

Audit Programme Summary Report

An Assessment of Local Authority Official Controls on Feed of Non-Animal Origin (FNAO) and Feed Establishments, including Primary Producers in England

October 2016

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Foreword

The audit of local authority feed and food law enforcement services forms part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities (LAs). The LA regulatory functions for animal feed controls are principally delivered through their Trading Standards Services.

Agency audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard 'the Standard', which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010), a Feed Law Code of Practice (England) (published May 2014) and a Feed Law Practice Guidance (England) (updated June 2014).

The Feed and Food Law Enforcement Standard was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at:

www.food.gov.uk/enforcement/enforcework/frameagree

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

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that LAs are providing an effective feed and food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and to provide information to inform Agency policy on food safety, food standards and feeding stuffs. The primary purpose of this focused audit programme was to fulfil the Agency's monitoring and audit role to check and provide assurance (as far as practical) that official controls for feed are operated consistently within and between authorities

Following a review of the delivery of official controls for feed law enforcement the FSA introduced a New Feed Delivery Model (NFDM)¹ in England in April 2014 a multi-faceted solution to improve the effectiveness of official feed controls, delivered in partnership with key stakeholders, ensuring timely, appropriate, proportionate and consistent delivery of controls to secure compliance with feed law.

A programme of focused audits was undertaken to provide assurance to the FSA that the NFDM has been effectively implemented by LAs and that official controls, as laid down in the Agency's Feed Law Code of Practice (FELCP), Feed Law Practice Guidance (FLPG) and Framework Agreement, in regard to FNAO are being carried out by LAs, in order to safeguard animal and public health.

This Summary Report provides an overview of the programme of audits across a number of feed authorities.

¹ Access will be required to the [Knowledge Hub](#) National Agriculture Community forum to view the New Feed Model Delivery Document (NFDM).

The power to set standards, monitor and audit feed and food law enforcement authorities was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Control (England) Regulations 2009, along with parallel Regulations for the devolved countries. The Agency's audits of LAs are undertaken under section 12(4) of the Act. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits, or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are implemented effectively. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.

Further information on the Agency's LA audit scheme, including questions and answers on the operation of the scheme and details of good practice identified during audits, is available on the Agency's website at:

<http://www.food.gov.uk/enforcement/auditandmonitoring²>

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

² Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC)

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1.0 Background

1.1 Local authorities (LAs) are responsible for the enforcement of UK feed law relating to feed safety, hygiene, composition, labelling, and imported feed. The LA regulatory functions are principally delivered through their Trading Standards Services. Examples of the main pieces of legislation that local authorities enforce, in respect of food and feed law at feed establishments include:

- Agriculture Act 1970;
- The Official Feed and Food Controls (England) Regulations 2009 (as amended);
- The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015;
- The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015;
- The Transmissible Spongiform Encephalopathies (England) Regulations 2010;
- The Food Safety and Hygiene (England) Regulations 2013; and
- The Animal By-Products (Enforcement) (England) Regulations 2013.

In addition LAs are required to adopt an enforcement policy to ensure that enforcement decisions are consistent, fair, transparent, proportionate and accountable and that the health of consumers and welfare of animals are protected.

1.2 To achieve the objectives in regard to the delivery of official controls the FSA has developed a Feed and Food Law Enforcement Standard, which was published by the Agency as part of the Framework Agreement³ on Official Feed and Food Controls by Local Authorities (amended April 2010), a Feed Law Code of Practice (England)⁴ (published May 2014) and a Feed Law Practice Guidance (England)⁵ (updated June 2014) to assist Competent Authorities with the discharge of their statutory duty to enforce relevant feed law.

1.3 The EU's Food and Veterinary Office (now known as Directorate General for Health and Food Safety) Mission to the United Kingdom (UK) on animal feed controls which took place from 16-26 June 2009⁶ and the subsequent follow-up visit to check on progress in November 2011⁷, both identified significant failings in the system. As a result, in 2012 the Local Delivery Audit Team (LDAT) undertook a series of audits to establish the levels of official feed control activity across the UK.

³ <https://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

⁴ <https://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/feed-law-code-england.pdf>

⁵ <https://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/feed-law-practice-guidance-england.pdf>

⁶ http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=2335

⁷ http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=2826

- 1.4 With the continued tightening of resources for central and local government, there was also a growing need to consider alternative approaches to delivery of official feed controls.
- 1.5 The result of this was a review of the delivery of feed law enforcement and the subsequent introduction, in April 2014, of a radical new approach for the delivery and enforcement of official animal feed controls promoting consistency, efficiency and value for money. A component part of the NFDM was the implementation of a 3-year Memorandum of Understanding (MoU) (2014 – 2017) between the FSA and the National Trading Standards (NTS) which promotes a regional approach to coordination and delivery of official feed controls across nine English regions - “the Feed Delivery Programme (FDP)”. Under this arrangement, NTS has responsibility for:
1. Promoting consistency and quality on the delivery of animal feed official controls throughout England; and
 2. Coordinating the allocation of grants to LAs to ensure regional and national animal feed inspections, sampling and import control programmes deliver effective official controls which:
 - provide value for money;
 - achieve the FSA’s priorities as defined in the Multi-Annual National Control Plan for the United Kingdom⁸;
 - are based on addressing risk across the regions, as defined in the FELCP ; and
 - meet the quality requirements of the Directorate General for Health and Food Safety – Audits and Analysis.
 3. Manage the delivery of improvement projects the outcomes of which can be shared nationally with a view to sustained improvements in the levels of activity, innovative approaches to delivery and the effectiveness of official controls.
- 1.6 In addition, the NFDM introduced a system of ‘earned recognition’ whereby Feed Business Operators (FeBOs) 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.
- 1.7 The FELCP describes two approaches as to how a feed business may qualify for earned recognition:
- Type 1: a business which is a member of a FSA approved assurance scheme and demonstrates satisfactory or broad compliance; or
 - Type 2: a business which is not a member of an assurance scheme but demonstrates broad compliance.

⁸ <https://www.food.gov.uk/sites/default/files/ukmulti-nationalcontrolplan2013-2018.pdf>

- 1.8 To establish if the current delivery model is being effectively implemented the Regulatory Delivery Assurance Team conducted a focused audit programme on the Official Controls on Feed of Non-Animal Origin (FNAO) and Feed Establishments, including Primary Producers, on behalf of the audit sponsor the Head of the Feed and On-Farm Delivery Team, in the second quarter of the 2016/17 audit year.

2.0 Scope and Key Objectives of the Audit Programme

2.1 The audit programme consisted of 11 Services in England and, in no particular order, focused on the risk associated with the following areas of official feed control:

- a) Implementation of the Agency's annual National Feed Enforcement Priorities⁹ [Insert footnote link to document] document;
- b) Effectiveness of how the LAs implemented and monitored the system of earned recognition for feed establishments that were members of an approved assurance scheme;
- c) Promotion of the importance of feed hygiene;
- d) Competence of officers including the relevance, provision and adequacy of officer training, in relation to feed law enforcement, and the authorisation of officers, including the means by which LAs ensured officer competency.
- e) Implementation and effectiveness of feed control activities, including inspection, sampling, alternative enforcement strategies (AES) and enforcement. Which included a review of:
 - controls specifically relating to feed businesses in England that act as a representative for 3rd country establishments exporting certain feed products to the EU, under Article 6 of Commission Directive 98/51/EC (subject of a Directorate F fact-finding visit to the UK in November 2016) ; and
 - the effectiveness of implementation of AES.
- f) Maintenance and management of appropriate feed premises database and records in relation to official controls at feed business premises – including links to, and effective use of, databases of other agencies.
- g) Effectiveness of the Lead Officer role for feed – with reference to:
 - feed service monitoring arrangements;
 - consistency in delivery of official controls;
 - training and professional development of staff;
 - links and communications with the Regional Feed Lead (RFL), the National Agriculture Panel (NAP) and the National Animal Feed Ports Panel (NAFPP) (as appropriate); and

⁹ [National Feed Enforcement Priorities 2016-17](#)

- liaison arrangements with other feed authorities and other agencies responsible for feed controls, including NTS, FSA, Animal Plant and Health Agency (APHA) and the Veterinary Medicines Directorate (VMD).
- h) Effectiveness of the Regional Lead role for feed (where undertaken by an LA being audited) – with reference to:
- funding submissions and reporting;
 - supporting successful delivery; and
 - promoting competent and consistent delivery into the future.
- i) Accuracy and delivery of official reports to the Agency, including:
- UK Food Surveillance System (UKFSS) returns;
 - NTS – annual desktop exercise and quarterly monitoring returns;
 - annual FSA animal feed monitoring returns; and
 - annual list of registered and approved feed establishments

3.0 Audit Methodology and Design

- 3.1 Details of the audit methodology, design, and the evaluation and assessment framework used during the audits are set out in Annex I.

4.0 Executive Summary

- 4.1 This report details the findings of the audit programme conducted by the FSA into the effectiveness of implementation of the NFDM, by LAs, having regard to the scope and key objectives specified in Section 2.0. The main findings were as follows.
- 4.2 LA service plans had not adequately taken into account the Agency's National Enforcement Priorities (NEPs) document. Where the NEPs had been referenced service plans did not contain specific details or an assessment of the impact on the Service or how they would be integrated into annual feed interventions programmes. Services would benefit from the raising of awareness of the importance of the NEPs at all staff levels and how they influence official feed control activities.
- 4.3 There had been only limited implementation of the scheme for earned recognition. There was little evidence that Services had reviewed the impact of earned recognition on the delivery of official controls and what measures the Services would need to take to ensure their present working practices and database requirements were updated and modified to ensure effective implementation.
- 4.4 The reasons behind the failure to implement effective systems for earned recognition often involved the application of risk scores and included:
- using an out of date version of the Association of Chief Trading Standards Officers (ACTSO) risk scoring system resulting in incorrect risk scores being allocated and the frequency of inspection being applied incorrectly;
 - not configuring databases to accept a Level of Current Compliance (LCC)/Likelihood of Compliance (LOC) score, or not allocating a LCC/LOC score post-inspection, and therefore not implementing earned recognition on the feed premises database or in practice;
 - Food Standards Agency Approved Assurance Scheme (FSA AAS) members had not always been effectively tagged to identify their membership and/or their frequency of inspection or intervention type had not been adjusted to allow earned recognition to take effect.
- The impact of this was that inspections had not always been carried out at the frequencies set out in the FELCP and the delivery of earned recognition had been undermined.
- 4.5 All Services audited had appropriate schemes of delegation in place for the Authorisation of feed law enforcement officers. There were some cases where there was no documented procedure in place for the authorisation of officers and some instances of 'blanket' authorisation for all areas of feed legislation. Auditors discussed the benefits of the implementation of an authorisation matrix where necessary. In addition, there were cases where the list of feed law under which officers were authorised would benefit from a review to

ensure that it was up to date.

- 4.6 Lead Feed Officers (LFOs) and officers had been sufficiently and appropriately trained for feed law enforcement in accordance with their level of authorisation. Generally officers had received 10 hours annual CPD based on the principles of continuous professional development, received HACCP training where appropriate, and general enforcement training. Training was identified at annual staff appraisals.
- 4.7 Just over half of the Services audited had incomplete feed registers and databases. Some progress had been made with updating the feed registers and databases but not all Services could demonstrate an overall strategy for dealing with unregistered premises in accordance with the NEPs. In addition, not all registered feed businesses had been allocated with the correct registration code.
- 4.8 Services were generally strong in respect of the consistency and quality of inspections undertaken. It was evident that effective assessments of the compliance of premises and systems, including HACCP based systems, to legally prescribed standards had been carried out. FSA model template inspection forms had been utilised at inspections and a record of inspection left with the FeBO.
- 4.9 Generally, feed sampling was another strong area for the Services audited. Sampling programmes had been co-ordinated regionally, and agreed with NTS, and compiled with due consideration of NEPs and some Services had also funded some of their own samples. Generally samples taken had been recorded and documented with analytical results retained on file, with appropriate follow up action where necessary.
- 4.10 The implementation of AES was mixed. Whilst a number of Services reported they had used the SWERCOTS AES Toolkit or planned to utilise it as part of their future AES strategies, others were yet to develop formal detailed AES systems. Where AES had been undertaken it was sometimes undermined by the incorrect application of risk scores which impacted on the implementation of the scheme for earned recognition.
- 4.11 Auditors were unable to assess the effectiveness of formal feed law enforcement actions as none had been carried out in the previous two years.
- 4.12 The Services audited were aware of the requirements surrounding feed imports and 3rd Country Representatives and these were generally inspected as part of the annual interventions programme.
- 4.13 Although most of the Services audited had developed a procedure to ensure the accuracy and completeness of the feed premises database it was evident that databases were inaccurate in a substantial number of the Services audited. Again this was largely in regard to the completeness of the database, the incorrect application of LCC/LOC scores leading to incorrect frequency of inspection and the allocation of registration codes. Access to databases was

well managed by log-in requirements and user privileges.

- 4.14 LFOs had the main responsibility for carrying out internal monitoring and ensuring consistency in the delivery of official controls. Although most of the Services audited received a recommendation to improve the levels of internal monitoring it was observed that in most cases Services were carrying out some degree of qualitative and quantitative monitoring, although this had not always been adequately recorded. LFO knowledge of NFDM requirements was good and they supported the current system of earned recognition. LFOs were generally content with how the NFDM operated and the support of the Regional Feed Lead (RFL) and Regional Co-ordinator. The LFOs were generally observed to be actively engaged in the relevant Knowledge Hub Groups and were actively disseminating information to their own officers, as well as, forging liaison arrangements with the FSA, and other appropriate enforcement bodies.
- 4.15 LFOs reported that the RFLs had been proactive in disseminating feed related information and were active on the Knowledge Hub sharing technical advice, best practice and responding to concerns about consistency. RFLs had developed an agreed approach to regional meetings and how communication across the regions would be carried out. Some of the LFOs spoken to during the audits also functioned as the RFLs. Generally, RFLs reported that they worked closely with the Regional Co-ordinators and LFOs and they had no major difficulties with the collation and submission of the desktop model.
- 4.16 None of the Services audited had any specific documented procedures for assessing the accuracy of official feed reports to the Agency, although a number of Services reported that they did carry out manual checks on the desktop model submission. However, for most of the Services audited, it was likely that the NTS annual desktop exercises had not been completed accurately due to the incorrect allocation of LCC/LOC scores and registration codes. Therefore it must be concluded, that potentially, centralised funding was not always being apportioned appropriately.
- 4.17 In conclusion, the audit programme has identified a number of issues with the implementation of the NFDM which could be impacting on the fair distribution of government funds and the effectiveness of the system for earned recognition. To address these issues the FSA should have regard to the Recommendations in Section 7.0 when developing guidance to support LA implementation of these aspects of the NFDM.

5.0 Summary of Findings

5.1 Feed service planning, delivery and review

Implementation of the Agency's National Feed Priorities document

5.1.1 The FSA's NEPs for feed law enforcement have been developed in consultation with local authority representatives on the NAP and the NAFPP. Incorporating the NEPs into a programme of official feed controls, helps LAs to better target their official control activities. The benefits of LAs effectively implementing the NEPs include:

- ensuring a consistent, targeted and proportionate level of enforcement takes place across England;
- safeguards animal and public health and contributes to the FSA Strategic Outcome that Food is Safe;
- maintaining a level playing field for honest and diligent FeBOs, which is in the interests of the industry as a whole; and
- enabling LAs to target their scarce resources at the areas of greatest risk; and
- reducing unnecessary burdens on business by focusing the activity of LAs on agreed priorities.

5.1.2 Of the eleven Services audited all except two, had developed a Service Plan for 2015/16 that detailed how they would deliver official feed controls within their administrative area and included some reference to the resources at their disposal. Generally, the service plans were in line with the requirements of the Service Planning Guidance in the Framework Agreement and gave a commitment to deliver NTS co-ordinated work, although there were varying levels of detail on how this would be achieved. Auditors identified a number of areas where service plans could be improved and benefit from greater detail and the following is not an exhaustive list:

- greater detail in regard to Services' annual programme of official feed controls and how they would be delivered;
- greater detail in regard to the demands placed on the Service's resources; and
- the inclusion of a detailed annual review to assess delivery, detailing in-year changes and identifying where improvements can be made.

Common to most of the service plans was the omission of a comparison of the full time equivalents (FTEs) required to deliver official feed controls against those available to the Service. It is important to emphasise that without this information, especially where there is a shortfall in resources, Services may be carrying a risk to the delivery of official feed controls that has not been effectively communicated to senior management or the appropriate Member forum.

5.1.3 It was noted that only three of the service plans had been approved by the appropriate Member forum or senior delegated officer, although another four

were reported to be awaiting approval. It is important that elected Members or delegated senior management have sight of service plans to ensure that the risk based interventions programme has been approved and that there is an awareness of the demands on the service and the resources required to carry out the work. A good service plan should also draw attention to the risks of not carrying out an effective official control programme and serve as a reminder that feed law enforcement is a statutory requirement.

- 5.1.4 In eight of the service plans examined during the audit programme the Agency's NEPs document had not been adequately taken into account. Where NEPs had been referenced the service plans did not go into any specific detail or assessment of the impact on the Service or how they would be integrated into the annual feed interventions programme. In some service plans, how the NEPs would be implemented had not been referenced at all.
- 5.1.5 From discussions with LFOs, auditors were able to gain some assurance that, across most of the Services audited, the NEPs had been considered to ascertain how the stated priorities would influence the delivery of the Service's annual programme of official controls and there was clearly a level of awareness of the NEPs at LFO level. However, most Services did not appear to have developed a process of how the NEPs would be considered and effectively implemented, as appropriate, on an annual basis, by the Authority. Discussions with enforcement officers active in feed law enforcement showed, that, at this level, there did appear to be some awareness of how the NEPs influenced their day to day execution of their feed law enforcement duties and familiarity with the NEPs document, but the degree of awareness varied between the Services audited. Auditors discussed the benefits of raising awareness of the NEPs and their importance in the delivery of national feed enforcement objectives with LFOs, enforcement officers and senior managers.
- 5.1.6 There were a number of Services not fully implementing their official feed controls in accordance with NEPs. This included not taking reasonable steps to update their feed premises register or feed enforcement database and a failure to implement effective systems for the application of earned recognition.
- 5.1.7 The NTS co-ordinate the delivery of national sampling and annual improvement projects, the outcomes of which can be shared nationally. The objective is to sustain improvements in the levels of activity, innovative approaches to delivery and effectiveness of official controls and informs the direction of future NEPs. Generally, the Services audited had been proactive in carrying out NTS improvement projects although participation was dependent on the type of Service and the make-up of the premises within their area. Most of the Services audited could see the benefits of participating in projects to improve delivery and consistency and were also keen on adopting working practices piloted and adopted in other areas, most notably the Trading Standards Partnership South West (also known as SWERCOTS) AES Toolkit. Auditors noted the following NTS projects that LAs audited had either benefited from or participated in:

- Surplus Food Project
- Coccidiostats Sampling Project
- SWERCOTS AES Toolkit
- Traceability exercise for nuts used as wild bird feed

Effectiveness of the implementation and monitoring of earned recognition for feed establishments

- 5.1.8 The revised Code, which was published in May 2014, included the concept of earned recognition, whereby FeBOs, 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. At the same time, the NFDM for animal feed official controls was put in place, which also embedded the concept of earned recognition.
- 5.1.9 Earned recognition is at the heart of the FSA's approach to rewarding responsible businesses and encouraging industry to promote the positive role of regulatory standards. The FSA recognises the standards and audits put in place by FSA AAS, along with the need to focus resources on the highest risks.
- 5.1.10 The audit programme indicated that there had been limited planned implementation of the scheme for earned recognition for feed establishments at five of the Services audited. In these Services, there was little evidence of any reviews to ascertain how earned recognition would impact on the delivery of official controls and what measures the Services would need to take to ensure their present working practices and database requirements were updated and modified to ensure that earned recognition was effectively implemented. In some cases, there was only a partial awareness of how earned recognition could be organised and achieved and in others the Services were unaware that their present systems for delivering earned recognition were ineffective. In a small number of cases it was noted that officers were unaware of the guidance that had been published by ACTSO and the NAP on the implementation of earned recognition and access to Agricultural Industries Confederation (AIC) and Red Tractor (RTA) databases.
- 5.1.11 There were various reasons behind the failure to implement effective systems for earned recognition, but they often involved issues with the application of risk scores (see paragraph 5.4.2). Services were either using the FSA risk scoring system, contained in the FELCP and the FELPG, or the ACTSO risk scoring system which had gone through a series of revisions to the risk scores. Some Services utilising the ACTSO system had mapped their database to an out of date version which resulted in incorrect risk scores being allocated to a significant number of premises. This meant that the frequency of inspection had been applied incorrectly, with some premises subject to earned recognition being visited more frequently, placing unnecessary burdens on business. On occasion LFOs reported being aware of this and had tried to mitigate the situation by transferring the premises to an

Excel spreadsheet and manually adjusting the dates. However, it was clear from database analysis that this had proved ineffective. It should be noted that the ACTSO risk scoring system is no longer supported and will not be updated in future to reflect any subsequent changes to the FELCP.

5.1.12 In other cases, Services had not configured their databases to accept a LCC/LOC score, or were simply not allocating a LCC/LOC score post-inspection, and were therefore not implementing earned recognition on the feed premises database or in practice. This meant that they were unable to identify all premises that would be subject to earned recognition on their database.

5.1.13 A crucial element of the implementation of earned recognition, which Services should have carried out, was accessing the RTA and AIC websites. This was to ensure that premises that were members of an FSA AAS were correctly coded on feed databases to ensure they were subject to earned recognition. Although generally access to the RTA and AIC websites had taken place, there was evidence that many of the relevant premises had not been effectively tagged to identify their membership of an FSA AAS and/or the frequency of inspection or intervention type had not been adjusted to allow earned recognition to take effect. In three cases the AIC website had not been accessed at all.

5.1.14 In London, the Association of London Environmental Health Managers (Alehm) coordinated feed activity on behalf of the 33 London Boroughs and they compiled the desktop model centrally from feed register information held by each Service. It was not possible to assess if the information held by Alehm was accurate or up to date but it was evident that information held by the Services was incomplete in terms of LCC/LOC scores, total risk scores, and next inspection dates, where appropriate. Auditors were informed that Alehm was concentrating their efforts on initial inspections and had not yet implemented the scheme for earned recognition, which would be carried out in accordance with the timeframes as stated in the individual LA audit action plans.

5.1.15 Generally, the Services audited were aware of the requirements for submitting an Exception Report to the FSA on removal of ER from a FSA AAS member but only one had found it necessary to do so.

Promotion of the importance of feed hygiene

5.1.16 Promoting the importance of feed hygiene is vital to consumers and feed businesses' understanding of why the safety of animal feed is so important to the economy, environment and health and welfare of animals in the UK. The Foot and Mouth outbreak in 2001 cost the UK over £8 billion and the slaughter of 6 million affected animals. The BSE crisis, which led to human fatalities from CJD, also generated significant losses for the UK economy.

5.1.17 There are approximately 200,000 feed businesses in the UK, contributing around £4.4 billion to the economy. It is vital that these businesses are

supported by LAs to better understand why animal feed must be safe and what can happen if things go wrong. Failure to promote the importance of feed hygiene and deliver effective feed controls represents a significant risk to animal and public health, the FSA's and LA's reputation and to the UK's ability to trade globally.

5.1.18 The degree of engagement with promotional activities for feed varied from Service to Service and was often dependent on the size of the Authority and the demands placed upon their services. The London boroughs with few farms generally did not carry out promotional activities whilst the larger County based Services put more resources into the provision of promotional activities, some of which were quite innovative. Only one Service reported that they did not carry out promotional activities due to a lack of resources.

5.1.19 A variety of methods for the dissemination of feed law information were observed and included:

- the development and distribution of 'new keeper' packs for farmers;
- the publication of articles in local agricultural publications;
- the distribution of Farming Standards Guidance Leaflets;
- dissemination of information via LA websites e.g. how to register, comply with the feed hygiene provisions and record keeping requirements;
- dissemination of information on DVD and USB;
- dissemination of information on Twitter and Facebook, including product recalls;
- attendance at agricultural shows and country fayres; and
- feed law presentations to smallholder groups and agricultural students.

5.1.20 One Service had introduced the functionality on their website to enable feed business operators to look up their own registration number which is often required by assurance scheme audits.

5.2 Competence of Officers

5.2.1 The revised Chapter 3 of the FELCP - Competency of Officers, makes greater use of comprehensive competence-based criteria for the authorisation of officers carrying out official feed controls. The Competency Framework is a combination of qualifications, technical and professional skills, knowledge and experience that enable an officer to be appropriately authorised to deliver official controls. The Framework allows those delivering official controls to demonstrate their competency to current and future employers, ensures consistency and the continued professional development (CPD) requirements enables the identification of future development needs and gaps in officers' knowledge. The competencies in the Code recognise that an officer's authorisation can be broadened as the person gains experience and develops new competencies.

5.2.2 The Services audited had appropriate schemes of delegation in place for the authorisation of feed law enforcement officers. However, in five cases there

was no documented procedure in place for the authorisation of officers, and for some of these, auditors were informed that officers had received authorisation for all areas of feed legislation, irrespective of their levels of feed law enforcement qualifications, competency and experience. Auditors discussed the benefits of improving the relevant systems of officer authorisation by including the implementation of an authorisation matrix where necessary to ensure officer competency was linked to their level of authorisation. Similarly, in some instances specific sections under certain feed regulations that should have been subject to authorisation limitations based on officer competency and experience were not being observed and auditors discussed extending authorisation and competency matrices to take this into account.

- 5.2.3 In a number of cases document checks showed that the list of feed law legislation under which officers were authorised would benefit from a review to ensure that it was up to date. Any official action taken by officers under out of date legislation may be deemed *ultra vires* and therefore open to legal challenge.
- 5.2.4 In London, one of the Services audited, had authorised an Alehm appointed contractor who acted as their LFO and carried out feed official controls on behalf of the LA. This included interventions and inspections, sampling and enforcement. The Authority had a process for annually renewing the authorisation for the delegated LFO to act on their behalf. At the other London Service audited, the Alehm contractor assisted and advised the LA appointed LFO as necessary with official controls for feed, but was not authorised by the Authority to carry out any feed enforcement work.
- 5.2.5 In nine out of 11 cases, training needs were identified at annual staff appraisals, including those specific to feed law enforcement. It was clear from discussions with staff that the Services audited were committed to ensuring staff were well trained and competent to carry out their feed law enforcement duties. In addition, some Services carried out an annual skills gap analysis to ensure officers training needs were kept up to date.
- 5.2.6 During the audits the training records and authorisations of feed officers were checked, including those of the LFOs. File checks showed that LFOs and officers had been sufficiently and appropriately trained for feed law enforcement, in accordance with their level of authorisation. In all but one case, officers had received 10 hours annual CPD based on the principles of continuous professional development, received HACCP training where appropriate, and general enforcement training. Some isolated gaps in training were identified on some of the audits and these were highlighted. Officer qualifications and training records had been maintained by eight of the Services and in most cases were easily retrievable.
- 5.2.7 A small number of the Services audited reported that they were helping to progress regional based competency schemes and these were in various stages of development. It was envisaged that the schemes would improve regional resilience, and give the participating Services the ability to identify

competency gaps regionally and use the competency resources available to safeguard official controls and promote officer consistency.

5.2.8 All the Services audited reported that they had taken advantage of the free feed training provided by the FSA and were supportive of its continuation.

5.2.9 It was observed that officers were registered and actively engaged on the Agriculture Community Knowledge Hub forum enabling the exchange of knowledge, ideas, insight and experience to improve official feed controls.

5.3 Implementation and effectiveness of feed control activities

5.3.1 As the UK central competent authority for feed and food, the FSA has a statutory responsibility under EU legislation¹⁰ for the delivery of a programme of animal feed and food hygiene official controls. The EU official feed and food official controls regulation requires these controls to be carried out regularly, on a risk basis and with appropriate frequency. Effective, risk-based controls are a key factor in focusing scarce LA resources on higher risk activities safeguarding animal and public health and contributing to the Agency's Strategic Outcome that 'Food is Safe'¹¹.

Inspection

5.3.2 Seven of the Services audited had incomplete feed registers and databases. Although some had made progress in updating the feed register and database, by utilising various outside sources for information, there were a few that were unable to demonstrate an overall strategy for dealing with unregistered premises in accordance with the NEPs. In addition, checks prior to and during the audits showed that not all registered feed businesses had been allocated with the correct registration code.

5.3.3 During the audits, auditors discussed how the Services, in drawing up their annual intervention programmes and populating the desktop model, decided upon the most appropriate interventions at feed businesses. It was evident that in most cases LFOs were making their selection of premises based on those that were deemed to present the highest risk and ensuring that a number of the selections were premises that had never been visited before. In the selection of premises, the LFOs had tried to ensure that all categories of feed premise were considered in accordance with NEPs.

5.3.4 Ten of the Services audited had developed and implemented a documented feed premises inspection procedure.

5.3.5 All the Services audited had been utilising model template inspection forms developed by the FSA in partnership with the NTS for carrying out feed inspections. However, on occasion, officers had used older templates with references to out of date legislation. File checks showed that, at 10 out of 11

¹⁰ [Regulation EC 882/2004 – Article 4 Designation of competent authorities and operational criteria](#)

¹¹ [FSA Strategic Plan 2015-2020](#)

Services audited, a record of inspection had been left with the FeBO at the conclusion of an inspection or a copy of the aide memoir sent to the FeBO soon afterwards. It was noted that the communication of non-compliances could be improved in some areas, such as the legislation breached, the setting of time limits for compliance and follow-up action in the event of continuing non-compliance.

- 5.3.6 File checks on a selection of feed establishment interventions showed that the Services audited were generally strong in respect of the consistency and quality of inspections undertaken. Inspections had been conducted by appropriately authorised staff and it was clear that effective assessments of the compliance of premises and systems, including HACCP based systems, to legally prescribed standards had been carried out. File checks also showed that the contemporaneous observations of officers had been recorded in sufficient detail. This enabled auditors to take assurance that thorough assessment across all the relevant enforcement areas for each premise had taken place. Inspection records were easily retrievable and comprehensively completed. However, it was clear that in a small number of cases, officers had not been determining the LOC score at the time of inspection.
- 5.3.7 Similarly, for approved feed premises, file checks showed that generally effective, thorough inspections had been carried out and the details of the inspection were comprehensively recorded and easily retrievable. File checks also showed that the relevant premises had been properly approved without undue delay. However, in two cases, approval documentation had not been maintained because of the local authority's policy of deleting old documentation automatically after a number of years. The policy has repercussions for the future implementation of earned recognition as it may mean that last inspection reports are disposed of before the next inspection or AES intervention is due.
- 5.3.8 In eight out of 11 Services, inspections had not been carried out at the frequencies set out in the FELCP. This was impacting on the delivery of the scheme for earned recognition and auditors saw examples where inspections were being carried out at premises that were not due for inspection, and sometimes multiple visits had been carried out in a short space of time at businesses that were members of a FSA AAS. The reasons for this, relating to the application of risk scores, are highlighted in Paragraph 4.4.2. In a number of cases, auditors discussed the importance of ensuring risk scores were updated as soon as possible and the LCC/LOC score applied to ensure greater accuracy within the database going forward.
- 5.3.9 In conclusion, it was clear that, in some cases, due to the lack of allocation of the LCC/LOC scores, and the mapping of databases to out of date ACTSO risk scores, the planned programme of official feed controls was based on the application of significantly flawed information. This would also mean that the population of the desktop model, which was used for the allocation of funds by the FSA, was also based on incorrect data.

5.3.10 All the Services audited, were aware of the MoU between the NAP, APHA and VMD. This aimed to promote cooperation and support data sharing, to prevent duplication and inform risk assessments between feed enforcement delivery partners - local authorities in England and Wales, the VMD and APHA. Responsible exchange of data supports an intelligence led, risk based approach to enforcement, prevents duplication of work and aids effective use of resources. The outcomes directly benefit the farming community and help reduce the burdens associated with enforcement.

5.3.11 Where there were relevant premises in the area in most cases separate visits were being carried out and liaison arrangements maintained in accordance with the MoU. A small number of authorities felt that liaison arrangements with the VMD and APHA had room for improvement, including more frequent contact with VMD/APHA inspectors and exchanges of information.

Sampling

5.3.12 The FSA believes that sampling and analysis forms an important part of UK official feed controls. By LAs implementing a feed sampling programme in line with the NEPs they ensure the ongoing protection of the environment, animal and human health, and the promotion of fair trade and provide a deterrent to bad practices as well as detecting fraudulent activities.

5.3.13 Seven of the Services audited had developed and implemented appropriate sampling procedures, including the adoption of specialist sampling protocols for the procurement of samples at points of entry where appropriate. Where sampling protocols were not in place it was reported that the Service referenced ACTSO guidance.

5.3.14 Seven of the Services audited, where appropriate, had developed documented feed sampling programmes co-ordinated regionally, agreed with NTS, and compiled with due consideration to NEPs. In addition to those agreed with NTS, some Services had funded some of their own samples. Sampling programmes had, where appropriate, specifically taken into account the FSA's NEP for the inclusion of a number of appropriate carry over samples for coccidiostats.

5.3.15 The records of sample results were checked during the audits. Generally the samples taken had been recorded and documented with analytical results retained on file. In all cases, follow up action had been taken to address the concerns found, including detailed contact and advice to businesses, and Primary Authority contact where appropriate.

5.3.16 Samples had been recorded on UKFSS and on the Service's feed database.

Alternative Enforcement

5.3.17 The FELCP allows for the use of alternative enforcement strategies (AES) at establishments which have earned recognition because they are 'broadly

compliant' with feed law, but are not a member of a FSA ASS. This is designed to enable LAs to focus attention on those businesses which present the greatest risk to consumer safety and/or which are failing to meet their statutory obligations.

- 5.3.18 It was clear that a significant number of Services had not developed formal detailed AES systems to explain or describe their approach to AES in accordance with the FELCP.
- 5.3.19 Where Services had implemented a strategy for Tier 1 AES, it entailed the use of questionnaires sent by post to the FeBO. The questionnaires required the FeBO to answer a series of questions designed to establish if there had been any changes to business operations that would impact on registration activity codes, risk ratings or trigger a higher level intervention. Some Tier 2 AES was also observed to have taken place in a minority of the Services audited. In London, it was reported that AES was not currently seen as a priority because most of the inspections carried out in the region were initial inspections. Initial inspections are currently the priority for Alehm, but AES had been identified as an area for further development.
- 5.3.20 Where AES was being undertaken, this was often being undermined by the incorrect application of risk scores, as discussed earlier in this report. File checks showed that, in some cases, AES visits were not in accordance with the implementation of earned recognition as they should have received a reduced frequency of intervention.
- 5.3.21 Six of the Services audited reported they had used the SWERCOTS AES Toolkit or planned to utilise it as part of their future AES strategies.

Enforcement

- 5.3.22 The timely remedy of non-compliance with feed law is a fundamental part of ensuring feed and food is safe and that legitimate businesses are not put to an unfair advantage. Competent Authorities are required to ensure that enforcement action taken by their authorised officers is reasonable, proportionate, risk-based and consistent with good practice taking account of the full range of enforcement options. 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.
- 5.3.23 All the Services audited had developed and implemented an appropriate Enforcement Policy in accordance with centrally issued guidance and had enforcement procedures in place for the issuing and administration of formal enforcement notices under the relevant feed legislation.
- 5.3.24 Auditors were unable to assess the effectiveness of formal feed law enforcement activities as no formal action had been carried out within the previous two years at the Services audited. However, there was evidence of appropriate follow-up action to address minor non-compliances not requiring

formal action. One Service had produced a prosecution and simple caution file and auditors found the course of action to be appropriate and in accordance with the LAs Enforcement Policy.

5.3.25 Audit checks were carried out on official returns to the FSA prior to carrying out the audits and these revealed low levels of reporting for formal written warnings. This was discussed with LFOs during the audits and it was generally accepted that the low levels of reporting were the result of the Services misinterpreting the FSA's definition of a 'written warning'.

Imports and 3rd Country Representatives

5.3.26 Imported feed makes up 40% of feed used in the UK annually. To support a consistent and risk-based approach to monitoring 3rd country imports the NEPs make it a priority for LAs to ensure effective:

- consistent and risk-based approach to monitoring consignments of feed originating from outside the European Union at points of entry to ensure compliance with feed law; and
- information sharing and communication between points of entry and inland authorities;
- identification of feed businesses who import feed requiring a 3rd country representative within the EU and re-affirming their legal obligations under Commission Regulation EC/98/51.

5.3.27 The Services audited were aware of the requirements surrounding feed imports and 3rd Country Representatives and these were generally inspected as part of the annual interventions programme, including documentary checks and physical check if the FeBO stored feed materials within the area. None of the feed materials imported by these businesses were reported to be subject to specific control measures under EU legislation.

5.3.28 A few of the Services audited had points of entry within their areas and auditors discussed the controls at these facilities. In most cases effective surveillance and liaison arrangements were in place with LAs and the Associated British Ports and/or the United Kingdom Border Force to ensure that feed imported through UK ports was subject to regular and appropriate official controls, including documentary, identity and physical checks. Auditors discussed strengthening controls at ports and Internal Temporary Storage Facilities where the need was identified.

Verification Visits to a feed establishment

5.3.29 Reality visits with officers that had carried out the last inspection formed part of the audit programme. It was clear from the visits that the officers had good working relationships with the businesses, were familiar with the processes involved and had a good knowledge of the relevant feed legislation.

5.4 Maintenance and management of appropriate feed premises database and records

5.4.1 It is important that feed databases are accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery, the monitoring and population of the desktop model, and the accuracy of the reporting of data to the FSA. Databases should be regularly reviewed to ensure that inspection intervals, the level of compliance scores, total risk scores, registration codes and earned recognition status are as accurate as possible.

5.4.2 Seven of the Services audited had developed a procedure to ensure the accuracy and completeness of the feed premises database. However, as highlighted in the previous sections it was clear that databases were inaccurate in a substantial number of authorities. The following is a list of the main problems that were detected:

- inaccuracies caused by the mapping of the database to out of date ACTSO risk scoring schemes;
- inaccuracies caused by the incorrect application or non-application of LCC/LOC scores;
- some databases had not been configured to receive an LCC/LOC score;
- inspection frequencies were found to be incorrect due to the risk rating anomalies and this was effecting the implementation of earned recognition;
- discrepancies between the numbers of premises recorded on RTA and AIC websites and the numbers held by the Service; and
- historical evidence that registration activity codes had not always been appropriately allocated.

5.4.3 The following is a non-exhaustive list of initiatives in Services that had set up systems and procedures to help ensure the accuracy of their databases:

- On-screen instructions to aid officers in accurate data entry;
- Periodic validation reports to target specific errors such as double entries and incorrect registration codes;
- Regular comparison with RTA and AIC updates and websites;
- New registrations information from the Department for Environment, Food and Rural Affairs (Defra), APHA, VMD and the Rural Payments Agency; and
- New premises questionnaires sent to ascertain business activities;

5.4.4 Access to databases was invariably managed by log-in requirements and user privileges. Personnel restrictions were imposed in respect of changing premises details. Database servers were backed up on a daily basis.

5.5 Arrangements for the Lead Officer role for feed

5.5.1 The FELCP requires every LA to appoint a suitably qualified, experienced and competent LFO to take responsibility for operational management of feed law

matters. However, the appointed LFO does not have to be an officer employed by the LA. The role of LFO is instrumental in ensuring appropriate, proportionate and consistent delivery of official feed controls in the area for which they are appointed.

5.5.2 The main responsibilities and competency requirements of a LFO, as set down in the FELCP, are to:

- have and maintain a good legal, technical and specialist knowledge of feed law matters as they apply to FeBOs in the area or areas across which their authorisation extends;
- understand and be able to identify the common hazards and risks associated with feed processes and technologies in operation at feed establishments;
- ensure that effective liaison is in place with other agencies responsible for the enforcement of feed;
- appropriately apply local and NEPs in planning and co-ordinating a programme of official feed controls in their area;
- effectively co-ordinate consistent delivery of official controls within their authority and across other competent authorities;
- identify skill or knowledge gaps in officers delivering official controls and can identify appropriate training and opportunities for professional development; and
- appropriately manage feed incidents, including local contingency arrangements should the need arise.

5.5.3 In all of the Services audited, the LFOs had the main responsibility for carrying out internal monitoring and ensuring consistency in the delivery of official controls for feed. However, there were various levels of oversight reported with often higher management involvement. This was particularly in regard to quantitative aspects of the Service, such as delivery of the annual programme of official controls, and in the case of Services covering more than one authority. In these cases, there was usually some form of joint services panel which also oversaw some aspects of the operations.

5.5.4 Although 10 of the Services audited received a recommendation for improvements to be made to their internal monitoring arrangements, the majority were carrying out some level of qualitative and quantitative monitoring. However, this was not always adequately recorded.

5.5.5 Seven of the Services audited had not developed a procedure for internal monitoring and two others had procedures in place which did not cover all aspects of feed law enforcement activities. Some of the Services had interwoven some monitoring procedures within the general inspection, sampling and enforcement procedures, but again, these did not cover all aspects of feed law enforcement.

5.5.6 The following is a non-exhaustive list of qualitative monitoring activities recorded during the audits:

- checks on the content of aide memoirs to ensure they were consistent and provided adequate details of officer observations;
- checks on database entries to ensure relevant information was recorded and database accuracy maintained;
- monthly one to one meetings with officers to review officers workload and discuss issues of accuracy and consistency;
- regular team meetings, usually carried out monthly or quarterly to discuss specific team issues and maintain consistency;
- accompanied inspections with officers, usually carried out on an annual basis to ensure officers are carrying out effective interventions and again maintain consistency; and
- the monitoring of officer CPD levels to maintain competency levels and plan future training.

5.5.7 An area commonly identified by auditors where monitoring arrangements could be improved was in the allocation of risk scores, including the benefits of implementing regular consistency exercises to ensure accurate scoring across all types of feed premises.

5.5.8 Generally, quantitative aspects of the Services, including the delivery of the desktop model in relation to interventions and sampling, were monitored regularly via delivery of the quarterly return to the FSA.

5.5.9 In London, contractors were employed by Alehm to cover all of the London area but their relationship with the individual London Boroughs varied. At one of the Services audited the LA's LFO accompanied the contractor on visits and checked and signed the visit forms at the conclusion of the inspections. At the other Service audited the contractor acted as the LFO and carried out all intervention and enforcement activities. In this case, there was no documented system as to how the work was to be monitored and the oversight conducted by the LA consisted of the checking of visit forms. It was reported that no consistency training had been undertaken by the contractors employed by Alehm.

5.5.10 The knowledge of the LFOs of the requirements of the NFDM was good and auditors did not identify any areas for improvement in respect of liaison, the assessment of training needs, and the planning and delivery of training, with the Services able to demonstrate general compliance.

5.5.11 Auditors discussed with LFOs the arrangements with the RFL for the delivery of the NFDM in regard to:

- the collation of the regional funding bid within the agreed timescales;
- delivery of the desktop model;
- collation and submission of quarterly reports and other information requested by NTS and NAP;
- delivering timely results in regard to NTS projects;
- assessment of regional training needs;
- liaison with other LFOs and regulators in the region and nationally;

- consistency; and
- the dissemination of information from the NAP representative.

Generally LFOs were supportive of the RFL role and the arrangements for delivery of the NFDM were well managed. LFOs did not identify any areas for improvement in regard to the RFL role.

5.5.12 The LFOs were generally observed to be actively engaged in the relevant Knowledge Hub Groups. LFOs were actively disseminating information to their own officers including NAP updates. LFOs had prompt and effective liaison arrangements in place with the RFL, Regional Feed Coordinator, FSA, and where appropriate, APHA, VMD, and the UK Border Agency (UKBA). In addition, where appropriate, the LFOs maintained links with the NAFPP.

5.6 Arrangements for the Regional Lead role for feed

5.6.1 The RFL is an operational feed expert whose role is to ensure that the principles of delivery of the feed programme, and the reasons behind them, are understood by the constituent authorities and that all LAs are effectively engaged. Regional co-ordinators support the role of the RFLs and LFOs, assisting in the development of regional working and initiatives, ensuring effective communication throughout the network and promotion of consistency and good practice amongst LAs. Sometimes the RFL and the Regional Co-ordinator is the same person and in some areas the RFL role may be divided between two officers; one covering inland work and the other ports.

5.6.2 In recognition of the positive impact seen in those regions that had, as part of their process of regional coordination, designated a RFL, the Feed Governance Group (FGG) formally recognised the role in November 2015. The main responsibility of this operational feed expert is to ensure that who had in effect created a RFL and as a consequence were able the principles of the NFDM are understood by the constituent authorities and that all LAs are effectively engaged. The RFL will also routinely be the region's representative on NAP. Each region receives £25,000 annually for this co-ordination.

5.6.3 A list of key responsibilities was agreed by FGG centering around three key areas:

- funding, submissions and reporting;
- promoting competent and consistent delivery into the future; and
- supporting successful delivery.

It was recognised by FGG that each of the nine regions are different in that:

- the range of feed businesses differs;
- they cover a geographic area with their own opportunities and obstacles; and
- they include a unique set of LAs.

In consideration of this, the list of regional coordination responsibilities to be carried out by the regional lead(s) does not dictate who should deliver each requirement. Nor does it indicate the level of resources needed or how the funding should be shared, as some roles may well be delivered by or shared with the regional co-ordinator. It is therefore for each region to determine the best way to deliver the key responsibilities.

- 5.6.4 LFOs were supportive of the role of the RFL and there was generally a consensus that the regionalisation of fund allocation through the desktop model for official controls for feed had been a positive step. This was considered to help in ensuring funding bids are submitted within agreed timescales, achieving consistency and minimising discrepancies in funding submissions. LFOs reported that they were also supportive of the role of the Regional Co-ordinator in regard to the collation and submission of the desktop model and quarterly returns and reported that this was operating effectively.
- 5.6.5 LFOs reported that the RFLs had been proactive in disseminating feed related information and were active on the Knowledge Hub, sharing technical advice, best practice and responding to concerns about consistency. RFLs had established and agreed an approach to regional meetings and how communication across the region would be carried out. In one case, the role of the RFL had been split between LFOs specialising in inland feed work and work carried out at the ports and this was also working effectively.
- 5.6.6 Some of the LFOs spoken to during the audits also functioned as the RFLs. This gave auditors further insight into the role of the RFL, especially in relation to the co-ordination of the desktop model submissions and how effective communications were established with the LFOs. The audits showed that generally there was close collaboration across the region to ensure delivery against the NFD. Generally, RFLs reported no major difficulties with the collation and submission of the desktop model.
- 5.6.7 The RFL role in London, appointed by Alehm, had only recently been established. Alehm had developed a draft protocol which defined its aims and the respective roles and responsibilities of Alehm and the London Boroughs. At the time of the audits this was still out for consultation with the LAs. It was clear that there was still work to be done to establish how the relationship with the local authorities would be developed in the future to ensure the effective delivery of official controls for feed.

5.7 Accuracy and delivery of official feed reports to the Agency

- 5.7.1 There are several different types of report that LAs are required to be submitted to the Agency:
- the annual feed return which is co-ordinated by the FSA and reported directly;
 - the 'desktop model' is the region's official controls plan for the coming year to allow risk-based and proportionate funding to be allocated to each region and is co-ordinated by NTS; and

- the 'quarterly report' is a quarterly claim which enables payment for work completed and tracks progress against the desktop model.
- 5.7.2 None of the Services audited had any specific documented procedures for assessing the accuracy of official feed reports to the Agency. However, most of the Services were following official guidance for the submission of returns and six out of 11 of the Services reported carrying out manual checks on the desktop model prior to its submission
- 5.7.3 In regard to the annual feed returns, the lack of written warnings was discussed as referenced in section 5.3.25 of this report. It was generally agreed that the anomaly was caused by officers misinterpreting the FSA's definition of a written warning as any legislative non-compliance brought to a FeBOs attention in writing. It should be noted that the FSA had issued new guidance just prior to the audit programme which highlighted this issue to authorities.
- 5.7.4 Most importantly, as discussed earlier in the report, for a significant number of the Services audited, it was likely that the NTS annual desktop exercises had not always been completed accurately. This was due to various reasons, which are highlighted in Paragraph 5.4.2. This meant that potentially FSA funds were not being apportioned appropriately.
- 5.7.5 Generally, the NTS quarterly monitoring return was accurate and the Services had carried out the work as reported. Usually this return was validated manually by the LFO checking each of the fields. It should be noted however, that the information in this return is a report on the work carried out against the desktop model, which as indicated above, may not always have been accurately compiled.
- 5.7.6 In London, Alehm had the responsibility for the filing of the desktop model exercise on a regional basis and also the quarterly updates. It was not possible to assess the accuracy of the desktop models individually as the information had not been divided into separate authorities.
- 5.7.7 There were no technical issues reported with the uploading and submission of the returns.
- 5.7.8 Checks on the UKFSS return showed that the Services had filed these accurately with no issues reported.

6.0 Recommendations

Recommendation 1

The Agency should consider the findings from this audit programme with the aim of developing a strategy to further strengthen the feed control regime to ensure that official controls are delivered in accordance with the NFDM, the NEPs, relevant legislation, the FELCP and the National Control Plan. This recommendation should be considered within the ongoing review of animal feed official controls.

[The Standard]

[New Feed Delivery Model]

[National Enforcement Priorities]

[Feed Law Code of Practice]

Recommendation 2

LA Service Plans should specify the Service's risk-based, proportionate intervention strategy in relation to feed controls, including appropriate references to the NEPs, and compare the adequacy of the resource allocation to the demands on the Service. Service Plans should be approved by the appropriate Member Forums or senior delegated officers.

[The Standard 3.1]

[The National Enforcement Priorities]

Recommendation 3

The Agency should develop a strategy to ensure that the awareness of the NEPs and their importance in the delivery of national feed enforcement objectives are sufficiently raised with LAs, LFOs, enforcement officers and senior managers.

[New Feed Delivery Model]

[The National Enforcement Priorities]

Recommendation 4

LAs should develop a system for the full implementation of earned recognition. Systems should take account of how earned recognition impacts on the delivery of official controls and what measures Services need to take to ensure their working practices and database requirements are updated and modified to ensure that earned recognition is effectively implemented.

[New Feed Delivery Model]

Recommendation 5

The Agency should review the implementation of earned recognition by LAs to ensure that systems are effectively embedded and resilient at a local level with a view to developing national guidance around how the implementation of Earned Recognition can be accommodated on LA databases.

[New Feed Delivery Model]

Recommendation 6

LAs should ensure that officer authorisations are kept up to date and can demonstrate that officers are authorised commensurate with their individual levels of qualification, training and competencies. LAs would benefit from linking officer training and competency to authorisation procedures. Authorisations should be subject to routine review to ensure they are maintained in line with changes to legislation.

[The Standard 5.1]

Recommendation 7

LAs should, in accordance with the Framework Agreement and NEPs, ensure that the accuracy of their feed premises databases and feed premises register are brought up to date and maintained to ensure that all relevant feed premises are included in the interventions programme, the effective implementation of earned recognition and that the Desktop Model and monitoring returns to the Agency are accurate. All registered feed premises should be allocated an appropriate registration code. Procedures should be set-up, maintained and implemented to ensure the premises database is accurate and up to date.

[The Standard 11.1 and 11.2]

[The National Enforcement Priorities]

Recommendation 8

The Agency should develop national guidance in regard to the completion and the maintenance of the accuracy of feed premise databases and feed premise registers. The accuracy of feed registers should be regularly monitored.

[The National Enforcement Priorities]

Recommendation 9

LAs should ensure that officers allocate appropriate risk scores to feed businesses at the conclusion of inspections and that risk scores are accurately recorded on feed premise databases to facilitate the system of earned recognition. Regular consistency exercises should be carried out to ensure that officers allocate risk scores on a consistent basis.

[The Standard 7.3 and 11.1]

[New Feed Delivery Model]

Recommendation 10

RFLs should ensure that regional consistency exercises for the allocation of risk scores are regularly carried out.

[New Feed Delivery Model]

Recommendation 11

The Agency should regularly review the results of regional consistency exercises for the allocation of risk scores to ensure consistent risk scoring on a national basis.

[New Feed Delivery Model]

Recommendation 12

LAs should ensure the maintenance of approved feed premises approval documentation in accordance with FELCP.

[The Standard 16.1]

[The Feed Law Code of Practice]

Recommendation 13

LAs should ensure that all relevant LA feed inspection and enforcement activities are subject to proportionate and routine qualitative and quantitative internal monitoring and that LA services can verify their conformance with the NEPs, relevant legislation, FELCP, and FELPG. Records should be kept for two years.

[The Standard 19.1, 19.2 and 19.3]

Recommendation 14

The Agency should review:

- the FELCP to further clarify requirements and responsibilities placed on LAs in respect of: Service Plans, earned recognition, application of the animal feed risk rating system, accuracy of feed establishments registers, approved feed premises documentation, authorisation of officers, internal monitoring and implementation of the NEPs as part of an LAs official feed control programme; and
- the FELPG in order to provide LAs with further support and guidance in these areas.

[The Feed Law Code of Practice]

[The Feed Law Practice Guidance]

Annex I - Audit Methodology and Design

The audits assessed LA implementation of official controls through:

- (i) Use of structured audit protocols and checklists for checks of LA file and database records relating to official controls at feed establishments audits/inspections, sampling and any resulting follow-up enforcement activities;
- (ii) Meetings with LA officers; and
- (iii) Document reviews including all relevant LA feed law enforcement service plans, policies and procedures.

Annex II - Local Authorities Audited by Type (July 2016 – September 2016)

The Agency is grateful for the assistance and views provided by officers of the following LA's who were audited during the programme:

	Local Authority	Type of LA
1	Buckinghamshire and Surrey TSS	Joint Service
2	Devon and Somerset TSS	Joint Service
3	Dorset County Council	County
4	Essex County Council	County
5	London Borough of Bexley	Unitary
6	London Borough of Croydon	Unitary
7	North Yorkshire County Council	County
8	Northumberland County Council	County
9	Oxfordshire County Council	County
10	Staffordshire County Council	County
11	Warwickshire County Council	County

Annex III - Summary Report Circulation

Internal personnel as listed in the audit programme Terms of Reference document

FSA Wales

FSA NI

Food Standards Scotland

All local authorities participating in the audit programme

Local Government Association Regulatory Control Unit (formerly LG Regulation/LACORS)

National Trading Standards (NTS)

Chartered Trading Standards Institute (CTSI)

Animal Plant Health Agency (APHA)

Veterinary Medicines Directorate (VMD)

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ANNEX IV – Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Association of Chief Trading Standards Officers (ACTSO)	Organisation representing senior Trading Standards Managers from councils across England and Wales.
Authorised officer	A suitably qualified and competent officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of food and feed law.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards, food hygiene at the level of primary production and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed not of animal origin. Products that do not fall under the requirements of the veterinary control regime.
The DG Health and Food Safety - Audit and Analysis	Part of the European Commission, formerly known as the Food and Veterinary Office (FVO).
Feed law	The laws, regulations and administrative provisions governing feed in general and feed safety in particular, whether at Community or national level; it covers all stages of production, processing and distribution of feed and the use of feed

Feed Law Code of Practice (FELCP)	Government Code of Practice issued under the Official Feed and Food Control Regulations 2009 as guidance to local authorities on the execution and enforcement of feed law.
Feed Law Practice Guidance (FLPG)	Practice Guidance complementing the FELCP issued by the FSA to assist Competent Authorities with the discharge of their statutory duty to enforce relevant feed law.
Feeding stuffs	Term used in legislation meaning feed, including additives and pet food, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.
Food/feed hygiene	The legal requirements covering the measures and conditions necessary to control hazards to ensure fitness for human consumption of a foodstuff/animal consumption of a feed, taking into account its intended use.
Food/Feed standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit yearly returns to the Agency on their feed enforcement activities .e. numbers of inspections, samples, prosecutions and notices.</p> <p>Under the Audit Scheme the Food Standards Agency conduct audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalent (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of

	duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.
HACCP	Hazard Analysis and Critical Control Point – a feed safety management system used within feed businesses to identify points in the production process where it is critical for food/feed safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food and feed safety/ standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food/feed related policies and procedures.
Informal samples	Samples that have not been taken in the prescribed manner laid down in Regulation EC. No 152/2009 laying down the methods of sampling and analysis for the official control of feed.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
New Feed Delivery Model (NFDM)	NFDM is a multi-faceted solution to improve the effectiveness of official feed controls, delivered in partnership with key stakeholders, ensuring timely, appropriate, proportionate and consistent delivery of controls to secure compliance with feed law.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food and feed control.
Primary Authority	An authority that has formed a formal partnership with a business in accordance with the Regulatory Enforcement and Sanctions Act 2008.

Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Risk rating	A system that rates food/feed premises according to risk and determines how frequently those premises should be inspected.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food/feed Service to the local community.
Tier 1 AES	Takes place 5 years after a full inspection or 5 years after a Tier 2 AES
Tier 2 AES	Takes place 5 years after Tier 1 AES or previous Tier 2 AES (as deemed appropriate by the local authority officer)
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards, food hygiene at the level of primary production and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards, food hygiene at the level of primary production and feeding stuffs legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene (including at the level of primary production), food standards and feeding stuffs enforcement.