

AUDIT
REPORT

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

SEPTEMBER 2016



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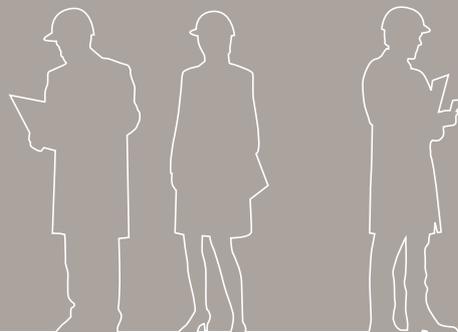


TABLE OF CONTENTS

1.	GLOSSARY	2
2.	EXECUTIVE SUMMARY	3
3.	INTRODUCTION	3
	3.1. Audit Objective	3
	3.2. Audit Scope	3
	3.3. Audit Criteria and Reference Documents	4
	3.4. Audit Methodology	4
4.	AUDIT FINDINGS	5
	4.1 Official Controls performed in accordance with Regulation (EC) No 882/2004	5
	4.1.1 Organisation and Structure of Official Controls	5
	4.1.2 Approval of Establishments	5
	4.1.3 Competent Authorities Operational Criteria	6
	4.1.4 Risk Based Controls	7
	4.1.5 Documented Procedures	7
	4.1.6 Staff Performing Official Controls	8
	4.1.7 Reports and Procedures to Ensure Corrective Action is Taken When Needed	8
	4.1.8 Data Collection and Reporting	8
	4.1.9 Audits of Food Business Operators	9
5.	CONCLUSION	9

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, was 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.

Westmeath County Council supervises 12 active food business operations under service contract to the FSAI. The audit team confirmed that there was a system in place for the delivery of official controls. The audit team confirmed that the county veterinary officer and officials from Westmeath County Council have put in place, a structured system for the delivery of official controls. However, the supervision of temporary veterinary inspectors and the system of official controls requires strengthening by the local authority to ensure compliance with the requirements of Regulation 882/2004.

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. Westmeath 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 the 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) 853/2004 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
- The Multi Annual National Control Plan for Ireland 2012-2016
- Local Authority Hygiene Plans & data supplied to the FSAI
- Local authority 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 Westmeath 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 FSAI relating to official controls carried out by Westmeath Co 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, were 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 county veterinary officer for follow-up. Following completion of the establishment audits, a final closing meeting was held by phone with the county veterinary officer, 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

Westmeath Co. 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 county veterinary officer, supported by an administrative assistant, organises and carries out official controls in 12 active food business operations, which are all listed on the FSAI website. Nine food business operations are slaughtering/cutting plants, one is a small meat manufacturing plant, one is a slaughtering/cutting/cold storage plant and one carries out slaughtering, cutting, minced meat, rewrapping and cold storage activities. At the time of the audit, one food business was included on this list of approved establishments even though it ceased operation in 2012.

Ten temporary veterinary inspectors are contracted to perform ante-mortem and post-mortem duties. Each of these has a nominated substitute who will perform the ante- and post-mortem duties should the temporary veterinary inspectors be absent for any reason e.g. annual leave. There are no written/signed contracts between the local authority and temporary veterinary inspectors.

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. A Section 86 Order is in place between Westmeath County Council and Longford County Council to assist as agreed in the event of an incident or veterinary staff absences etc.

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

Westmeath 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. All 12 food business operations supervised by the local authority were approved as required by the relevant regulation.

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.

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 county veterinary officer has a system of planning official controls by developing an approved premises annual inspection plan. This document lists the three month periods (quarters) during which audits or inspections of approved establishments will be carried out. A separate file containing the outcomes of official controls has been established for each food business under the supervision of Westmeath County Council. Copies of county veterinary officer inspection reports, audits and the results of samples are included in the file. 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.

Currently, it is not possible to verify the effectiveness and appropriateness of official controls carried out by temporary veterinary inspectors as Westmeath County Council has not put in place a process or procedure to assess the official controls carried out by temporary veterinary inspectors during their ante-mortem or post-mortem activities.

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

Temporary veterinary inspectors contracted by the County Council to carry out ante-mortem and post-mortem inspections are also employed in private veterinary practices. Westmeath County Council has not introduced any procedure to ensure that temporary veterinary inspectors while carrying out official controls are free from any conflict of interest.

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 county veterinary officer and temporary veterinary inspectors are authorised to carry out official controls as required by Regulation 882/2004.

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. Westmeath County Council was audited by the county veterinary officer from another local authority in February, 2013. A final report was issued in June of that year. The FSAI team assessed the status of the implementation of corrective action to close out the findings arising from the internal audit. There was no documentation available to verify that one finding from this audit had been closed out as indicated on the corrective action plan.

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

Westmeath 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 1

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 1. However, one food business was not subjected to an official control audit in 2014 as required by the minimum audit frequency schedule laid down in SOP No D25. SOP No D25 requires that an annual reassessment of the risk category of food business operations be conducted. This is not happening in practice.

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 Westmeath 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. Westmeath County Council utilises these procedures the current revisions of which are available on Safetynet². The audit team verified that hard copies of documented procedures printed off for use by the county veterinary officer conformed with the revisions currently on Safetynet.

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

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 county 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 county veterinary officer regularly attends training events organised by the FSAI. Any changes to documented ante-mortem or post-mortem procedures are communicated to temporary veterinary inspectors to ensure they carry out official controls in the manner prescribed by food law. Temporary veterinary inspectors do not attend training courses.

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. Westmeath 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.

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 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 noted that subsequent audit/inspection reports did not systematically document that findings identified in the previous official control inspection/audit had been closed out.

4.1.8 Data Collection and Reporting

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

Audit of Official Controls in Local Authority Supervised Establishments - Westmeath County Council

SEPTEMBER 2016

Findings

Westmeath 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 Westmeath 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 Westmeath County Council against returns submitted by the local authority on OAPI. In the vast majority of data analysed, the results compared. However, in one instance, the data on OAPI indicated that seven official controls had been carried out in one food business operation while the hard copy records on file indicated six had been carried out

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. Overall, there was a satisfactory level of compliance with food law in both food business operations visited. However, in one food business, operation copies of ante-mortem records were not available on site before post-mortem was completed. In addition, green offal was not correctly presented for post-mortem. Also, some food safety management system records audited were not completed satisfactory.

These findings relating to non-compliance with food/official control law were communicated to the food business operator and county veterinary officer. This allows for follow-up during subsequent official control inspections or audits.

5. CONCLUSION

Westmeath County Council supervises 12 active food business operations under service contract to the FSAI. The audit team confirmed that there was a system in place for the delivery of official controls. The audit team confirmed that the county veterinary officer and officials from Westmeath County Council have put in place a structured system for the delivery of official controls. However, the supervision of temporary officers and the system of official controls requires strengthening by the local authority to ensure compliance with the requirements of Regulation 882/2004.



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