

Formal Enforcement Focused Audits – Protocols

1. General

Question	Answer	Comments/Evidence	Auditors Notes
Does the Service Plan make reference to the Authority's documented Enforcement Policy?	Yes/No	Document Review	
Have Members approved the Service plan?	Yes/No	Document Review	
Is there any local performance indicators relating to formal enforcement actions?	Yes/No	Document Review	
Are up to date copies of appropriate documentation including legislation and guidance available at all relevant locations and to all relevant staff?	Yes/No	Checklist O. Officer interviews.	Auditors should ensure that checklist has been updated to reflect any newly issued guidance.
Do Officers liaise with Home or Originating authorities where formal action is contemplated?	Yes/No	File Checks	
Does the Authority have liaison arrangements in place with neighbouring Authorities?	Yes/No	Document Review (PVQ B9) Audit check Detail + evidence:	
Has the Authority participated in any third party/peer review process relating to formal enforcement actions?	Yes/No	Document Review	
Have any corrective actions been identified relating to formal enforcement during any third party/peer review?	Yes/No	Document Review Officer Interviews	
Have corrective actions regarding formal actions been programmed as part of an action plan?	Yes/No		

Does the authority undertake any activity to promote its formal enforcement actions?	Yes/No	Officer Interviews	Auditors should look for relevant examples e.g. press releases, publication on web sites or naming and shaming policies.
Has appropriate action followed detention/seizure of food in line with the enforcement policy and procedures?	Yes/No	Checklist I	
Has appropriate action followed complaints in line with the enforcement policy and procedures?	Yes/No	Audit Check Checklist L.	
Has appropriate action followed sample results that were not considered satisfactory in line with the enforcement policy and procedures?	Yes/No	Checklist M. Officer interviews.	The Auditor will need to examine any record of sampling activity. Where samples have been unsatisfactory the premises files/interviews with officers should establish whether action has been taken and if it was appropriate.
Has appropriate action followed the investigation of food poisoning outbreaks in line with the enforcement policy and procedures?	Yes/No	Checklist Q	
Has appropriate action been taken against businesses for which the Authority act as Home/Originating Authority?	Yes/No		Auditors should look through a selection of home authority files to establish whether or not they are taking appropriate formal enforcement action where necessary against these businesses in line with their enforcement policy.
Has appropriate enforcement action been taken in line with the Authorities enforcement policy	Yes/No	File Checks	
Is there consistency between individual officers use formal enforcement action is used?	Yes/No		

Documents: BVPP (Appropriate sections relating to enforcement actions) evidence of any promotion activity.

Statistics: Service budget, No. of staff, No. of full time equivalents, No. of premises (risk categorised; these may be obtained from the OCD returns) for food hygiene, food standards, No. of inspections in previous financial year (from OCD returns).

POINTS TO RAISE AT AUDIT

REF	ISSUE

5. Authorised Officers.

5.1 The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Food Safety Act Code of Practice.

5.2 The Authority, where it is responsible for the enforcement of food hygiene, food standards and/or feeding stuffs legislation, shall appoint an officer/s with specialist knowledge to have lead responsibility for that legislation.

5.3 The Authority shall appoint a sufficient number of authorised officers to carry out the work set out in the approved service delivery plan and they shall have suitable qualifications, training and experience consistent with their authorisation and duties in accordance with the relevant Food Safety Act Code of Practice.

5.4 The Authority shall establish and maintain a documented training programme. The Authority shall ensure the training of all authorised officers and appropriate support staff in the technical and administrative aspects of the work in which they will be involved. Where training is provided, details of the content and objectives of the course, the duration and any assessment made of that training shall be maintained on file. The training given shall depend upon the ability, qualifications, experience and responsibility of persons involved and their level of authorisation.

5.5 Records of relevant academic or other qualifications, training and experience of each authorised officer shall be maintained by the Authority in accordance with the relevant Food Safety Act Code of Practice.

Question	Answer	Comments/Evidence	Auditors Notes
Does the Authority have a documented procedure covering authorisations?	Yes/No	Document Review (PVQ B3.)	An Authorisation procedure should cover: Delegated powers - who is authorised to do what and what qualifications are required. It should also cover who is authorised to approve legal proceedings (auditors will need to confirm these delegations through the Authority's standing orders and scheme of delegation), the arrangements in place for refresher and induction training, any assessment process to ensure and demonstrate that the Authority has assessed the competence of the authorised officers in accordance with CP19 (inspection techniques, HACCP assessment, knowledge of legislation, food technology - if high risk - appropriate competency in the technology involved - and for FS Quality Assurance).
Who is the officer(s) authorised to initiate prosecutions and formal cautions.		Detail	
Have the legal officers used by the authority been properly appointed?	Yes/No		Checks of the Authority's standing orders and scheme of delegation should be made that legal officers/solicitors used to bring proceedings in the courts have been properly appointed.
Have the Authority appointed specialist officer(s) with responsibility for: Food Hygiene Food Standards	Yes/No Yes/No	Name of Officer(s): Checklist A. Officer interview. Document Review (PVQ B3 Annex 1)	CP 19.14 food hygiene, and 19.30 for food standards.

Question	Answer	Comments/Evidence	Auditors Notes
Do the Lead Officers have the relevant qualifications and knowledge? Food Hygiene Food Standards	Yes/No Yes/No	Checklist A.	
Are there a sufficient number of suitably authorised staff employed by the Authority to carry out formal enforcement actions?	Yes/No	Document Review PVQ (B3 and Annex 1) Officer Interviews Audit Check.	Auditors will want to check that there are suitably authorised officers to enforce all parts of the Food Safety Act the Authority is responsible for taking into account staff absence due to holidays etc.
If there is a shortfall in resources, how is this being addressed?		Audit Check Officer Interview Detail:	
Do any other "on-call" officers undertake formal enforcement work out of normal office hours?	Yes/No	PVQ (B3 Annex 1) Checklist A	Auditors should check on site as well as all officers may not have been declared on the PVQ.
Are Agency/temporary staff used for formal enforcement work?	Yes/No	PVQ (B3 Annex 1) Checklist A	Agency staff should fulfil the same qualification criteria and be authorised by the LA under their authorisation procedure.
Are all staff, including "on call" officers and Agency/temporary staff, appropriately authorised?	Yes/No	Document Review (PVQ B3 Annex 1) Checklist A	The Auditor should check the authorisations against the qualifications of the officers from the PVQ information. The authorisations should also be checked against the Authority's own procedure.

Question	Answer	Comments/Evidence	Auditors Notes
Are their authorisations consistent with their qualifications, training and experience?	Yes/No	Detail:	<p>If generic authorisations are awarded then auditors should test through interview and file checks that the officers are aware of the limitations placed on their authorisations and are acting within them.</p> <p>Code 19 Requirements: Food Hygiene: Competencies at Annex 1 in regard to HACCP and inspection techniques; nature types of food industry in area, relevant legislation, Code of Practice, IGs. guidance from LACORS and Central Government. CP 19.16-17. EHOS (EHORB registered), OVS, + higher certificate needed for A + B, all food manufacturers and processors classified substantial under para2.10 of annex 1 to Code 9, premises that are approved under product specific legislation. All others ordinary certificate required CP 19.18-19.</p> <p>Officers inspecting high risk including those premises that fall within the scope of paragraphs 2.5-2.8 of annex 1 of code 9 should have received additional training and demonstrated their ability to undertake inspections of high risk activities CP 19.21. Improvement notices: EHOs higher cert in AB and Ordinary in C-F + authorised CP 19.25. Emergency prohibition notices: EHOs, 2yrs experience in food currently involved in food. Seizure and detention: EHO, OVS, Meat only - Authorised Officers (Meat Inspection) Regulations 1987. Other qualifications may be accepted if competence demonstrated. Officers at Ports have to have meat inspection ticket (200hrs). Food Standards: competent - nature, types of food industry, relevant food standards and marketing legislation, Codes of Practice, LACORS and government guidance. Qualifications: DTS, EHORB (EHO or Higher certificate with FS endorsement, or SFSORB Higher Certificate in Food Standards) DCA if includes Food and Agriculture paper, DCA certificate of competence in relation to food and agriculture. Officers undertaking food standards inspections of higher risk premises should have additional training in quality assurance systems and demonstrated their competence. Transitional provisions: At October 2001 the new qualification requirements for high risk inspections come into force. From 30 September 2002 officers require specified qualifications for all inspections.</p>
Are officers acting in accordance with their authorisations?	Yes/No	Checklists D F G H I J M P, Q.	

Question	Answer	Comments/Evidence	Auditors Notes
Are identified training needs in relation to enforcement included within the training programme?	Yes/No	Audit Check Officer Interviews	Auditors should particularly look for evidence of recent training relating to PACE and CPIA in addition to other training relevant to processing formal actions.
Is training relevant to formal enforcement action being provided?	Yes/No	Audit Check Officer Interviews	

Documents: Details of the relevant parts of the current training programme relating to formal enforcement training, authorisation procedure, scheme of delegation, relevant pages from standing orders.

15. Enforcement

15.1 The Authority shall set up and implement a documented enforcement policy, in accordance with the relevant Food Safety Act Codes of Practice and other official guidance, approved by the relevant Local Authority Member forum.

15.2 The Authority shall carry out food law enforcement in line with the relevant Food Safety Act Codes of Practice.

15.3 All decisions on enforcement action shall be made following consideration of the Authority's enforcement policy. The reasons for any departure from the criteria set out in the enforcement policy shall be documented.

NOTE: The enforcement policy or an accurate summary should be readily available to the public and food businesses in the Authority's area.

Question	Answer	Comments/Evidence	Auditors Notes
Does the Authority have a written Enforcement policy?	Yes/No	Document review (PVQ B6)	
Has the appropriate member forum approved the policy?	Yes/No	Date: Forum:	The committee minutes should be available to verify this approval. The forum chosen should ensure that the policy is made public.
Does it cover?			
- Enforcement options (inc. formal cautions) and the circumstances in which they should be used.	Yes/No	Document review (PVQ B6, CA1 and CB1)	Auditors should also check relevant procedures to see if they give further information concerning enforcement actions to be followed.
- The internal appeals mechanism.	Yes/No		
- Emphasis on proportionate enforcement based on risk.	Yes/No		
- Include reference to the involvement of home and originating authorities.	Yes/No		

Question	Answer	Comments/Evidence	Auditors Notes
- Includes the Crown prosecutors (E&W only) and Code 2.18 requirements when deciding to prosecute.	Yes/No		
- Human Rights Act	Yes/No		
Are officers aware of the contents of the policy?	Yes/No	Officer interview	
Is there evidence of it being implemented?	Yes/No	Audit check Detail:	This evidence may be in the form of coversheets on prosecutions or notes in relation to follow up on inspections demonstrating that the policy has been considered, or it may be obtained through officer interview
Have any enforcement decisions been made outside the enforcement policy guidelines?	Yes/No	Checklists DFGHIJLMPQ	
Have the reasons been documented?	Yes/No	Checklists DFGHIJLMPQ	
Has the policy or a summary been published?	Yes/No	Audit check	
Is it made available to the public and businesses and how is this done?	Yes/No		
Does the Authority have procedures detailing follow-up actions?	Yes/No		Evidence should be noted of any procedures that detail follow-up actions that are to be followed in given circumstances e.g. following the receipt of adverse samples, the actions to be taken following the issuing of an improvement notice, the follow-up action following an outbreak.
Has the Authority signed up to the Enforcement Concordat?	Yes/No		If the Authority has not what are the reasons? If the Authority did sign up to the Enforcement Concordat how has this affected their enforcement policy? NB there is no requirement to be a signatory to the Concordat.

Documents: Enforcement Policy and any public versions, relevant procedures that specify formal enforcement actions.

19. Internal Monitoring

19.1 The Authority shall set up and implement documented internal monitoring procedures to verify its conformance with this Standard, relevant legislation, the relevant Food Safety Act Codes of Practice and the Authority's own documented policies and procedures.

Question	Answer	Comments/Evidence	Auditors Notes
Does the Authority have a documented monitoring procedure covering formal enforcement actions? [Std – 19.2]	Yes/No	Document Review (PVQ B7)	Inspection quality and nature [CP - 9.45] Inspection quality and nature [CP - 8.28] Returners to food > 3 years should be monitored by senior officer for 3 months [CP 19.10]
Who carries out the monitoring?		Name(s):	
Are there nominated deputies?	Yes/No	Name(s):	
Does it cover:		Document Review (PVQ B7)	Monitoring of the different sections of the standard may be undertaken at differing frequencies. The aim of monitoring is to ensure compliance with the Standard, the Authority's procedures, and consistency of enforcement between officers. The auditor may consider making use of any third party report in assessing conformance with this part of the standard.
Frequency of monitoring and responsibility.	Yes/No		
Qualitative aspects of the service's enforcement activities.	Yes/No		Examples of qualitative monitoring may include: <ul style="list-style-type: none"> • Consistency exercises as they affect formal enforcement • Shadow/verification inspections • Team meetings to discuss enforcement policy/formal actions • File audits of inspections/complaints/samples/outbreaks to assess follow-up actions • Review of letters • Prior approval of notices/prosecutions/formal cautions <p>Note: LACORS Guidance on monitoring systems 1995</p>

Question	Answer	Comments/Evidence	Auditors Notes
Has the procedure been implemented?		Audit check Detail:	Auditors should check team meeting minutes and records of qualitative monitoring activity. Quantitative monitoring is likely to form part of regular management meeting, minutes and reviews against the service plan.
Where necessary have corrective actions been identified and implemented?	Yes/No	Audit check of records	There should be evidence of corrective action where non-conformity is found. Continuing identification of the same problem could indicate that corrective action had not been effective.

Documents: Internal monitoring procedures, copies of any internal reports following consistency or monitoring exercises relating to formal enforcement actions.