



Intervention protocol for FSA approved meat establishments

Introduction

1. This document provides guidance to Heads of Operational Delivery, Operations Managers, Field Veterinary Leaders, Field Veterinary Coordinator, Service Delivery Managers, Official Veterinarians (OVs) and frontline teams on:
 - Monitoring performance of approved meat establishments; and
 - Action that should be taken in the event that a Food Business Operator (FBO) does **not** put in place measures to raise levels of compliance with legal requirements.
2. Food Business Operators can access this protocol at :
<http://www.food.gov.uk/business-industry/meat/audit>

Strategic Aims

3. The goal of the Intervention Protocol is to safeguard consumers and improve public health by improving overall business compliance through:
 - Targeting high impact intervention where risks to public health exist
 - Seeking prompt compliance in high risk areas of non-compliance and targeting intervention.
 - Provide a graduated and proportionate response to legislative non-compliance ensuring advisory and deterrent elements, along with the escalation of sanctions, where necessary, based on the level of non-compliance risk at individual establishments.

Background

4. As part of the intervention protocol, we want to ensure that all FBOs of approved meat establishments are complying with legal requirements and are taking responsibility for the production of safe meat. FSA resources and attention will be directed to non-compliant FBO establishments utilising non-compliances identified during official control activities outlined below:
 - Results of FBO audits;
 - Findings from unannounced inspections (e.g. routine or investigating complaints etc.); and

- Establishment level inspection and audit findings (serious deficiencies or where evidence of repeated stoppage exists.)
5. The protocol also brings in a process for recommending the prompt withdrawal of approvals as the ultimate sanction for poor performance by FBOs, whilst taking an open and transparent approach to informing FBOs about what we are doing and why, in accordance with risk-based assessment methodology. We also want operational staff to have clarity on when to act and what action to take. However the FSA must take action quickly in the event of significant FBO non-compliances / or consistent flouting of the regulations. Where an FBO fails to put in place the necessary measures leading to significant public health, animal health and welfare improvement, FSA officials may recommend that their approval status is reviewed. This could lead to their approval being withdrawn or suspended.
 6. By gathering high quality evidence at the earliest stage via audits, unannounced inspections and regular official control activities, prompt intervention will be taken with the right enforcement actions.
 7. Openness is one of the core principles of the FSA and underpins our strategic outcome that consumers and customers should have the information and understanding they need to make informed choices. Evidence suggests that consumer confidence and purchasing choice can also be a powerful incentive to drive up the standards of businesses.
 8. Advice and education that can be applied will often secure sustained compliance as well as delivering a more cost-effective enforcement regime. Voluntary compliance is likely to be more sustainable in the long term than formal enforcement action as outlined in the following illustration:



Summary of risk rating

9. Actions taken by official staff will be driven by findings from audits, unannounced inspections and other OC activities. The FSA will use results from inspections and audit of FBOs to support informed tactical actions. Using these, we will

- escalate where necessary quickly the enforcement activity for high risk and/or persistent non-compliances; and
- Identify and prioritise criteria to assess risk-based planning and delivery of official controls.

10. Educational approaches should be considered at low and medium risk establishments and FSA training materials are available at the following link ;

<http://core/Community/Operations/opsfieldmgt/Reference%20and%20Supporting%20Documents/FOrms/AllItems.aspx>

11. Table 1 overleaf presents a summary of tactical information on required actions, using the audit outcomes as a guide to plant level characteristics of compliance.

Table 1 - Risk analysis utilising audit outcomes

Compliance Category	FBO status	Intervention
<p>Serious Risk</p> <p>Urgent Improvement Necessary (2 month audit category)</p>	<p>Recurrent deficiencies and/or failure to permanently resolve deficiencies within a reasonable time frame (Reasonable is relative to the nature and magnitude of the deficiencies present and will be consistent with enforcement timelines and any written correspondence from the FSA)</p>	<p>Establish appropriate enforcement action.</p> <p>Review approval if there are serious deficiencies or repeated stoppage of the line.</p>
<p>Medium risk</p> <p>Improvement Necessary (3 month audit category)</p>	<p>Deficiencies / Repeated deficiencies</p>	<p>Monitor via unannounced inspections in cutting plants and routine attendance in slaughterhouses and follow up audit visits. Advice FBO on educational programmes aimed at improving compliance (Meat Industry Guide, FSA training package).</p> <p>Reasonable timelines to correct deficiencies.</p> <p>Review approval if there are serious deficiencies or repeated stoppage of the line.</p>
<p>Low Risk</p> <p>Good / Generally Satisfactory (12 – 18 month audit category)</p>	<p>Compliant</p>	<p>Monitor via Unannounced Inspections in Cutting Plants and routine attendance in slaughterhouses and follow up visits.</p> <p>Advice FBO on educational programs aimed at improving compliance (Meat Industry Guide, FSA training package) where conditions are deteriorating during interim audit period.</p> <p>Reasonable timelines to correct deficiencies.</p>

Approvals

12. Approval of establishments must be kept under review by the competent authority whilst carrying out official controls, including initiating action to withdraw or suspend the approval in certain circumstances as described in Article 31(2) (e) of Regulation (EC) No 882/2004. Interpretation of the 'criteria for suspension' / 'withdrawal of approval working' definitions for the terms 'serious deficiency and repeated stoppage' are available at the following link:

<http://www.food.gov.uk/enforcement/sectorrules/meatplantsprems/>

13. In this intervention protocol the FSA is strengthening the links between official control activities, enforcement, and review of approvals. Audit is a useful tool for risk-profiling premises. Having good quality audits/unannounced inspections, and good quality enforcement action, will ensure that the right evidence is available to review an approval, where there are concerns around non-compliance, repeated stoppages and/or deficiencies.

Table 2 – Activities/enforcement/approvals cycle



Referral for review of approval

14. Drawing on findings from the carrying out of official controls, or as a result of local intelligence, Field Veterinary Leaders will have responsibility for initially assessing whether to undertake the process to initiate suspension/withdrawal in accordance with this protocol. Other matters which trigger a review of approvals are outlined

in the approvals policy e.g. fire. Heads of Operational Delivery have an overarching responsibility to make sure that appropriate action is being taken.

15. The Field Veterinary Leader will arrange the collation of evidence packs to assist in any review of approval liaising with the relevant contractor where applicable. These evidence packs **must** include but are not limited to:

- a. current **approval documentation** and approval history;
- b. latest copy of **Statement of Resources**
- c. latest **FBO audit report and unannounced inspection results** and a comparison of trends over recent audits
- d. latest **enforcement programme, any supporting intervention; records and pictures or any other evidence of the deficiencies**
- e. an **overview** of activity, including reports of meetings held with the FBO (e.g. following a establishment being identified as Urgent Improvement Necessary); and
- f. any **other relevant information**.

16. The “Operational Policy for the Approval of Meat Establishments” gives details to FBOs of the process that will occur after the Field Veterinary Leader submits his/her recommendation to the Operations Head Veterinarian; this policy is available on the FSA website. Local Authorities will be informed in the event of revocation of approval by the FSA to establish an appropriate handover of responsibilities.

<http://www.food.gov.uk/multimedia/pdfs/oppolicy-meatestablishments.pdf>).

Additional controls

17. Past experience has demonstrated that introducing additional controls may provide an effective incentive to the FBO and deliver improvements in compliance. The Head of Operational Delivery should consider whether additional official controls are required (up until satisfactory compliance is achieved), taking advice from the Field Veterinary Leader/Coordinator. For example, an additional OV may be brought in to focus upon enforcement and hygienic production and practice, allowing the resident OV to continue to carry out daily duties. It will also ensure that public health risks are safeguarded ahead of any such review.

18. Charges for additional controls will be made under Regulation (EC) 882/2004 and the Meat (Official Control Charges) Regulations 2009.

19. The Head of Operational Delivery has **ultimate responsibility** for determining where additional controls should be put in place. The Head of Operational Delivery should inform the FBO in writing prior to additional controls being introduced, explaining reasons for this action and that charges for these additional controls will be passed onto the FBO. Any changes to resourcing (e.g. requirement for a second OV) should be communicated to the contract Area

Veterinary Manager and to the Head Office for the contract supplier in advance, in the normal way.

20. The Statement of Resources **must** also be amended by FSA Service Delivery Managers to reflect changes to resourcing.
21. When reviewing corrective actions taken by the FBO the following considerations must be taken into account:
 - confirm what actions were taken and why, the appropriateness of the actions
 - review any records that demonstrate the effectiveness of the corrective actions
 - observation the changes. A follow-up inspection may be needed to confirm that the corrective action has been completed and is effective.
22. Once appropriate action has been taken to address non-compliances, the additional resource should be removed and this made clear to the FBO, backed up by evidence from the FSA enforcement programme demonstrating improving conditions, Adjustments can then be made to the Statement of Resources.
23. The Head of Operational Delivery should inform the FBO where normal resourcing is being re-established, drawing on advice from the Field Veterinary Leader/Coordinator, with formal confirmation provided in writing. The Head Office for the contract supplier should be advised on any changes.

Low Risk Establishments

24. Low risk establishments will have audit outcomes of Good and Generally Satisfactory, with audit frequencies of 12 and 18 months (18 months for slaughterhouses only).
25. As per MOC instructions all premises must have at least one interim unannounced inspection (UAI). Field Veterinary Leaders should monitor the results of all UAIs and ensure enforcement action and/or official control activities are escalated accordingly and as per the Intervention Protocol.
26. Whilst the FSA reserves the right to carry out a chargeable re-audit should this be necessary, prompt action is required to ensure that appropriate action is taken immediately should conditions at the premises significantly worsen from the last audit outcome. FSA Veterinarians and OVs are supplied with an exception report to report issues should they arise and this form is available at **Annex 2, 1e**.

Table 3 – Low risk, tactical approach

Compliance Category	FBO status	Intervention
Low Risk	Compliant	Monitor via unannounced inspections and

<p>Good / Generally Satisfactory</p> <p>(18 & 12 month audit frequencies)</p>		<p>follow up visit.</p> <p>Advise FBO on educational programs aimed at improving compliance (MIG, FSA training package) any minor non-compliances with reasonable timelines to correct deficiencies in line with the FSA enforcement policy.</p>
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Medium risk establishments – Improvement Necessary

27. Improvement Necessary establishments will be subject to more frequent audits (3 monthly) and intervention than those that are demonstrating compliance with audit outcomes. Audit outcomes are designed to drive improvement in lower compliance premises by linking audit outcomes to follow-up action.

28. Improvement Necessary establishments will be those which are exhibiting major non-compliances that are likely to compromise public health (including food safety), animal health and welfare, or which may lead to the production and handling of unsafe food if remedial action is not taken.

29. There is a role for the FSA as a regulator to work with FBOs to facilitate compliance. The key to a successful working relationship is communication. There is nowhere that this is more important than in relation to guiding the FBO on compliance with legal requirements.

30. Improvement Necessary premises have the following audit outcome profile:

Table 4 – Improvement Necessary defined

Audit outcome	Definition	Non-compliance threshold
Improvement necessary	Major non-compliances identified at audit and/or non-compliances during the audit period not always responded to and corrected promptly.	3-6 majors during audit or during audit period No critical during audit period

31. The approach for first time and repeat offenders is the same as outlined in the table below; however the default position is to tactically address non-compliance concerns should conditions significantly worsen during the interim audit period.

Table 5 – Definition and Approach

Compliance Category	FBO status	Intervention
Medium risk Improvement Necessary	Deficiencies/ Persistent deficiencies	Monitor via unannounced inspections and follow up visits. Advise FBO on educational programs aimed at improving compliance (Meat Industry Guide, FSA training package) Reasonable timelines to correct deficiencies Review approval where conditions are worsening resulting in serious deficiencies

32. Medium risk establishments should be identified utilising official control activities and dealt with in order of non-compliance e.g. by prioritising premises which are demonstrating significant enforcement.

Audit outcomes – Serious risk establishments – Urgent

Improvement Necessary

33. In line with audit outcomes, establishments can be identified as **Urgent Improvement Necessary** based on the severity and quantity of non-compliances.

34. Urgent Improvement establishments may have a **critical** non-compliance where the contravention poses an imminent and serious risk to public health (including food safety), animal health and welfare and/or **multiple major** non-compliances (as per MOC guidance) which are likely to compromise public health (including food safety), animal health and welfare or may lead to the production and handling of unsafe or unsuitable food if no remedial action is taken.

Table 6 – Urgent Improvement Necessary defined (as above)

Audit outcome	Definition	Non-compliance threshold
Urgent Improvement necessary	Multiple major non-compliances or a critical non-compliance identified during audit visit or interim audit period. Official intervention required to ensure public health safeguards.	1 critical or >6 major non-compliances during audit or during audit period

35. Urgent Improvement Necessary interventions and procedures are of paramount importance and the FSA needs to escalate enforcement activity quickly to

influence food business perceptions around risk and consequences of non-compliance.

Approach to FBOs identified as Urgent Improvement Necessary and support to frontline teams

36. Following an audit which places (or keeps) an establishment in urgent improvement necessary, notification will be sent to the FBO by the Operations Assurance Division, this is to emphasis the seriousness of the FBOs current position following audit. The wording is provided at **Annex 3**.

NB: Where it is considered that critical establishment level activities are of serious risk to public health these activities must be addressed using appropriate enforcement and put forward for a review of approval. More than 6 Major non-compliance which have not been rectified within reasonable time periods (e.g. interim audit period), will also trigger a review of approval. It is important to differentiate between historical NCs (even if major) which have been closed and those which are still open, or where FBOs have not shown willingness to cooperate.

37. Once the notification of audit outcome audit letter has been issued identifying an establishment as Urgent Improvement Necessary, it is important for the FSA Field Veterinary Leader to meet with the FBO to carry out a thorough assessment of enforcement action and any response by the FBO which has been taken in the premises, and to discuss the action that will follow.

38. Where audit scores trigger an FBO going into Urgent Improvement Necessary, the Field Veterinary Leader should carefully monitor action being taken, taking into account:

- patterns of **non-compliances**
- **frequency** of moving in to this compliance rating
- the need for **additional controls**, or
- more formal **escalation of enforcement**
- **Timelines** for improvement, or for referral for a review of approval.

39. As a starting point, the FBO has a responsibility to operate in compliance with the regulations and should be encouraged to look at their most recent audit report and/or unannounced inspection report (where applicable) and in particular the Corrective Action Report and Enforcement Programme. These should identify key areas where the FBO needs to take action or make improvements. In addressing corrective actions, it may also be helpful to refer the FBO to relevant sections of the Meat Industry Guide, for clarification on legal obligations and advice on how these may be met. **Of course, an FBO may determine other ways of achieving compliance with the law as these may be equally valid.**

40. The FSA Field Veterinarian [Field Veterinary Leader or Field Veterinary Coordinator] and contractor veterinarian should work with the FBO to help them draw up an action plan of steps that they can take and timescales to improve compliance offering ideas of the actions that the FBO may take to improve. FBOs should agree a reasonable timescale for any actions with the veterinarian, so that they can show satisfactory progress.
41. FSA Field Veterinarians will have an important role to play in overseeing the consistency and actions taken by the OV in partnership with the contractor, with the OV supported by the contract Area Veterinary Manager where applicable. In particular, the FSA Field Veterinarian should increase their visibility within the slaughterhouse. In standalone cutting establishments, the FSA Field Veterinarian will oversee official control attendance and actively liaise with contractors and FSA staff who have been allocated to the premises.
42. It is important that a brief report of any meetings with the FBO is produced; a template is available at **Annex 4**. This should summarise discussions held, and particularly any education and support provided to the FBO. These meeting reports (together with any subsequent progress updates) will serve as a useful reminder of the approach taken and may form part of the evidence base in the event that a referral for review of approval is made. **The FBO should be given opportunity to comment and agree the content of the meeting record.**
43. Heads of Operational Delivery should consider and authorise any additional controls recommended by the Field Veterinary Leader, and/or unannounced inspections within the interim audit period. Field Veterinarians shall provide progress reports to Heads of Operational Delivery as required.
44. During these inspections the FSA Field Veterinarians should ensure that the FBO is making progress against any agreed timescales and the action plan. Any issues or concern over action being taken should be raised with the contract Area Veterinary Manager in the first instance, as appropriate, or with the Field Veterinarian in the case of standalone cutting plants. The Head Office for the contract supplier should also be updated on any issues arising.

Dealing with adverse behaviour by the FBO

45. It is appreciated that, whilst many FBOs will respond positively and will want to put in place measures for improvement, others may react in a negative way. There is a wealth of resources available on Foodweb on avoiding confrontation or aggression in the workplace, including a code of conduct, and what to do when an incident happens:
(<http://fsahome/human/looking/Pages/Bullyingandharassment.aspx>).

Time-recording

46. Cutting plant inspections by OVs should be coded to 'NOTH' (other non-chargeable time), although it should be remembered that if enforcement is necessary as a result of the visit (or subsequent visits) that this is chargeable to the FBO and should be coded to 'INSP' (official controls – inspection). Time

spent on additional controls should also be recorded to 'INSP'.

47. At slaughterhouses, OV activities will typically form part of the normal official control duties and time should be recorded to 'INSP' (or other time-codes) as per guidance in the Manual for Official Controls. This should be time-coded to 'INSP'.

Routine monitoring

48. Heads of Operational Delivery should review action taken at establishments within their areas at their Operations Management Team meetings, drawing on advice from their Field Veterinary Leaders.
49. Trends of compliance are monitored at a national level at the Field Management Group meeting. This includes a review of latest audit scores and changes to establishments that are identified as Urgent Improvement Necessary.

Support available

50. Field Veterinary Leaders/Coordinators will ensure that support is in place for frontline teams, and will liaise with the contract Area Veterinary Managers and OVs working at establishments identified as Urgent Improvement Necessary to ensure a consistent approach is taken.
51. The Head of Field Operations will offer guidance and support to the Head of Operational Delivery and staff, as will legal and veterinary and technical colleagues.
52. Staff in the Operations Assurance Division's Delivery Assurance Team will issue relevant letters to FBOs and will also provide performance management information on activities in relation to Urgent Improvement Necessary establishments.
53. The Operations Assurance Division's Business Support Team may also be called upon to provide administrative support to Field Veterinary Leaders in the production of evidence packs.
54. The Operations Assurance Division's Approvals and Registrations Team will receive the review of approvals from the Field Veterinary Leader and compile a submission to the Operations Head Veterinarian. This submission will provide a background to the case, referencing the Field Veterinarian Leader report and accompanying evidence.

Routine publication of audits and naming Urgent Improvement Necessary establishments on FSA website

The FSA publishes results of FBO audits on the FSA website:

<http://www.food.gov.uk/business-industry/meat/audit>

55. If an FBO is not satisfied with a score awarded in any section of the audit report, the FBO does have the right of appeal against the outcome of the audit. Any appeals must be made in writing within 14 calendar days of receiving an audit report. There is a form to complete and the process is explained in the letter issued to the FBO, accompanying the FBO audit report.

56. Chapter 4, Part 1, Section 5 of the Manual for Official Controls sets out the appeal procedure. We will not publish an audit report on the FSA website until after an appeal process has been undertaken and the audit has been finalised. Necessary FSA interventions will continue during the appeal period.

Review

57. These guidelines will be kept under review yearly and will be updated as required

Annex content

Annex 1 – Stand alone cutting plant intervention flow chart

Annex 2 – Slaughterhouse and co-located cutting plant intervention flow chart

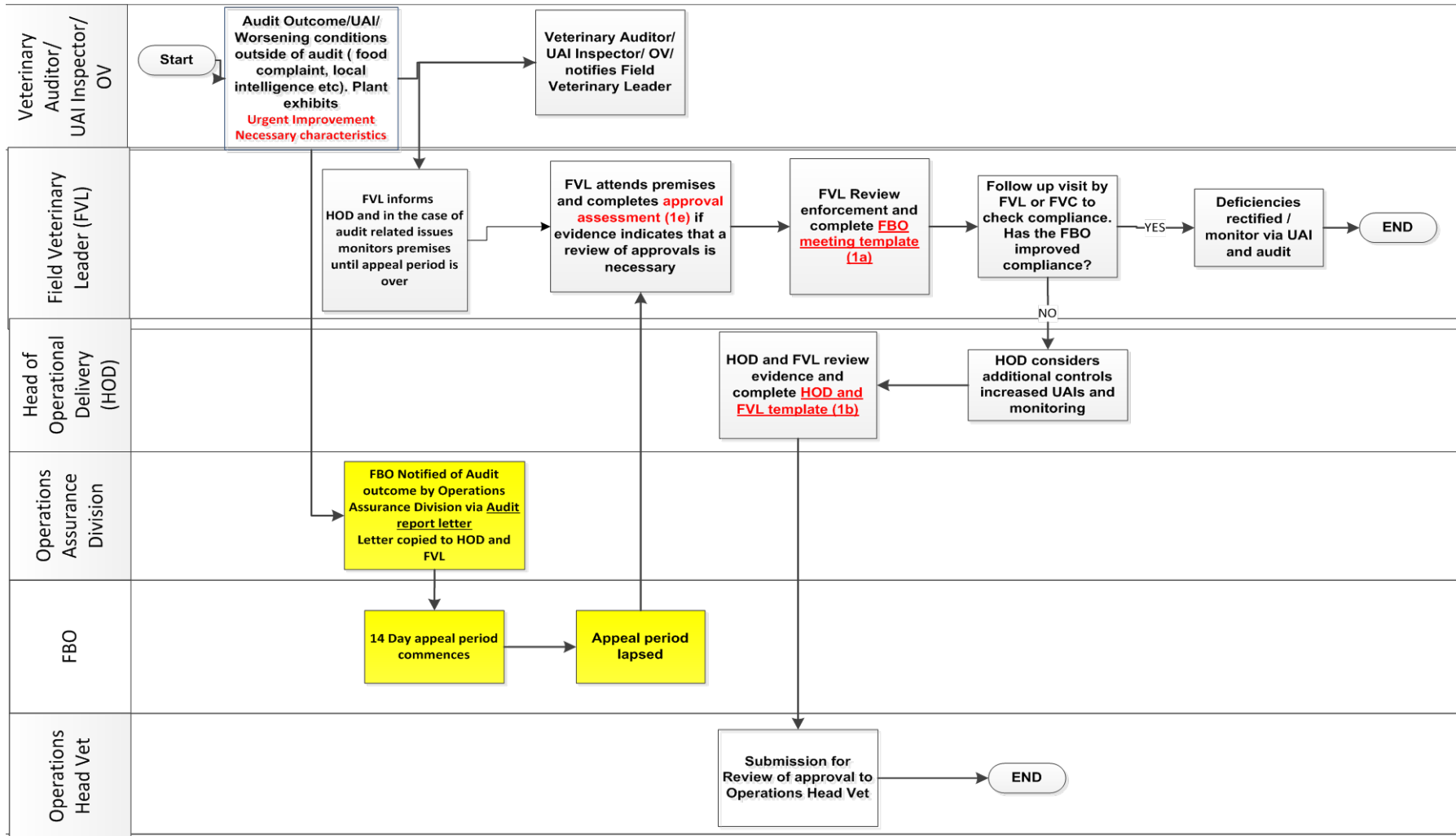
Annex 3 – Urgent Improvement Necessary – additional text for FBO audit notification letter

Annex 4 – These annexes contain tactical forms for evidence gathering and the decision making process to inform review of approvals as follows:

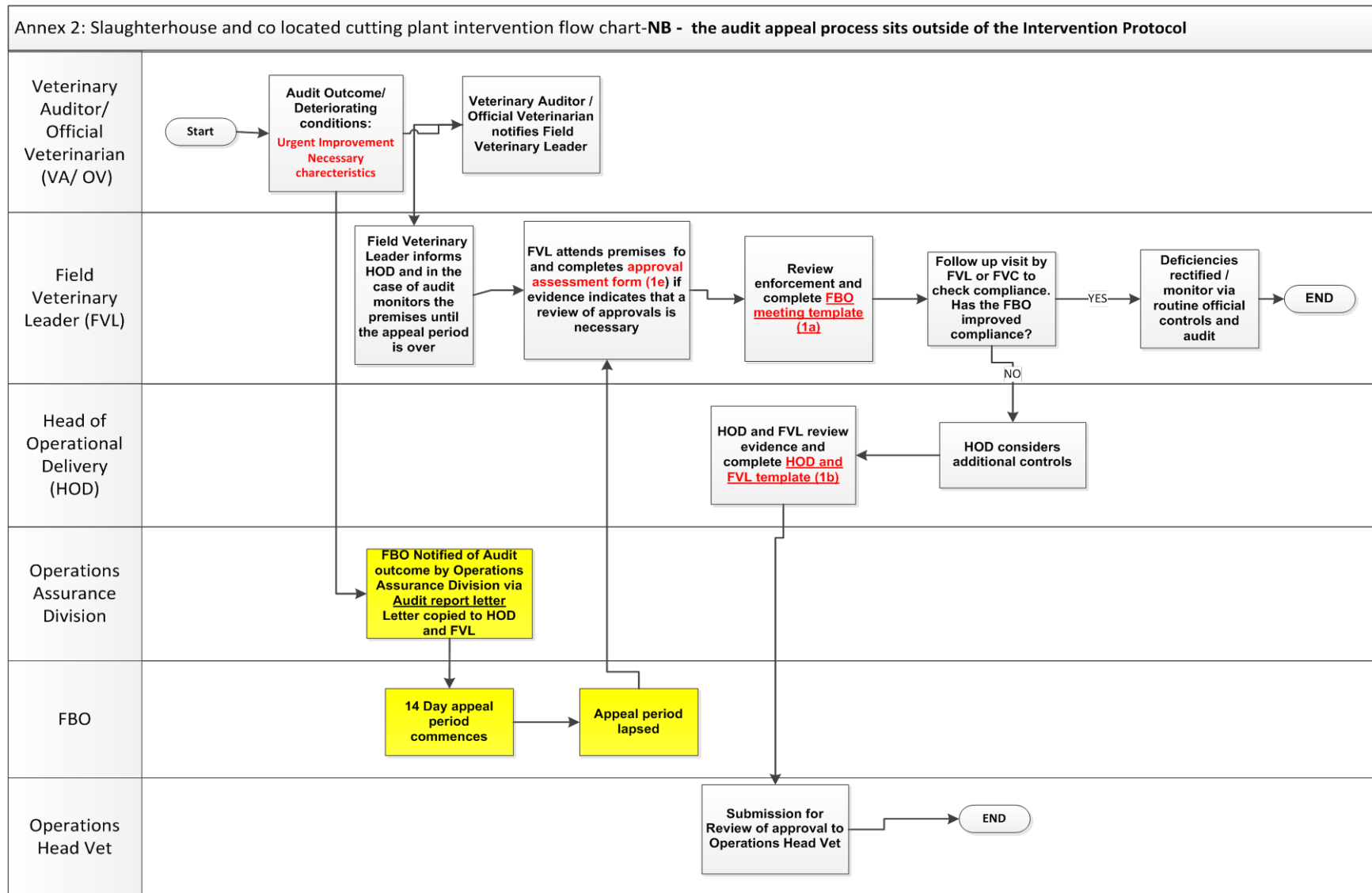
- **1a** - FBO meeting template for veterinary use. Owner OV, Coordinator, Field Leader
- **1b** – Head of Operational Delivery / Field Veterinary Leader meeting. Field Veterinary Leader.
- **1c** – Example intervention record.
- **1d** – Intervention record. Owner Official Veterinarian.
- **1e** – Approval Assessment form. Owner FSA Field Veterinary Leader

ANNEX - 1 - Stand Alone Cutting Plant intervention flow chart

Annex 1: Stand Alone Cutting Plant intervention flow chart – NB - the AUDIT appeal process sits outside of the Intervention Protocol



ANNEX- 2 Slaughterhouse and co located cutting plant intervention flow chart



ANNEX 3 – Addition to FBO audit outcome letters

Dear [Name]

URGENT IMPROVEMENT NECESSARY: FOR YOUR IMMEDIATE ACTION

Further to your most recent audit, I can confirm that the Food Standards Agency regards the level of compliance at your establishment as needing urgent improvement. Our assessment indicates that more than 6 major and/or at least one critical non-compliances have been identified throughout the last audit period and require your immediate attention in order to safeguard public health. Following the categorisation of your establishment as “Urgent Improvement Necessary” FSA senior management have identified your practices as posing significant risk to public health and that you are not demonstrating a consistent and sustained approach to compliance with food hygiene and other relevant legislation.

In view of the risks you have placed upon public health, it is the responsibility of the FSA to ensure the relevant safeguards are restored. This will be done through a significant increase of enforcement and attendance which may ultimately lead to increased charges and the review of your approval.

Whilst the FSA will take all measures to ensure that we work with industry to rectify the issues which have been identified and to safeguard public health, I must also advise you that harassment, intimidation or threatening/obstructive behaviour directed at our staff will result in the immediate withdrawal of health mark and/or other sanctions including criminal prosecutions.

You may find it helpful to talk to your OV or FSA Field Veterinary Manager who are willing to discuss how the FSA can work more co-operatively with you to improve your compliance levels and negate the possibility of the reviewing your approval. Additionally, the attached Annex sets out the next steps and additional information around the FSA categorising your business as “Urgent Improvement Necessary”

Finally, please do not hesitate to contact me should you wish to discuss the contents of this correspondence in further detail

What can I do to prevent further enforcement action and possible review of your approval?

You must work with the Official Veterinarian to develop and implement an action plan for swift and sustained improvement in your non-compliances. Any such action plan must immediately address the issues raised within the last audit, along with ensuring a longer term strategy for the continued protection of public health through the application of best practice.

Current enforcement activity at your establishment will not be stopped as a result of you being categorised as “Urgent Improvement Necessary”. If you have already been served with a formal enforcement notice, you must comply with its contents and within the agreed timeframe.

Once the necessary improvement to your business have been noted by the FSA and necessary protection of public health has been demonstrated, through your next audit, we

will write to you and confirm the removal of your business from the list of Urgent Improvement Necessary establishments.

The Meat Industry Guide is available to all Food Business Operators and will guide you by offering further advice around the provision of best practice.

What happens if I don't comply?

You should not ignore this letter. It is not too late to work with the FSA to make improvements in your levels of compliance but failure to take appropriate action may result in FSA officials recommending that your approval status is reviewed, which could ultimately lead to your approval being withdrawn or suspended.

Additionally, the FSA may decide to implement an increased regime of activities through the application of unannounced inspections and or additional controls. Both of which may be chargeable to you as the Food Business Operator.

Do I have a right of appeal?

The decision to categorise your premises as "Urgent Improvement Necessary" is based on the outcome of official control activities and audit findings, therefore it does not in itself hold the right of appeal. However, any food business operator that is not satisfied with the outcome of an audit does have the right of appeal.

Publication on the FSA website

You should note that, once the appeal period relating to an official audit has elapsed and the audit finalised, we will publish details of all FSA approved meat establishments which is accessible by the general public

Yours sincerely (Head of Operational Delivery)