

Summary Report of the Pilot Project on the Potential for Recognition of the BRC Global Standard for Food Safety

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1.0 Executive Summary

- 1.1 This project aimed to work with the British Retail Consortium (BRC) Global Standards to determine the potential for the development of an earned recognition (ER) scheme for food hygiene and food standards official controls for those establishments certificated under the BRC Global Standard for Food Safety (henceforth referred to in this report as 'the Standard').
- 1.2 The aims and objectives of the pilot were developed before the vote on EU Exit, and prior to the Food Standards Agency (FSA) announcing the principles of the Regulating Our Future (ROF) programme. The work being carried out by ROF will transform the FSA's approach to the recognition of private assurance, and the use of available industry data on compliance. The findings from this project will feed into that programme, particularly in informing the ROF principles that:
 - The regulator should take into account all available sources of information.
 - Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not.
- 1.3 At the time of writing this report, ROF is moving away from Earned Recognition (ER) to regulated private assurance. Although this project considered the Standard through the lens of ER, findings are being considered in light of current thinking on regulated private assurance and the direction of travel on segmentation of businesses (where a business sits within the regulatory framework).
- 1.4 Views were obtained from food hygiene and food standards competent authority (CA) officers and FSA assessors following a series of fieldwork exercises. These were designed to determine the strengths and weaknesses of the auditing process of the Standard and the quality and adequacy of the audit reports as a source of information for local authorities and the FSA. There was mixed opinion from both CA officers and FSA assessors on the benefits or otherwise of ER for manufacturers certificated under the Standard, but there was general agreement that the content of the audit reports provided a valuable and detailed source of background and compliance information for CA officers.
- 1.5 It was however clear from the pilot exercise that whilst there is significant commonality between BRC Global Standards audits and CA inspections, there is a perceived difference in the purpose, assessment focus and approach between them. CAs carry out an inspection, which focuses on assessment of any risk to public health and compliance against relevant legislation, whilst the focus of BRC Global Standards audits is to assess compliance against the requirements of the Standard. Although the Standard has been developed to assist businesses to meet legal requirements, it was the view of the CAs and FSA assessors that this is not the primary focus of the audit assessment. This perceived fundamental difference raised a number of concerns about the Standard being used as the basis for a full replacement of CA interventions by BRC Global Standards audits, however there was

general acceptance that the audits could be used to help inform the frequency and/or focus of CA interventions of certificated businesses.

- 1.6 The study also showed that there were some areas of misunderstanding amongst the CAs of the Standard and some difficulties with accessing the database (Directory) holding audit reports. This appears to have led to some misperceptions about the Standard and audit processes, which could be addressed by an awareness and training programme for CAs to gain best value from the Standard.
- 1.7 Mapping of the Standard against relevant legislation forms part of the current criteria for the approval of schemes for ER. Whilst a formal mapping process has not yet been undertaken, both CA officers and FSA assessors held the view that there was a greater alignment of the BRC Global Standards audit process with food hygiene official controls than for food standards official controls, which would include the assessment of compliance with composition and labelling requirements. Gaps were identified relating to some legislative requirements, including those relating to food labelling. It is also recognised that the Standard does not specifically reflect the requirements of Regulation (EC) No 2073/2005 on Microbiological Criteria for Foods, which would be relevant to a number of BRC Global Standards sites.
- 1.8 There are also some wider legal considerations to take into account. Under current EU legislation, it is possible for BRC Global Standards or similar bodies to assess and verify compliance of businesses so that the outcome of their audits can inform the nature, frequency and intensity of a programme of official controls, but currently they could not provide a replacement for those controls under the EU legislative regime. At present the legal position that will follow EU Exit is uncertain, and if there is any change in the current requirements post EU exit, any effect on the recognition of assurance schemes will require further consideration. This could include new controls relating to the export of goods which would be of relevance to a number of BRC Global Standards certificated establishments.
- 1.9 The findings from the pilot do indicate that there is some potential for the FSA to gain a level of assurance from the BRC Global Standards certification scheme that could inform the nature, frequency and intensity of food hygiene and food standards official control programmes. The extent and intensity of that recognition requires further consideration and scoping to determine the best option, taking into account the findings from the fieldwork undertaken in this pilot, the work being undertaken in the ROF programme on segmentation and assurance, and the potential impact of EU Exit on legislative controls.
- 1.10 Recognition of the Standard by the FSA would present a significant step change. There would need to be an assessment of the impact carried out prior to the introduction of any degree of ER, with particular reference to the impact on business, BRC Global Standards, CAs, and the FSA as Central CA. Any agreement in principle for recognition of BRC Global Standards will open out the opportunity for any other certification and assurance schemes to similarly pursue recognition, the impact of which is currently unknown.

2.0 Introduction

Aims and Objectives

- 2.1 The aim of this project at the outset was to pilot the feasibility of introducing ER¹ for BRC Global Standards certificated manufacturing sites, using industry's 'own checks' to inform and reduce LA inspection frequency. It was not intended as part of the project that these own checks would replicate or replace official controls but instead provide equivalence by mapping on to relevant legal requirements. Since the pilot was first developed, the objectives have needed to include consideration of the ROF programme and preparations for EU Exit. Whilst the pilot has been based on the current official control and legislative systems in place, it should be noted that ROF is looking at changing the way that establishments will be segmented and inspected and by whom. It is also possible that EU Exit may bring legislative changes that may impact on regulated assurance schemes.
- 2.2 The project will inform:
- The ROF programme.
 - The targeting of local authority resources and any future review of the Food Law Code of Practice.
- 2.3 The project aimed to assess two main areas:
- The strengths and any weaknesses of the BRC Global Standards auditing process including any omissions in the scope of the Standard or deficiencies in the assessment process.
 - The quality and adequacy of BRC Global Standards audit reports as a source of information for local authorities and the FSA.

Background

- 2.4 The FSA's ROF Programme is exploring new ways to assure that businesses are producing food that is safe and what it says it is. Further information on ROF is included in annex i and on the FSA's website². This project will now contribute to the programme, particularly in relation to work being carried out on the development of new segmentation and assurance models, in line with the ROF principles which include:
- The regulator should take into account all available sources of information.
 - Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not.

¹ An explanation of earned recognition in relation to the feed sector, where there are established schemes in place, can be found here: <https://www.food.gov.uk/business-industry/farmingfood/animalfeed/animal-feed-activity-and-inspections-in-the-uk>

² <https://www.food.gov.uk/enforcement/regulation/regulating-our-future>

- 2.5 The FSA is taking a whole system approach to assurance under ROF, understanding what information is available from a wider range of sources and how this could be used in the future to gain assurance that food is safe and what it says it is, and public health is protected. It is intended that clear assurance standards will be set by the FSA and the competence of schemes and persons providing assurance data will be cornerstones of these standards.
- 2.6 The review of segmentation is one of the elements contributing to the development of the new target operating model which forms part of the Regulating Our Future Programme. The findings from this project should help to inform a key aim to evolve the current establishment based approach to risk assessment that takes place after an inspection or audit of a food business, to consider all available compliance information when setting a programmed intervention frequency for both hygiene and standards controls. This will allow the FSA and LAs to allocate inspection resources focusing on the areas of greatest risk.
- 2.7 It has been recognised that the current delivery model for official controls could make more effective use of available industry data to help determine the frequency of local authority food hygiene and standards interventions. Private assurance schemes and international standards are being adopted in the food and feed sector to satisfy market and consumer demands for additional assurances on the safety and quality of products. Many of the schemes have been developed to meet the demands for independent verification by businesses supplied by manufacturers, in particular major supermarket chains. This means however that the schemes don't necessarily perform all of the functions associated with inspections and other interventions by regulators as they were not designed for this purpose.
- 2.8 Previous research carried out on behalf of the FSA by Greenstreet Berman³ in 2013 concluded that the Agency could usefully consider increasing the number of schemes to be taken account of in setting the frequency of inspections by competent authorities, including that of BRC Global Standards. This could provide ER of businesses that are compliant members of an approved industry assurance scheme, which would free up some of the resource of competent authorities to focus food hygiene and standards inspections on higher risk areas. This pilot project looked specifically at the possibility of granting some form of ER to establishments certificated under the Standard.

³ Assessment and comparison of third party assurance schemes in the food sector: Towards a common framework. Final report for the Food Standards Agency CR2435 R2 V8
https://www.food.gov.uk/sites/default/files/835-1-1534_GSB_CR2435_3rd_Party_Assurance_Scheme_R2_V8_FCA.pdf

- 2.9 The Regulatory Futures Review⁴ carried out by the Cabinet Office in 2017 recognises that the role of regulators is mainly to provide information and advice to ensure that organisations assure themselves effectively and reliably, and to intervene when they do not. The review proposes a general shift towards what the report terms ‘regulated self-assurance’⁵ and earned recognition, stating that “*Greater use of regulated self-assurance and earned recognition will lead to greater efficiency in meeting regulatory outcomes and reduce the burden of duplicate assurance processes on businesses*”. The report suggests that regulatory inspections should be proportionate and focus on where there are problems. It also acknowledges that if alternative forms of assurance schemes were to be brought forward, the threshold for approval would need to be very high in order to command the confidence of the public, service users and Ministers.
- 2.10 The current system established by the FSA for the assessment of ER includes established schemes for feed and dairy hygiene, but currently none specifically for food business establishments. The process has proven to be resource intensive for both the Agency and the organisation seeking ER throughout the assessment stage, and then through routine monitoring checks on the effectiveness and robustness of the scheme. The ROF programme will seek to review and streamline the process by the development of clear assurance standards, so as to continue to provide a sufficient level of assurance but avoid significant burdens on both the scheme owner and the FSA.
- 2.11 Previous decisions by the FSA on the appropriateness of ER for feed and primary production assurance schemes have been taken largely through paper based evidence and confirmation of UKAS accreditation of the certification bodies. It was decided to adopt a different approach to the assessment of the BRC Global Standards scheme because not only would it be the first for food establishments, but many of the businesses certificated by BRC Global Standards are higher risk by virtue of their scale and the number of consumers that could be affected if there was a food hygiene or standards issue and/or because of the products handled.

Legislative Background

- 2.12 Under current EU law (Regulation (EC) No 882/2004)⁶ on official controls performed to ensure the verification of compliance with feed and food law, official controls must be carried out by competent authorities, i.e. public bodies such as local authorities or the FSA. The ability to delegate these powers, which includes enforcement actions, to other persons such as a certification scheme is at present extremely limited and BRC Global Standards or similar bodies could not at present legitimately perform official controls under EU law.

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582283/Regulatory_Futures_Review.pdf

⁵ The Regulating Our Future programme refers instead to ‘regulated private assurance’.

⁶ The relevant provisions of Regulation (EC) No 882/2004 will be replaced by Regulation (EU) No 2017/625 post EU Exit.

- 2.13 However, the FSA or CAs can currently place some reliance on FBOs own checks, and the FSA can give recognition to a certification or assurance scheme. It would be appropriate for recognition of such schemes, with proper balances and controls, to allow the FSA or LAs to tailor their inspection programme, such that the FBOs who demonstrate compliance with the standards imposed by the schemes are inspected less frequently or less intensively than FBOs who were not part of an appropriate scheme.
- 2.14 It is considered by the FSA that there is no fundamental legal obstacle to the FSA or LAs having greater regard for FBOs own checks or those applied to the FBO as a result of independent third-party certification, provided that these are used to help inform a programme of official controls and not treated as a substitute for such controls. The degree to which the frequency or intensity of official controls might lawfully be reduced in light of regulated private assurance is likely to be variable depending upon the circumstances of the industry sector in question, and of the complexity, sophistication and level of objectivity of any applicable private accreditation schemes which apply to it.
- 2.15 The UK exiting the EU was not anticipated at the time that this project was initiated but may have an impact in the future, particularly should there be any differences in the detail or focus of legislation post exit. At present the legal position that will follow EU Exit is uncertain, however should there be any change in the current requirements post exit the implications of this in relation to the recognition of assurance schemes will require some further consideration, particularly in respect of those businesses exporting to EU and third countries.
- 2.16 This project has not included an exercise to map the Standard against all relevant legislation in force on both hygiene and standards. The Standard requires the business to comply with relevant legislation, but due to the global nature of the Standard, the legislation in place in the country of manufacture is not specified. The Standard does not specifically cover the requirements of Regulation (EC) No 2073/2005 on Microbiological Criteria for Foods, which would be applicable to food businesses involved in the production and handling of food, and would be of particular importance to a number of BRC Global Standards certificated sites.
- 2.17 The Greenstreet Berman study reviewed Issue 5 of the Standard and concluded that it covered the requirements of Regulation (EC) No 852/2004, but not all aspects of Regulation (EC) No 853/2004 applicable to approved establishments. It would be necessary to determine whether the current version of the Standard (Issue 7) differs in this regard, however these requirements would be relevant to a significant number of certificated establishments. Actual figures are not available, but a rough estimate of 60% of certificated establishments requiring approval has been made based on the numbers of businesses in each of the product categories in the Standard and likelihood of approval being required.

The BRC Global Standard for Food Safety

- 2.18 The Standard for Food Safety was first published in 1998 and is now in its 7th issue (2015)⁷. The Standard aims to provide a framework to manage product safety, integrity, legality and quality, including the operational controls for these criteria, in the food and food ingredient manufacturing, processing and packing industries. In 2016 there were around 4,000 sites audited by BRC Global Standards in the UK⁸. (There were 19,980 manufacturers and packers reported in the LAEMS return for 2015/16⁹).
- 2.19 Businesses wishing to demonstrate conformance with the Standard are required to gain certification from a third party certification body who must be independently accredited by a recognised National Accreditation Body which is a signatory to the IAF MLA¹⁰. In the UK for example, this is the United Kingdom Accreditation Service (UKAS). Quality systems must comply with ISO17065:2012 “Conformity assessment - Requirements for bodies certifying products, processes and services”.
- 2.20 For a site to be issued a certificate against the Standard they must be audited against it by an auditor from an accredited certification body who then issues a report. The report is reviewed independently by the certification body and certification approved or declined. The certification body is responsible for ensuring that the auditor fulfils specified competency requirements, is registered with BRC Global Standards and that the skills and knowledge of the auditor are maintained.
- 2.21 BRC Global Standards has a comprehensive compliance programme¹¹ in place which aims to ensure consistent high quality audits. The programme includes measures such as:
- Witness audits, site audits and certification body head office audits carried out by BRC Global Standards
 - Certification body KPIs, auditing, monitoring and feedback
 - Client feedback and complaint investigations
 - The BRC Global Standards Directory – which is audited and used to obtain statistics about performance
 - Rigorous competency standards for auditors, with regular monitoring of performance.
- 2.22 The certification process allows for both announced and unannounced audits to take place. Around 40% of UK audits are currently unannounced and this

⁷ Further detail at <https://www.brcglobalstandards.com/brc-global-standards/food-safety/>

⁸ https://www.brcglobalstandards.com/media/26815/50699-3-brc-compliance-report-2015_web_p4.pdf

⁹ <https://www.food.gov.uk/sites/default/files/laems-annual-report-2015-16.pdf>

¹⁰ International Accreditation Forum Multilateral Recognition Agreement

¹¹ Further details can be found at https://www.brcglobalstandards.com/media/26815/50699-3-brc-compliance-report-2015_web_p4.pdf.

figure is rising in response to demand from customers for further demonstration of assurance.¹²

- 2.23 The Standard for Food Safety covers both the food hygiene and food standards elements of the official controls undertaken by competent authorities, which in the case of England includes both local authorities (environmental health and trading standards officers) and the FSA for establishments under its direct control.
- 2.24 Manufacturers are divided into 18 product categories (see annex ii) according to the types of food and processing undertaken. Sites are audited against the Standard across a range of areas, for example management commitment, housekeeping and hygiene, and HACCP (further details are provided in annex iii). As a result of the audit, companies are notified of any non-conformities that have been identified, and these are required to be rectified within 28 days of the audit, before certification can be awarded. The frequency of audits depends upon the number and type of non-conformities identified at the audit and the subsequent grade awarded to the site.
- 2.25 Sites are graded in accordance with the number and type of non-conformities against the Standard. The non-conformities are categorised into minor, major and critical, depending on the nature of the item. A site that has undergone an unannounced audit is recognised by the grading system. A 'Grade AA+' site for example has undergone an unannounced audit (denoted by +) where 5 or less minor non-conformities were identified.
- 2.26 BRC Global Standards auditors do not provide advice to food businesses on solutions to their specific conformance problems due to potential conflict with the requirements of ISO 17065. Whilst it is acceptable for an auditor to provide generic advice and guidance, it would not be considered acceptable for them to suggest a specific solution, give prescriptive advice or consultancy to the organisation they are auditing.

Scope and limitations

- 2.27 The project covered both food hygiene and food standards official controls. Feed controls were out of scope.
- 2.28 From a simple operational perspective, fieldwork was restricted to manufacturing establishments and local authorities in England. Scotland falls under the remit of Food Standards Scotland and was not included. It was considered that BRC Global Standards certification would not work differently in the devolved countries, and the findings from the pilot would also be relevant to establishments in Wales, Northern Ireland and Scotland.

¹² 2.1 Further information on the unannounced audit programme can be found at <https://www.brcglobalstandards.com/media/26820/white-paper-study-of-brc-unannounced-audits.pdf>

- 2.29 The scope included all 18 food and drink product categories covered by the Standard. The manufacturing establishments included in the study had current BRC Global Standards certification.
- 2.30 The scope of the study did not include any research into the views of businesses on any proposals for the recognition of assurance schemes in general or exploration of recognition of the Standard in particular. In addition the pilot did not at this stage consider the views of BRC Global Standards as part of the fieldwork.
- 2.31 The study has not included an impact assessment of the implementation of any ER scheme or recommendations emerging from the pilot. This would be prepared at the point that any policy changes were proposed in response to this pilot.

3.0 Design and Methodology

Design

- 3.1 The pilot adopted three main approaches to the fieldwork:
1. Competent authority inspectors carry out either a food hygiene or food standards official control intervention immediately following a BRC Global Standards audit, submit their inspection paperwork to the FSA and feed back their views on the BRC Global Standards report.
 2. FSA desktop assessment of reports from the closely scheduled BRC Global Standards audits and competent authority inspections. These were carried out by FSA assessors with relevant expertise in food safety and food standards.
 3. FSA assessors witness (shadow) a BRC Global Standards audit and comment on the process and audit report.

Methodology

- 3.2 BRC Global Standards provided the FSA with a list of sites due an audit within the intended fieldwork period, and the inspecting CA was approached to check whether an official control inspection was due around the same time. If the timings were suitable, agreement was sought from both the BRC Global Standards certificated site and the CA responsible for conducting official controls.
- 3.3 For 16 of the 18 categories this was the local authority (either for food standards or food hygiene) and for two of the categories, the FSA generally would have responsibility. These were the red raw meat and raw poultry categories. The competent authority was then asked to schedule their inspection to the day after the BRC Global Standards audit (or three days later if the BRC Global Standards audit ended on a Friday). Closely scheduled inspections and audits increased the likelihood that the competent authorities and BRC Global Standards auditors could witness similar conditions, which would assist the comparability of the reports and the reliability of the findings. This did mean that whilst unannounced audits are an optional choice for businesses, for the purposes of this pilot both the LA intervention and the BRC Global Standards audit were announced to the site in advance of the visits.
- 3.4 Because of the possibility that some businesses may have addressed any identified non-compliances in the short period between the BRC Global Standards audit and LA inspection, the LA officer was requested to ask the business if they could avoid updating them about the outcome of the audit or any non-conformances raised, so as not to influence the focus of their inspection.
- 3.5 Audit reports are routinely added to the BRC Global Standards Directory, which is maintained online, 6 weeks following the audit. This allows 28 days for the audited site to complete corrective actions on any non-conformities

and to provide evidence of this corrective action to the certification body, and 14 days for the certification body to review the actions, complete the report and issue the report and certificate. The reports have restricted access and the businesses participating in the pilot were asked to allow them to be viewed by the LA inspectors once the report was published.

- 3.6 The relevant inspectors from the participating LAs were asked to consider the BRC Global Standards report and provide feedback on it and the process. This was obtained via a standard questionnaire.
- 3.7 The FSA assessors also compared the latest BRC Global Standards audit report with the latest LA inspection report. This was to establish whether the BRC Global Standards auditor and LA inspector identified similar issues and reached similar conclusions on the food hygiene or food standards risks (if applicable) in certificated businesses.
- 3.8 In addition the FSA assessors carried out a shadow assessment on site at 4 of the participating manufacturers with the aim of witnessing first-hand the quality of the auditor's work relative to the Standard and legislative requirements. A parallel desktop assessment of the subsequent BRC Global Standards audit report also provided the assessor's opinion on how well the report reflected the actual audit, the identification of non-compliances and the adequacy of the process against official controls.

4.0 Outputs and Results

- 4.1 Local authority interventions were carried out at 16 sites following a BRC Global Standards audit. 12 were food safety interventions and 4 were food standards.
- 4.2 For the two categories for which the FSA had enforcement responsibility, there was no site identified for the red raw meat category that fell within the timeframe and would agree to participate in the pilot. An intervention was carried out by FSA Field Operations at a site producing raw poultry. Unfortunately it was not possible to arrange access to the BRC Global Standards audit report for the site within the timeframe for the pilot, and so no comparisons have been made between FSA Operations and BRC Global Standards audit reports and processes. However, the findings from the pilot will be of relevance to all CAs, whether LA or FSA.
- 4.3 Of the 4 'shadow audits' completed, 3 of these were carried out by the FSA's food hygiene assessors and 1 was carried out by the food standards assessor.

Local Authority Feedback

- 4.4 Sixteen feedback forms were received from the LA enforcement officers who participated in the exercise. The majority of the officers (11) had previously considered a BRC Global Standards audit report prior to the one reviewed for the pilot. On average it took the officers between 1 to 2 hours to review the form, and no one took longer than 3 hours. The majority of officers (12) anticipated that subsequent reports would take more or less the same amount of time to review.
- 4.5 There was mixed feedback regarding the ease of access to the audit report from the BRC Global Standards Directory. This depended on the businesses successfully allowing access to the report and BRC Global Standards providing the officer with access to the Directory. Whilst some reports were easy to find and access, numerous officers encountered difficulties which required assistance from the FSA, including in some instances, the provision of hard copies of the reports where online access proved impossible.
- 4.6 For those that were able to access the website, the consensus was that the reports were easy to find and navigation around the directory was easy.
- 4.7 The vast majority of officers felt that the reports contained sufficient, detailed background information throughout, which provided a clear understanding of the operation of the business and backing up information already held by the LA:

"Report provides detailed information throughout in the different sections and written descriptions".

"There was a lot of background information, and description of how the business operated."

4.8 One food standards officer was less positive:

“This audit report in no way replaces the value of the local authority having personal contact with the business, conducting inspections, speaking to the relevant personnel and inspecting the product specification and labels. As a local authority we have personal knowledge of the business...”

4.9 Officers were asked if and how they currently use the information in BRC Global Standards audit reports, or if not how they thought the information could potentially be used. Officers felt they provided helpful background, and examination of the non-conformities identified and corrective action helped to determine confidence in management. It was felt that the information in the reports could help to target LA interventions and decrease inspection time.

4.10 Whilst the majority of officers were content with the format of the report and how it was produced, some suggested that they would find it helpful to have a summary of the Standard and how the assessment and scoring works, including what constitutes and differentiates minor and major non-conformities. One officer suggested that a detailed breakdown of complaints would be helpful. A food standards officer commented that the report had such a food safety emphasis that it was difficult to use the report for food standards purposes.

4.11 Officers did find the non-conformities summary in the reports particularly useful. One officer said:

“The non-conformity summary sheets were helpful as it specifies the identified contraventions easily. The detail contained here is similar to our inspection reports. It details the problem and indicates the action required to improve.”

4.12 Officers also found other areas of the reports useful. These included the introductory sections, the section on HACCP and the evidence column containing photographs:

“I am sure that this will be very useful to local authorities who have not seen the premises during the inspection...”

4.13 When asked if there was any difference in emphasis between the BRC Global Standards and LA reports the majority of officers felt that there was. Officers commented that businesses would be able to prepare in advance for the BRC Global Standards audits where these were announced. It was also acknowledged that the BRC Global Standards audits were typically of much longer duration (2 days) than an LA intervention, which varies according to the size and complexity of the business. In addition it was felt that LA inspections tend to focus more on practices and that the BRC Global Standards audits included more on documentation and process; each a key component of an effective assessment, but reflecting a different purpose for the two activities. It was frequently noted that the focus of the LA interventions was based on regulatory requirements. One officer commented:

“The emphasis of the BRC audit report is to show compliance with a very detailed BRC standard. We do not carry out an audit based on a detailed standard, but an inspection to determine whether or not legal requirements have been met”

- 4.14 Officers also commented on the detail within the BRC Global Standards audit report:

“The report goes into a lot more depth than a typical local authority report.”

However one food standards officer expressed concern that there appears to be nowhere in the Standard requiring the auditor to carry out a labelling check. There was also concern expressed by one officer that although the report confirms the auditor has checked the existence of required controls and validation steps, there was no confirmation that the auditor was satisfied of their adequacy. The lack of recommendations on best practice in BRC Global Standards reports was also noted. As highlighted in para. 2.26, unlike LA interventions, auditors are bound by the requirements of ISO 17065 which does not enable auditors to suggest specific solutions to non-conformances.

- 4.15 Having examined the BRC Global Standards reports, officers were asked if they would be satisfied that a reduced intervention could be considered for BRC Global Standards certificated establishments. There were some concerns around practicalities, and a mixed set of comments both for and against the idea of a reduced intervention. Whilst the majority of officers answered ‘yes’ these were frequently qualified by other considerations. Positive observations included:

- The in depth information included in the reports would provide a helpful background for LA officers.
- In favour as would expect them to be good companies.
- One officer noted that in general they have found that BRC Global Standards certificated businesses operate to a high standard, and provided that the Standard included all the relevant regulatory requirements then the officer would be content with a reduced intervention.
- ER would result in a reduced burden on businesses.
- A suggestion that LAs could use BRC Global Standards audits much more, so that if an establishment was certificated the LA could concentrate on certain areas or just on the identified non-conformities.
- Agreement with the idea of reduced interventions by LAs using information from BRC Global Standards audits, but the officer was not in favour of replacement.
- Agreement that the audits could replace LA interventions at low risk establishments but it was felt to be inappropriate for those presenting a higher risk.

4.16 Some additional concerns and practical considerations/potential barriers were also noted which could potentially undermine ER if not given consideration in the development of a scheme:

- There needs to be a timely referral system where serious non - compliance issues are found.
- Potential for public trust in food hygiene inspection being damaged if a commercial company was to take the lead role.
- Loss of the consideration of wider public health issues afforded by LA inspectors.
- Loss of the independent assessment provided by an LA intervention - the body paid by the business is assessing compliance.
- Statutory food controls e.g. approvals and checks on ID marks would still need to be the responsibility of the CA, which would require LA interventions to continue.
- Similarly other checks made by EH and TS officers would still need to take place e.g. weights and measures checks.
- LA officers would have less contact with businesses.
- Assumptions should not be made about the extent of certification of an individual site as some relevant areas may be excluded from the scope of an individual establishment's certification.

4.17 Officers were also asked if they had any other comments or observations on the BRC Global Standards audit process. Positive comments included:

"I am much happier targeting my inspection in BRC certified establishment than one which isn't. Reduced interventions would make sense."

...What I found most comforting about the exercise however was that both parties concluded that the business in question was very well run... This consistency is something that can potentially be built upon..."

4.18 Many of the additional comments expressed concern about a potential for loss of the wider benefits afforded by local authority interventions:

- *"During the conclusion of my inspection visit, the FBO discussed the fact that he feels we do a completely different job to the BRC auditor - the auditor simply follows a tick list and we view the business with a new set of eyes and ask questions if we have any concerns..."*
- *"It is clear on comparing both the reports that there is a shared approach in ensuring that policies and procedures were in place at the business. I would note however that perhaps the local authority intervention was more*

considered as to the effectiveness and appropriateness of these policies and procedures...”

- *“Whilst there are only a small percentage of businesses with BRC accreditation, if intervention frequencies are reduced they may see paying for such accreditation as a way to reduce their LA inspections and ‘bureaucratic burden’ which means the public health work of food inspectors is lessened...”*
- *“We were not able to have access to the BRC report for six weeks... Our local authority service standard is for report to be sent within ten working days. Six weeks would be unacceptable for enforcement purposes.”*
- *“It’s important that LAs know the ongoing operations of their businesses and keep up with training. If BRC take the lead role, staff skill sets in LAs may be decreased.”*
- *“The public health work of LAs could be lessened.”* There was also concern expressed about reduced contact with the business and the potential impact on complaint investigations and approval processes.

4.19 One of the authorities that took part in the pilot provided some further detail of their views from a food standards viewpoint on the Standard and any proposal for ER. This was provided separately to the official feedback forms used in the project. In general concerns were that the Global Standard had much more of a food safety focus, there were areas of food standards law that were inadequately covered, and that as trading standards officials would still continue to visit to carry out official checks in areas other than food standards the benefits of ER and reduced food standards interventions would be limited. It was considered that the current Standard *“does not currently provide enough of a regime to ensure legal compliance for those matters currently covered by the Trading Standards remit”*. Concerns additional to those already highlighted, included:

- That the breadth of knowledge required by an auditor at some sites will be considerable, e.g. at a site with multiple products/areas.
- It was noted that the Standard is very prescriptive in some areas, mainly relating to food safety issues, but for food standards, metrology and materials in contact with food, the requirements are broad and are insufficient. The view was expressed that trade often relies on the Standard as a guide to legislative compliance and as due diligence, but it is doubtful that it would provide an effective defence for food standards.
- There was a suggestion that if the perceived benefit of ER is to reduce the inspection burden on businesses then it will have limited effect as LAs already adopt a proportionate risk based approach to inspection. Businesses are subject to numerous other audits e.g. by separate retailers, which are more likely to be a burden than those carried out by LAs.

- Concern was expressed about follow-up on authenticity checks and if problems with authenticity are identified in the food chain how these would be communicated and to whom.
- There was concern that ER would negatively impact relationships between businesses and LA officers, with less communication, compromising effective intelligence gathering.
- It was suggested that the auditor qualifications in appendix 5 of the Standard do not fully reflect the food standards and metrology competencies required.
- There was a query relating to the use of complaint feedback and the extent to which referrals from local authorities would be taken into account in any trend analysis, as 'complaint' is not defined within the Standard.

FSA Assessor Feedback

4.20 The FSA assessors reviewed and compared the respective 16 sets of paperwork from the LA and the Standard and were asked if there were any non-compliances common in both reports. All but three responses were 'No'. In the three instances where there were common non-compliances these all related to food hygiene issues.

4.21 Of the 16 sets of paperwork, 11 of the LA inspections identified non-compliances with relevant regulations that were not identified in the BRC Global Standards reports. The identified areas highlighted by the assessors varied including specific areas of HACCP, structural and cleaning issues, personal hygiene and allergens labelling.

However, one assessor commented saying:

“There are several issues highlighted as contraventions that are either a little unclear or I would not consider as contraventions...”

4.22 The assessors were asked if there were any non-compliances with relevant regulations identified in the BRC Global Standards report that were not identified in the LA inspection. At 5 sites none were picked up in addition to what the LA had found (interestingly these were for all 4 food standards sites plus 1 food hygiene), however there were 11 sites (all food hygiene) where non-compliances were identified in the BRC Global Standards report that were not identified by the LA inspection. These related to structural issues, temperature checks and two relating to HACCP. One of these indicated that the LA had not recorded their knowledge of all the processes carried out at the establishment:

“Yes one in relation to HACCP, in that the scope does not include packing of raw unpasteurised product... Unclear if the LA is aware that the FBO packs raw products as this isn't detailed on the inspection paperwork”.

- 4.23 At 9 sites assessors indicated that there were no recommendations/good practices in the LA inspection or follow up letter that hadn't been identified in the BRC Global Standards report, and at 7 sites the assessors felt that LAs had provided advice on good practice. Examples included:

"Yes, some good advice as well particularly around that of how to take water samples."

"The LA found that the business was intending to start selling online and provided four sources of advice on legal requirements which could be accessed for free online."

- 4.24 The assessors were also asked if there were any non-conformances with the Standard in the BRC Global Standards report which were not identified in the LA inspection as recommendations/good practices. At 5 sites there were none (2 food standards and 3 food hygiene) and eleven said 'Yes.' Of those the comments often related to issues surrounding the detail of the Standard:

"The auditor found five minor non-conformities with the Standard, these mainly related to failing to follow their own documented procedures."

"Yes but they are generally very specific to the BRC standard and/or not really in scope of the LA inspection."

"Yes, ten minor non-conformities identified, these mostly related to documentary controls specified in the standard."

- 4.25 The assessors were asked to comment if there was any information in the BRC Global Standards report that was not in the LA report which increased the understanding of the business and its compliance. These observations should be considered in the context that LA establishment files will usually contain general information about the business and historical compliance information which would not necessarily be repeated on a single intervention report. Again, there was an eleven/five split. At 11 sites (including 2 food standards) it was agreed that the BRC Global Standards report increased the understanding compared to the LA report and at five it was felt not. One who disagreed said:

"No, both comprehensive and give a good understanding in how the business is complying."

Of those who agree, a few stated:

"Yes, the BRC report gives a far more comprehensive understanding of the business."

"The BRC report contains a very thorough assessment of the business background, staff profiles, process flow, HACCP, monitoring, supplier information and sampling information."

One comment highlighted a liking for both:

“Yes the BRC report gives a clearer understanding as it’s more detailed and easier to read, although the LA officers notes are comprehensive.”

A comment was also made on the quality of this additional information:

“There is a great deal of information within the BRC report that details compliance of the business controls with the BRC Standard but this does not necessarily relate to or specify the applicable legal requirement, nor further enhance the understanding of the business with additional information.”

- 4.26 At 9 sites (including 2 of the 4 food standards) there wasn’t any additional information in the LA inspection that informed the understanding of the business and was not in the BRC Global Standards report. At 7 sites the assessors said there was. Of those who said yes some said:

“LA report clearly identifies non-compliance with specific legislation”

“More detailed description on design layout and construction matched to legal requirements”

“Yes, but could be improved by the LA with the clear indication what does and does not comply and references to legislation...”

- 4.27 In terms of any commonality between the reports, there were varying views:

“The reports do not highlight any common non compliances, BRC highlights non compliances with review of HACCP, yet the LA inspection notes compliance with verification of HACCP.”

“No similarities in relation to non-conformities/non-compliances identified. Both notes are generally comprehensive and covered similar areas of the business.”

“The LA report contains much more non-compliance with legislation although minor in detail.”

“Quite clearly a lot of overlap... However the LA notes are not as comprehensive as the BRC audit in terms of detailing the business processes and procedures...”

- 4.28 The assessors were asked for their view on the differences between the BRC Global Standards report and LA inspection. Comments indicated that there was significant variation in the quality and level of detail in the LA reports. Below are some comments, mostly favouring the BRC Global Standards report:

“I feel I have a better understanding of the scope and processes within the establishment from the BRC paperwork...”

“Generally the amount of time spent on site. BRC audit seems to be extremely comprehensive against the standard and probably does not take into account the low risk of the business. LA inspection seems comprehensive but probably shorter duration due to low risk nature of the business.”

“The LA inspection isn’t really designed for this premises, more for a catering premises...”

“These are two very different reports. The BRC documents are detailed and represent a thorough audit to the BRC standard. The LA documents are sometimes incomplete, vague and do not fulfil Food Law Code of Practice requirements. There are parts of the inspection form that are incomplete, there is no reference to previous compliance and the letter does not confirm if the matters stated are recommendations or legal requirements.”

However not everyone favoured the BRC Global Standards report:

“The BRC report does not indicate if it takes account of any existing legal non-compliance from an LA inspection whereas the LA inspection does enquire about previous BRC non conformities.”

“Scope of the audits are slightly different in that the BRC audit covers issues that would be out of scope of the LA audit...”

- 4.29 The FSA assessors were also provided the opportunity to give any further comments not already mentioned. These included.

“It is obvious that these are two different approaches; one a detailed audit and the other a snapshot inspection”

“There are a few issues highlighted as contraventions in the LA report that I would query if they are more recommendations...”

“Two very thorough and extensive reports. I would question whether the LA report is correct in its identification of all legal non-compliance...”

“Inevitably as the auditor spends more time on site the BRC report is a more thorough review... However the LA inspector has identified several issues in relation to important food labelling issues not detected by the auditor...”

FSA Assessor Shadow Audit Feedback

- 4.30 At 4 establishments the BRC Global Standards auditor was 'shadowed' by an FSA assessor. Three of these were assessing the adequacy of the food safety and hygiene aspects of the audit and one focused on the food standards elements. The assessors commented on:
- the audit process in general and the manner in which the audit was conducted
 - the adequacy of the physical audit against legislative requirements
 - the auditors' review of documentation including the food safety or standards management system.
- 4.31 The questions and findings from shadowing the general audit process are summarised in a table at annex iv. It was clear that all the assessments confirmed that the auditor made adequate checks on any changes that had taken place in the business since the last audit, but that it was not routine to take into account or review any findings from local authority interventions.
- 4.32 It was also evident that verbal and written communication skills of the auditors were suitable and clear, and that any non-conformances were clearly communicated: *"It was very encouraging to see how well she put the factory floor staff at ease when interviewing them. The auditor demonstrated excellent interviewing and audit skills."*
- 4.33 The scope and detail of the audit were generally found to be good: *"A very comprehensive audit. Clearly, scope of the BRC audit is much wider than a typical EH audit..."*. However, the assessors expressed surprise at some routine omissions, such as a check that the business had been appropriately approved by the LA and that the auditor did not receive any pre-audit information about the business such as HACCP plans. On one audit it was noted that the auditor did not appear to look at the content of in-house training or obtain documentary evidence that the HACCP team leader was qualified.
- 4.34 The shadow audits confirmed that where necessary the auditors sought assistance where complex technical issues were encountered, and that the auditors were all able to distinguish between minor, major and critical observations relating to food safety and standards.
- 4.35 On one of the food hygiene shadow audits the assessor concluded that the auditor had not appropriately prioritised the audit focus as it was felt that there was too much of an emphasis on allergen management and traceability, with insufficient physical inspection or discussion about corrective actions required. Other assessors were content with the focus – *"Good split of physical inspection of facility combined with detailed and methodical assessment of monitoring records and HACCP documentation."*
- 4.36 On one of the audits there was concern expressed that the auditor relied on documentation and accepted the client's explanation of controls, rather than

challenging and independently verifying through physical checks. Indeed the assessor expressed surprise that the auditor did not have their own thermometer, camera or torch to assist with a physical inspection of the establishment. It would be standard practice for an LA officer to be equipped with these to assist with their inspections and to gain evidence.

- 4.37 Details were provided of the auditors' backgrounds, qualifications and experience. The assessors commented that the auditors appeared knowledgeable and one assessor commented "...*The BRC auditor was clearly experienced and competent in the area that was being audited..*". Another commented that "*I feel having an industry background is an extremely valuable asset when auditing this type of business sector*".
- 4.38 With regard to the inspection of the production facility, the assessors appeared to be generally content although there were some mixed observations, for example in one it was noted that adequate checks were made on pest proofing whereas in two others there were omissions noted in pest control checks.
- 4.39 There was generally positive feedback on the examination and assessment of HACCP documentation by the auditors, and all four assessments confirmed that the auditor adequately assessed the implementation of the food hygiene or standards HACCP plan.
- 4.40 One of the assessors also raised the potential impact of the requirement for accreditation of the Standard which restricts the provision of advice, or direction to advice sources, as businesses will often rely on LA inspections for advice and to be kept up to date with legislative and other developments.
- 4.41 Another assessor noted that the need for the auditor to follow and complete all of the elements of the Standard meant that they did not have the freedom to focus and challenge where required. Whilst the Standard was acknowledged to be very thorough, it was suggested that "...*If auditors were allowed to use flexibility to focus, hazard spot and also do more of a hands-on inspection e.g. get on their hands and knees, root through drawers and generally challenge the FBO more rigorously then it could be an excellent model.*" The same assessor acknowledged that "*BRC auditors use some very good techniques as well. Discussion about trend analysis, root cause analysis etc. could be very valuable for an LA inspector.*"

5.0 Discussion and Outcome

5.1 The project objectives were to assess:

- The strengths and weaknesses of the BRC Global Standards auditing process, including any omissions in the scope of the Standard or deficiencies in the assessment process.
- The quality and adequacy of BRC Global Standards audit reports as a source of information for LAs and the FSA.

5.2 The pilot has provided a wealth of detailed comments and opinions from both FSA officials and local authority officers carrying out official controls. Feedback from both LA officers and FSA assessors, whilst presenting a mixed response, generally acknowledges that audits conducted under the Standard are comprehensive, particularly with regard to food hygiene and safety issues, and have significant potential to inform local authority interventions. With regard to the strengths and weaknesses identified from the fieldwork:

Strengths

5.3 There was a general acknowledgement that BRC Global Standards audits and LA interventions have a significant commonality.

5.4 The BRC Global Standards audits were seen by both FSA assessors and LA officers as being comprehensive and in-depth, with a longer on-site duration than LA interventions, allowing for a thorough assessment against the Standard.

5.5 The audit reports were seen as potentially providing a useful source of detailed background information for LAs which would enhance their official control activities. The reports were seen as being of consistent quality and level of detail, as opposed to much greater variability found in LA reports.

5.6 The quality of the auditors on site and the benefits of their experience and industry background were viewed as invaluable. The techniques used by the auditors were generally considered to be effective. The inclusion of a root cause analysis by the FBO within the process when non-compliance was identified was considered useful.

5.7 These identified strengths provide a basis for further consideration of ER for appropriately accredited establishments, with in depth audits being conducted to a Standard that has clear commonality with the interventions carried out by LAs. There are however a number of areas that would require further consideration before any ER scheme could be introduced.

Weaknesses/barriers

5.8 Under current EU legislation the audits cannot fully replace official controls, including the specific official controls required at approved establishments.

- 5.9 The perceived different focus of the two processes – the BRC Global Standards audit focus is on assessment of compliance with the Standard, LA interventions focus on compliance with legislation. There is also the view that the BRC Global Standards auditors check the existence of required controls and validation steps but that the adequacy of these is not necessarily assessed.
- 5.10 Some areas of disconnect were identified by both LA officers and the FSA assessor between the BRC Global Standards audits and LA interventions, particularly with regard to food standards issues such as detailed labelling requirements, and a concern that authenticity issues may not be appropriately referred. Should a decision be made to go ahead with an ER scheme, it will be necessary to review the latest version of the Global Standard to ensure it meets all relevant legislative requirements. A similar comparison was carried out of the Standard against the US FDA Food Safety Modernization Act in 2016¹³
- 5.11 Potentially the reduced opportunities for local authorities to provide advice to FBOs could have an impact on the compliance of the business, particularly those that rely on their local authority as the only source of advice and updates on legal requirements.
- 5.12 The scope of certification may be limited at any individual site, so that not all of the establishment may be subject to audit.
- 5.13 Currently there is no established mechanism for BRC Global Standards to communicate significant issues identified on audits to LA officers, for example where an auditor had identified something that presented an imminent risk to public health. A mechanism for routine and open exchange of information between BRC Global Standards and FSA would be necessary to ensure the prompt notification to the relevant CA of significant non-conformities or suspension or withdrawal of certification. This is particularly important with the standard 6 week lag between the audit and the report being accessible from the BRC Global Standards Directory.
- 5.14 Concerns have been expressed during the study on the potential conflict of role of BRC Global Standards where critical issues are found, and the loss of independence currently provided by a wholly LA based regime. There is an argument that there would be no incentive for third party auditors to report sites that had significant non compliances to the LA. This concern is of wider relevance than for BRC Global Standards and is something that will need to be considered for the implementation of regulated private assurance. There will need to be adequate assurance checks built into any agreed scheme to mitigate the potential for this to happen.
- 5.15 For the purposes of this pilot exercise, all of the BRC Global Standards audits and the LA inspections were announced. There was concern expressed by

¹³ <https://www.brcglobalstandards.com/brc-global-standards/food-safety/additional-modules/food-safety-modernization-act/>

the LA officers that the announced BRC Global Standards audits allow the site to prepare in advance. However, as previously mentioned, around 40% of sites have an unannounced audit arrangement. If the scheme was to go ahead for ER, a decision would be needed whether to restrict recognition to those sites that participate in an unannounced audit arrangement.

- 5.16 Whilst views were mixed, LAs were generally of the opinion that the resource savings resulting from the introduction of an ER scheme will be limited. The LA remit is wider than that of food safety and standards, and officers will still need to visit establishments to carry out other food safety and standards checks and reactive work such as approvals, food sampling, and food complaint and food poisoning investigations. These visits would not necessarily always need to be carried out by the same officer who would have carried out a food safety or food standards intervention. An impact assessment would be of benefit to explore this issue in more depth.

The quality and adequacy of BRC Global Standards audit reports as a source of information for LAs and the FSA

- 5.17 It is clear from the pilot fieldwork that access to the audit reports would provide a valuable resource for LAs, providing useful background information on the site, confirming that information already held by the LA is accurate, comprehensive and up to date, and indicating whether there has been any change in the likelihood of compliance that may warrant further investigation or a particular focus on intervention.
- 5.18 In the event that reports are made accessible to LA officers it would be helpful for awareness training to be provided on the use of the Directory and detail on the Standard, including a description of the scheme, the scope, and the criteria and descriptors for scoring, to enable officers to familiarise themselves on key areas of the audit process and significance of the grading system.
- 5.19 The FSA assessors did find issues with some of the LA reports lacking detail, sometimes on key food safety issues, and mistaking good practice advice for legal requirements. The assessors in general found the BRC Global Standards reports provided more detail, but not necessarily on legal compliance, which tended to be more clearly drawn out in the LA reports. Clearly the reports serve different purposes, and together could provide a comprehensive record of assessment of an establishment's processes and procedures along with its legal compliance.
- 5.20 The pilot highlighted significant difficulties for both LAs and FSA assessors accessing the relevant audit reports on the BRC Global Standards Directory. Whilst there were practical constraints particular to this pilot, the exercise has highlighted that should an ER scheme go forward which included the opportunity to review audit reports, that an improved, simple and secure system for access by competent officers would need to be in place and training provided on accessing and using the Directory.

- 5.21 Ideally the scheme would also have a system for communicating news of common food safety or standards problems found during assessments across an industry.

Clarification on misconceptions about the Standard

- 5.22 It is clear that throughout the fieldwork some misconceptions emerged about the scope and content of the Standard and the processes surrounding the audits, and these may have had an influence on the opinions and comments made during the feedback process. In order to ensure that balanced and fully informed consideration can be made of the findings from this pilot, it is important that those views that have been expressed which are factually incorrect are clarified. These are set out below, with clarification provided by BRC Global Standards.
- 5.23 Limitations identified in the methodology: The planning of the trial work required the co-operation of the manufacturing sites and on occasions short notice visits in order to accommodate the BRC Global Standards audit with availability of inspectors. This is likely to have led to some bias to results and not always allowed sufficient familiarity with the Standard and Directory before the assessment process. The lack of understanding of the Standard and Directory has led to a number of misconceptions arising and being commented upon by the officers.
- 5.24 Misconceptions identified from the interviews relate to:
- The Standard does not explicitly reference particular legislation within the Standard because this is used around the world in different legislative regimes. It is the basic premise of the Standard however that all requirements build upon the food safety legislative requirements in the country of manufacture.
 - Unannounced audits – this is part of the BRC Global Standards audit process however for planning purposes all of the audits witnessed during the trial were by necessity announced.
 - The BRC Global Standards audits are typically 2 day audits, which is significantly longer than LA audits. This allows for both the physical site inspection which is generally 1 day but also a greater time for review of documentation. The auditor is permitted to amend the audit duration by 30% specifically to allow any additional time needed.
 - There are strict requirements covering the auditors' qualifications, experience and knowledge. Auditors are only permitted for product categories where they have experience and are approved. If a site has a product range that is outside the auditor's approval then a different auditor is used. In the event that the product range is very broad then multiple auditors have to attend to cover the scope of products.

- Audit scope – The BRC Global Standards audit covers the whole site and where areas have been excluded this is by exception and is clearly identified on the scope of the audit report and certificate.
- The Standard and protocol for the Standard clearly sets out the audit process and rules for non conformity reporting and the need for evidence to be provided that satisfactory action has been taken to correct any issues raised. The Standard is free to download as are webinars providing information on the Standard.
- BRC Global Standards communicates information on common food safety or standards problems by various means, including appearances at conferences to present on key or common issues, an annual compliance report, and other publications looking at common non-conformities that are available from their website.¹⁴
- The audit report is not completed and fully available until 6 weeks after the audit to enable sites to act on any issues identified, provide evidence of correction or receive a further visit and for evidence to be reviewed. Should a legal issue or food safety issue be identified at the audit a critical non conformity is raised resulting in suspension of the certificate and immediate notification to the BRC Global Standards and then nominated customers.

Other considerations

- 5.25 In addition to the findings from the fieldwork, other more general issues have emerged, which warrant some consideration.
- 5.26 The scope of the pilot did not include any canvassing of opinion from businesses on any potential recognition arrangements, but anecdotally there appear to be mixed views from FBOs on the benefits or otherwise of ER and the potential for fewer local authority interventions. Some appear to welcome the idea, seeing the CA intervention as duplication, whilst others have expressed the view that the CA intervention is of value as it provides an assessment from a different perspective and an opportunity to gain relevant up to date advice and guidance on legal compliance. LA interventions could be seen as less of a resource burden than the supplier and BRC Global Standards audits which are typically more frequent, lengthier and may require more advance preparation.
- 5.27 A focus on the Standard could lead to ‘gold plating in any ER scheme, where requirements in the Standard go above and beyond those required by the law. Whilst it is recognised that businesses may wish to exceed a level of legal compliance, the Central Competent Authority cannot require more than compliance with legislative requirements, in line with the principles of good regulation. Effective mapping of the scheme against legislation would highlight

¹⁴ <https://www.brcglobalstandards.com/media/394176/2017-brc-compliance-brochure.pdf>
<https://www.brcglobalstandards.com/media/9393/food-safety-a-global-view-2015.pdf>
<https://www.brcglobalstandards.com/media/26820/white-paper-study-of-brc-unannounced-audits.pdf>

those requirements of the Standard which exceed the legal requirements and would fall outside of recognition.

- 5.28 The Food Law Code of Practice and the associated Practice Guidance would require revision to take into account the additional flexibility afforded by regulated private assurance; the extent of revision required will be dependent on the preferred way forward.
- 5.29 BRC Global Standards does not carry out food sampling as part of its audit programmes. Information such as the results of food surveillance or local authority and other enforcement organisation inspection results do not contribute to checks on the outcomes of their schemes, and do not appear to be used to confirm business compliance or detect emerging problems. Taking these into account as part of a regulated private assurance scheme would be of benefit so as not to potentially reduce the pool of intelligence of value to both the Agency, competent authorities and to businesses.
- 5.30 Whilst the Food Hygiene Rating Scheme (FHRS) does not apply to manufacturing establishments in England, it would apply to such establishments in Wales and at sites where there is a retail element associated with a manufacturer. Recognition of the Standard with a potential reduction in local authority interventions will need to be considered as part of the FSA's work to strengthen FHRS, to ensure that it is sustainable and to introduce mandatory display in England.

Outcome

- 5.31 There is general acknowledgement that there is significant commonality between BRC Global Standards audits and LA interventions, and that the Standard reports are consistently detailed, providing valuable information for LAs to inform their intervention programmes. Taking into account the views of LA officers and FSA assessors during this pilot there would appear to be some advantage in working towards an element of ER for establishments appropriately certificated under the Standard and reflecting this in the nature, frequency and intensity of OCs.
- 5.32 The pilot has however highlighted sufficient differences between LA interventions and BRC Global Standards audits to proceed with some caution at the outset to address and further evaluate the clear and repeated concerns that have emerged in relation to gaps in legislative scope; approach and focus.
- 5.33 These concerns have been more strongly voiced with reference to the food standards aspects of the BRC Global Standards audits. Whilst there is still merit in the FSA gaining assurance from the audits on food standards, the concerns relating to gaps in the BRC Global Standards assessments need to be further explored and addressed, so that progress towards a food standards scheme may need to be at a different pace to that of food hygiene.
- 5.34 The ROF programme acknowledges the need for clear standards which would set out FSA expectations of assurance and ER schemes. Those schemes

wishing to pursue FSA recognition in the future will need to sign up and adhere to the appropriate standard. The findings from this pilot could contribute to the development of these standards.

- 5.35 Taking into account legal advice previously described, whilst complete replacement of LA interventions by BRC Global Standards audits would not currently be appropriate, the FSA could gain assurance from certification by BRC Global Standards. This could be achieved by a reduction in the frequency of LA interventions by making use of information drawn from BRC Global Standards audits, which would be in line with current ROF thinking on segmentation.
- 5.36 One option could be an amendment to the intervention rating schemes in the FLCoP which would provide a relatively simple means to achieve this. A negative weighting could be applied to sites with an acceptable current grading (to be defined), which would result in them being subject to a lower minimum frequency of interventions by the LA whilst still taking into account the inherent risk of the business. This would not compromise any legal constraints imposed by Regulation (EC) No 882/2004 as it would not be a substitution for official controls.
- 5.37 The extent of any weighting would need further consideration and also whether there would be exception criteria imposed based on additional risk, for example by virtue of their approval under Regulation (EC) No 853/2004 or because of export activities. These issues could form part of future consideration by ROF assurance and segmentation workstreams.
- 5.38 The introduction of a negative weighting would help to address a number of concerns expressed during the pilot. It would mean that the LA would still retain responsibility for official controls at the establishment, would be able to keep up a relationship with the FBO, continue to provide any necessary advice and guidance on compliance, carry out any reactive interventions necessary including enforcement actions, and also perform other non-food regulatory functions such as weights and measures checks.
- 5.39 Comments made throughout the fieldwork and the areas highlighted where there is misunderstanding about the Standard have indicated that CA officers would benefit from increased understanding of how the scheme works, the scope of the Standard and the audit processes. Consideration of easily accessible guidance or training for local authority officers might assist.
- 5.40 Recognition of the Standard could be greatly enhanced by LA officers having access to audit reports to access valuable background information, review the latest findings and to indicate areas where they may wish to focus future interventions, thereby potentially saving time whilst on site.
- 5.41 There would need to be a means of LA officers being able to be kept up to date with the current certification status of sites. A system for alerting the LA of either the removal or downgrading of the certification would provide a valuable safeguard within the system. A means of communication between BRC Global Standards and LA officers would also need to be considered, with

a system for the secure mutual exchange of information relating to the performance of sites and any significant non-conformances. Should arrangements for LA access to the BRC Global Standards Directory be possible, a means of easy, secure access to site audit reports and suitable training would need to be in place for the scheme to succeed.

- 5.42 The introduction of a negative weighting provides one option to achieve recognition of the assurance provided by BRC Global Standards audits. There is merit in carrying out further exploration of a range of options for recognising the scheme. The extent and intensity of that recognition requires further consideration and scoping to determine the optimum level of assurance, taking into account the findings from the fieldwork undertaken in this pilot, the work being undertaken in the ROF programme on segmentation and assurance, and the potential impact of EU Exit on legislative controls.

6.0 Recommendations

- 6.1 There is sufficient commonality between the BRC Global Standards audit processes and food hygiene interventions carried out by CAs to merit the scoping of options for recognising the assurance provided by a BRC Global Standards certificated establishment whose certification grading is deemed acceptable.
- 6.2 The extent and intensity of any scheme will need to take into account the work being undertaken by the ROF programme to transform the delivery of official controls and the potential impact on regulatory equivalence through exit of the UK from the EU.
- 6.3 The current FSA ER criteria and processes for assessment and monitoring of existing schemes should be reviewed to meet the aims of ROF, identifying opportunities for streamlining and improving the system by the development of clear standards for future scheme recognition.
- 6.4 Further work should be carried out to confirm the Standard effectively maps onto all relevant food safety and standards legislation, and that effective and sufficient data sharing and communication mechanisms can be implemented between all relevant parties.
- 6.5 The introduction of a scheme for recognising assurance will require consideration of potential criteria for exceptions, taking into account any additional risks presented by an establishment, including its approval under 853/2004. The threshold within the Standard's grading system which would deem an individual establishment acceptable for inclusion into any recognition scheme will also need to be considered and agreed, and the inclusion or otherwise of those establishments that choose an announced audit programme.
- 6.6 BRC Global Standards should consider a means of enabling CAs to full or partial access to audit reports.
- 6.7 The provision of guidance and/or awareness training on the Standard for CA officers should be considered to assist with their understanding of the Standard and its relevance to any agreed recognition by the FSA.
- 6.8 A full impact assessment will be required as part of scoping work to determine an appropriate assurance scheme, in order to explore and quantify the potential resource and financial implications for businesses, BRC Global Standards and competent authorities before any agreed change is made.

7.0 Acknowledgements

The Food Standards Agency is grateful for the involvement and cooperation of BRC Global Standards throughout the development and execution of this project.

The Agency would also like to thank the manufacturing sites and local authorities who volunteered to participate in the project.

Annex i: Background on Regulating Our Future

The Regulating our Future programme (RoF) is how we will build an effective, proportionate and robust system for ensuring businesses meet their responsibility to produce food that is safe and what it says it is.

Regulating our Future, launched in February 2016, is a critical FSA strategic programme central to our ability to fulfil our statutory purpose as the Central CA for feed and food and meet the public's expectations in relation to food we can trust.

The programme's ambition is to develop and implement a new sustainable approach to regulation that leverages business behaviour changes to deliver consumer benefits. The programme will ensure a tailored and proportionate approach to regulation to ensure business compliance.

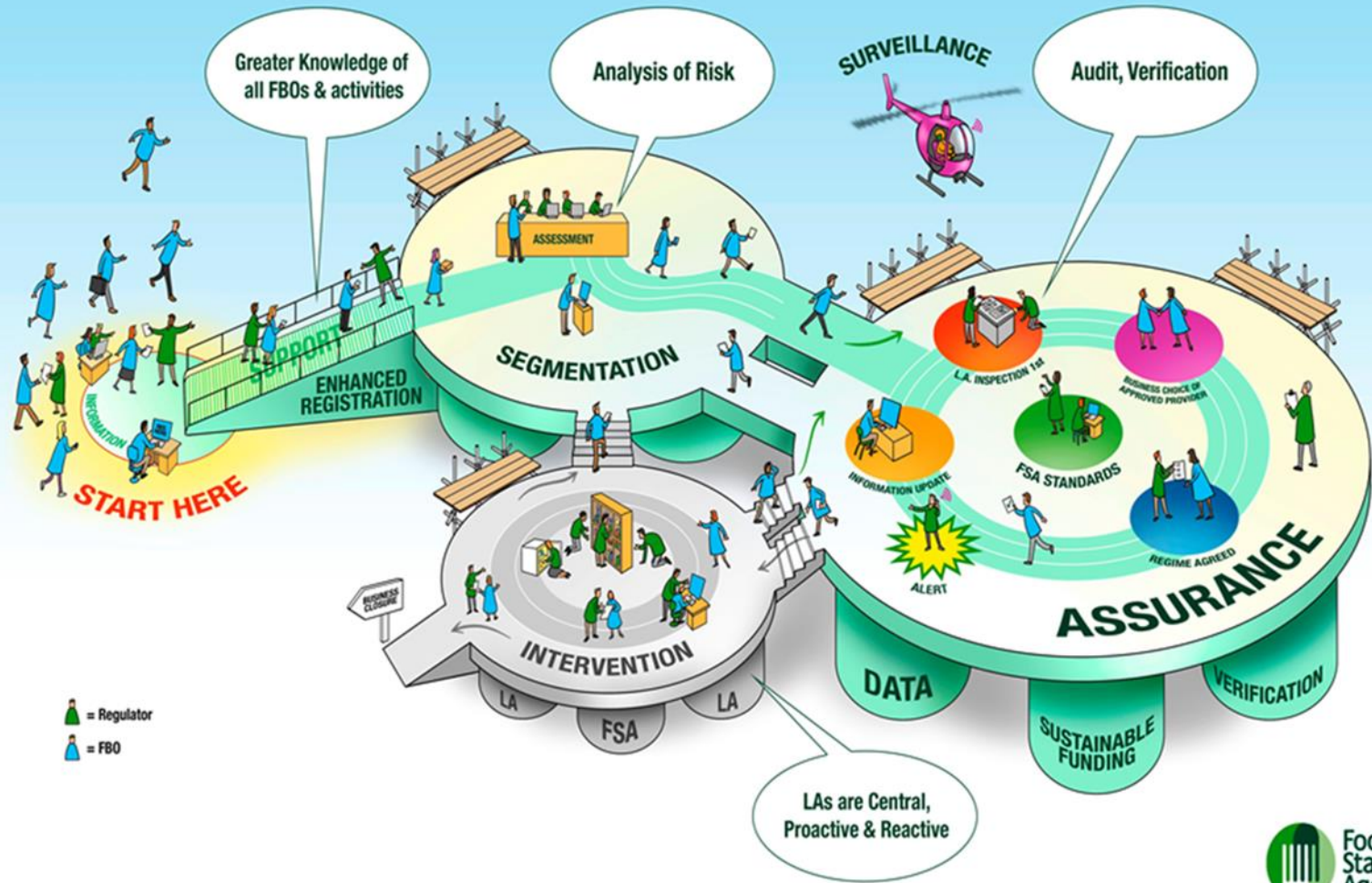
There are 5 key principles that underpin the ROF programme:

1. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of that information
2. FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses
3. The regulator should take into account all available sources of information
4. Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not
5. Businesses should meet the costs of regulation, which should be no more than they need to be

One of the compelling drivers for designing a new delivery model is the uncertain and rapidly changing world in which we operate, and its consequences for food safety and standards. The new regulatory framework is being designed so that it is dynamic enough to keep pace with innovation in the food sector and harness new technologies, and be flexible enough to adapt to future circumstances, including a new relationship with the European Union.

The aim is to ensure the smooth delivery of a new regulatory model for food businesses in England, Wales and Northern Ireland by 2020, whilst implementing improvements in the meantime where possible and consistent with the aims of the programme.

The programme is being managed on an agile basis. The current Target Operating Model is illustrated on the next page:



Annex ii: BRC Global Standards Food and Drink Categories

Food and drink categories assessed by the BRC Global Standard for Food Safety

- 1 **Raw red meat** - Beef, veal, pork, lamb, venison, offal and other red meats.
- 2 **Raw poultry** - Chicken, turkey, duck, goose, quail, shell eggs, and farmed and wild game.
3. **Raw prepared products** - Bacon, comminuted meat products, meat puddings, ready-to-cook meals, ready prepared meat products, pizzas, vegetable prepared meals, steamer meals and comminuted fish products.
4. **Raw fish** - Wet fish, molluscs, crustacea, cold smoked fish and ready-prepared fish products.
5. **Fruit, vegetables and nuts** - Fruit, vegetables, salads, herbs and unroasted nuts.
6. **Prepared fruit, vegetables and nuts** - Semi-processed or prepared foods, including fruit, vegetables, salads, coleslaws, chips, frozen vegetables, pie fillings, fruit fillings as well as sweet bean, chilli and fermented soy sauces.
7. **Dairy, liquid egg** - Milk and milk drinks, yoghurt, butter, cheese, cream, liquid egg, ice cream, dried dairy and egg products, fermented milk-based products, custard, fruit juices, smoothies and certain non-dairy products, such as soya milk.
8. **Cooked meat and fish products** - Ham, meat pâté, fish pâté, hot smoked fish, poached salmon, and ready-to-eat molluscs and crustaceans, as well as the preparation of ready-to-cook raw beef and poultry, and frozen raw and cooked shell-on lobster.
9. **Raw cured and/or fermented meat and fish** - Parma ham, cold smoked salmon, air-dried meats and salamis, ready-to-eat smoked fish, fermented meats and dried fish.
10. **Ready-to-eat meals** - Frozen, chilled, baked and unbaked foods, such as soups, wraps, pizzas, pies, pastries and sauces.
11. **Cans and jars** - Canned products, such as beans, soups, meals, fruit, tuna and pet food, as well as products packed in glass, including sauces, jams, pickled vegetables and condiments.
12. **Beverages** - Non-alcoholic drinks, such as water, flavoured water, isotonics, concentrates, squashes, cordials, minerals, herbal drinks, food drinks and ice.
13. **Alcoholic drinks** - Alcoholic, fermented and brewed products as well as non-alcoholic drinks, including beer, wine, spirits, vinegar, alcopops, energy drinks, and carbonated and non-carbonated non-alcoholic beverages.

14. **Bakery** - Breads, pancakes, crumpets, pastries, biscuits, cakes, tarts and breadcrumbs.

15. **Dried foods** - Dried soups, sauces, gravies, spices, stocks, herbs, seasonings and stuffings as well as tea, coffee, pasta, pulses, legumes, rice, noodles, nut preparations, fruit preparations, dried pet food, vitamins, salt, additives, gelatine, glacé fruit, home baking, syrups, sugar and flour.

16. **Confectionery** - Jellies, gums, hard candies, chew candies, pops, filled and hollow chocolate and diverse sweets.

17. **Cereal and nuts** - Porridge oats, muesli, breakfast cereals, roasted nuts, popcorn, crisps and poppadoms.

18. **Oils and fats** - Cooking oils, margarine, shortening, spreads, suet, ghee, salad dressings, mayonnaise and vinaigrettes.

Annex iii: The BRC Global Standard for Food Safety

The BRC Global Standard is divided into seven sections.

1. SENIOR MANAGEMENT COMMITMENT AND CONTINUAL IMPROVEMENT

This includes providing adequate resources, effective communication, system reviews, actions taken and opportunities for improvement.

2. THE FOOD SAFETY PLAN (HACCP)

The Standard requires the development of an effective HACCP (Hazard Analysis and Critical Control Point) programme based on the requirements of the internationally recognised Codex Alimentarius system.

3. FOOD SAFETY AND QUALITY MANAGEMENT SYSTEM

This section sets out the requirements for the management of food safety and quality. This includes requirements for product specifications, supplier approval, traceability, and the management of incidents and product recalls.

4. SITE STANDARDS

This section sets out expectations for the production environment including the layout and maintenance of the buildings and equipment, cleaning, pest control, waste management and foreign body controls.

5. PRODUCT CONTROL

The requirements for product design and development including allergen management, product and ingredient provenance, product packaging and product inspection and testing.

6. PROCESS CONTROL

The establishment and maintenance of safe process controls, weight/volume control and equipment calibration, and ensures the documented HACCP plan is put into practice.

7. PERSONNEL

This section sets out the standards needed for staff training, protective clothing and personal hygiene.

Annex iv – Summary of shadow audit assessor observations on the general audit process and approach

Questions	Audit 1	Audit 2	Audit 3	Audit 4
Did the auditor ask if the works required had been completed to the satisfaction of the LA and review any written responses?	N	N	N/A	Y
Did the auditor ask if the business had made any significant changes to the food safety management systems in place during the previous audit or had any incidents that may affect product safety or BRC Global Standard certification?	Y	Y	Y	Y
Were LA enforcement letters discussed and/or reviewed during the audit and if so, in what context?	N	N	N	Y
Was the auditor able to distinguish between minor, major and critical observations relating to food safety and isolated incidents versus trends?	Y	Y	Y	Y
Did the auditor prioritise the audit focus and allocate their time appropriately, based upon risk?	Y	N	Y	Y
Did the auditor seek assistance for complex technical issues beyond their ability at this level?	Y	Y	N/A	Y
Did the auditor request and review appropriate records and procedures relating to food safety for the establishment's operations and effectively apply the information obtained from this review during the audit?	partially	Y	N	Y
Did the auditor collect and document adequate information and documentation to support audit observations and the final certification decision?	Y	N	Y	N/A
Did the auditor document findings relating to food safety accurately, clearly, and concisely and in accordance with BRC Global Standards policy (DN: check what is provided by BRC Global Standards on the day) and provide a copy of this document to the FBO?	Y	Y	Y	Y
Did the auditor interview a range of people covering all the manufacturing process?	Y	Y	Y	Y
Did the auditor use suitable interviewing techniques?	Y	Y	Y	Y
Did the auditor ask follow-up questions to get the necessary information?	Y	Y	Y	Y
Did the auditor explain non-conformances clearly and adequately during the audit and closing meeting and agree corrective actions with the business?	Y	Y	Y	N/A