

AUDIT
REPORT

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

SEPTEMBER 2016



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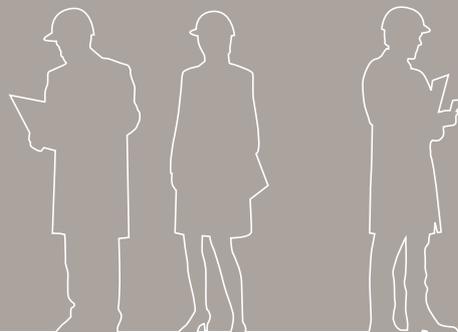


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1. GLOSSARY

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.

Wicklow County Council supervises a total of 11 food business operations, seven of which are approved and four registered 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.

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. Wicklow 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, which 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 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 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 the 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 and 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 Wicklow 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 Wicklow 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, 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 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

Wicklow 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 county veterinary officer organises and carries out official controls in a total of 11 food business operations, seven of which are approved and four registered. The seven approved establishments are listed as required on the FSAI website. The county veterinary officer is supported in the carrying out of official controls by two temporary veterinary inspectors who conduct ante- and post-mortem inspections. One of the temporary veterinary inspectors will cover for the county veterinary officer when absent from the office. The county veterinary officer also carries out ante- and post-mortem inspections as part of official control duties. None of the food businesses under the supervision of Wicklow County Council dress or process animals which have undergone on-farm emergency slaughter.

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 Wicklow 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, this was not in place.

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

Wicklow 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.

The audit team selected a number of food business operations which were listed as being approved on the FSAI website and verified that the approval process had been followed and Approval Certificates issued. Wicklow County Council will attach conditionals where necessary, to approvals, e.g. the maximum number of animals which may be slaughtered in a slaughterhouse.

The audit team also examined the files of two food business operations which were no longer trading. Letters were on file signed by the county veterinary officer, revoking the approval. The audit team also reviewed two files where Wicklow County Council had suspended the approvals of food business operations as they had ceased to carry out the activities to which their approvals related. These approvals were subsequently revoked.

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 a programme of official controls for both slaughter and small meat manufacturing food businesses. This document lists the critical areas of each operation to be covered during routine official controls. As each area set out is covered, the date of the inspection/audit is inserted into the programme. Copies of county veterinary officer inspection reports, audits and the results of samples, are included in a hard copy 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.

In 2014, as part of the national residue sampling programme, a sample taken by Wicklow County Council returned a non-complaint result. The county veterinary officer liaised with the FSAI and a risk assessment was conducted which concluded that the level of the substance present would not pose a risk to consumers.

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

Wicklow County Council considers the work carried by temporary veterinary inspectors as being on an informal contract basis. While nothing has been documented or signed by both parties regarding conflict of interest temporary veterinary inspectors are made aware of their responsibilities in this regard by the county veterinary officer.

Article 4 (2)(e) requires 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. Powers to carry out official controls are conferred on the county veterinary officer through a warrant of appointment issued by the FSAI under the powers contained in Sections 45 and 49 of the Food Safety Authority Act, 1998 (as amended). In addition, Wicklow County Council has issued warrants covering both food and non-food legislation. The audit team verified that the three official veterinarians who carry out official controls have been issued with such warrants.

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. Wicklow County Council was audited by the county veterinary officer from another local authority in March, 2012. The FSAI team assessed the status of the implementation of corrective action to close-out findings and recommendations contained in the report which were all completed by May 2012.

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

Wicklow 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 official controls are being carried out at least at the minimum frequency set out in Table 1. The annual reassessment of its risk for 2015 had been carried out for all approved food business operations under the supervision of Wicklow County Council.

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 Wicklow 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. Wicklow County Council utilises these procedures the current revisions of which are available on Safetynet². The audit team reviewed hard copies of the documented procedures and verified that the current revisions of SOPs were in use. Each temporary veterinary inspector is issued with a copy of this manual. When a new revision is inserted into the procedures manual, the county veterinary officer attaches a sticker to the cover page with the month and

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

year the update took place. The food business inspection report Appended to SOP A6 is completed following each official control.

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 practise 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 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. As part of the annual continuing veterinary education programme, the temporary veterinary inspectors issue a signed memo to the county veterinary officer confirming they have reviewed the manual for meat inspection procedures and achieved the Veterinary Council of Ireland requirements.

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. Wicklow 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. Reports of subsequent official controls carried out following the detection of non-compliance, clearly document the action taken by the food business operator to correct the breaches of food law.

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

Wicklow County Council uses the templates attached to local authority veterinary service documented procedures to report on routine official control outcomes. Where more serious non-compliance with food law is detected, the County Council uses other legislative provisions available to them to ensure the food business operator remedies the situation such as a Compliance Notice as provided for in Regulation 15 of E.C (Food and Feed Hygiene) Regulations, 2009 (S.I. No. 432 of 2009).

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

Wicklow County Council uses a “Non-Compliance and Corrective Action Report” form to ensure findings identified during official controls are closed out. The form requires that the details of the non-compliance to be entered as well as the corrective action required. A date for completion is also inserted which is then signed by the food business operator. The final column “Completion Verified by the Veterinary Inspector” is used to close the issue out. The audit team saw this document in use on all the food business operator files reviewed.

4.1.8 Data Collection and Reporting

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

Findings

Wicklow 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 Wicklow 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 Wicklow County Council against returns submitted by the local authority on OAPI which in all cases concurred.

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 a high level of compliance with food law in both food business operations. On the day of the audit, no non-compliances against the requirements of food law were detected in either food business operation.

5. CONCLUSION

Wicklow County Council supervises a total of 11 food business operations, seven of which are approved and four registered 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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