

**Report on the Audit of Local Authority Food Law
Service Assessment of Food Businesses'
Food Safety Management System (FSMS)**

Rotherham Metropolitan Borough Council
18-19 May 2010



Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring.

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for officer authorisation and training, inspections of food businesses and internal monitoring. The audit scope was developed specifically to address Recommendations 9 and 15 of the Public Inquiry Report¹ into the 2005 E. coli outbreak at Bridgend, Wales. The programme focused on the local authority's training provision to ensure that all officers who check Hazard Analysis and Critical Control Point (HACCP) and HACCP based plans, including those responsible for overseeing the work of those officers, have the necessary knowledge and skills. Also, that focused on existing inspection arrangements and processes to assess and enforce HACCP related food safety requirements in food businesses are adequate, risk based, and able to effect any changes necessary to secure improvements.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website at:

www.food.gov.uk/enforcement/auditandmonitoring. It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their 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 local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all the devolved countries comprising the UK.

For assistance, a glossary of technical terms used within this audit report can be found at Annexe C.

¹ <http://wales.gov.uk/ecolidocs/3008707/reporten.pdf?skip=1&lang=en>

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1. Introduction

- 1.1 This report records the results of an audit at Rotherham Metropolitan Borough Council (MBC) with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of food premises inspections, enforcement activities and internal monitoring. The report has been made available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring/auditreports. Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Rotherham MBC was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was included in the Food Standards Agency's programme of audits of local authority food law enforcement services, because it had not been audited in the past by the Agency and was representative of a geographical mix of 25 Councils selected across England.

Scope of the Audit

- 1.4 The audit examined Rotherham MBC's arrangements for food premises inspections and internal monitoring with regard to food hygiene law enforcement, with particular emphasis on officer competencies in assessing food safety management systems based on HACCP principles. This included a "reality check" at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and more specifically, the checks carried out by the Authority's officers to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management and the internal monitoring of other related food hygiene law enforcement activities.
- 1.5 Assurance was sought that key food hygiene law enforcement systems and arrangements were effective in supporting business compliance and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's office at Reresby House, Bow Bridge Close, Rotherham on 18 – 19 May 2010.

Background

- 1.6 Rotherham is a Metropolitan Borough Council with a population of approximately 254,000 and covering an area of 28,277 hectares. It is a mixed urban and rural area, traditionally comprising of heavy industry including coal mining and steel manufacturing. In July 2008-2009 unemployment stood at approximately 9.1% compared to 6.9% nationally.
- 1.7 On 16 April 2010 there were approximately 2,138 registered food premises situated within the district. The majority of food businesses comprised of small to medium catering and retail enterprises, which accounted for approximately 97% of the food businesses operating within the area. There were two food establishments in the Authority's area which required approval under Regulation (EC) No. 853/2004.
- 1.8 Food Hygiene and Food Standards were delivered by the Food, Health and Safety Section, part of the business Regulation Service Unit, in the Neighbourhoods and Adult Services Directorate. Other services also delivered by the Team included occupational health and safety enforcement, water quality, infectious disease control, animal health, advisory services, health promotion and licensing functions.
- 1.9 The profile of Rotherham MBC's food businesses as of 16 April 2010 was as follows:

Type of food premises	Number
Primary Producers	12
Distributors/Transporters	36
Importers/Exporters	2
Manufacturers/Packers	17
Retailers	519
Restaurant/Caterers	1552
Total number of food premises	2138

2. Executive Summary

- 2.1 The Authority had developed a Food Safety Service Plan for 2010/2011 that was broadly in line with the Service Planning Guidance in the Framework Agreement. Future Service Plans however would benefit from the inclusion of a comparison of the staff resources required to deliver all the food law enforcement service against the resources available to the Authority.
- 2.2 The Authority had recently contributed to a range of comprehensive policies and procedures developed by the regional food liaison group covering most aspects of the Food Safety Service. This included a system of document review and control. However auditors were unable to confirm that these procedures had been fully implemented at the time of the audit.
- 2.3 The Authority had developed a system of identifying officer competency requirements and issuing legal authorisations. This system required further review to ensure that officers were only authorised in accordance with their individual qualifications, experience and competency and to ensure that officers were authorised under all relevant food safety legislation. The Authority took immediate steps to review and update officers schedules of legal authorisation.
- 2.4 Training needs were identified during yearly appraisals, and in general, the Authority was able to demonstrate that authorised officers had undertaken the recommended minimum 10 hours relevant training, based on the principles of continuing professional development, including recent HACCP training.
- 2.5 At the time of the audit the Authority had identified a significant number of food business establishments which either did not have a risk rating or were overdue an intervention. Although some overdue inspections involved higher risk establishments, the majority related to medium and lower risk establishments. The Service was targeting the most high risk premises with the resource available.
- 2.6 Inspection aides-memoire in use at the time of the audit were insufficient to prompt officers to record detailed findings during food safety inspections. In particular they failed to capture the level of assessment of Food Safety Management Systems (FSMS) completed by the officer. Aides-memoire were often only partially completed, or in some cases were missing from files, making it difficult for officers to justify risk scores or their choice of follow-up actions.
- 2.7 Letters to businesses following inspections were generally comprehensive, clearly outlining inspection findings, differentiating between legal contraventions and recommendations and providing suitable timescales for completion. However a large proportion of

inspection letters reviewed were sent many weeks or months after the date of the inspection. Although FBOs were also sometimes informed informally about inspection findings, the lack of timely formal notification could affect any future enforcement actions by the Authority, and possibly hinder timely business compliance.

- 2.8 An officer interview and a “reality check” visit at a food business were undertaken during the audit. The main objectives were to assess the officer’s knowledge of HACCP and FSMS, the Authority’s own systems and procedures and to evaluate the effectiveness of the Authority’s assessment of food business compliance with food law requirements. Although some issues were identified during the visit, the checks completed by the officer were appropriate, with officers demonstrating an understanding of HACCP and FSMS.
- 2.9 The Authority was unable to provide documentation relating to the approval and assessment of the approved establishment in the area. Auditors were informed that the relevant premises file had been lost. Due to the lack of documentary records it was not possible for auditors to determine if the establishment complied with legislative requirements or whether officers had undertaken suitable assessments of the business as required by the Food Law Code of Practice. The Authority assured auditors that immediate steps would be taken to retrieve the information, or to take urgent action to re-assess the business.
- 2.10 Record checks confirmed that officers were willing and able to undertake a range of formal enforcement actions to help secure business compliance. However auditors noted that the Authority had not always adopted a graduated approach to enforcement at some higher risk establishments where repeated serious breaches of food hygiene legislation had been recorded.
- 2.11 A range of enforcement actions were reviewed, including hygiene improvement notices. In most cases the actions taken were appropriate to the circumstances and had generally been undertaken in accordance with the Food Law Code of Practice, including regular contact and follow-up with the FBO.
- 2.12 The Authority maintained comprehensive food and food premises complaint investigation details and had undertaken appropriate investigations in relation to the complaint in each of the cases reviewed during the audit.
- 2.13 The Service had undertaken sampling in accordance with their sampling programme and had taken appropriate actions where unsatisfactory results had been obtained.
- 2.14 The Service was able to provide detailed evidence of quantitative monitoring relating to inspection numbers and targets. However there

was little documentary evidence of any risk based internal monitoring relating to the quality of officers work across the full range of food law enforcement activities performed by the Service. The Service had adopted a new regional internal monitoring procedure however, which if regularly reviewed and rigorously implemented, should address many of the issues identified during the audit.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a Food Service Plan for 2010/2011, which was broadly in line with the Service Planning Guidance in the Framework Agreement and approved by relevant Members annually. The Plan outlined its links to the wider Neighbourhoods and Adult Services Service Plan 2009-2012, identifying two main objectives for the Service, based upon reducing the impact of the economic downturn on businesses, communities and individuals and “contributing to improved health and economic well-being and improved quality of life.”
- 3.1.2 Whilst the Plan did provide some information on the demands placed on the Service based on estimates from previous years and its food premises database, the Plan would benefit from the inclusion of a clear comparison of the staff resources required to deliver all food law enforcement service activities against the staff resources presently available to the Authority.

Recommendation

3.1.3 The Authority should:

Ensure that future Food Service Plans are fully in line with the Service Planning Guidance in the Framework Agreement, including a reasoned estimation of the staffing resources required to deliver all aspects of its food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]

- 3.1.4 The Food Service Plan for 2010/2011 set out key objectives for the forthcoming year, including an aim to undertake food hygiene inspections in accordance with the frequency determined in the Food Law Code of Practice, targeting high risk inspections.
- 3.1.5 The Authority had reviewed the findings of the Pennington Inquiry Report into the 2005 E. coli outbreak in Wales and had introduced a range of measures, including targeted safer food, better business (SFBB) coaching for businesses in the area.
- 3.1.6 Auditors were informed about the recent complex and time consuming process of updating the Authority’s food premises database, and the significant resources that had been involved in the data transfer process. The Authority was able to produce a range of

reports during the audit to verify the database and provide auditors with necessary information related to food establishments in the area.

- 3.1.7 Monitoring returns made to the Food Standards Agency under the Local Authority Enforcement Monitoring System (LAEMS) for 2008/2009, confirmed that there were 12 full time equivalent posts (FTE) allocated to the Service excluding administration, of which 10 posts were presently occupied.
- 3.1.8 The Authority had completed a review of inspections against the previous year's target, "95% of high risk food premises", establishing an actual performance figure of 97%. The target used however did not provide any indication as to whether inspections had been carried out at the frequency prescribed in the Food Law Code of Practice.

Documented Policies and Procedures

- 3.1.9 The Service had recently collaborated with neighbouring Authorities in the South Yorkshire Food Liaison Group (SYFLG) to develop a comprehensive set of regional policies and procedures covering most aspects of the Food Safety Service. At the time of the audit however, auditors were unable to confirm that the procedures had been fully implemented by the Service.
- 3.1.10 A document control and review system had also been developed as an integral part of these new procedures which, if adhered to, should help ensure that documents reflect relevant legislation and any changes to centrally issued guidance.

Officer Authorisations

- 3.1.11 Individual officer authorisation was granted following consideration of the qualifications and details of experience provided to support the authorisation request. At the time of the audit auditors noted that several officers were not fully authorised under food hygiene legislation relevant to the range of their food hygiene enforcement responsibilities, including specific authorisation under the Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2009.
- 3.1.12 Conversely, some officers had been granted authorisation seemingly in excess of their documented level of experience and competence, contrary to guidance in the Food Law Code of Practice and the Authority's new authorisation procedure. The Authority agreed to review and update officer authorisation documentation to address these issues as a matter of urgency.
- 3.1.13 Auditors were advised that an annual performance review system for officers was in place where training needs were discussed and any

training requirements would be identified, forming part of a wider Group Development Plan.

Recommendation

3.1.14 The Authority should:

Liaise with its legal department to ensure that all its officers are suitably authorised under all relevant food safety legislation. Officers' levels of authorisation should be consistent with their qualifications, training and experience, in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 5.3]

3.1.15 Audit checks and an officer interview confirmed that in general all authorised officers had achieved the required minimum 10 hours relevant training, based on the principles of continuing professional development, and had generally received suitable training related to the assessment of HACCP based food safety management systems (FSMS).

3.2 Food Premises Inspections

- 3.2.1 The Authority maintained a food business interventions programme based on establishment's risk category ratings. At the time of the audit, checks confirmed there were approximately 678 food establishments within risk categories A to E which were overdue an intervention, although the majority consisted of medium to low risk inspections. A number of past interventions, including some at higher risk establishments, had not been completed at a frequency determined within the inspection risk rating system.

Recommendation

- 3.2.2 The Authority should:

Ensure that food hygiene inspections of establishments in their area are undertaken at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice or other centrally issued guidance. [The Standard – 7.1]

- 3.2.3 The Authority used an inspection aide-memoire to prompt officers during interventions and to record their assessment of business compliance with relevant legislation, to inform future interventions. The aide-memoire was frequently only partially completed or sometimes missing from files entirely. Officers were unable to demonstrate that on every occasion establishments had been assessed against all relevant food hygiene legislation, including detailed assessments related to HACCP and FSMS. In addition, auditors were not always able to determine from the information retained in files, the basis for officers' assessments and enforcement decisions. This was particularly evident in the relation to officers' assessments of FSMS.

Recommendation

- 3.2.4 The Authority should:

Further review and develop its inspection aides-memoire for all types of food establishments in its area, to prompt and require officers to record all relevant inspection findings including detailed assessments of establishments' compliance with legislation related to HACCP and FSMS. [The Standard – 7.3]

- 3.2.5 Letters sent to food business operators (FBOs) were generally detailed and comprehensive, containing all the information required by the Food Law Code of Practice. Letters were clearly worded with the measures to be taken to secure compliance with appropriate timescales identified. Letters also consistently differentiated between legal requirements and recommendations of good practice.
- 3.2.6 Auditors noted however that in many cases letters, including those that required immediate actions to be taken by FBOs, were dated and sent several weeks or months after the date of the inspection. Although FBOs were generally informed of the results of inspections verbally and through a basic handwritten inspection report left following the inspection, the lack of a timely formal notification could hinder the FBO's efforts to fully comply with hygiene legislation in a timely manner and undermine any future enforcement actions taken by the Authority.
- 3.2.7 The Authority maintained files for one approved establishment and one establishment that had been formerly approved by the Authority, but which had been routinely transferred to the Food Standards Agency, as per centrally issued guidance. The Authority maintained only limited information relating to the one establishment currently approved by the Authority, a national manufacturer of prepared meals. Auditors were informed that the main file containing the approval assessment documentation and most past inspection findings had been lost. The Authority was therefore unable to demonstrate that the establishment had been appropriately approved or assessed against all relevant legislation, including the requirements of Regulation (EC) No. 853/2004, and auditors were unable to verify that the establishment met all the hygiene requirements, including those related to HACCP and FSMS at the time of the audit.
- 3.2.8 The Authority assured auditors that attempts would be made to retrieve the file containing all the relevant information relating to the establishment, or appropriate actions would be taken to urgently re-assess and review the establishment.

Recommendation

3.2.9 The Authority should:

Ensure that observations made and/or data obtained in the course of an inspection/intervention is recorded in such a way the records are retrievable. Determination of legal compliance or any non-compliance should be recorded.

[The Standard – 7.5 and 16.1]

Verification Visit to a Food Premises

- 3.2.10 During the audit, a verification visit was undertaken to a local butcher with the officer that had carried out the last food hygiene inspection of the premises. The main objective of the visit was to evaluate the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview of the FBO by the Officer, the general hygiene checks to verify compliance with the structure and hygiene practice requirements and checks carried out by the Officer to verify compliance with HACCP based procedures.
- 3.2.11 During the visit the officer was able to demonstrate an appropriate understanding of the food safety risks associated with the activities at the premises and assessing the businesses compliance to HACCP requirements. The visit identified that the FBO needed to complete some further works on some structural and FSM issues to fully comply with food safety requirements. These were discussed with the food business operator and appropriate follow-up actions agreed with the officer.

3.3 Enforcement

- 3.3.1 The Authority had adopted the South Yorkshire Food Authorities Enforcement Protocol, designed to facilitate consistency in enforcement action between neighbouring Authorities, which was generally in accordance with centrally issued guidance. Additionally the Authority had developed a Council General Enforcement Policy, approved by relevant Members, which had recently been subject to review to include reference to the Regulators Compliance Code.
- 3.3.2 There was evidence that the Authority were using a variety of enforcement options in order to achieve compliance at certain premises which were known to be problematic. However auditors noted a number of examples where files contained insufficient evidence to support the choice of enforcement actions taken, where serious and sometimes repeated breaches of food hygiene legislation had been recorded, contrary to the Authority's Enforcement Policy and protocol.

Recommendation

3.3.3 The Authority should;

Take appropriate action on any non-compliance found during interventions, in accordance with the Authority's Enforcement Policy, the Food Law Code of Practice and any centrally issued guidance. All decisions on enforcement should be made following consideration of the Authority's Enforcement Policy. The reasons for any departure from the criteria set out in the policy should be documented.
[The Standard – 7.3, 15.3 and 15.4]

- 3.3.4 A sample of three hygiene improvement notices (HINs), which had been served on businesses for failing to comply with Regulation (EC) No. 852/2004, including Article 5 relating to HACCP requirements, were reviewed during the audit. In each case, the notice had been the appropriate course of action. All notices reviewed were appropriately detailed with the measures and time limits to achieve compliance clearly specified. Timely checks were made on the businesses to determine compliance on the expiry of the notices and letters were routinely issued to the FBOs to confirm compliance with the notices.
- 3.3.5 Details relating to three hygiene emergency prohibition notices (HEPN) and one voluntary closure served on businesses where there was deemed to be an imminent risk to health were assessed by auditors. Whilst the choice of action taken in each case seemed appropriate and consistent with the Authority's Enforcement Policy, files often contained incomplete legal administrative records relating

to actions taken during the HEPN process. Some legal administration was held by the Authority's legal department and auditors discussed the benefits of keeping copies of such records together within premises files. Evidence related to the cases reviewed also contained occasional errors involving inspection dates and details that could have undermined the Authority's actions.

- 3.3.6 Records were also reviewed in relation to a sample of other enforcement actions which had been taken in order to achieve business compliance at food premises. In each case, the actions taken by the Authority were appropriate for the contraventions that had been identified, and followed due legal process.

3.4 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.4.1 The Service was able to provide evidence of routine quantitative monitoring of inspections against targets set out in its Service Plan. In addition auditors were informed of a robust corporate mechanism in place to report, identify and address any shortfalls in inspection targets.
- 3.4.2 In practice there was little documentary evidence of any risk based qualitative internal monitoring across the range of food enforcement activities performed by the Service, including inspections and follow-up actions. However the Authority had recently adopted a regionally developed internal monitoring procedure which, if rigorously implemented and regularly reviewed should help to identify many of the performance quality issues noted on files and records.

Recommendation

3.4.3 The Authority should:

Implement its new internal monitoring procedures to include qualitative monitoring of all areas of food law enforcement activity and ensure that appropriate records are retained to verify conformance with the Standard and relevant Codes of Practice and centrally issued guidance.
[The Standard – 19.1 and 19.2]

Food and Food Premises Complaints

- 3.4.4 Audit checks were completed in relation to five separate food and food hygiene complaint records. In all cases examined, complaints had been thoroughly investigated, including examination of the businesses food safety management system records where appropriate. Records maintained were generally comprehensive and complainants had been notified of the investigation findings.

Food Sampling

- 3.4.5 The Authority was actively participating in local, regional and national food sampling programmes and a brief reference to the Authority's policy on sampling was made within its Food Service Plan.
- 3.4.6 Audit checks of unsatisfactory sampling test results were carried out. In all cases FBOs had been informed of the analysis results and appropriate actions taken in accordance with the official guidance. Where unsatisfactory sampling results had been identified,

appropriate follow-up actions had been taken and FBOs notified of the findings.

Third Party or Peer Review

- 3.4.7 The Authority had not participated in any recent inter-authority or external audits, although auditors were informed that the Authority had recently participated in a peer challenge review process in February 2010.

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ANNEXE A

Action Plan for Rotherham Metropolitan Borough Council

Audit date: 11-12 May 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.3 Ensure that future Food Service Plans are fully in line with the Service Planning Guidance in the Framework Agreement, including a reasoned estimation of the staffing resources required to deliver all aspects of its food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]</p>	<p>31/10/10</p>	<p>The Food Service Plan for 2010/2011 will be revised to include a comparison between the resources required to deliver the food law enforcement service, and the staffing resources available to the authority.</p>	<p>We have initiated discussions across South and West Yorkshire to benchmark resource allocation decisions. We are also reviewing all options for the future delivery of our food law enforcement duties.</p>
<p>3.1.14 Liaise with its legal department to ensure that all its officers are suitably authorised under all relevant food safety legislation. Officers' levels of authorisation should be consistent with their qualifications, training and experience, in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 5.3]</p>	<p>31/10/10</p>	<p>A review of the current scheme of delegation was undertaken with the legal department, and officers were issued with revised authorisations in accordance with this scheme of delegation.</p> <p>A report will be submitted to the Cabinet Member for Housing & Neighbourhood Services that will specify the delegated powers that need to be added to the scheme.</p> <p>Individual officer authorisations will then be further amended as required.</p>	<p>A current scheme of delegation was ratified by full Council on 21/05/10. This document has been further reviewed, with input from the Council's legal department, and it is apparent that there are items which require adding to the scheme.</p> <p>The Council's legal team have confirmed that the Director of Housing and Neighbourhood Services has the appropriately delegated power to authorise officers under Food Safety Legislation. Officers have therefore been issued with revised authorisations in accordance with the new scheme of delegation.</p> <p>The authorisation process has taken into account the individual officer's qualifications, training and experience.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.2 Ensure that food hygiene inspections of establishments in their area are undertaken at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice or other centrally issued guidance. [The Standard – 7.1]</p>	<p>31/10/10</p>	<p>Resources will be directed towards those premises that present the highest level of risk. Through directing resources in this way, it is intended that 100% of category A, B and C premises will be inspected in accordance with the Food Law Code of Practice.</p> <p>Category D and E premises will also be included in individual officer work programmes, as will all unrated food premises (such as new businesses). Where possible, alternative enforcement strategies will be used to deliver interventions at appropriate premises.</p> <p>A performance monitoring framework will be developed and implemented in relation to individual officer workloads and work programmes.</p>	<p>Inspections continue to be allocated according to risk and available resources; we have improved our processes for monitoring performance.</p>
<p>3.2.4 Further review and develop its inspection aides memoire for all types of food establishments in its area, to prompt and require officers to record all relevant inspection findings including detailed assessments of establishments' compliance with legislation related to HACCP and FSMS. [The Standard – 7.3]</p>	<p>30/09/10</p>	<p>Copies of exemplar aides memoire will be requested from the Agency and reviewed.</p> <p>Where appropriate, the aide-memoire will be revised to incorporate any elements of good practice identified in the reviews of exemplar and neighbouring authority aides-memoire. If necessary, sector specific aides-memoire will be introduced.</p> <p>The internal monitoring procedure will be implemented, and will include a check that the aide memoire has been completed appropriately.</p>	<p>The requirement to fully complete the inspection aide memoire has been reinforced with all relevant staff.</p> <p>Examples of aides-memoire used by colleagues in neighbouring authorities are being reviewed, and amendments will be made as required.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.9 Ensure that observations made and/or data obtained in the course of an inspection/intervention is recorded in such a way the records are retrievable. Determination of legal compliance or any non-compliance should be recorded. [The Standard – 7.5 and 16.1]</p>	<p>30/11/10</p>	<p>The reassessment of the approved establishments will continue, and all necessary documentation to support the approval will be obtained and stored in an appropriate manner.</p> <p>Where necessary, inspection paperwork will be amended to allow the recording of decisions regarding enforcement actions and legal compliance.</p> <p>The internal monitoring procedure will be implemented, and will include verification that all relevant documentation is stored appropriately and securely.</p>	<p>Steps have been taken to obtain information to replace the missing documentation in relation to the approved establishments.</p> <p>All staff have been informed of the requirement to maintain adequate records, and of the need to store them in a secure and easily retrievable manner.</p> <p>Dates have been identified in Aug/Sept to assess the premises that is subject to approval.</p>
<p>3.3.3 Take appropriate action on any non-compliance found during interventions, in accordance with the Authority's Enforcement Policy, the Food Law Code of Practice and any centrally issued guidance. All decisions on enforcement should be made following consideration of the Authority's Enforcement Policy. The reasons for any departure from the criteria set out in the policy should be documented. [The Standard – 7.3, 15.3 and 15.4]</p>	<p>31/08/10</p>	<p>The Council's General Enforcement Policy and the South Yorkshire Food Authorities Enforcement Protocol will be reinforced with all staff.</p> <p>Where appropriate, internal processes will be streamlined to further reduce unnecessary delay with regard to enforcement action.</p> <p>The internal monitoring procedure will be implemented. The procedure will include verification that appropriate action is taken following an inspection / intervention, and that this action is taken in a timely manner and in accordance with the Authority's Enforcement policy, the Food Law Code of Practice and any centrally issued guidance.</p>	<p>All staff have been informed of the requirement to maintain adequate records, and of the need to store them in a secure and easily retrievable manner.</p> <p>Actions have been taken to reduce the delay in relation to the issuing of letters following inspection visits.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.4.3 Implement its new internal monitoring procedures to include qualitative monitoring of all areas of food law enforcement activity and ensure that appropriate records are retained to verify conformance with the Standard and relevant Codes of Practice and centrally issued guidance. [The Standard – 19.1 and 19.2]	31/08/10	The internal monitoring procedure will be fully implemented.	Elements of the internal monitoring procedure have been introduced. All elements will be implemented by 31/08/10.

Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

The following LA policies, procedures and linked documents were examined before and during the audit:

- Food Service Plan 2010/2011
- Group Development Plan
- Range of regionally developed procedures
- South Yorkshire Food Authorities Enforcement Protocol
- Food Premises Inspection aide(s)-memoire

(2) File reviews – the following LA file records were reviewed during the audit:

- General food premises inspection records
- Approved establishment files
- Food complaint records
- Food sampling records
- Formal enforcement records

(3) Officer interviews – the following officers were interviewed:

- Audit Liaison Officer
- Environmental Health Officer

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

(4) On-site verification check:

A verification visit was made with the Authority's officers to a local food business. The purpose of the visit was to verify the outcome of the last inspection carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice and official guidance, having particular specific regard to LA checks on FBO compliance with HACCP based food management systems.

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 geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
E. coli	<i>Escherichia coli</i> microorganism, the presence of which is used as an indicator of faecal contamination of food or water. <i>E. coli</i> 0157:H7 is a serious food borne pathogen.
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"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food 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 enforcement.

HACCP	Hazard Analysis 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.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
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.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
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.