slaughter outside approved establishments, and for investigating food complaints from consumers.

### **2.4.4 FSA and LAs**

Our officials are required to work closely with LAs. Particularly Animal Health and Food Standards Enforcement Officers, Trading Standards Officers (TSOs) and Environmental Health Officers (EHOs).

- welfare of animals in transit
- confirmation of validity of cattle passports
- processing of animal by-products
- identification of animals
- movements and documentation of animals
- bio-security
- beef labelling requirements
- 'use by' date marking
- complaints from the general public relating to physical and chemical contamination of meat
- issues relating to meat hygiene outside approved establishments

### **2.4.5 Relationships**

Effective communication between FSA staff and LA enforcement officers is essential. Communication can:

- identify local risks and concerns
- promote understanding of individual pressures and priorities
- facilitate successful enforcement activities that make the most effective use of local resource

### **2.4.6 Means of communication**

Local communication channels between FSA officials and the LA officers must be maintained, for example:

- proactive and informal communication when LA enforcement officers are attending slaughterhouses
- maintaining ongoing discussions in relation to referrals or areas of common interest
- inviting FSA staff to LA regional meetings where appropriate, to discuss LA priorities and issues; FSA staff attending LA regional meetings where resource allows, and contribute to discussions
- considering possible joint local training opportunities, and sharing of information

### **2.4.7 Partnership working**

Effective partnership working by the FSA and LAs will help achieve enforcement objectives and will also be resource effective.

The FSA should always provide LAs with referral information at the earliest opportunity.

LAs should respond to the referrals at the earliest opportunity or advise when and how they will be able to respond. Where LAs are unable to respond straight away, the LA should offer advice to the FSA staff on any immediate action required to ensure future enforcement action can be successful.

LAs should proactively advise the FSA staff on the outcomes of any non-compliance detected within the slaughterhouse and explain why such an enforcement approach has been taken.

### **2.4.8 LA food complaints**

Periodically LAs receive complaints from consumers and retailers about meat, meat products and meat preparations produced in approved establishments.

In order that the matter is investigated, the LA should refer the complaint to Corporate Support Unit (CSU) at York.

CSU will assign an appropriate officer at the establishment concerned to investigate. The assigned officer will be provided with a Food Complaint Investigation Report for completion.

Once the investigation is concluded and the form completed by the assigned officer, it must be returned to CSU and any physical evidence handed back to the LA officer who referred the matter (observing all security and continuity of evidence issues).

### **2.5 Meat industry**

#### **2.5.1 Liaison with industry**

As well as day-to-day dealings with FBOs, the FSA also liaises with industry customers through their representative organisations.

## 3. Communication and Guidance

- 3.1 Lines of communication
- 3.2 Manuals and guides
- 3.3 Daybook
- 3.4 Official notebooks
- 3.5 Operations staff personal conduct
- 3.6 Authorisation documents
- 3.7 Modern Slavery & Human Trafficking (MSHT)

### 3.1 Lines of communication

#### 3.1.1 Communication procedure

All staff follow a standard set of procedures when dealing with communications and queries. These procedures allow FSA Operations staff to work efficiently and effectively. There are situations where the lines of communication are different to those detailed here and are outlined in the relevant instructions.

#### 3.1.2 Summary

The table below summarises the point of contact for technical advice, and also provides points of contact where non-technical advice is required.

Note that the Operations Manager (OM) and Field Veterinary Leader (FVL) roles feature in the field structure in England, but not in Wales.

**Note:** In Urgent Improvement Necessary establishments, technical matters should be discussed by the Field Veterinary Co-ordinator (FVC) and the contactor's Area Veterinary Manager (AVM). The FVL should be involved in these discussions when necessary.

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Advice required by	Technical Advice given by	Non-Technical Advice given by
MHI	OV	Inspection Team Leader (ITL)
cOV	FVC (following their contractors' procedure via their AVM)	Refer to their contractor's AVM
eOV	FVC	ITL
FVC	FVL	Operations Manager (OM) / Head of Operational Delivery (HOD)
ITL	FVC	Area Manager (AM) / OM
AM	FVC	OM / HOD
OM	FVL	HOD

### 3.1.3 FBOs seeking advice

FBOs should be made aware that they should ask for advice in the first instance from their OV.

### 3.1.4 Technical advice for OMs / HODs

AMs / OMs / HODs should always seek technical advice from the FVC / FVL when making decisions relating to application or enforcement of official controls.

### 3.1.5 Internal Communication of Non-compliance reporting

When reporting an incident regarding any consignment arriving at the premises, which does not comply with the Regulations, the Authorised Officer (AO) must complete an Internal Communication of Non-Compliance Report (ENF 11/22).

Records of AO reports are monitored in York. This analysis allows the premises regularly dispatching non-conforming product to be identified and enables follow-up action to be initiated.

**Reference:** See chapter 9 on 'Forms'.

### 3.1.6 Liaison with other Authorities

There will be occasions where it will be necessary for the OV to contact other authorities, such as Animal Health, LAs, Trading Standards. For ease of reference, the OV should be aware of their local points of contact.

LACORs (now LGR) produced a 'Farm to Fork' wall poster, which may be used to record contact details for each Authority.

Posters were issued to all slaughterhouses and the OV should ensure that contact details are entered on the poster.

**Reference:** See Annex 1 for an example of the poster.

## 3.2 Manuals and guides

### 3.2.1 Manual for Official Controls

The MOC provides details of the tasks, responsibilities and duties FSA staff and veterinary contractors undertake in approved meat establishments.

Volume 1 contains detail of the official controls and forms.

Volume 2 contains relevant legislation.

The manual includes guidance for staff on:

- inspection
- verification and audit
- health marking
- decision making and actions to be taken following official controls
- enforcement
- sampling procedures
- monitoring and surveillance programmes

### Note:

1. The OV is responsible for ensuring that all members of the team read and understand the instructions and is also responsible for making the FBO aware of any changes to the manual.
2. All staff must be aware of and follow the instructions in the manual.

### 3.2.2 User identifies requirement for MOC amendment

Users of the MOC may identify areas of the manual where they feel that an amendment to existing instructions is warranted. In this case, they should email the Guidance Team, providing full details of their suggestion for improvement or amendment.

The Guidance Team will evaluate the suggestion and commission to the relevant Portfolio Group.

## 3.3 Daybook

### 3.3.1 Daybook maintenance

An official daybook must be maintained by FSA staff at each approved establishment. The day and date of operation must be entered by the AO on arrival at the premises. All operational staff should contribute to the daybook when necessary. The daybook is the property of the FSA and must remain under official control at all times. The daybook should not be used in place of other operational records or to needlessly duplicate information recorded elsewhere.

After completion of the day's entries, the AO or Inspection Team Leader (ITL) should enter their signature then rule a line across the page, immediately below the signature. This is to prevent further, non-contemporaneous, entries being made.

### 3.3.2 Daybook access

**All** FSA operational staff must have ready access to the daybook. The OV should inform the FBO that they are entitled to read and make entries in the daybook and reasonable access should be provided.

### 3.3.3 Other daybook functions

The daybook should be used to:

- record the health mark number(s) issued to or used by operational staff
- record the serial numbers of seals applied
- record the start and end times of regulatory duties
- record the time of the first kill and last carcass inspected each day, along with any relevant comments; inspection teams may choose to record specific times for each species slaughtered at their establishment
- create a daily record of significant incidents, events or actions which occur at the establishment
- record certain specific actions taken by the FSA
- provide a means of communication between members of the operational team
- record significant details of non-compliances or offences that may become a source of evidence for legal proceedings
- record all informal enforcement action taken by operational staff
- record all verbal technical advice given by Veterinary colleagues or management
- record all verbal technical advice given by Veterinary colleagues or management to all AOs or other operational staff

**Note:** Contemporaneous notes should be recorded in your personal official notebook where access to the daybook is not readily available. These notes need not be transcribed into the daybook although a reference to their existence should be made.

**Reference:** See topic 3.4 on 'Official notebooks' in this section for additional information.

### 3.3.4 Arrival and departure

For health and safety purposes all members of the FSA team and their visitors must print their name, designation and time of arrival and departure at the establishment. If necessary, extend the vertical lines by ruling down. After all expected staff have arrived, the ITL should rule across the daybook page leaving four blank lines to accommodate other FSA officials who may visit the establishment.

**Note:** These entries must be signed by the team member or visitor at the time of departure from the premises.

### 3.3.5 Use and recording of stamps

It is very important that Health Marks (HMs) are controlled to prevent fraudulent use. All stamps used by FSA staff working in approved establishments must be kept in secure storage when not in use and be recorded in the daybook when issued and returned.

### 3.3.6 Health mark stamp

All members of staff using a HM stamp must record:

- the number of the HM and the time of issue
- the time stamps are returned to storage

### 3.3.7 Guidance on daybook entries

All entries in the daybook may be disclosed, for example, to the FBO, and must be professional and courteous. The daybook is an open document and it may be used as evidence in court.

Entries in the daybook:

- must not be written in offensive language
- must not be derogatory about any individuals
- must adhere to the facts
- must state professional opinions that the author is prepared to defend in court if necessary
- must not be used to record disagreements within the team
- must not be used to record criticism of any FSA staff or policy

Daybook entries must be:

- indelible (in ink or ballpoint pen, not pencil)
- relevant
- factual
- legible

- concise
- unambiguous
- written in clear English
- contemporaneous
- signed (not just initialled - plus printed name if signature is illegible)
- dated

### **3.3.8 Record of incidents**

The format to be used to record incidents should include:

- time of the incident
- description of the incident
- action taken, including details of evidence collected and held under official control and advice given
- names of FSA and FBO staff involved

### **3.3.9 Retention**

In accordance with FSA retention policy, all daybooks should be securely retained at plant for a period of 6 years prior to disposal.

Older daybooks should not be sent for disposal without the approval of the OM / HOD.

## **3.4 Official notebooks**

### **3.4.1 Official notebook use**

These are to be used for recording contemporaneous notes where the daybook is not readily available; for example, where an incident occurs in the lairage that requires facts to be recorded immediately.

The use of the notebook is not to replace the plant daybook for recording of day-to-day activities and is only to be used for recording factual information, which may need to be presented at a subsequent prosecution.

### 3.4.2 Reference to notebook entries

Where information is recorded in an official notebook, this need not be transcribed into the daybook; however, an entry should be made in the daybook referring to the fact that notes have been taken.

### 3.4.3 Important points

The notebook may be inspected in court and the following guidance must be adhered to maintain validity:

- record name on front cover, designation and date started
- make all entries with ink or ballpoint pen
- include only original entries and do not copy notes from elsewhere
- record the date and time at commencement of an entry, and upon completion
- enter the notes at the time 'the offence' is witnessed or as soon as possible afterwards whilst the facts are fresh in the memory

**Note:** Include names of other FSA staff present at the time

- make alterations by striking the pen through the words, writing the correction, and initialling in left hand column; **notes must not be erased**
- do not remove pages from the notebook
- sign and date each entry at the base of each page
- do not use the notebook for any purpose not connected with your official duties.

The notebook may have to be produced in court and read by all parties so entries must be relevant, factual, legible, concise and written in plain English.

### 3.4.4 Security

You are responsible for ensuring the security of your notebook and producing it in court. Further notebooks are available from CSU on return of your completed notebook.

### 3.4.5 Return of all notebooks

Notebooks remain the property of the FSA and must be returned prior to leaving the FSA or when requesting a further notebook.

### 3.4.6 Storage of completed notebooks

Completed notebooks which have been returned as above will be stored and may be required for evidence in the future.

## 3.5 Operations staff personal conduct

### 3.5.1 Staff conduct

All staff should adopt, maintain and demonstrate best practice in the course of their duties and conduct themselves in a professional way at all times.

The FSA takes incidents of bullying and harassment very seriously. Information, including policies and other resources, [can be found on Digital Workplace.](#)

### 3.5.2 Health and safety

All employees will remain aware of their legal obligations and take seriously the responsibility for their own health and safety and that of other persons who may be affected by their acts or omissions. Information, including policies and other resources can be found on [Digital Workplace.](#)

### 3.5.3 Personal Standards

Every person working in a food-handling area is to maintain a high degree of personal cleanliness and is to wear suitable, clean and, where necessary, protective clothing.

**Reference:** (EC) 852/2004 Annex II Chapter VIII.

### 3.5.4 Personal hygiene

FSA staff are to:

- wear white, clean protective clothing when handling exposed meat

- wear hairnets (and beard snoods if appropriate) to cover the hair of the head and where necessary the neck
- wear clean waterproof footwear
- wear designated waterproof footwear and lairage coats when working in dirty areas or with livestock
- not wear watches, jewellery (except plain wedding rings), aftershaves and perfumes in production areas

### 3.5.5 Operational hygiene

When working in an approved establishment, FSA staff must:

- keep personal equipment clean and change protective clothing as necessary
  - use the proper hygiene facilities at all times and in such a way that there is no risk of contamination of meat
  - wash contaminated aprons in the apron wash facilities
  - use a dedicated hygiene facility
  - wash hands, or gloves, whenever they become soiled, and always after handling detained or rejected product
  - use a rubber glove over a chain mail glove to reduce the risk of cross contamination
  - use blue, food safe, waterproof dressings to protect cuts
- Note:** some FBOs may require that dressings are also metal detectable.

### 3.5.6 Health status

FSA staff handling food or entering any food-handling area in any capacity where there is any likelihood of direct or indirect contamination must not be:

- suffering from a disease likely to be transmitted through food
- a carrier of a disease likely to be transmitted through food
- afflicted, for example, with infected wounds, skin infections, sores or diarrhoea.

### 3.6 Authorisation documents

#### 3.6.1 OA / MHI title

The (EU) 2017/625 official control package uses the title of Official Auxiliaries (OAs) for Meat Hygiene Inspection (MHI) staff.

MHIs can continue to use the title of MHI except when participating in enforcement action, when the title Official Auxiliary must be used. Authorisation certificates will also use the title Official Auxiliary.

#### 3.6.2 Authorisation documents

FSA staff are issued with authorisation documents depending on their designations, along with photo ID cards.

You must sign the authorisation documentation, carry them whilst engaged in official duties, and be prepared to produce them on request. You are responsible for ensuring you possess all relevant authorisations for the establishment where you work.

When ceasing to work on behalf of the FSA you must return all authorisation documents and letters of confirmation to your OM / HOD. Any lost or found authorisation documents must be reported to CSU.

#### 3.6.3 Devolved administrations

The FSA does not directly authorise officers for functions that are the policy area of Defra and Welsh Government (except animal welfare). The FSA receive a delegated authority so that AOs / inspectors / persons may act on their behalf and provide an authorisation document as confirmation.

#### 3.6.4 Powers of entry

Authorisations give the holder the powers to enter approved establishments within their authority and must be produced upon request. This power of entry exists at all reasonable hours and is for the purposes of ascertaining contraventions of provisions of the legislation for which they are authorised and the performance of statutory duties.

**Reference:** The Official Feed and Food Controls (E/W) Regulations 2009.

### 3.6.5 Action without authorisation

Do not take any enforcement action for which you have not been authorised, as such action is not valid.

If you are in any doubt as to whether you are appropriately authorised for any action, you should seek technical advice as detailed in the topic 'Lines of Communication' previously in this section.

### 3.7 Modern Slavery & Human Trafficking (MSHT)

Issues of MSHT as defined in the Modern Slavery Act 2015 may be encountered during the operation of food businesses. The indications of such offending taking place may be subtle, but present non the less.

Incidents of suspected MSHT may impact on the FBO, by way of criminal investigation; the consumer, by way of untrained / unqualified staff being involved in the production process and importantly the Potential Victim of Trafficking (PVoT).

Concerns and suspicions of MSHT incidents that do not cause food hazards should be reported to NFCU Food Crime inbox immediately, or alternatively:

- the local Police Force,
- the Modern Slavery Helpline (<https://www.modernslaveryhelpline.org/contact-us> tel. 08000 121 700), or
- the Gangmasters and Labour Abuse Authority (Email [intelligence@glaa.gsi.gov.uk](mailto:intelligence@glaa.gsi.gov.uk) tel. 0800 432 0804).

MSHT incidents which have a direct cause of food hazards should be reported immediately to the Incidents Team.

In identifying signs of MSHT, consideration should be given to the following factors:

- FBO staff who live on site. This accommodation may be located within the FBO's premises or externally in temporary accommodation such as caravans, out houses and vehicles, or even just mattresses located in a room.
- FBO staff who appear to have been subject to physical violence or show fear when in the presence of management, allowing the management to answer questions directed at staff.

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- FBO staff who are not in possession of their identity documents as they are held by a third party or are not receiving any wage for their work.
- FBO staff who are not allowed to leave the workplace and have little to no contact with the outside world including friends or family.
- FBO staff who do not appear to have access to health care, clean clothing or food and water.
- FBO staff who appear to be juveniles under the age of 18, working full time and living with persons who are not members of their family.
- FBO staff who are dropped off and collected for work always in the same way, especially at unusual times.
- FBO staff who are in a situation of dependence, maybe unfamiliar with the local language or show signs of control, which may include psychological control, (for example, through religion, witchcraft, juju).
- FBO staff who have no contract of employment and are unable to negotiate their working conditions, working excessively long hours, with little to no days off, do not have the correct protective clothing, training or professional knowledge to conduct their job.
- FBO staff who appear to be distrustful of authorities and act as if instructed by a third party.

## 4. Process Overview: FSA Approval of Establishments

### 4.1 Process overview

#### 4.1 Process overview

##### 4.1.1 Approval of meat establishments

Competent Authorities may grant approval to establishments handling, preparing or producing products of animal origin for which requirements are laid down in Regulation (EC) 853/2004.

Under the food hygiene legislation, meat plants require approval unless they benefit from specific exemptions.

##### 4.1.2 Governance

Approval assessments and recommendations in England and Wales are provided by veterinary officials in the FSA field management structure. Decisions on approval are made by a Senior Civil Servant. In the absence of a suitable Senior Civil Servant, decisions may be delegated to an AO within the Regulatory Delivery and Operational Transformation (RDOT) Division.

The official responsible for decisions may convene a panel to assist in their deliberations. The panel will consist of, or a representative of, the Head of RDOT, the Head of Field Operations, the Operations Head Veterinarian, FSA Legal, and the veterinary official making the recommendation. The panel will typically be convened in cases which may result in a refusal to grant approval or a withdrawal of approval.

There is a separation of functions between the officials involved in assessments, recommendations and decisions on approvals and the officials responsible for conducting the audits of approved meat establishments.

The authorised officials work in collaboration and base their decisions upon the recommendation and evidence presented by the veterinary official who conducted

the approval assessment along with other relevant information available such as the outcomes of recent official controls.

### 4.1.3 Advisory Visits

The FSA offers advisory visits to those food businesses that have applied for approval prior to an approval visit. The aim of an advisory visit is to help FBOs identify any problems in the areas of structure and maintenance and food safety management to avoid any potential difficulties when the establishment is assessed for approval. The FSA will apply a fully recoverable charge for all advisory visits.

FBOs must be aware that there is a difference between an advisory visit and an approval visit. The FSA reaffirms that the FBO will not be able to undertake activities, that are approved by the FSA, until an approval visit has been carried out and a decision following such visit has been formally conveyed to the FBO.

More [advice on the cost and the type of guidance](#) which is available in an advisory visit can be found on our website.

### 4.1.4 Past Compliance History

The FSA will take into account past compliance with the requirements of food law, animal health and animal welfare rules as a relevant factor and may be used as an indicator of likely future compliance with the requirements of food law. This will include past compliance by the applicant and any relevant person.

In assessing compliance with the requirements of food law, the FSA will use the following criteria, as relevant:

- The potential consequences for the objective of achieving a high level of consumer protection with regards to food safety and food hygiene;
- Potential consequences for legitimate business;
- The culpability of the applicant and whether any contraventions were the result of deliberate acts;
- Whether any prior warnings, advice and/or guidance have been provided and the response to this<sup>1</sup>;

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<sup>1</sup> This could include a reference to any Day Book or enforcement programme entries made that evidence advice/guidance given.

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- Whether the applicant record demonstrates repeated failures of infrastructure, procedures or management controls;
- Whether the applicant has been reticent in explaining circumstances, has been uncooperative or abusive to FSA staff and those from its contractual services providers, for example, OVs provided by Eville & Jones or DAERA;
- Whether the applicant has previously had an application for approval refused or conditional approval not extended, full approval refused, or either conditional or full approval withdrawn, and the circumstances in each case;
- Whether the applicant has been convicted of a relevant offence;
- Whether there has been a failure to disclose any relevant offences;
- Repeated significant and / or numerous non-compliances continuing without regard to warnings or advice.

Applicants are also required to disclose in their application any relevant conviction against themselves or other relevant persons. 'Relevant person' is the person applying for the approval and any person connected to the applicant and includes:

For companies:

- the company itself;
- the officers of the company (a director, manager, secretary or other similar officer);
- other companies, when the officers of the company were officers of that other company when they were convicted.

For partnerships and limited liability partnerships (LLP):

- the individual partners;
- the individual partners in the limited liability partnership;
- partners within a partnership or limited liability partnership that have either been convicted of a relevant offence themselves, or who held a position as a partner, or partner in another LLP or corporate body when it was convicted of a relevant offence.

For individuals:

- the individual;

- companies for which the individual is an officer (a director, manager, secretary or other similar officer);
- partnerships and limited liability partnerships that the individual is a partner of.

Offences that are relevant are set out in Annex 4. The FSA must take into account the terms of the Rehabilitation of Offenders Act 1974 and the applicant does not need to disclose 'spent convictions' covered by that Act. The Act applies only where an individual has been convicted of an offence. However, where the person convicted is a corporate body, the FSA should have regard to whether the conviction would have been spent if it had been committed by an individual and should normally treat the corporate body in the same way.

If during checks the FSA discovers a relevant conviction against the applicant which has not been disclosed, the FSA may refuse the application or the FSA may contact the applicant which will delay the decision to approve or otherwise.

Refusal of approval would normally be appropriate for offences that demonstrate a deliberate disregard for the requirements of food law, animal health and animal welfare rules, for example where there are repeated convictions, (or deliberately making false or misleading statements).

If it thinks it right to do so, the FSA may still decide to grant conditional approval or full approval even though an applicant has demonstrated a poor record of compliance with regulatory requirements such as being convicted of a relevant offence.

### **4.1.5 Granting or Refusing Approval**

In the event that a decision to refuse to grant approval is made, the FBO must be given notice of the decision, the reason why the decision was made and a list of deficiencies that were noted at the time of the visit, including the requirements of the legislation in relation to hygiene, structure, HACCP or other elements relevant to the type of approval being sought and show how the FBO has failed to satisfy those requirements. The FBO of an establishment that has been refused approval has the right to appeal. From the date on which notice of the decision to refuse approval is served on the relevant person, the establishment must cease approvable activities regardless of whether an appeal is logged.

### **4.1.6 Allocation of Approval Number**

On granting approval or conditional approval the FSA will give each approved establishment an approval number. For wholesale markets, secondary numbers

indicating units or groups of units may be added to the approval number. The approval number should be unique to the establishment / wholesale market and FBO during the period they are approved.

The following numbering system for regional variations in allocating approval numbers, to establishments approved by the FSA / FSS, will apply:

- England 1000-1099, 2000-6999 & 8000-8999
- Scotland 1100-1999
- Wales 7000-7999
- Northern Ireland 9000-9999

In the case of individual units at wholesale markets, the approval number will consist of the approval number for the common parts and a secondary number that is stall-specific. The secondary number allocation is applied to help overcome problems with enforcement, traceability and differing standards of compliance between the different FBOs operating within the wholesale market.

#### **4.1.7 Review of approval with a view to withdraw or suspend**

Where non-compliances have been established the CA should take appropriate measures to ensure the operator concerned remedies the non-compliance and prevents further occurrences of such non-compliance. When deciding what measures to take, the CA shall take account of the nature of that non-compliance and the operator's past record with regard to compliance' Article 138 (1)(b) of (EU) Regulation 2017/625.

Article 138(2) then goes on to state, 'When acting in accordance with paragraph 1 of this Article, competent authorities shall take any measure they deem appropriate to ensure compliance with the rules referred to in Article 1(2), including, but not limited, to the following -

'order the suspension or withdrawal of the registration or approval of the establishment, plant, holding or means of transport concerned, of the authorisation of a transporter or of the certificate of competence of the driver'.

Where the evidence suggests that there may be major or critical non-compliances the CA should request guarantees over future production from the FBO. The guarantees should be a clear undertaking of action by an FBO to remedy the non-compliances which have been communicated to the FBO. There must be clear evidence of the intended action, the timescale for implementation and the expected outcome.

In the case of a wholesale market, Article 138 (EU) No 2017/625 allows the withdrawal or suspension of an approval in respect of certain units or groups within the market. In the event that the common parts of a wholesale market have the approval withdrawn or suspended, the individually approved units are not able to operate as the approval of the common parts facilities is a precondition to their approval. Where the units are able to become self-sufficient in their own right, separate approval as individual establishments can be sought.

Referrals for review may be identified as a result of either performance monitoring when carrying out official controls (compliance and enforcement) or as a result of local intelligence for example where the establishment has been non-operational (long-term), major curtilage change/rebuild or acts of God<sup>2</sup> and/or where there is a strong likelihood that non-compliances will have developed.

Where a food business is referred for review of approval by those responsible for carrying out official controls and enforcement at the establishment or through local intelligence, a preliminary review of the evidence presented will be undertaken by a veterinary official.

Where the preliminary evidence suggests a non-compliance may still be present or there has been repeated stoppages, the FSA will write to the FBO detailing the evidence indicating non-compliances and provide the FBO with a timescale to provide adequate guarantees over future production and the resolution of these non-compliances. During this period the FSA's audit cycle of the food business will be suspended.

Where the preliminary evidence from a source other than an audit report suggests a potential non-compliance, the FVL may choose to conduct an unannounced inspection and assess whether non-compliances are present. If evidence is found these will be communicated to the FBO as above.

Upon response from the FBO the FSA will conduct an unannounced inspection of the establishment when production is taking place and consider the adequacy of the guarantees provided by the FBO.

A recommendation will then be submitted by the veterinary official conducting the unannounced inspection to a SCS decision maker.

- Where the FBOs guarantees regarding future production are not accepted as adequate the approval will be withdrawn.

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<sup>2</sup> "Act of God": An event which is caused solely by the effect of nature or natural causes and without any interference by humans whatsoever.

- Where the CA does accept that the FBOs guarantees mean that non-compliances will be resolved and there will be no foreseeable future stoppages of production approval will continue. The next FSA audit will be arranged within three months.
- Where the CA accepts that the guarantees mean that the non-compliances will be permanently resolved **within a reasonable time** and the situation will be such that, once the non-compliances have been resolved, there will be no foreseeable future stoppages of production the approval will be suspended.

Suspension of approval will be lifted once the non-compliances are resolved and the situation is such that there will be no foreseeable future stoppages of production. If this has not been undertaken **within a reasonable time** the approval will be withdrawn.

Where the FBO's suspension has been lifted and the FBO returns to full operation, such approval will remain under review when carrying out official controls and if the previously identified non-compliances or repeated stoppages of production recur the CA shall initiate procedures to withdraw said approval.

From the date on which notice of the decision to withdraw or suspend the approval is served on the relevant person, the establishment must cease approvable activities regardless of whether an appeal is logged.

### 4.1.8 Additional Activities

The FBO of a fully approved establishment wishing to undertake additional activities requiring approval must apply to the FSA for approval before carrying out the additional activity.

The usual approval procedures will be applied when assessing the additional activities for approval.

If a fully approved establishment's most recent audit has the outcome 'Improvement Necessary' or 'Urgent Improvement Necessary' the FSA will not consider any applications for further activities or species until such time as the FBO has demonstrated sufficient improvement to exit the Improvement Necessary or Urgent Improvement Necessary status during a subsequent audit.

Professional judgement may be used, in the case of approving additional activities, to grant full approval in the first instance. This is only when the CA reaches a point where they are satisfied with infrastructure, equipment and the FBO controls. Examples include adding an approval (this is not an exhaustive list):

- to slaughter goats at an existing sheep approved slaughterhouse
- to cut an additional meat type at an approved cutting plant already approved to cut two or more types of meat
- for a minced meat establishment to an already approved meat preparations establishment
- for the cold storage of meat
- for the re-wrapping of meat.

### 4.1.9 Change to curtilage of approved establishment

The FSA must be informed of any significant change to food business operations, such as additional activities, changes to the approved curtilage, change of FBO, the closure of an establishment or surrender of approval. This is to ensure the FSA always has up-to-date information on establishments in compliance with Article 6(2) of Regulation (EC) No 852/2004. **Not complying with this requirement is an offence under the Food Hygiene Regulations 2013.**

The agreed curtilage is the area which has been assessed by the FSA as compliant with EU hygiene and animal welfare regulations and is delineated on the approval document by a red boundary. If a FBO changes the area in which they operate which could be in the form of an extension or utilising a room previously not included in the curtilage they need to inform the FSA of this. A failure to notify the FSA should result in appropriate enforcement action being taken.

Once the FBO notifies the FSA of changes to the area they are using, the FSA Approvals and registration team will acknowledge the change on the revised site plan provided by the FBO and will notify Field Operations. Field Operations can then assess the extent of the change and if necessary visit the premises to verify the changes have not resulted in non-compliances.

Once the FBO has notified the FSA of such changes they are entitled to use the new area as soon as they are content it complies with their regulatory requirements towards food safety and/or animal welfare.

If the FSA later find non-compliances in the new area then appropriate action will be taken following the current hierarchy of enforcement (which can vary between verbal advice, notices being issued or could ultimately lead to withdrawal of approval or prosecution).

### 4.1.10 Change of FBO (change of ownership)

The approval of an establishment applies to both the premises and the business operating at the premises. If an approved establishment changes FBO the food business will have to be assessed and granted a new approval under the new FBO.

On change of FBO an establishment can continue to operate under the existing approval for a short period of time, but not exceeding a maximum of **25 working days** after the change of FBO, until an approval assessment is carried out by the CA.

This provision is on condition that:

- the new FBO submits an application for a new approval that is received by the CA within **one calendar week** of the change of FBO.  
If no application is received within one week, the CA will formally notify the FBO that the approval is no longer in force and all approvable activity must cease with immediate effect. The relevant LA or DC will also be informed and requested to check that the establishment has stopped carrying out any activity subject to approval; and
- in order to safeguard public health, the new FBO must not change the operation at the premises in any significant way until a new approval is given, for example, the new FBO must not change the type of animals slaughtered, nature of products produced / handled, and the HACCP based controls that have been subject to FSA/FSS audit.

The approval assessment will be undertaken as soon as possible and in all cases within 20 working days of receiving an approval application from the new FBO. This timescale only starts once the change of FBO has occurred.

The FSA is prepared, on request by the FBO to carry out a pre change of FBO advisory visit, refer to Advisory Visits section. However, any views given at such a visit will in no way provide a guarantee as to the future approval status of the business.

The different situations where a change in FBO, between different business entities, requires a new approval or where the approval can be retained are detailed in **Annex 5**.

Article 6(2) of Regulation (EC) No 852/2004 requires the FBO to inform the CA when there is a change of FBO. This will be by means of an application form that includes the type of business entity, name of officers and relevant address/es of

the FBO wishing to apply for approval. The FBO is then obliged to keep the CA informed about significant changes to those details.

Once received by the FSA the application will be assessed in the same way as a new establishment and if approval is granted may be subject to a new approval number.

Where the CA becomes aware of a change of FBO at an establishment and the new FBO has failed to notify the change, the CA will inform the FBO that the food business is no longer approved and must not undertake activities that require approval until a new approval has been issued. The CA will also inform the relevant LA/DC of this so that the LA/DC can take appropriate enforcement action.

In the case of wholesale markets the following principles apply:

- The market overall approval (common parts) will be treated in the same way as an individual establishment FBO change but the individual units within the market do not need to be individually re-approved and can transfer over under the new market (common parts) approval.
- In the event that the common parts of a wholesale market are not granted approval, the individually approved units are not able to operate as the approval of the common parts facilities is a precondition to their approval. Where the units are able to become self-sufficient in their own right separate approval as an individual establishment can be sought.

If an individual unit of a wholesale market changes FBO, this will be treated in the same way as an individual establishment FBO change.

### **4.1.11 Approvals Operational Policy**

The FSA has published a document entitled 'Operational Policy for the Approval of Meat Establishments Undertaken by the FSA', which sets out the FSA's implementation of the requirements of Regulation (EU) 2017/625, for approving meat establishments with veterinary attendance under Regulation (EC) No 853/2004. For more extensive information regarding the FSA's Approvals Policy, approval forms and legislation links, refer to the business guidance page on ['Applying for approval of a food establishment'](#) found on the FSA's website.

For detailed information on the approvals work undertaken by FVLs please contact the Approvals Team.

## 5. Annexes

Annex 1a	Sample Farm to Fork poster (England)
Annex 1b	Sample Farm to Fork poster (Wales)
Annex 2	Checklist
Annex 3	Glossary of abbreviations
Annex 4	Relevant Offences
Annex 5	Change of FBO