

# **Audit of Local Authority Service Delivery Controls for Incidents and Alerts**

Surrey Heath Borough Council  
8-9 July



Food  
Standards  
Agency  
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## **1.0 Introduction**

- 1.1 This is a report on the outcomes of the Food Standards Agency's (FSA's) audit of Surrey Heath Council conducted between 7<sup>th</sup> July to 8<sup>th</sup> July 2015 at Surrey Heath House, Knoll Road, Camberley. The audit was carried out as part of a programme of audits on local authority (LA) controls for Incidents and Alerts. The report has been made available on the Agency's website at:

[www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports)

Hard copies are available from the FSA's Operations Assurance Division at Foss House, Peasholme Green, York, YO1 7PR. Tel: 01904 232116

- 1.2 The audit was carried out under section 12(4) of the Food Standards Act 1999 and the Agency will produce a summary report covering outcomes from the audits of all local authorities assessed during this programme.

## **2.0 Scope of the Audit**

- 2.1 The audit focused on controls that the LA had in place to deal with Incidents and Alerts with reference to the Framework Agreement and the Food Law Code of Practice (FLCoP). This included organisation and management, resources, development and implementation of appropriate control procedures, receipt of and response to alerts, reporting of incidents, advice enforcement and sampling, premises database, training and authorisation of officers, liaison and internal monitoring. Views on current arrangements for incidents and alerts were sought to inform FSA policy development.

## **3.0 Objectives**

- 3.1 The objectives of the audit were to gain assurance that:
- LAs have adequate capability and effective controls in place to deal with incidents and alerts with reference to the requirements of the Standard in the Framework Agreement, the FLCoP and centrally issued guidance.
  - The interface between the FSA and LAs with regard to the handling of incidents and alerts is appropriate and effective.

The audit also sought to;

- Identify any significant weaknesses and potential improvements in the overall arrangements for the handling of incidents and alerts.
- Identify and disseminate good practice for incidents and alerts controls.

## 4.0 Executive Summary

- 4.1 The Authority was selected for audit as it had not previously been audited by the Agency.
- 4.2 The Authority was found to be delivering a range of food law enforcement activities in accordance with the statutory obligations placed on the Authority as a competent food authority. These were generally delivered according to prescribed timescales by experienced professional staff. However, some improvements were identified to enable the Service to provide the required level of protection to consumers and in order to meet the statutory requirements of the Framework Agreement and the Food Law Code of Practice (FLCoP). A summary of the main findings and key improvements necessary is set out below.
- 4.3 **Key area for improvement:**
  - Officer Authorisations:** The Authority needed to ensure that all officers are appropriately authorized to take enforcement action in response to incidents and alerts.
- 4.4 **Policies and Procedures:** The Authority needed to review key policies such as the Service Plan and Enforcement Policy to ensure that they comply with current statutory guidance and the service planning guidance in the Framework Agreement.

## 5.0 Audit Findings and Recommendations

### 5.1 Organisation and Management

- 5.1.1 At the time of the audit Surrey Heath Borough Council Environmental Health Service was undergoing a comprehensive review. The Environmental Health Function shared a management resource with Mole Valley District Council but was also exploring options for further shared services with a number of other Surrey Local Authorities.
- 5.1.2 The Authority had developed a documented Food Safety Service Plan for 2015- 2016 which had been approved initially by the Licensing Committee. It was awaiting full council approval. The Plan was linked to the key priorities and objectives of the Authority.
- 5.1.3 The Plan was generally well structured and broadly followed the Service Planning Guidance in the Framework Agreement. However, the plan did not include a reasoned estimate of the resources needed to deliver the service.
- 5.1.4 The Lead Officer for food hygiene named in the Service plan was not the officer nominated on the Local Authority Enforcement Monitoring System (LAEMS), database. The Lead Officer role was in practice shared between the Senior Environmental Health Officer and the Environmental Health Manager. The Environmental Health Manager also worked for another Surrey Authority and therefore was not available full time at Surrey Heath. The Authority needed to clarify the Lead Officer role and nominate the relevant appropriately competent officer or officers that in practice had Lead

responsibility for the service, to enable effective liaison and coordination of a response in the event of an incident or alert.

- 5.1.5 The plan did specifically reference food safety incidents. It gave an overview of the mechanism for Food Alerts; the number received, the procedure for response and the officer time that had been spent responding in 2014/15. According to the plan this totalled approximately 4-5 days of officer time. Auditors found that there was a suitable system in place for out of hour's response to incidents and alerts. This consisted of an on call duty officer that was organised on a rota basis. Where an officer that was on call did not have the full range of authorisation needed, auditors were informed that there was facility to include other Authorised Officers as appropriate.

#### **Recommendation(s)**

5.1.6 The Authority should:

- (i) Ensure that service plans include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard - 3.1]

## **5.2 Incidents and Alerts**

- 5.2.1 The authority had a procedure for dealing with food and incidents and alerts which included arrangements for dealing with incidents out-of-hours and for notifying the FSA of food incidents arising locally. The written procedure was part of a wider computer based package that the Authority subscribed to. The written procedure gave clear advice on determining hazards that needed to be reported to the Agency.
- 5.2.2 Auditors examined records in respect of four food alerts for action issued by the FSA during the previous year. All had been received electronically by the authority and records were available to confirm that an appropriate response had been provided. However, auditors did discuss the need to ensure that the incoming food alerts were checked in a timely manner. It was also noted that some officer actions in relation to alerts were not routinely recorded.
- 5.2.3 Action taken by the authority had generally been documented and correspondence, including officer e-mails relating to food alerts, had been maintained and was easily retrievable. The record of the Food Alert For Action (FAFA), response was maintained separately. An example of this recording system was obtained. The record included the nature of the alert, the officer it was allocated to and a list of subsequent actions that included contact with a relevant food business and cascade of information to other Authorised Officers in the Food Safety Team.
- 5.2.4 Auditors did discuss that in the event a food business is visited with reference to a FAFA, it would have been good practice to record this specific aspect of the intervention separately. Officers did not routinely record on the premises record file



when an assessment of the impact of the Food Alert on that particular food business had been carried out during an intervention.

- 5.2.5 There had been no serious localised incidents in the two years prior to the audit. The LA had liaised with the FSA on a localised incident which was deemed to not need further investigation.

### **5.3 Advice to Business**

- 5.3.1 The Authority provided public access to food alerts information from the Agency through a link on its webpage. Auditors were advised that the Authority did not publicise Food Alerts for Action directly to food businesses other than by discussion during the course of a scheduled food hygiene inspection.
- 5.3.2 The Authority participated in a Primary Authority partnership with a national food retailer and a hotel chain. Neither relationship had resulted in a need to report any incidents to the Agency.

### **5.4 Food Inspection and Sampling**

- 5.4.1 The Authority had a policy and procedure that set out requirements and the intended sampling plan for 2014/15. Data provided to LAEMS for 2014 and evidence gathered during the audit confirmed that whilst there were 37 unsatisfactory samples out of a total of 84 gathered none resulted in an incidents or alert report.
- 5.4.2 Three unsatisfactory sampling result records were checked. The officer's assessment in each case was found to be consistent with the Authority's policy and the FLCoP as to whether these should have been reported as an incident or alert. There was good evidence of communication and liaison with the Agency in making the determination on at least two occasions.

### **5.5 Enforcement**

- 5.5.1 The Authority had developed a documented Enforcement Policy which was dated 2010. This was signed off at Director level. The policy required review to ensure that it was in accordance with centrally issued guidance with appropriate reference to the Regulators Code.
- 5.5.2 The Authority also had access to a range of computer based food law enforcement procedures including improvement notices, emergency prohibition notices, seizure and detention of food, voluntary surrender, and voluntary closures.
- 5.5.3 The Authority had not undertaken any food seizures, detentions, voluntary surrenders, simple cautions or prosecutions in the two years prior to the audit.

### **Recommendation(s)**

5.5.4 The Authority should:

- (i) Review the enforcement policy to ensure that it takes account of legislation, statutory guidance and the relevant Codes of Practice. [The Standard – 15.1]

## **5.6 Control and Investigation of Outbreaks and Food Related Disease**

- 5.6.1 The Authority participated in the Kent, Surrey and Sussex Outbreak and Incident Control Plan dated 15 December 2014. The plan was developed and agreed jointly by a range of stakeholders including 20 Local Authorities.
- 5.6.2 Auditors were informed that the procedure for faecal sample analysis across Surrey Local Authorities that participated in the plan required that samples be posted for laboratory analysis. Auditors discussed whether this was a secure and timely method for the analysis of samples, particularly when an Authority is investigating a potential outbreak of a virulent pathogen such as E Coli O157.
- 5.6.3 The Authority had confirmed that there had been no outbreaks of food related infectious disease recorded since 2011. The 2011 outbreak did result in an incident notification to the Agency. It also led to a successful prosecution of the food business implicated as the source of the outbreak resulting in a fine and costs awarded totalling £72,000.

## **5.7 Authorised Officers**

- 5.7.1 The Authority had developed a documented procedure for the authorisation of officers. Auditors could not find in the overarching authorisation documents any reference to key food legislation including the Food Safety Act 1990, The Food Safety and Hygiene (England) Regulations 2014 or The Official Feed and Food Controls (England) Regulations 2009 or the European Communities Act 1972. The generic power of entry documents only referred to "Food Acts". This could potentially prevent officers taking necessary enforcement action in response to incidents and alerts including any action under any emergency control regulations made under the European Communities Act 1972.
- 5.7.2 Two holders of the Higher Certificate in Food Premises Inspection were noted to be authorised to serve Remedial Action Notices. The Authority could not demonstrate however that both the officers complied with the requirements of the revised Food Law Code of Practice for authorisation in this area of enforcement. Whilst there is a one year lead in period to comply with the revised FLCoP for Lead Officer competency, authorisations for enforcement action should be adequately evidence based.

- 5.7.3 Qualifications and training records for a number of officers were examined and these demonstrated that generally officers were receiving the minimum 10 hours relevant training per annum based on the principles of continuing professional development.

**Recommendation(s)**

5.7.4 The Authority should:

- (i) Review the delegation / authorisation procedure to ensure appropriate legislation is included. [ The Standard – 5.1]
- (ii) Review the authorisation of officers to ensure they are appropriately authorised under relevant current legislation in accordance with their individual level of qualification, experience and competency.  
[The Standard – 5.3]

**5.8 Reviewing and Updating Documented Policies and Procedures**

- 5.8.1 The Authority had developed some documented procedures/work instructions for its food law enforcement service. It also relied upon a computer based software package that covered most intervention and enforcement procedures. This had the ability to be updated with local operating instructions although the Audit Liaison Officer could not confirm that the Authority had adapted any of the generic procedures.
- 5.8.2 The Authority's specific in house policies were reviewed although some policies required further review to reflect changes in legislation and official guidance.
- 5.8.3 Procedures were stored electronically and all staff including those at remote locations had ready access.

**5.9 Facilities and Equipment**

- 5.9.1 The authority's food database was capable of providing the information required by the FSA. Audit checks confirmed that data reports could be readily generated...
- 5.9.2 The Authority had a draft policy for monitoring the accuracy of the database. Access to the database was password controlled and significant changes to the system were controlled by the Systems Analyst.



## **5.10 Food Premises Database**

- 5.10.1 The Authority was operating a database capable of recording responses to incidents and alerts. The LA also had a system in place for ensuring that the database recorded Food Alert for Action notifications from the FSA. These were given a unique identifier.
- 5.10.2 The Authority had developed some draft guidance to ensure data was correctly and accurately entered and also used information and intelligence provided by Licensing and Business Rates Department. LA officers advised the auditors that internet searches were also carried out to ensure that the database was reflective of the LA area.
- 5.10.3 Auditors had prior to the audit identified potential anomalies and inaccuracies in Food Hygiene Rating System data and these were left with the Authority for further investigation.
- 5.10.4 Audit checks on six premises chosen at random indicated that five were correctly entered on the database however one could not be located.

## **5.11 Liaison with other Organisations**

- 5.11.1 Auditors found good evidence that there was appropriate liaison with Originating Authorities, FSA and other Local Authorities. The Authority had sought the advice of the Agency on at least two occasions when considering the notification of an incident.

## **5.12 Internal Monitoring**

- 5.12.1 The Authority had developed a documented internal monitoring procedure. The procedure detailed monitoring arrangements in regard to inspection, complaints and enforcement notices. The Senior Environmental Health Officer carried out accompanied inspections with officers which were fully documented and signed by the officer and SEHO. These detailed strengths and areas of development.
- 5.12.2 Whilst documented evidence was found of intervention monitoring the Authority could not provide evidence of monitoring for handling of complaints. Auditors also discussed the need to record other monitoring that was carried out informally.

## **5.13 Local Authority Views on Arrangements for Incidents and Alerts**

- 5.13.1 At the conclusion of the audit the Authority was asked to provide some feedback on the arrangements in place for incidents and alerts at the Agency and associated statutory guidance. The following is a summary;
- The definition given for serious localised food hazard in the current version of the FLCoP requires further clarity.
  - The Agency should consider giving a time frame for Authorities when planning responses to Food Alerts For Action

- Do Authorities need to participate when an alert maybe more relevant for a manufacturer?
- More general guidance and practical training on incidents and alerts would be welcomed.

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## Annex A - Action Plan for Surrey Heath Borough Council

Audit date: 8-9 July 2015

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
5.1.6 Ensure that service plans include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard - 3.1]	31/03/16	We will ensure that at the next production of the Food Law Enforcement Service Plan we include the comparison.	
5.5.4 Review the enforcement policy to ensure that it takes account of legislation, statutory guidance and the relevant Codes of Practice. [The Standard – 15.1]	31/03/16	The enforcement policy will need to be adapted in line with the future partnership plans and brought in line with proposed arrangements.	
5.7.4 (i) Review the delegation / authorisation procedure to ensure appropriate legislation is included. [The Standard – 5.1]	01/10/15	It is proposed that over the coming weeks we will review the current procedures and authorisations to ensure that they are suitable and sufficient to meet the needs of the Authority and the legislation.	Completed 1 October 2015
5.7.4 (ii) Review the authorisation of officers to ensure they are appropriately authorised under relevant current legislation in accordance with their individual level of qualification, experience and competency. [The Standard – 5.3]	01/10/15	It is proposed that over the coming weeks we will review the current procedures and authorisations to ensure that they are suitable and sufficient to meet the needs of the Authority and the legislation.	Completed 1 October 2015

## **ANNEX B - Audit Approach/Methodology**

The audit was conducted using a variety of approaches and methodologies as follows:

- (1) Examination of LA plans, policies and procedures.
- (2) A range of LA file records were reviewed.
- (3) Review of Database records
- (4) Officer interviews

## **ANNEX C - Glossary**

Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice	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.
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.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.

Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Food and Feed Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (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.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.

## 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.