

AUDIT
REPORT

Audit of Official Controls
in Local Authority
Supervised Establishments
– Cork County Council

SEPTEMBER 2016



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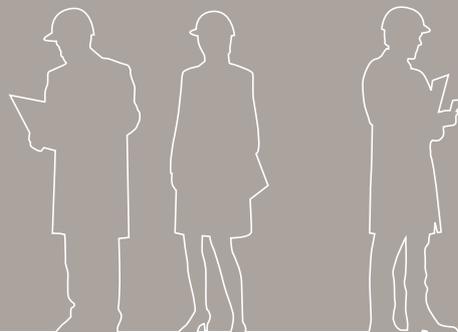


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1. GLOSSARY

CCP	Critical Control Point
FSAI	Food Safety Authority of Ireland
HACCP	Hazard Analysis Critical Control Point
OAPI	Official Agency Premises and Inspections database
SOP	Standard Operating Procedure

2. EXECUTIVE SUMMARY

The Food Safety Authority of Ireland (FSAI) is responsible for the enforcement of all food legislation in Ireland, which is carried out through service contracts with official agencies. As part of its legal mandate, the FSAI is required to verify that the system of official controls is working effectively.

This audit was carried out for the purposes of assessing the effectiveness and appropriateness of the delivery of official controls by the council. Compliance by the veterinary staff with their responsibilities under relevant food legislation, adherence to the terms and requirements of the FSAI service contract, as well as conformance with relevant documented procedures, were assessed. The audit focused on the management, delivery of official controls, follow-up and close-out of non-compliances identified during official control inspections in order to confirm compliance with the requirements of relevant food legislation, the service contract and the Multi Annual National Control Plan. Two establishments were selected to review how official controls are organised, conducted and followed up in practice following a file review.

Cork County Council supervises 52 approved and nine registered food business operations under service contract to the FSAI. The audit team confirmed that there was an organised approach to the delivery of official controls and the two establishments visited were found to be operating at a level of compliance with food law appropriate for approved food business operations.

3. INTRODUCTION

3.1 Audit Objective

The FSAI is responsible for the enforcement of food legislation in Ireland. The FSAI carries out this enforcement function through service contracts with official agencies. These service contracts outline an agreed level and standard of food safety activity that the official agencies perform as agents of the FSAI. Cork County Council has entered into a service contract with the FSAI and is responsible for the enforcement of food legislation as it applies to slaughterhouses, meat plants, cold stores and food vehicles (wholesaling meat) under its supervision. It is a requirement of the service contract and food legislation that the council ensures official controls are carried out regularly, on a risk-basis and with the appropriate frequency.

As part of its legal mandate, and in accordance with Schedule 5 of the service contract, the FSAI is required to verify that the system of official controls is working effectively. This audit was undertaken as part of the FSAI's audit programme for 2015 and was carried out in September 2015. This report describes the audit objective, scope, methodology and the findings of the audit.

3.2 Audit Scope

This audit was carried out for the purposes of assessing the effectiveness and appropriateness of the delivery of official controls by the council. Compliance by Cork County Council with its responsibilities under relevant food legislation, adherence to the terms and requirements of the FSAI service contract, as well as conformance with relevant documented procedures, were assessed.

The objective of this audit was to verify (i) the effectiveness and appropriateness of official controls and (ii) compliance with official food control legislation and the procedures and plans put in place by the County Council to achieve these aims. The audit focused on the management, delivery of official controls, follow-up and close-out of non-compliances identified during official control inspections in order to confirm compliance with the requirements of relevant food legislation, the service contract and the Multi Annual National Control Plan. Two establishments were selected to review how official controls are organised, conducted and followed up in practice following a file review. In addition, the audit reviewed findings, recommendations and corrective actions taken following an internal audit carried out by staff from another local authority.

3.3 Audit Criteria and Reference Documents

The audit criteria referred to during the audit included the following:

- Regulation (EC) No 882/2004 on official controls performed to ensure verification of compliance with feed and food law, animal health and animal welfare rules, as amended
- The FSAI Service Contract (including FSAI Act)
- Regulation (EC) No 852/2004 on the hygiene of foodstuffs, as amended
- Regulation (EC) 853/2000 on the hygiene rules for food of animal origin
- Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs
- European Communities (Food and Feed Hygiene) Regulations, 2009 (S.I. No 432 of 2009) as amended
- Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, as amended
- Multi Annual National Control Plan for Ireland 2012-2016
- Local Authority Hygiene Plans & data supplied to the FSAI
- Local authority veterinary service Documented Procedures
- Local Procedures

3.4 Audit Methodology

This audit of official controls was undertaken using documented procedures which are included in the FSAI Quality Management System, namely the FSAI Audit Procedure. These procedures implement the FSAI audit obligations, defined in Schedule 5 of the service contract between the FSAI and Cork County Council are in accordance with the requirements of Regulation (EC) No 882/2004 (including Article 6.1 of Commission Decision 2006/677/EC) and also Section 48 (9) FSAI Act as amended.

An evaluation plan describing the audit process and approach (including the scope, objectives, criteria and the audit team) was sent to the local authority ahead of the on-site activities. As part of the preparation for this audit, a review of relevant information and data held within the FSAI relating to official controls carried out by Cork County Council, was also conducted.

The audit included a review of the performance and delivery of official food controls by the county council. The audit team evaluated whether the official controls were being carried out in accordance with relevant legislation, the service contract and documented procedures.

As part of the audit of the food business operators, the audit team assessed the adequacy and performance of the controls put in place at establishment level. The implementation of good hygiene practices and principles of HACCP (Hazard Analysis Critical Control Point) as part of the food business operator's food safety management system and traceability systems, was assessed to determine if they were effective, adequately maintained and in compliance with food law.

On completion of the on-site visits to establishments the audit findings relevant to each food business operator were outlined by the FSAI audit team. The food business operator was informed that the FSAI would communicate the audit findings to the chief veterinary officer for follow-up. Following completion of the establishment audits, a final closing meeting was held by the chief veterinary officer and colleagues, where findings were discussed.

4. AUDIT FINDINGS

4.1 Official Controls performed in accordance with Regulation (EC) No 882/2004

4.1.1 Organisation and Structure of Official Controls

Article 4 (1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for the purposes of the official controls set out in the Regulation.

Findings

Cork County Council has been designated a competent authority for the purpose of carrying out official controls to ensure verification of compliance with food law. This responsibility is discharged on behalf of the FSAI through the service contract.

One full-time chief veterinary officer supported by administrative support staff, organises and carries out official controls in food business operations supervised by the local authority. Four full time veterinary inspectors, each responsible for a region in the county, are also employed by Cork County Council. Temporary veterinary officers carry out ante- and post-mortem inspections at selected slaughterhouses. In addition, a veterinary food safety laboratory has been developed to provide microbiological analysis of foodstuffs and other samples of relevance to food safety thus providing a range of services which continually assess the security of the food chain.

Table 1 below summarises information provided to the audit team regarding the food business operations supervised by Cork County Council.

Table 1

Approved Slaughter Houses	Approved Small Meat Manufacturing Plants	Registered Food Business Operations	Inactive Approved Establishments	Inactive Registered Food Business Operations
24	28	9	7	1

At the time of the audit, seven food businesses were included on this list as approved establishments even though they were considered by the local authority to be inactive. The audit team was informed that the establishments classified as inactive were visited to confirm no food business operations had resumed.

Sixteen temporary veterinary inspectors are contracted to perform ante- and post-mortem duties, of which 15 are considered part time employees and one has a 15 hour per week contract. Official veterinarians cover for temporary veterinary inspectors when they are not available.

Section 85 of the Local Government Act, 2001 allows for an agreement to be put in place regarding the carrying out of functions by one local authority on behalf of another. Section 86 of the Act allows for the joint discharge of functions between two or more local authorities. Schedule 2.1.20 of the service contact requires that Cork County Council shall enter into a Section 85/86 agreement with at least one other city or county council by the end of 2011. At the time of the audit, a Section 85 order was in place regarding the official controls carried out in Cork City.

4.1.2 Approval of Establishments

Article 3 (1) of Regulation 854/2004 states that competent authorities shall approve establishments when, and in the manner, specified in Article 31(2) of Regulation (EC) No 882/2004.¹

Findings

Cork County Council uses SOP No. D3 on the 'Approval and Refusal, Suspension or Revocation of Approval of Local Authority Supervised Meat Establishments' to comply with the requirements of Article 3(1) above. Fifty-two food business operations supervised by the local authority were approved as required by the relevant regulation. In addition, seven continued to have approval status even though these food businesses were considered to be inactive. A total of ten food businesses have been registered one of which is inactive.

4.1.3 Competent Authorities Operational Criteria

Article 4 (2)(a) of Regulation 882/2004 requires competent authorities to ensure the effectiveness and appropriateness of official controls on food at all stages of production, processing and distribution

Findings

The chief veterinary officer has a system of planning official controls by developing an annual plan for each food business operation under the supervision of the local authority. The folder in which this plan is filed also contains details of official controls to be carried out during a calendar year. The audit team noted variations in how the veterinary officer in each region completed these annual plans. Copies of veterinary officer inspection reports, audits and the results of samples, are included in these folders. The outcomes of these activities are designed to verify compliance with food law and are aimed in particular, at preventing, eliminating or reducing to acceptable levels risks to consumer health.

The chief veterinary officer visits each region twice or three times per year. During these visits, food business operator files are checked to verify that the annual work plan is being completed. Official control records examined during these visits are initialled by the chief veterinary officer.

Article 4 (2)(b) of Regulation 882/2004 requires competent authorities to ensure that staff carrying out official controls are free from any conflict of interest.

Findings

Cork County Council temporary veterinary inspectors who carry out ante- and post-mortem inspections may also be employed in private veterinary practices. Cork County Council recognises the potential for conflict of interest in such instances and the chief veterinary officer will discuss the need to ensure impartiality with relevant temporary veterinary inspectors, where necessary.

Article 4 (2)(e) requires that that staff have the legal powers to carry out official controls and to take the measures provided for in this Regulation.

Findings

The chief veterinary officer and official veterinarians are authorised to carry out official controls as required by Regulation 882/2004.

¹ Competent authorities shall establish procedures for feed and food business operators to follow when applying for the approval of their establishments in accordance with Regulation (EC) No 854/2004.

Article 4 (6) Of Regulation 882/2004 requires that competent authorities shall carry out internal audits or may have external audits carried out, and shall take appropriate measures in the light of their results, to ensure that they are achieving the objectives of this Regulation.

Findings

To meet this requirement of Regulation 882/2004, the local authority veterinary service has implemented a system of peer review. Under this system, a county veterinary officer from another city or county council will carry out an audit of the official controls being conducted by the host local authority to ensure they meet the requirement of Regulation 882/2004. Cork County Council has been audited on three occasions by a county veterinary officer from other local authorities. Final reports were issued and where relevant corrective action has been implemented for findings identified.

4.1.4 Risk Based Controls

Article 3(1) of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of the Regulation.

Findings

Cork County Council uses a Standard Operating Procedure (SOP) *No. D25 Risk Assessment of Establishments* to assess the risk associated with a meat establishment and to base the nature and frequency of official controls on the assessed risk. The type of processes undertaken in an establishment and the nature and intended uses of its products determine to a large extent the risk to public health from consumption of those products. Table 1 outlines how these factors primarily determine the level of risk associated with an establishment and the minimum frequency of official controls to be carried out.

Table 2

Category	Inspection Minimum	Minimum Audit Frequency
Low-Risk	Once every three months	Once per year
Medium-Risk	Once every two months	Once per year
High-Risk	Once per month	Twice per year

The audit team verified that in the vast majority of cases, official controls are being carried out at least at the minimum frequency set out in Table 2

4.1.5 Documented Procedures

Article 8 of Regulation (EC) No 882/2004 requires that competent authorities carry out their official controls in accordance with documented procedures containing information and instructions for staff and must keep these procedures up-to-date.

Findings

Schedule 2.1.19 of the service contract between the FSAI and Cork County Council states that *'The Official Agency shall carry out official controls in accordance with documented procedures developed by agreement*

between the Authority and the Local Authority Veterinary Service. These procedures shall provide information and instructions for staff performing official controls’.

The Local Authority Standardisation Working Group has put a series of documented procedures in place for local authority veterinary inspectors to ensure official controls are implemented in a standardised manner. Cork County Council utilises these procedures, the current revisions of which are available on Safetynet². The audit team verified that hard copies for three of the five documented procedures printed off for use by the chief veterinary officer did not conform with the revisions currently on Safetynet. [SOP A6 Appendix 6 – version 3 was in use, version 5 is the current revision; SOP D1 – version 2 was in use, version 3 is the current version; SOP D2 – revision 2 was in use, revision 3 is the current version]

4.1.6 Staff Performing Official Controls

Article 4.6 of regulation 882/2004 requires that competent authorities shall ensure that all of its staff performing official controls (a) receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to carry out official controls in a consistent manner and (b) keep up to date in their area of competence and receive regular additional training as necessary.

Findings

The Veterinary Council of Ireland has decided that continuing veterinary education is mandatory for renewing a licence to practice since 1 January, 2012 and annually, thereafter. The chief veterinary officer and temporary veterinary inspectors renewing their licence to practice will need to have achieved the required number of credits in the preceding continuing veterinary education credit year 1 August to 31 July. This is achieved through the attendance at relevant courses and eLearning modules developed by the Veterinary Council of Ireland. The chief veterinary officer and veterinary inspectors regularly attend training events organised by the FSAI. Training needs for veterinary inspectors are identified through a performance management and development system. Updates to SOPs and new legislation are discussed at staff meetings. In addition, members of staff have also attended better training for safer food events organised by the EU Commission, most recently on additives in 2015. Also one member of staff completed the FSAI online additives training programme.

4.1.7 Reports and Procedures to Ensure Corrective Action is Taken When Needed

Article 9 (1) of Regulation 882/2004 states that competent authorities shall draw up reports on the official controls that it has carried out.

Findings

The Local Authority Standardisation Working Group has put a series of report templates in place for local authority veterinary inspectors to ensure official controls are communicated to food business operators in a standardised manner. Cork County Council uses these templates in the form of pre-printed report books. All the files inspected by the audit team had the appropriate version of the inspection or audit report form attached to confirm that official controls had taken place.

² Safetynet is the secure intranet used by the FSAI to circulate confidential information and documentation to official agencies.

Article 9 (3) of Regulation 882/2004 states that competent authorities shall provide the business operator concerned with a copy of the report at least in case of non-compliance.

Findings

During the visits to food businesses, it was verified that the same report was issued to the operators as those attached to the official control files.

Article 54 of Regulation (EC) No 882/2004 requires that when the competent authority identifies non-compliance, it shall ensure that the operator remedies the situation. When deciding which action to take, the competent authority shall take account of the nature of the non-compliance and that operator's past record with regard to non-compliance.

Findings

Cork County Council issue formal letters to food operators which detail non-compliances identified during official controls. The local authority has used the provisions in Regulation 15 of S.I. No. 432 of 2009 regarding the serving of Compliance Notices. In addition, a Fixed Penalty Notice under the provisions in Regulation 18 has been utilised by Cork County Council.

Article 8.3 (b) of Regulation (EC) No 882/2004 requires that competent authorities shall have procedures in place to ensure that corrective action is taken when needed

Findings

The audit team verified that there was documentary evidence on the files examined that non-compliances identified during previous inspections were being closed out.

4.1.8 Data Collection and Reporting

Schedule 4 of the service contract between the FSAI and Cork County Council details the requirements for data collection and reporting.

Findings

Cork County Council uses the Official Agency Premises and Inspections (OAPI) database to return data to the FSAI regarding establishments, inspections, and ante- and post-mortems examinations. The database facilitates more efficient use of inspectors' time and will reduce administrative data processing by the local authority veterinary service and the FSAI. It also allows immediate and automated updating of establishment approvals on the FSAI website, and improves ability to analyse trends in business activities and compliance with food legislation. Use of OAPI by Cork County Council eliminates the requirement to send the FSAI monthly 'Schedule 4' reports or the annual '48(8)' report.

The audit team assessed hard copy data on file in Cork County Council against returns submitted by the local authority on OAPI. In the vast majority of data analysed, the results compared. The audit team noted that official controls carried out in one food business operator on the 29/05/15 and 28/06/15, had not been recorded on OAPI.

4.1.9 Audits of Food Business Operators

The FSAI team visited two food business operations to assess their compliance with food law and to verify the effectiveness of official controls. In general, there was compliance with food law in both food business operations. In one food business operation, a hazard analysis had not been carried out on tenderizing of striploins and there was no traceability on one box of chicken livers. In the second food business operation, the food safety management system did not include harvesting of offal or blood for human consumption. In addition bags of category 3 animal byproducts which were destined for pet food were not clearly identified and hairs were found on briskets in the chill.

Findings relating to the non-compliance with food law identified during this part of the audit were communicated verbally to the food business operator or their representative at a closing meeting at the conclusion of the audit in each establishment. Close-out of these findings was monitored by the chief veterinary officer and his staff during subsequent official control inspections/audits.

5. CONCLUSION

Cork County Council supervises the food business operations outlined in Table 1 under service contract to the FSAI. The audit team confirmed that there was an organised approach for the delivery of official controls and the two establishments visited were found to be operating at a level of compliance with food law appropriate for approved food business operations.



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