

Audit of Local Authority Out of Hours Emergency Response in Wales

An assessment of how local authorities in Wales are meeting their obligations for delivering out of hours incidents responses.

The Food Standards Agency (FSA) is the Central Competent Authority (CCA) responsible for feed and food safety and standards law and for ensuring riskbased official controls are carried out at feed and food business establishments in Wales, England, and Northern Ireland.

Feed and food official controls aimed at verifying food business compliance are fundamental to safeguarding public health and contribute to the FSA's strategic outcome that 'food is safe and what it says it is'.

Day-to-day monitoring and enforcement of feed and food business compliance is the responsibility of local authorities (LAs). LA funding for food work is included in the LA revenue support grant (RSG).

In Wales, the power to set standards and monitor LA feed and food law enforcement services was conferred on the FSA under Section 12 of the Food Standards Act 1999 and Regulation 7 of the Official Feed and Food Controls (Wales) Regulations 2009. The FSA is required to monitor and audit local authority feed and food law enforcement services under this legislation and the assimilated Official Controls Regulation (EU) 2017/625. In developing its audit arrangements, the FSA has taken account of the European Commission guidance on how such audits should be conducted.

In addition to assessing the delivery of official controls against legal requirements and statutory guidance, the audit process also provides the opportunity to identify and disseminate good practice and to provide information to inform FSA policy on the execution and enforcement of feed and food law.

FSA audit programmes assess local authorities' conformance against the requirements of the [Official Controls Regulation \(EU\) 2017/625](#) and the Feed and Food Law Enforcement Standard within the [Framework Agreement on Official Feed and Food Controls by Local Authorities](#) (Framework Agreement). Assessments were also made against the [Food Law Code of Practice \(Wales\) 2021](#) along with related centrally issued guidance including the [Food Law Practice Guidance \(Wales\) 2021](#).

This report is available in hard copy from the FSA's Regulatory Audit and Assurance Team, Food Standards Agency in Wales, 4th Floor, Welsh Government Building, Cathays Park, Cardiff, CF10 3NQ.

Introduction

Background

Audits of local authority feed and food law enforcement services are part of the Food Standards Agency's (FSA) arrangements to improve consumer protection and confidence in relation to feed and food. Responding to urgent incidents outside of normal office hours is essential to protect

public health and ensure the safety of feed and food in a timely manner.

This audit programme was developed to assess how local authorities were meeting their obligations for delivering out of hours incidents responses in accordance with statutory requirements and to provide assurance that statutory guidance in Wales has been effectively implemented.

Art 5(1)(i) of assimilated Official Controls Regulation (EU) 2017/625 (OCR 2017/625)) requires local authorities to have contingency plans in place and be prepared to operate such plans in the event of an emergency, where appropriate.

The Food Law Code of Practice (Wales) 2021 requires food authorities to ensure that their documented procedure for dealing with food emergencies and/or incidents including the effective response to a serious hazard incidents notified to them by the Food Standards Agency (FSA) and from other sources, including those received outside normal office hours.

LAs should put in place procedures to ensure that responsible officers can be contacted in the case of an emergency. LAs should advise the FSA of emergency telephone number(s) to enable contact to be made outside working hours. LAs should advise the FSA of any changes to out of hours contacts.

As part of the development of the audit programme the FSA consulted with relevant stakeholders and produced an audit plan which is at Annex A.

Scope of Audit Programme

The assessment included all 22 LAs. Attempts were made to make telephone contact with a suitably authorised officer from each authority in relation to a serious food hygiene incident (test exercise). Contact was attempted using the latest version of the LA contacts list, which contains recently updated contact details supplied to the FSA by LAs. No prior notification of the exercise was given to LAs.

Audit Findings

All 22 local authorities provided emergency out of hours contact telephone numbers.

Out of hours contact was made with an authorised officer with appropriate competency in 18 of 22 LAs, either via the emergency out of hours contact number or through direct contact with an officer. All contact with such authorised officers was made within 3 hours of first contacting each LA.

Of the remaining 4 LAs, contact was made with the appropriate LA service in two cases, however, this contact was with senior officers of the food enforcement service that did not possess the appropriate competency to respond to the emergency scenario. In both cases, contact was received from authorised officers with appropriate competency during normal working hours in response to a further email being sent to the LA. In the other two cases, contact was made with call handlers representing the LAs, but neither were able to provide access to the appropriate service or provide contact details for the relevant officers. Attempts to contact relevant officers directly were unsuccessful. In both cases, officers from the appropriate service responded to e-mail contact about the test exercise when normal office working hours had resumed.

In two cases where contact was made with the appropriate service or authorised officer, this was achieved by using a means of contact other than the out of hours number provided by the LA. In these cases, the out of hours number was not successful in providing the required response.

Conclusions

The audit demonstrated an effective emergency response to a serious food hygiene incident would be available across a large part of Wales. However, given the nature of such incidents, it is essential that such a response is available across the whole country to ensure a sufficient level of public health protection.

Actual officer authorisations and competency assessments were not checked as part of this exercise. LAs should review these documents where appropriate to ensure that authorised officers have the required level of competence in accordance with the requirements of the Food Law Code of Practice (Wales) 2021.

Prior to the audit, most LAs had provided the FSA with updated/additional phone numbers. One LA has advised the FSA that it has updated the contact arrangements in response to the audit.

Two LAs advised that they have provided additional training and direction for call handlers and one LA has reviewed the signposting options available for persons calling the out of hours number. In addition, one local authority has revised the contact information immediately available to a senior officer and another has stated it will further update the emergency contact numbers that the FSA holds.

Of the four LAs where no out of hours contact was made with an authorised officer with appropriate competency, all have provided additional assurance through plans for revised or improved systems to facilitate future out of hours contact.

During the course of the audit, some LAs indicated that emergency out of hours response arrangements were either informal, based on good will of staff and / or not guaranteed. LAs are reminded of the need to ensure an effective response to food emergencies occurring outside normal working hours to comply with the law and Food Law Code of Practice (Wales) 2021.

The absence of a comprehensive effective response across all the LAs in Wales supports the undertaking of future audit assessments to test the ongoing effectiveness of emergency arrangements and any improvements made following this audit.

Recommendations

The audit of the emergency food hygiene response by LAs in Wales identified the following recommendations:

1. All local authorities must have contingency plans in place and be prepared to operate such plans in the event of an emergency and put in place procedures to ensure that officers responsible for taking action can be contacted out of hours in the case of an emergency. [Article 5(1)(i) of Assimilated Regulation (EU) 2017/625; 5.7 Food Law Code of Practice (Wales) 2021]
2. All local authorities should advise the FSA of emergency telephone number(s), emergency contact name(s) and email addresses and proactively notify the FSA of any changes to these details as soon as practicable. Article 5(1)(i) of Assimilated Regulation (EU) 2017/625; 5.7 Food Law Code of Practice (Wales) 2021]
3. Local authorities should ensure that out of office call handlers receive the appropriate training and direction and have the correct information available to provide the FSA with access to an appropriately authorised officer. [Article 5(1)(i) of Assimilated Regulation (EU) 2017/625; 5.7 Food Law Code of Practice (Wales) 2021]

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Annex A: Local authority audit plan Wales (April 2024 – March 2025)

Background

A key part of the FSA's remit in its role as a central competent authority (CCA) is to provide assurance for stakeholders and the public that competent authorities (CAs) such as LAs, are correctly delivering and implementing any legislation, advice and guidance issued in relation to the services they provide. This audit programme, provides a key element of the FSA's overall assurance framework.

In Wales, the power to set standards and monitor LA feed and food law enforcement services was conferred on the FSA under Section 12 of the Food Standards Act 1999 and Regulation 7 of the Official Feed and Food Controls (Wales) Regulations 2009.

The Food Law Code of Practice (Wales) requires food authorities to ensure that their documented procedure for dealing with food incidents includes the effective response to food alerts issued by the Food Standards Agency (FSA) including arrangements for alerts received outside normal working hours.

Local authorities (LAs) are required to put in place procedures to ensure that responsible officers can be contacted in the case of an emergency. LAs must advise the FSA of emergency telephone number(s) to enable contact to be made outside working hours. LAs must advise the FSA of any changes to out of hours contacts.

Programme Objectives

The primary objective of the programme is to provide assurance that local authority arrangements for responding to food incidents outside normal working hours are effective in accordance with the Food Law Code of Practice (Wales), in order to safeguard public health.

In addition, the programme will seek to:

- identify and disseminate any areas of good practice and innovation to other LAs to improve the effectiveness and efficiency of responding to emergencies outside of normal working hours
- gain a broader understanding of how LAs have responded and interpreted the requirements of FSA guidance
- to highlight any emerging concerns or common issues affecting LAs in responding to emergencies
- verify the emergency contact information LAs have provided the FSA

Scope of the Audit Programme

The assessment will include all of the LAs in Wales to assess the arrangements in place for responding to food incidents outside normal working hours.

Assessment Approach

The audits will involve a telephone call with a suitably authorised officer from each authority in relation to a serious food incident. Contact will be made using the latest version of the LA contact list which contains contact details supplied to the FSA by LAs.

Timing

No prior notification of the exercise will be given to LAs.

Assessment Report and Follow Up

All LAs will receive individual feedback on the findings of the out of hours test and a summary briefing will be produced. The briefing will include recommendations for LAs and the FSA in order to improve the response to responding to emergencies outside of normal working hours. The briefing will also highlight any common themes, emerging issues as well as any areas of good practice identified during the programme.

Planned Outcomes

Immediate Outcomes

- Provide assurance regarding the arrangements in place for responding to food incidents outside normal working hours
- Improvements and actions taken by LAs contribute to more effective local food law enforcement
- Wider dissemination of identified good practice will contribute to improvements in quality and effectiveness of LA response to food incidents outside normal working hours
- Findings and recommendations will be fed back to relevant FSA teams to inform policy making
- The audits will ensure that the FSA is fulfilling its' role as CCA

Strategic Outcomes

- The audits will raise the profile of the food service within LAs and help them maintain/enhance their resource allocation
- Robust assurance on the LA implementation of Official Feed and Food Control (OFFC) requirements
- Strengthened partnership between the FSA, LAs and key stakeholders
- Improved business compliance with food hygiene and standards contributes to improved public health and reduces the likelihood of foodborne illness, food incidents and food fraud
- Contribute towards FSA strategic risk management and compliance with UK obligations under OFFC requirements & the Food Standards Act 1999