

Local Authority Approved Establishment Audit Summary Report (England)

July 2024

Foreword

Audits of local authority (LA) feed and food law enforcement functions are part of the Food Standards Agency's (FSAs) arrangements to improve the consistency and effectiveness of enforcement. These arrangements recognise that the enforcement of UK feed and food law relating to feed and food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of LAs. These LA regulatory functions are principally delivered through Environmental Health and Trading Standards Services.

Audits assess LAs' conformance against the Feed and Food Law Enforcement Standard contained within the [Framework Agreement on Official Feed and Food Controls by LAs](#) (the Framework Agreement), the [Food Law Code of Practice](#) (FLCoP) and relevant official enforcement guidance.

It should be acknowledged that there will be considerable diversity in the way and manner in which LAs may provide their feed and food enforcement services reflecting local needs and priorities. The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that LAs are providing an effective feed and food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and to provide information to inform FSA policy.

The power to set standards, monitor and audit feed and food law enforcement authorities was conferred on the Food Standards Agency by the Food Standards Act 1999 and The Official Feed and Food Control (England) Regulations 2009. The FSA's audits of LAs are undertaken under section 12(4) of the Act. Assimilated [Regulation \(EU\) 2017/625](#) on official controls performed to ensure the verification of compliance with food and feed law, includes a requirement under Article 6(1) for competent authorities to carry out internal audits or to have external audits carried out. To fulfil this requirement, the FSA, as the central competent authority for food and feed law in England, Wales and Northern Ireland has established external audit arrangements. The purpose of these audits is to verify whether official controls relating to feed and food law are implemented effectively. In developing these, the FSA has taken account of the [European Commission guidance](#) on how such audits should be conducted.

Further information on the FSAs LA audit scheme, is available on the [FSA website](#).

A glossary of technical terms used within the audit report can be found at Annex A.

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1 Background

- 1.1 The FSA is the central competent authority in England, Northern Ireland and Wales responsible for protecting public health from risks which may arise in connection with the consumption of food and otherwise to protect the interests of consumers in relation to food.
- 1.2 The aim of this audit programme was to highlight any specific issues that need addressing in regard to approved establishments in England. This work is in line with the FSA's strategy, ensuring that food produced or sold in the UK is safe to eat and consumer interests are protected from any risks.
- 1.3 In discharging its responsibilities, the FSA has, through the Secretary of State for Health in England, issued the Food Law Code of Practice England 2023 (FLCoP), a statutory Code of Practice for the delivery and enforcement of food legislation, including in relation to approved establishments.
- 1.4 The Food Law Practice Guidance (FLPG) is non-statutory guidance which complements the FLCoP and provides general advice on approaches to enforcement of the law where its intention might be unclear. The Code is also supplemented by the Framework Agreement on Official Feed and Food Controls by Local Authorities 2010.

Food Business Establishments Subject to Approval

- 1.5 Approved establishments play an important role in the supply chain for food and feed across the UK and sometimes internationally. They are involved in the supply of foodstuffs to other parts of the food chain, and as such it is essential that these types of businesses comply with any relevant food safety and standards requirements. Due to the important role played by these businesses, they are subject to specific additional legal requirements and a process of approval, compared to other businesses within the food chain.
- 1.6 The chart below indicates the numbers and different types of approved establishments recorded on the FSA's approvals database.



Source: FSA Approvals database: June 2023

- 1.7 As of June 2023, LAs in England reported a total number of 4494 approved establishments spread across 296 LAs. The largest number of approved establishments in any one Authority was 135. The distribution and number of approved establishments varies between LAs, dependent upon a number of factors including the geographical location of the Authority. The resources required to deliver official controls and maintain appropriate records can also vary between the type of approved establishment, due to the inherent risks involved with each type of business. A variety of approved establishment records were audited in this programme and seven approved establishments with differing business activities were subject to reality visits.
- 1.8 The FLCoP outlines approval requirements for food businesses establishments as follows:
- "Assimilated Regulation (EC) 853/2004 requires that food business establishments handling food of animal origin that fall under the categories for which Annex III lays down requirements must, with some limited exceptions, be approved by the competent authority. Compliance with relevant requirements of Assimilated Regulation (EC) 853/2004 is required in addition to full compliance with Assimilated Regulation (EC) 852/2004 and other relevant legislation. Registration under Article 6(2) of Assimilated Regulation (EC) 852/2004 is not required for establishments that are subject to approval."
- 1.9 FSA guidance specific to the approval of approved establishments 'Approval of Establishments - Guidance for Local Authority Authorised Officers' was issued in July 2016 with a revised version published reviewed in 2024. The guidance assists LAs with the interpretation and implementation of the relevant food legislation and regulations as they apply to approved establishments.

2 Scope and Key Objectives of the Audit Programme

2.1 The audit programme consisted of audits of eight¹ Food Safety Services across England, including two audits of shared services, focusing on arrangements for delivery of official controls at approved establishments. For the purposes of the statistics in this report, the shared services will be considered as being single entities, as audited. The programme took place between June 2023 and October 2023 at a range of LAs, selected based on the authority type, geographical location, numbers of approved establishments and excluding LAs that had been audited by the FSA in the previous five years. A list of the authorities audited can be found at Annex C.

2.2 The objectives of this audit programme were to:

- Verify compliance with planned arrangements in order to provide assurance that controls are carried out as intended and required by the FLCoP, the Framework Agreement, relevant, central and locally issued guidance.
- Verify the effective implementation of planned arrangements by LAs.
- Assess whether planned arrangements are suitable to achieve the objectives of relevant legislation. In particular, the strategic objectives stemming from Assimilated Regulations (EC) 178/2002, (EU) No.625/2017 and specific legislation relating to the approval of establishments e.g., Assimilated Regulations (EC) 852/2004, (EC) 853/2004, (EC) 210/2013 and (EC) 2073/2005.
- Disseminate good practice.
- Identify issues that relate to FSA delivery policy.

2.3 The scope of the audit programme focused on controls that LAs had in place to deal with approved establishments with reference to the Codes of Practice (FLCoP and FLPG), Framework Agreement, and centrally issued guidance. These included:

- Organisation, Service Planning and Management
- Reviewing and Updating Documented Policies and Procedures
- Authorised Officers
- Facilities and equipment
- Food Establishments Database
- Food Establishments Interventions and inspection
- Food Premises Complaints
- Food Inspection and Sampling
- Food Safety Incidents
- Enforcement
- Internal Monitoring

¹ It was not possible to carry out an audit at one of the selected LAs due to service management issues on the day of the audit. The LA was referred to the FSA's Performance Management Team.

3 Audit Methodology and Design

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

4 Executive Summary

- 4.1 This report highlights the findings and conclusions of the planned audit programme of eight local authority Food Safety Services in England, focusing on arrangements for the delivery of official controls in approved establishments. One of the audits could not be delivered due to local management issues and was referred instead to the FSA Performance Management team for further consideration.
- 4.2 The records relating to a range of approved establishments were assessed as part of the audits, including dairies, meat products establishments, fishery products and a small number of approved high risk primary producers. LAs audited were issued with an audit report including an agreed action plan to address any issues identified, which will be monitored until the actions are implemented. All the LAs involved received at least one recommendation, with 21 recommendations being made in total. The distribution of recommendations made can be seen at Annex A. In addition, observations for the FSA can be seen at Annex B.
- 4.3 Areas of good practice were identified during the audits. These can be seen throughout the main body of the report.

Service Planning:

- 4.4 **Service Plans:** All the Services audited had documented service plans in place, used to describe and explain how they would use their resources in the year ahead to deliver official controls. All the plans assessed broadly met the service planning guidance within the Framework Agreement and the FLCOP and PG. All the plans had been approved at an appropriate level within the organisation, to make sure that senior council officials were made aware of plans and any service issues.
- 4.5 Authorities could strengthen service plans by ensuring that the resources required to assess the delivery of official controls at approved establishments are accurately estimated. This should also include an estimation of the resources required for undertaking internal monitoring, maintenance of key business files and records and appropriate follow up actions to achieve timely business compliance.
- 4.6 **Officer Authorisation and Training:** Although all the officers delivering official controls at approved establishments had been authorised by their Authority to do so, in a small number of cases authorisation documents did not include all relevant legislation, potentially undermining any future legal activity that may be

required. All the Services assessed had a system in place to identify officer competency requirements in relation to the delivery of OCs in approved establishments, with all Services being aware of the requirements of the FSAs Competency Framework. Authorities considered that FSA should have a greater role in organising, coordinating, and providing formal training courses relative to official controls on approved establishments.

- 4.7 All the officers assessed that were involved in the approval and delivery of controls in approved establishments were able to provide evidence of appropriate specific training in the past on the approval and inspection of relevant business processes in their areas. It was apparent that many Services were finding it difficult to source appropriate update training on approved establishments, to help maintain officer knowledge and competency.
- 4.8 **Guidance for Officers:** All the Services assessed had provided appropriate procedures and work instructions for their officers, on the approval process and the delivery of official controls at approved establishments. These included guidance for officers on the decision as to whether or not approval was required, any derogations, the issuing of approval notification and guidance on how to deliver interventions in these establishments.
- 4.9 **Food Establishment Databases:** All the Services maintained a food premises database as required by the FLCoP, which included any approved establishments. The lists of approved establishments held by LAs were compared to the FSA's approved establishment list as part of the process. In general, these lists matched, however there were some instances where the FSA approved establishment list had not been updated to reflect any changes to the approval status of some businesses.

Delivery of Official Controls:

- 4.10 **Food Establishments Interventions and Inspections:** All the businesses assessed as part of the audit had been appropriately approved in accordance with the FLCOP. All the LAs had maintained records relating to the initial approval application and the granting of the initial approval, including any conditional approvals. However, there was a great degree of variation in the number and quality of other key documents being maintained and some issues in the retrievability of historic records.
- 4.11 Services were generally delivering interventions at approved establishments in accordance with the frequencies set out in the FLCoP, taking into account the impact of the Covid pandemic and the FSA's LA Recovery Plan. All the approved establishments assessed had received an appropriate onsite inspection, regardless of their allocated risk rating, in accordance with the FLCoP.
- 4.12 All the LAs assessed expressed their commitment to delivering unannounced inspections wherever possible, in accordance with relevant retained EU legislation centrally issued guidance. However, the majority of inspections at approved establishments assessed as part of the audit were announced. This

was largely due to operational practicalities and the need to have key business personnel available on the day of the inspection.

- 4.13 Services were using appropriate product specific inspection aides-memoire in most cases, to demonstrate that businesses were being assessed against all relevant legislation and guidance. In all cases, officers confirmed inspection findings in either letters to businesses following inspections or through inspection reports clearly identifying legal contraventions and recommendations.
- 4.14 Generally, authorities were taking appropriate follow up actions were necessary to bring about timely business compliance. There were some historic examples however where a wider range of powers could have been considered for use in approved establishments to bring about more timely compliance.
- 4.15 Reality visits to a range of approved establishments were carried out to a range of business types. Auditors were able to verify that the business activities matched Authority file records and officers were able to describe and explain the reasons and rationale for approval.
- 4.16 **Food Inspection and Sampling:** All Services had sampling policies and procedures describing circumstances where sampling activities would be undertaken. Services could strengthen sampling policies and procedures by making specific reference to microbiological sampling requirements at approved establishments. The majority of LAs audited were carrying out sampling at approved establishments or had plans to re-start appropriate sampling for 2024/25 following the end of the pandemic.
- 4.17 **Enforcement, Incidents and Complaints:** Since the end of the pandemic and the return to compliance with the FLCoP, there were no examples of any formal enforcement actions being required in the approved establishment files examined. Only one incident relating to an approved establishment was identified, which was dealt with appropriately. The Services audited had received no complaints in relation to any of the approved establishment files assessed as part of the audit. However appropriate procedures were available for officers to follow should any be received.

Internal Monitoring and Corrective Actions:

- 4.18 One of the areas that required significant strengthening based on the audit findings was qualitative monitoring of Service activities. All the Services audited had some form of appropriate quantitative monitoring in place, but most authorities had very limited qualitative monitoring of service activities. To help ensure that LAs provide a consistent and effective service, it is recommended that authorities review, update and implement suitable internal monitoring procedures considering the whole range of food enforcement activities carried out including any activities associated with approved establishment and to use a risk-based internal monitoring approach.

5 Audit Findings

5.1 Service Planning Arrangements:

- 5.1.1 It is widely recognised that effective service planning is the foundation for effective management of service delivery whilst ensuring priorities and standards are addressed and delivered locally. The Framework Agreement and centrally issued guidance require that LAs maintain an up to date and appropriately approved Service Plan to identify the demands on services and to set out how they will use their available resources to meet these demands.
- 5.1.2 All the LAs audited had documented service plans in place, used to describe and explain how they would use their resources in the year ahead to deliver official controls. All the plans assessed broadly met the service planning guidance within the Framework Agreement and the FLCOP and PG. All the plans had been approved at an appropriate level within the organisation, to make sure that senior council officials were made aware of plans and any service issues.
- 5.1.3 Whilst all the plans examined identified approved establishments as part of the demands on their services all the LAs audited could strengthen their service plans by ensuring that the resources required to assess the delivery of official controls at approved establishments are accurately estimated, using an objective methodology and documented in the plan. This should also include an estimation of the resources required for undertaking internal monitoring, maintenance of key business files and records and appropriate follow up actions to achieve timely business compliance.
- 5.1.4 Authorities were using a number of methods to identify potential approved establishments in their area. These included assessments of new business registrations, surveys of local businesses through local press and online platforms and using information from other council teams, such as licensing and planning teams. These checks were frequently undocumented and ad hoc and LAs would benefit from ensuring that these checks are more organised, planned and recorded. Some authorities had also included prompts for officers as part of their routine inspection aide-memoire.

Officer Authorisation, Competency and Training

- 5.1.5 LAs are required to ensure that officers are appropriately authorised, qualified, competent and trained to carry out food/feed law enforcement activities,

including the approval of food establishments and their official control interventions and enforcement.

- 5.1.6 All the Services assessed had authorised their officers in relation to the delivery of controls at approved establishments. However, in 2 out of 7 (28%) cases, officers authorisations did not include all the relevant regulations as required by the FLCoP/PG, potentially undermining any current or future formal enforcement and follow up actions taken by the Authorities involved,
- 5.1.7 All the Services assessed also had a system in place to identify officer competency requirements in relation to the delivery of official controls in approved establishments, with all authorities being aware of the requirements of the FSA's Competency Framework. There was evidence that LAs were following the requirements for implementing the Framework for new officers, as well as having a suitable competency assessment process in place for existing officers. Authorities considered that the FSA should have a greater role in organising, coordinating, and providing formal training courses relative to official controls on approved establishments.
- 5.1.8 All the officers assessed involved in the approval and delivery of controls in approved establishments were able to provide evidence of appropriate specific training in the past on the approval and inspection of relevant business processes in their areas. This included HACCP training, training on enforcement and training on complex processes, such as vacuum packing and sous-vide cooking.
- 5.1.9 It was apparent from the assessment process that many of the Services were struggling to deliver appropriate update training on approved establishments, to help maintain officer knowledge and competency. This is important to ensure that officers are able to keep up to date with any legislative changes or technological changes to industry processes and practices. Often this was cited as being due to a perceived lack of appropriate training courses being provided. Some Services had addressed this issue by developing their own specific in-house update training for officers involved in the delivery of official controls in approved establishments.
- 5.1.10 Some Services had developed their own in-house refresher courses using the knowledge of experienced officers and learning materials available online. Most Authorities were making use of online training packages to deliver training rather than face to face training courses.

Good Practice:

Authorisations, Competency and Training:

Good practice in relation to the authorisation, competency and training of officers was recorded in three Services;

- Digitalised and interlinked officer competency and training records held by the Authority, which were easily retrievable upon request.
- Comprehensive officer authorisation documents and use of a QR code providing digital access to them, clearly specifying restrictions down to specific regulations.
- A training matrix which includes a “level of confidence” table, to assess and prioritise training needs for the team and individuals.
- Production of training video for staff to access on various topics including admin tasks.

Guidance for Officers- Documented Policies and Procedures

5.1.11 LAs should provide officers with appropriate documented guidance for the range of duties and activities they carry out. Appropriate guidance helps to ensure that official controls are delivered in accordance with relevant legislation and centrally issued guidance, are effective and delivered consistently between officers.

5.1.12 All the Services assessed had provided appropriate procedures and work instructions for their officers, on the approval process and the delivery of official controls at approved establishments. These included guidance for officers on the decision as to whether or not approval was required, any derogations, the issuing of approval notification and guidance on the delivery of interventions and follow up actions in these establishments. In several cases it was noted that these guidance documents had only recently been developed, making it difficult to assess whether or not they had been fully implemented.

Good Practice:

Good practice in relation to officer guidance was noted in two Services;

- Key information such as updated guidance was being effectively shared within the team using a MS Teams Channel.

Food Establishment Database

- 5.1.13 Authorities must have the necessary facilities and equipment that are required for the effective delivery of all activities associated with the service. LAs are required to set up and maintain a database of the food establishments in their areas and a documented procedure to ensure that the database is accurate, reliable and up to date.
- 5.1.14 All the Services audited maintained a food premises database, which included any approved establishments, with all them having a suitable documented procedure for maintaining and verifying its accuracy in accordance with the requirements of the Framework Agreement. The lists of approved establishments held by LAs themselves were compared to FSA's approved establishment list as part of the process. In general, these lists matched, however there were some limited instances where either the FSA had not been notified by LAs about changes to the approval status of some businesses or the list had not been updated by the FSA after being notified by LAs. An accurate approvals database is important for an effective official control delivery system and to maintain business and public confidence in the safety of the food chain.
- 5.1.15 As part of the audit a desktop search of local food businesses was carried out, to help verify that relevant approved establishments were included on the Authority's database. No issues were identified as part of this exercise. Some Authorities felt that the FSA could strengthen support to both food business operators and LAs through consideration of an online / digital approvals application process, similar to the registration of food business establishments.

Good Practice:

Good practice in relation to the maintenance and accuracy of the food premises database was noted in two Services;

- Social media searches and whistleblowing campaigns delivered in conjunction with the internal audit team, were used to identify unregistered food establishments and potentially food establishments without the necessary approval.
- Routine monitoring of food delivery platforms to scan the district for unregistered business, including those that might require approval.

5.2 Delivery of Official Controls:

Food Establishments Interventions and Inspections

- 5.2.1 Authorities should carry out interventions/ inspections and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.

- 5.2.2 All but one of the Services audited had developed appropriate procedures for officers in relation to the approval and inspection of approved establishments. All the businesses assessed as part of the audit had been appropriately approved in accordance with the FLCoP, based on an appropriate approval application and an initial pre-approval inspection.
- 5.2.3 The standard of record keeping in relation to key business information as required by the FLCoP was highly variable between the Services assessed. All had maintained records relating to the initial approval application and the granting of the initial approval, including any conditional approvals. However, there was a great degree of variation in the number and quality of other key documents being maintained. Three out of seven (43%) of Services received a recommendation to improve their record keeping in relation to approved establishment files. These records, including business HACCP documentation, form an important part of the compliance history for approved establishments, as well as providing key information to support inspection decisions and to aid any food safety incidents, should they occur. The reason for this variation was often due to changes in Service recording systems, with paper records giving way to digital record keeping, as well as adherence to local record retention policies.
- 5.2.4 Interventions at approved establishments were generally being carried out in accordance with the frequencies set out in the FLCoP, taking into account the impact of the Covid pandemic and the implementation of the FSA LA Recovery Plan. All the approved establishments assessed had received an appropriate onsite inspection, regardless of their allocated risk rating, in accordance with the FLCoP.
- 5.2.5 All the Services audited assessed expressed their commitment to delivering unannounced inspections wherever possible, in accordance with relevant retained EU legislation centrally issued guidance. However, the vast majority of inspections at approved establishments were announced, largely due to operational practicalities and the need to have key business personnel available on the day of the inspection. However, there was little evidence that Services had considered or explored the possibility of delivering some unannounced interventions as part of a balanced inspection strategy. Unannounced interventions would help authorities to provide greater assurance that controls are being delivered effectively by FBOs at all times, as well as meeting the requirements and principles of domestic and assimilated EU food hygiene legislation.
- 5.2.6 Services were using appropriate product specific inspection aides-memoire in most cases, allowing them to demonstrate that businesses were being assessed against all relevant legislation and guidance. Officers were recording their inspection findings and any contraventions using these forms, leaving a suitable record of inspection for FBOs, which highlighted any contraventions, recommendations and timescales for compliance. In most cases, officers

confirmed inspection findings in letters to businesses following inspections, clearly identifying legal contraventions and recommendations.

- 5.2.7 Services were generally taking appropriate follow up actions were necessary to bring about timely business compliance. There were some historic examples however where a wider range of powers available for use in approved establishments could have been considered to bring about more timely compliance.
- 5.2.8 Auditors carried out reality visits to a range of approved establishments. In each case, auditors were able to verify that the business activities matched file records and that the size and scope of the food business was as described in the Authority's records. Officers were able to confidently describe and explain the reasons and rationale for approval.

Good Practice:

Good practice in relation to the delivery of official controls at approved establishments was noted in two Services;

- Effective departmental collaboration through the use of WhatsApp and Microsoft Teams to further support officers during onsite interventions.
- The promotion of regular "Open Office" periods for officer support.
- Shared digital SharePoint access for the approved establishment giving live access to their records.
- Digital Remote Working Hub providing support to staff working remotely in the field producing effective and efficient use of staff resource.

Enforcement

- 5.2.9 LAs are required to set up, maintain and implement a documented enforcement policy, in accordance with the relevant Codes of Practice and other official guidance. This policy should be approved by the relevant local authority member forum or relevant senior officer (where delegated).
- 5.2.10 All the Services had a suitable enforcement policy in place, and all but one Service had a range of appropriate enforcement procedures, including those in relation to approved establishments. These procedures play an important role in helping to ensure consistency between officers when delivering official controls. There had been only limited formal enforcement required against any of the approved establishments assessed during the time period reviewed as part of the audit, which included the period of the covid pandemic.
- 5.2.11 Two Services (29%) had found it necessary to serve enforcement notices at their approved establishments, including a Voluntary Surrender, Hygiene Improvement Notices (HINs) and a Remedial Action Notice (RAN). In each case the actions taken were appropriate based on the inspection records and

the actions had been carried out and monitored in accordance with the FLCoP. All the Services had acted in accordance with their policies, procedures and official guidance.

Food Inspection and Sampling

- 5.2.12 LAs are required to set up, maintain and implement a documented policy and programme in accordance with any centrally issued guidance and relevant Codes of Practice. Sampling programmes must take into account the number, type and intervention ratings of the food businesses, and the type of food produced in the area. LAs should carry out sampling in accordance with their policies, procedures and programmes.
- 5.2.13 All the Services audited had sampling policies and procedures describing circumstances where sampling activities would be undertaken. These could be strengthened by making specific reference to microbiological sampling requirements at approved establishments. All the Services except one (86%) had developed a sampling programme for the year ahead, however three (43%) sampling programmes did not include any specific plans to take samples at approved establishments. Three out of seven LAs (43%) had not carried out any sampling at approved establishments since before the pandemic with one of these due to restart this year. Authorities felt that further guidance and training relative to microbiological sampling requirements by LAs and Food Business Operators under (EC) 2073/2005 should be considered by the FSA.

Food Safety Incidents

- 5.2.14 LAs are required to set up, maintain and implement documented procedures for initiating and responding to food alerts, in accordance with the relevant Codes of Practice.
- 5.2.15 All the Services had an appropriate documented procedure for dealing with food incidents, including any in relation to approved establishments. No specific food incidents had been reported by the Services audited in the last two years, and no actions had been necessary in relation to any incidents raised by the FSA.
- 5.2.16 Service plans assessed as part of the audits included details of arrangements for out of hours cover, if needed, during any incident involving food safety. The improvements in record keeping recommended for some LAs in the audit programme should also help to ensure that officers and any other key personnel have access to up to date business information and business contact details in the event of any related incident.

Food and Food Establishments Complaints

- 5.2.17 LAs are required to set up and implement a documented policy and procedure(s) relating to food and food establishment complaints. They should investigate complaints received in accordance with the FLCoP, centrally issued guidance and their own policies and procedures. In addition, LAs are required to take appropriate action on complaints received.
- 5.2.18 All the Services had developed separate or combined policies and procedures for the investigation of food and food establishments complaints. They included the logging and allocation of complaints, information for complainants, initial investigation guidance, response deadlines, liaison arrangements, sample submission, consideration of formal enforcement and guidance on how to deal with anonymous or unjustified complaints.
- 5.2.19 Only one of the seven Services (14%) had received any complaints about approved establishments in the last two years. A sample of these complaints were assessed as part of the audit. The complaints were investigated and followed up appropriately with easily retrievable and complete records on file.

5.3 Internal Monitoring and Corrective Actions

- 5.3.1 LAs are required to set up, maintain and implement documented internal monitoring procedures to verify conformance with the Standard, relevant legislation and Codes of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. They are also required to make a record of all internal monitoring undertaken and to keep this for at least two years.
- 5.3.2 Whilst all the Services had some form of documented procedures for internal monitoring activities, 5 out of 7, (71%), required further development to include suitable arrangements for risk based quantitative and qualitative monitoring of all service activities, including activities involving approved establishments.
- 5.3.3 Internal monitoring was one of the areas that required significant strengthening, particularly in relation to qualitative monitoring of official control activities. All the Services were carrying out extensive quantitative monitoring, tracking the delivery of interventions and other official controls, and providing regular updates to senior management on progress with delivery plans. However, qualitative checks on records in relation to approved establishments were highly variable, with only occasional ad-hoc checks being carried out by most Services. This was evidenced by the variable standard of record keeping found between the Services audited. Appropriate risk based qualitative monitoring is essential to ensure compliance with relevant legislation and any centrally issued guidance and to ensure the effectiveness and consistency of the official controls being delivered.

- 5.3.4 It is recommended that Services review and update their internal monitoring procedures to consider the whole range of food enforcement activities carried out and to use a risk-based internal monitoring approach. They should also ensure any identified corrective actions required as part of the internal monitoring process are implemented, completed and recorded.

Good Practice:

Good practice in relation to internal monitoring was noted in one Service;

- Real time quantitative monitoring of the delivery of official controls in line with Service Plan expectations, providing access to the latest information and delivery trends, giving the chance to react quickly to any emerging issues.

6 Conclusions and Audit Opinion

- 6.1 Based on the findings from the sample of LAs assessed, the system for the delivery of official controls in relation to approved establishments has been given a moderate opinion (see Annex E). In our opinion, the system could be strengthened through improved record keeping, qualitative internal monitoring and the greater use of unannounced inspections by LAs where possible. The sharing of this report with all LAs and the improvements identified, along with any changes made by the FSA in response to the observations made at Annex B, should enhance the consistency and effectiveness of the official controls being delivered by these LAs and the wider enforcement community.

Annex A: Summary of Recommendations Raised Against The Standard within the Framework Agreement

The number and percentage of LAs in the programme receiving a recommendation for each relevant area of the Standard in the Framework Agreement.

The Standard	Requirement	Total number of Services
3.1, 3.2, 3.3 Organisation, Service Planning and Management	<p>LA Service Plans should:</p> <ul style="list-style-type: none"> - Include an estimate of the staff resources required to deliver all the demands of the service including those needed to deliver controls related at approved establishments and compare it to the resources available, establishing any shortfall and the plan to address it. - A performance review should be carried out by the Authority at least once a year based on the service delivery plan, documented and submitted for approval to either the relevant member forum or, where approval and management of service delivery plans has been delegated to senior officers, to the relevant senior officer. 	<p>6 (86%)</p> <p>4 (57%)</p>
5.1, 5.3, 5.5 - Authorised Officers	<ul style="list-style-type: none"> - 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 Codes of Practice and any centrally issued guidance. - Review officer authorisations to ensure the level of authorisation is consistent with their qualifications, and that they contain all appropriate legislation. 	<p>2 (28%)</p> <p>2 (28%)</p>

The Standard	Requirement	Total number of Services
7.2 & 7.4- Food and Feedingstuffs Establishments Interventions and Inspections	-The Authority shall carry out inspections at approved establishments and approve establishments in accordance with the relevant legislation, the Food Law Code of Practice, centrally issued guidance and the Authority's policies and procedures.	1 (14%)
	- The Authority shall set up, maintain and implement documented procedures for the range of interventions/inspections it carries out.	1 (14%)
12.4 - Food and Feed Inspection and Sampling	-The Authority shall set up, maintain and implement a documented sampling policy and programme that shall accord with any centrally issued or relevant guidance.	2 (28%)
16.1 - Records and Interventions/Inspections Reports	-The Authority shall maintain up to date accurate records in retrievable form on all food and feed establishments in its area, and for all relevant checks on imported food and feed, in accordance with Codes of Practice and centrally issued guidance.	4 (57%)
19.1,19.2 &19.3- Internal Monitoring	-LAs must ensure internal monitoring procedures covering the full scope of the service delivery, are developed and implemented and that a risk-based approach to internal monitoring is applied.	5 (71%)
	-LAs must also verify conformance with their own documented policies and procedures.	4 (57%)
	-A record shall be made of all internal monitoring. This should be kept for 2 years.	4 (57%)

Annex B: Observations for the FSA

The Standard	Observation
1. Documented Policies and Procedures	FSA records of approved establishments did not always match the records maintained by LAs.
2. Food Premises Registration	Some Authorities felt that the FSA could strengthen support to both food business operators and LAs through consideration of an online / digital approvals application process, similar to the registration of food business establishments.
3. Training	<p>Some of the Authorities audited felt that the FSA should have a greater role in organising, coordinating, and providing formal training courses relative to official controls on approved establishments.</p> <p>Some Authorities felt that further guidance and training relative to microbiological sampling requirements by LA's and Food Business Operators under Assimilated (EC) 2073/2005 should be considered by the FSA</p>
4. Competency Assessment	Authorities raised concerns regarding the complexity and work involved in applying the FSAs Competency Framework.
5. Records and Interventions/Inspections Reports	Lack of clarity regarding retention periods for key documents related to approved establishment files. Some key documents were not available due to local document retentions policies.
6. Internal monitoring	Further guidance on the delivery of effective risk based internal monitoring of service activities may improve the consistency of monitoring by LAs. This in turn should lead to better oversight of high risk areas of work and more effective controls being delivered in relation to food hygiene.

Annex C: Participating Services

The FSA is grateful for the cooperation and assistance provided by the following Services that were audited as part of the programme:

- Bournemouth, Christchurch and Poole Council
- Cheshire West and Chester Council
- Gateshead Council
- Kirklees Council
- Newcastle-under-Lyme Borough Council
- Rother and Wealden District Councils
- Thanet District Council

Annex D: Audit Methodology

The audits assessed LA implementation of official controls through:

1. Use of structured audit protocols and checklists for checks of Service files and database records relating to routine official controls relating to food establishments audits/inspections in connection with approved establishment, sampling and any resulting follow-up enforcement activities.
2. Meetings and interviews with officers.
3. Document reviews including all relevant food law enforcement service plans, policies and procedures.
4. Reality visits of selected approved establishments.

Annex E: Audit Opinion Definitions

Audit Opinion – Assessment of Assurance

Assurance	Definition
Substantial	The system for delivering official controls demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.
Moderate	The system for delivering official controls requires some improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.
Limited	The system for delivering official controls requires significant improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.
Unsatisfactory	The system for delivering official controls requires substantial improvement to fully demonstrate effective implementation of planned arrangements suitable to achieve the objectives of legal requirements and guidance.

Annex F: FSA Auditors / Observers

The FSA auditors conducting this audit programme were:

Alison Dugan, Senior Regulatory Auditor
Jamie McMeeking, Senior Regulatory Auditor
Allan Riley, Senior Regulatory Auditor
Philip Shea, Senior Regulatory Auditor
Andrew Webb, Senior Regulatory Auditor
Andrew Gangakhedkar, Head of Regulatory Audit

Annex G: Glossary

Authorised Officer	A suitably competent officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice (FLCoP)	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Containment Outbreak Management Fund (COMF)	Contain Outbreak Management Fund provides funding to local authorities in England to help reduce the spread of coronavirus and support local public health.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Food Safety Management System	A written permanent procedure, or procedures, based on HACCP principles. It is structured so that this requirement can be applied flexibly and proportionately according to the size and nature of the food business.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Full Time Equivalent (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time or may have other responsibilities within the organisation not related to food and feed enforcement.
HACCP	Hazard Analysis and Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the

control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.

Service Plan

A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.

Unitary Authority

A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.