

AUDIT
REPORT

Audit on the Follow-up and
Close-out of Non-compliances
with Food Law

Department of Agriculture,
Food and the Marine

JUNE 2013



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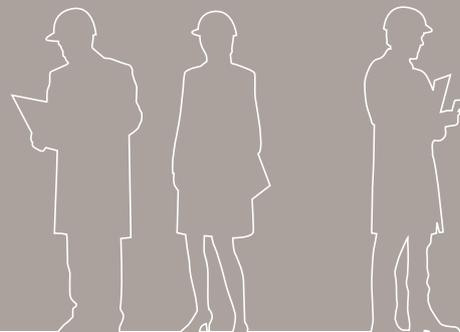


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1. GLOSSARY

DAFM	Department of Agriculture, Food and the Marine
FSAI	Food Safety Authority of Ireland
MANCP	Multi-Annual National Control Plan
SOPs	Standard Operating Procedures
VPN	Veterinary Procedural Notices

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. For the purposes of assessing the delivery of official controls by the Department of Agriculture, Food and the Marine (DAFM), an audit was conducted on follow-up and close-out of non-compliances identified during official control inspections.

The onsite activity in the three regions; North East, East and South East; took place during December, 2012 and January, 2013. The first part of the audit in each region was spent on desktop activities; which involved a review of paperwork associated with official controls; with an emphasis on follow-up and close-out of non-compliances. Actions taken, arising from non-compliances identified during the course of official control inspections, from January 2012 to the time of this audit, were assessed. The second part of the audit involved onsite verification in two food business establishments per region, i.e. a total of six establishments. The onsite verification work included an assessment of the status of the non-compliances which had been identified during official control inspections.

The audit team confirmed that there was a structured and well organised approach for the planning, coordination and delivery of official controls in each of the three regions, as well as at the individual establishments audited.

Records of the risk categorisations carried out were available on the establishment files, maintained by the regional superintending veterinary inspector. Quarterly pre-audit inspection reports which are forwarded by the veterinary inspectors, and enforcement information relating to the establishments were also assessed. In one instance, where significant non-compliances had been identified as part of the annual audit, the risk assessment of the establishment was not formally re-evaluated, as is required by SOP 6/2008, although the regional superintending veterinary inspector and veterinary inspector advised the audit team that they had discussed it.

DAFM, at central level, advised that Veterinary Procedural Notice (VPN) 7/2004 is the correct procedural document for use regarding enforcement activities. However, there are references in VPN 7/2004 to revoked or replaced legislation. The categorisation of non-compliances is not in line with current DAFM instructions. An e-mail has been issued instructing veterinary inspectors that the categorisation of non-compliances has been changed, and providing guidance to them in relation to the manner in which they should now be categorised. VPN X/2010 is a draft procedure, which DAFM advised is currently under development at central level, with a view to being finalised at the end of Quarter 3¹ 2013. Two of the veterinary inspectors in the plants audited as part of the onsite verification work were utilising Standard Operating Procedure (SOP) 6/2008 in slaughter plants. One veterinary inspector was using a draft of VPN X/2010, which is not yet finalised or approved by DAFM at central level. The remaining two veterinary inspectors were using VPN 7/2004. DAFM is required to ensure that documented procedures are in place regarding the follow-up of non-compliances and, under the service contract with the FSAI, that these procedures be reviewed on an annual basis to ensure that they are still in line with legislative requirements and best practice. This was not found to be the case in relation to the documented procedures for undertaking enforcement action. The audit team noted that this issue had also been highlighted on the poultry audit in 2011/2012.

In each of the six establishments audited where non-compliances were noted during official controls, these were communicated to the food business operator, and action was taken to ensure the non-compliance was corrected by the food business operator. During the onsite verification activity, the audit team assessed the status of

¹ During onsite activities, the timeline recorded was Q1 2013 but this has since been delayed due to prioritisation of work involving the equine incident.

between eight and twelve non-compliances, with an average of ten non-compliances being assessed in each of the six establishments. It is important to note that the statistics in this report, are, by the nature of the scope of this audit, focussed on food business establishments in which non-compliances with food law have been identified, and are not reflective of the situation in all food businesses and thus, should not be interpreted as such.

In three establishments audited, there were no non-compliances which were either outstanding or recurring. In the remaining three establishments, the percentages for outstanding or recurring non-compliances varied from 7% to 20%. In each of the six establishments, there were non-compliances which had been partially addressed, and these varied between 10% and 63%. Non-compliances which had been closed out varied across the six establishments from 33% to 90%. The audit team found that, on average, across the six food business establishments, 7% of the non-compliances were outstanding or had recurred at the time of this audit. 37% of non-compliances had been partially addressed by the food business operator, but required further corrective action to achieve compliance with food law. 56% of non-compliances had been satisfactorily addressed by the food business operator to comply with the requirements of food law.

In one of the establishments audited as part of the onsite verification work, the veterinary inspector had developed a tailored computerised system for managing non-compliances. The audit team was advised that this system is to be used as the basis for a computerised system for tracking non-compliances; which is to be developed by DAFM, and rolled out nationally. This will be a significant advantage in the management of non-compliances identified during official controls, including giving live access to the regional superintending veterinary inspectors of the information relating to non-compliances which have been identified in the establishments within their region.

A review of official control records and associated paperwork confirmed that a robust system is in place to address non-compliances identified during official control inspections. Follow-up action was taken by official control staff, including use of Corrective Action Report forms as well as formal enforcement action, to address more serious non-compliances. Follow-up in relation to non-compliances was well managed. This was demonstrated by the existence of good records of non-compliances and associated corrective actions being maintained by the official control staff in the six establishments audited. In each of the three regions audited, there was a well established system of communications between the regional superintending veterinary inspectors and the veterinary inspectors in the plants, as well as links to DAFM headquarters as appropriate. However, where communications relating to the issuing of enforcement notices took place verbally (over the telephone), records were not always maintained.

The findings from this audit should be disseminated across all regions within DAFM to ensure that the findings from the three regions audited are addressed on a national basis.

3. INTRODUCTION

The FSAI is responsible for the enforcement of all 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. DAFM has entered into a service contract with the FSAI. DAFM, through the agricultural and state veterinary inspection services, is responsible for the implementation and enforcement of national and EU legislation as it applies to establishments under their supervision. It is a requirement of the service contract that DAFM shall ensure that official controls are carried out regularly on a risk basis and with appropriate frequency.

DAFM is responsible for official controls in relation to products of animal origin (excluding fish and shellfish) during primary production, slaughtering, manufacturing, processing, import, distribution and wholesale. The Veterinary Public Health Inspectorate Service is responsible for official controls in slaughterhouses, meat processing plants, drinking milk pasteurisation establishments and egg products facilities. The Veterinary Public Health Inspectorate Service is permanently located in slaughtering plants; other plants are visited and inspected on a regular basis. At central level, DAFM Veterinary Public Health Inspectorate Service coordinates official controls nationally, through five veterinary public health regions, each of which is under the supervision of a regional superintending veterinary inspector. The five regions are East, North East, South East, South and West. There had originally been 6 regions, but following the retirement of one of the regional superintending veterinary inspectors, the sixth region was merged. This has resulted in an increase in the number of establishments and geographical area to be supervised by the five remaining regional superintending veterinary inspectors.

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. For the purposes of assessing the delivery of official controls by DAFM, it was decided to audit the follow-up and close-out of non-compliances against the requirements of food law identified during official control inspections. Compliance by DAFM with regard to relevant food legislation, adherence to the terms and requirements of the FSAI service contract as well as conformance with relevant documented procedures was assessed.

This audit with DAFM Veterinary Public Health Inspectorate Service was carried out to assess the follow-up and close-out of non-compliances by DAFM in meat establishments, under their supervision. This report describes the audit objective, scope, methodology and the findings from the three regions audited.

3.1. Audit Objective

The objective of this audit was to assess the follow-up actions taken by DAFM Veterinary Public Health Inspectorate Service in relation to closing out non-compliances identified during official control activities, in slaughtering and meat processing establishments approved under Regulation (EC) No 853/2004.

3.2. Audit Scope

FSAI audits of official controls involve verifying compliance by official agencies regarding the requirements of the FSAI Service Contract, Regulation (EC) No. 882/2004 and the Multi-Annual National Control Plan (MANCP). The scope of the audit was the follow-up and close-out of non-compliances with food law by DAFM in slaughtering and meat processing establishments approved under Regulation (EC) No 853/2004.

Audits were carried out in three regional offices of the Veterinary Public Health Inspectorate Service with the regional superintending veterinary inspector, and onsite verification in six establishments

3.3. Audit Criteria and Reference Documents

The principal audit criteria referred to during the audit, but not limited to, were the following:

- [FSAI Service Contract with DAFM](#) (including FSAI Act, 1998)
- [Multi-Annual National Control Plan for Ireland 2007-2011](#)
- [Multi-Annual National Control Plan for Ireland 2012-2016](#)
- DAFM business/service plans & data supplied to the FSAI
- Documented Procedures for DAFM Meat Hygiene Division (VPNs and SOPs)
- DAFM Trader Notices
- [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
- [Regulation \(EC\) No 852/2004](#) on the hygiene of foodstuffs, as amended
- [Regulation \(EC\) No 853/2004](#) laying down specific hygiene rules for food of animal origin, as amended
- [Regulation \(EC\) No 854/2004](#) laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, as amended
- [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
- [Regulation \(EC\) No 2073/2005](#) on microbiological criteria for foodstuffs, as amended
- [SI 432/2009: European Communities \(Food and Feed Hygiene\) Regulations, 2009](#)
- Guidance Notes/Codes of Practice and other relevant legislation detailed in the FSAI Service Contract with DAFM

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 and Charter. These procedures implement the FSAI audit obligations, defined in Schedule 5 of the service contract between the FSAI and DAFM, and are in accordance with the requirements of Regulation (EC) No 882/2004 (including Article 6.1 of Commission Decision 2006/677/EC) and the FSAI Act.

A pre-audit questionnaire was forwarded to DAFM; the purpose of which was to collate and confirm information regarding official controls and documented procedures within DAFM, which related to the scope of the audit. An evaluation plan was then developed for each of the three regional audits, which provided a detailed overview of the audit; including audit scope, objectives, criteria and team. The evaluation plan also included a proposed itinerary for onsite activity. The onsite activity in the three regions; North East, East and South East; took place during December, 2012 and January, 2013.

The first part of the audit in each region was spent on desktop activities; commencing with an opening meeting to explain the objective of the audit, the audit methodology and how the audit findings would be reported. The desk top element involved a review of the information provided as part of the pre-audit questionnaire. It also included an audit of paperwork associated with official controls; with an emphasis on follow-up and close-out of non-compliances. Actions taken, arising from non-compliances identified during the course of official control inspections, from January 2012 to the time of this audit, were assessed. This evaluation included assessment of compliance with the requirements of the:

- Legislation
- Service contract between the FSAI and DAFM, including Guidance Notes and Codes of Practice and
- DAFM documented procedures

Establishment files were used to provide evidence of activity relevant to follow-up and close-out of non-compliances, as appropriate. The files examined by the audit team included establishments in which enforcement action had been taken under the European Communities (Food & Feed Hygiene) Regulations, 2009 (SI 432 of 2009).

Evidence of activity relevant to the follow-up and close-out of non-compliances included:

- Reports of official control inspections and audits
- Corrective action reports issued to food business operators in cases where non-compliances were identified during official controls and
- Records of enforcement actions taken, for example, copies of Regulation 15(a) and 15(b) notices issued under the European Communities (Food & Feed Hygiene) Regulations, 2009 (SI 432 of 2009) and paperwork associated with the issuing of these notices.

The second part of the audit involved onsite verification in two food business establishments per region, that is, a total of six establishments. The onsite verification work included an assessment of the status of the non-compliances which had been identified during official control inspections.

A closing meeting was held at the end of the second day, in each of the three regional audits; the purpose of which was to outline the main findings. The findings were discussed and the regional superintending veterinary inspector was provided with an opportunity to provide clarification and/or additional information, as well as providing feedback on the audit.

Following the three regional audits, an overall closing meeting was held with DAFM at central level, to outline the findings from the audits. The findings were discussed and DAFM was provided with an opportunity to provide clarification and/or additional information.

4. AUDIT FINDINGS

4.1. Official Controls Performed in Accordance with Regulation EC No 882/2004

It is important to note that the statistics in this report are, by the nature of the scope of this audit, focussed on food business establishments in which non-compliances with food law have been identified, and are not reflective of the situation in all food businesses and thus, should not be interpreted as such.

4.1.1. Organisation and Structure of Official Controls

DAFM has the responsibility for carrying out official controls (verification, inspection, audit, sampling and analysis, monitoring, surveillance) in accordance with legislative requirements, the requirements of the service contract with the FSAI, business and sampling plans. DAFM business plans include the control activities to be undertaken to ensure compliance with the relevant legislation.

The establishments which fall within the scope of this audit are slaughtering and meat processing establishments approved under the European Communities (Food and Feed Hygiene) Regulations, 2009 (S.I. No. 432 of 2009). In these establishments, the Veterinary Public Health Inspectorate Service is responsible for audit and inspection tasks relating to animal welfare, identity checks, the provision of the ante and post-mortem inspection service, inspections of structural and operational hygiene standards, controls on residues, monitoring of own checks which are carried out by the food business operator, examination of food business operator documentation, audits of food safety management systems, auditing of compliance with requirements in relation to Specified Risk Material (as appropriate) and taking of samples for sampling programmes.

Resources across the three regions audited were originally at a level of 34 veterinary inspectors to provide official controls in approximately 116 plants. At the time of this audit, there were 30 veterinary inspectors in posts providing the official controls in these plants.

In the three regions audited, there was a comprehensive system of official controls in place, with a structured approach being applied under the supervision of the regional superintending veterinary inspector. This included well established communications between the regional superintending veterinary inspectors and the veterinary inspectors in the plants, as well as links to DAFM headquarters as appropriate; for example, in the serving of enforcement notices.

4.1.2. Coordination and Planning of Official Controls

Coordination and planning of official controls at slaughtering and meat processing establishments are detailed in the Veterinary Public Health Inspectorate Service business plans for 2011 and 2012. In each of the three regions, the regional superintending veterinary inspector provided an overview of the official control planning and described how controls were coordinated within the region.

In each of the three regions, the regional superintending veterinary inspector carried out an annual risk assessment, in line with the requirements of SOP 6/2008 (Procedures for the Performance of Official Controls to Monitor the Food Business Operator's Food Safety Management Systems) to determine the frequency of official controls in establishments. The regional superintending veterinary inspectors also review the quarterly returns from the veterinary inspectors, which provide an overview of the official controls carried out in each establishment, including enforcement actions taken as well as numbers and types of non-compliances identified in preparation for their official control audits and inspections. During these regional superintending veterinary inspector audits and

inspections at the plants the official controls being carried out by the veterinary inspector are assessed, as well as aspects of food business operator compliance.

In five of the six establishments audited, there was a permanent veterinary inspector presence and in the remaining establishment, the veterinary inspector undertook official controls as determined following the risk assessment carried out annually as set out in SOP 6/2008. Technical agricultural officers were also involved in carrying out official control duties.

The audit team confirmed that there was a structured and well organised approach for the planning, coordination and delivery of official controls in each of the three regions, as well as at the individual establishments audited.

4.1.3. Risk Categorisation and Frequency of Official Controls

Article 3 of Regulation (EC) No. 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. In doing so, account must be taken of identified risks that may influence food safety, past records of food business operators, the reliability of own checks and any additional information on non-compliance.

The audit team examined whether or not a risk assessment had been carried out in order to determine the nature and frequency of official controls, for each of the six establishments selected for onsite verification as part of this audit. Four of the establishments had been categorised for risk as “Level One” for the plant type, thereby requiring a minimum frequency of annual regional superintending veterinary inspector audits. The remaining two establishments were categorised for risk as “Level Two” for the plant type, thereby requiring a minimum frequency of six monthly regional superintending veterinary inspector audits.

Five of the establishments were approved for slaughtering, and so had a permanent presence by a veterinary inspector. The sixth plant had been risk assessed to determine the frequency of routine veterinary inspector checks, as there was not a permanent presence of a veterinary inspector and was categorised as “Level three”, thereby requiring a minimum frequency of weekly veterinary inspector official control inspections.

Records of the risk categorisations carried out were available on the establishment files, maintained by the regional superintending veterinary inspector. Quarterly pre-audit inspection reports, which are forwarded by the veterinary inspectors, and enforcement information relating to the establishments were also assessed.

In one instance, where significant non-compliances had been identified as part of the annual audit, the risk assessment of the establishment was not formally re-evaluated, as is required by SOP 6/2008, although the regional superintending veterinary inspector and veterinary inspector advised the audit team that they had discussed it.

4.1.4. 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. Additionally, the service contract between the FSAI and DAFM requires that official controls be carried out in accordance with documented procedures.

Official controls undertaken by DAFM staff are carried out in accordance with documented procedures; typically, Standard Operating Procedures (SOPs) and Veterinary Procedural Notices (VPNs), as well as associated checklists and forms. DAFM documented procedures are available to official control staff via the ‘e-zone’ intranet.

In relation to the scope of this audit, and at the six establishments audited, as part of the onsite verification work; there were a number of SOPs and VPNS in use by veterinary inspectors, which describe how enforcement action should be undertaken. These included:

- Food Safety Management System SOP No 006/2008: Procedures for the Performance of Official Controls to Monitor the Food Business Operator's Food Safety Management Systems
- VPN 7/2004: Enforcement Procedures at Approved Meat and Dairy Plants: Food Safety Legislation
- VPN X/2010: Enforcement Procedures at Approved Meat and Dairy Plants: Food Safety Legislation

DAFM, at central level, advised that VPN 7/2004 is the correct procedural document for use regarding enforcement activities. However, there are references in VPN 7/2004 to revoked or replaced legislation. The categorisation of non-compliances is not in line with current DAFM instructions. An e-mail has been issued instructing veterinary inspectors that the categorisation of non-compliances has been changed, and providing guidance to them in relation to the manner in which they should now be categorised. VPN X/2010 is a draft procedure, which DAFM advised is currently under development at central level, with a view to being finalised at the end of Quarter 3² 2013.

The scope of SOP 6/2008, applies to official controls on food safety management systems at establishments (both stand-alone, i.e. no permanent veterinary inspector presence, and attached to slaughter plants) which have been approved by the DAFM for the following production activities: cutting, minced meat, meat preparations, meat products and cold storage. Two of the veterinary inspectors in the plants audited as part of the onsite verification work were utilising SOP 6/2008 in slaughter plants. One veterinary inspector was using a draft of VPN X/2010, which is not yet finalised or approved by HQ.

The requirements set out in the service contract between the FSAI and DAFM regarding the follow-up & close-out of non-compliances identified during official control inspections require that DAFM shall initiate follow-up action following detection of non-compliances. Additionally, DAFM is required to ensure that documented procedures are in place regarding the follow-up of non-compliances and, under the service contract with the FSAI, that these procedures be reviewed on an annual basis to ensure that they are still in line with legislative requirements and best practice. This was not found to be the case in relation to the documented procedures for undertaking enforcement action. The audit team noted that this issue had also been highlighted on the poultry audit in 2011/2012.

4.1.5. Staff Performing Official Controls

Article 6 of Regulation (EC) No. 882/2004 requires that the competent authority shall ensure that all of its staff performing official controls 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 that staff performing official controls keep up to date in their area of competence and receive regular additional training as necessary and have aptitude for multidisciplinary cooperation.

Authorisations in the form of warrants were verified for the veterinary inspectors in the plants. The regional superintending veterinary inspector has a coordinating role in relation to training of veterinary inspectors, which is usually organised at central level; and records of this coordination were maintained. The three regional superintending veterinary inspectors in the regions audited also held meetings with their staff, twice per year, to discuss issues relevant to the performance of official controls. Records of these meetings were maintained by each of the regional superintending veterinary inspectors.

² During onsite activities, the timeline recorded was Q1 2013 but this has since been delayed due to prioritisation of work involving the equine incident.

An audit on the performance of veterinary controls and records is also carried out by the regional superintending veterinary inspector at each establishment in order to confirm that official controls are carried out effectively and in accordance with DAFM procedures. The regional superintending veterinary inspectors in the three regions audited also communicated to the veterinary inspectors within their region regarding new developments and other information of relevance to their official control duties as they arose.

4.1.6. Enforcement Activities

As part of the preparatory work for the audit, the use of enforcement actions by DAFM were examined.

Under Regulation 15 of the European Communities (Food and Feed Hygiene) Regulations, 2009 (SI 432/2009), DAFM staff may serve a compliance notice in respect of non-compliances identified during official controls. There are two types of notices:

- Regulation 15(a) notices, which are issued in cases where the authorised officer has reasonable grounds to suspect that an act of the institutions of the European Communities is not being, has not been or will not be complied with
- Regulation 15(b) notices, which are issued in cases where the authorised officer has reasonable grounds to suspect that it is necessary for the protection of human health, animal health or welfare or the environment, including the prevention, control or eradication of a disease or contamination of feed or food

In the three regions audited, there was evidence of communications between Veterinary Public Health Inspectorate Service personnel and headquarters relating to the issuing of enforcement notices. In relation to Regulation 15(a) notices, the audit team was provided with communications, usually by e-mail from the veterinary inspector in the establishment to the regional superintending veterinary inspector, notifying and consulting in relation to the issuing of the notice. E-mail communications were also available for a number of Regulation 15(b) notices, which require consultation with the regional superintending veterinary inspector as well as headquarters. In some cases, the audit team was advised that communications relating to the issuing of enforcement notices took place verbally (over the telephone), and records of these consultations were not always maintained. The audit team would recommend that a record of such verbal consultations is maintained by each party.

Information regarding enforcement activities is being supplied to the FSAI, as part of the service contract reporting activity.

Table 1: Enforcement Action from January 2011 to June 2012

Enforcement Information	Numbers			Total
	2011	Quarter 1 2012	Quarter 2 2012	
Regulation 15(a) notice	47	10	8	65
Regulation 15(b) notice	6	1	1	8
Number of establishments in which notices were issued	19	10	8	37

Table 1 provides details of the enforcement notices issued by DAFM Veterinary Public Health Inspectorate Service in 2011 and the first six months of 2012.

Table 2: Enforcement Action from January 2011 to June 2012 by Region

Enforcement Information	Numbers			Total
	North East Region	East Region	South East Region	
Regulation 15(a) notice	15	32	6	53
Regulation 15(b) notice	1	3	1	5
Number of establishments in which notices were issued	7	13	5	25

Table 2 provides details of the enforcement notices issued by DAFM Veterinary Public Health Inspectorate Service in 2011 and the first six months of 2012; in each of the three regions audited. Differences were noted in the numbers of enforcement notices issued for the period examined across the three regions audited. However, it is important to note that the three regions are not identical in numbers or types of establishments.

4.1.7. Follow-up and Close-out of Non-compliances

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.

During official control inspections when non-compliances are identified, they are communicated to the relevant personnel in the establishment in a number of ways. These include verbal and/or written notification of the non-compliance. DAFM official control staff advised that verbal communication would normally be used for non-compliances which are less serious, whereas written notification would be used when the non-compliance is more serious, or has not been addressed satisfactorily, following verbal communication. Written notification includes Non-compliance and Corrective Action Reports which includes details of the non-compliance, as well as the categorisation of the non-compliance, corrective action, due date for completion of the corrective action, as well as date completed and signature of the veterinary inspector to verify that the non-compliance has been addressed. Regulation 15(a) and Regulation 15(b) notices, issued under SI 432/2009, are types of enforcement notice and would be used for more serious non-compliances, or if non-compliances from a Corrective Action Report had not been satisfactorily addressed. Copies of these documents are maintained in the enforcement file in the establishment by the veterinary inspector.

The files and paperwork relating to the six establishments which were audited as part of the onsite verification activity were examined by the audit team. The audit team reviewed non-compliances identified and the follow-up carried out. Where enforcement action had been taken, the records relating to the non-compliances which gave rise to the enforcement action were examined, as well as subsequent inspections and records, in which follow-up of the non-compliances identified were reviewed. Where significant non-compliances were identified, follow-up inspections and actions to ensure that the non-compliances were corrected were undertaken.

In each of the six establishments audited, where non-compliances were noted during official controls, these were communicated to the food business operator, and action was taken to ensure the non-compliance was corrected by the food business operator.

Table 3: Corrective Action Reports from January 2012 to June 2012 by Establishment

	Food business operator 1	Food business operator 2	Food business operator 3	Food business operator 4	Food business operator 5	Food business operator 6
Number of Corrective Action Reports Issued	47	9	6	33	8	28
Number of Regulation 15(a) notices	3	2	2	7	0	4
Number of Regulation 15(b) notices	0	1	0	1	0	0

Table 3 details the number of Corrective Action Reports and Regulation 15(a) and 15(b) notices issued in each of the six establishments audited as part of the onsite verification work, in the first six months of 2012.

4.2. On-site Verification in Food Establishments

Six establishments were selected for onsite verification. To maximise this aspect of the audit establishments in which there were a number of non-compliances identified, were selected for the onsite verification activity. In each case, official control reports and related paperwork were assessed and the non-compliances identified were reviewed by the audit team to assess corrective action taken by the food business operator and the follow-up action taken by DAFM.

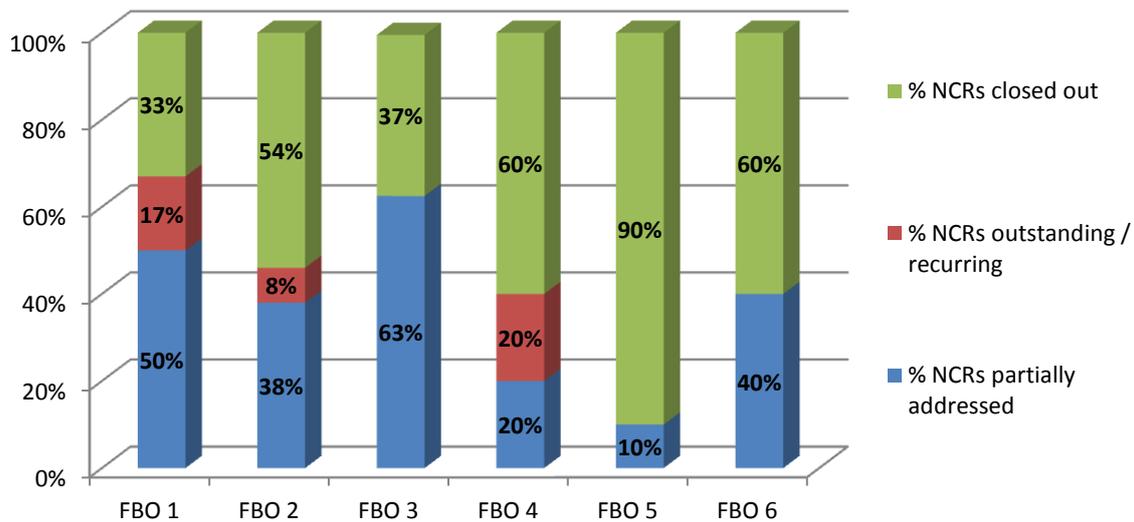
The audit team were accompanied by Veterinary Public Health Inspectorate Service personnel during the onsite verification audits. Although the focus was on the closure of non-compliances raised during previous official controls, the audit was not restricted to these findings alone and recorded any additional non-compliances identified on the day. A number of non-compliances, which had been previously identified during official controls by DAFM staff, were assessed in each of the six establishments.

The audit team calculated the percentage of non-compliances in each of three categories:

- Closed out – that is, corrective action had been taken by the food business operator to comply with food law
- Outstanding/recurring – that is, corrective action had not been taken by the food business operator to comply with food law (outstanding) or corrective action had been taken, but the non-compliance had recurred
- Partially addressed – that is, corrective action had been taken by the food business operator, but it was insufficient or did not adequately address the non-compliance, and so further corrective action was required to comply with food law

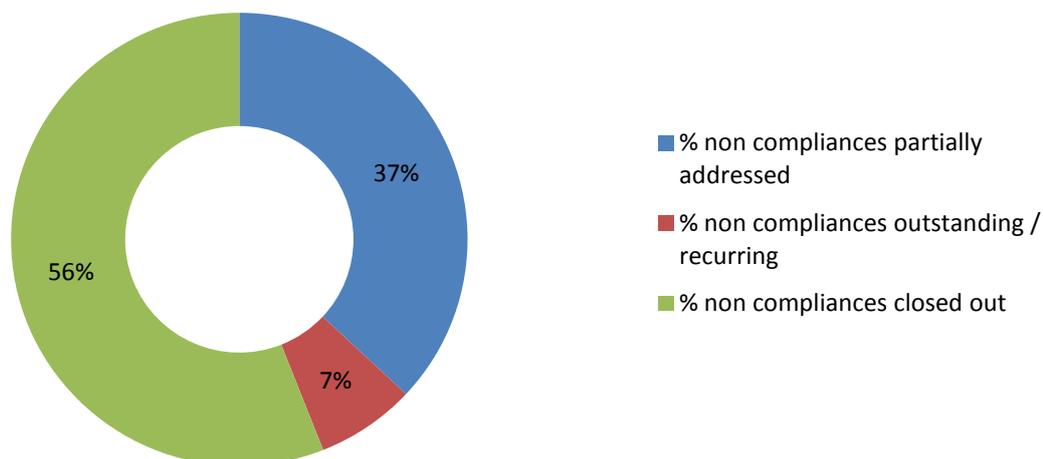
The results of the onsite verification activity in the six food business establishments are presented in Figure 1.

Figure 1: Close-out of Non-compliances by Food Business Establishment



During the onsite verification activity, the audit team assessed the status of between eight and twelve non-compliances, with an average of ten non-compliances being assessed in each of the six establishments. In three establishments audited, there were no non-compliances which were either outstanding or recurring. In the remaining three establishments, the percentages for outstanding or recurring non-compliances varied from 7% to 20%. In each of the six establishments, there were non-compliances which had been partially addressed, and these varied between 10% and 63%. Non-compliances which had been closed out varied across the six establishments from 33% to 90%.

Figure 2: Close-out of Non-compliances ~ Average for the Six Establishments



The audit team found that on average, across the six food business establishments, 7% of the non-compliances were outstanding or had recurred at the time of this audit. 37% of non-compliances had been partially addressed by the food business operator, but required further corrective action to achieve compliance with food law. 56% of non-compliances had been satisfactorily addressed by the food business operator to comply with the requirements of food law.

Establishment five was particularly prompt at implementing effective corrective action when a non-compliance was detected during official controls, as is evidenced by 90% of the non-compliances assessed by the audit team being categorised as closed out. During the onsite verification work in the third establishment, it was found that, while corrective action was taken by the food business operator, it did not fully address the non-compliance, and therefore 63% were categorised as being partially addressed. In the sixth establishment, there was very well developed communications regarding non-compliances, which had been established by the veterinary inspector. All non-compliances were tracked electronically, using a tailored computer programme. This allowed the veterinary inspector to filter non-compliances in the open and outstanding categories. Additionally, in this establishment, there were weekly meetings where all non-compliances were discussed with plant management. Records of the meetings were maintained in addition to detailed electronic records of the non-compliances and corrective action taken by the food business operator. This electronic system enabled a targeted follow-up on non-compliances, leading to better efficiency by the official control staff in following up on non-compliances which had been identified during official controls.

In two of the establishments, there were a number of non-compliances which recurred on a fairly regular basis. These related mainly to operational issues. In both establishments, the official control staff had identified these as being recurring, and in some cases, had notified the food business operator of this fact, and indicated that if they were not remedied, that more formal action would be taken by DAFM, for example, the issuing of an enforcement notice.

Some additional non-compliances were identified by the audit team during the onsite verification work. These were notified to the food business operator at the time, and they were advised that the DAFM official control staff would follow-up regarding corrective action.

Records and associated paperwork relating to identification of non-compliances during official controls, as well as the corrective action and close-out of these non-compliances were well maintained by the official control staff in DAFM.

5. POSITIVE PRACTICES OBSERVED DURING THE AUDIT

In one of the establishments audited as part of the onsite verification work, the veterinary inspector had developed a tailored computerised system for managing non-compliances. This system allowed greater efficiency in following up on non-compliances and the associated corrective actions; as the information could be filtered to generate reports on open or outstanding non-compliances. The audit team were advised that this system is to be used as the basis for a computerised system for tracking non-compliances; which is to be developed by DAFM, and rolled out nationally. This will be a significant advantage in the management of non-compliances identified during official controls, including giving live access to the regional superintending veterinary inspectors of the information relating to non-compliances which have been identified in the establishments within their region. Currently, this information is only available at the plant level, and as summary information provided as part of the quarterly reports from official control staff in each establishment.

6. CONCLUSIONS

A review of official control records and associated paperwork confirmed that a robust system is in place to address non-compliances identified during official control inspections. Follow up action was taken by official control staff, including use of CAR forms as well as formal enforcement action, to address more serious non-compliances. Follow up in relation to non-compliances, was well managed. This was demonstrated by the existence of good records of non-compliances and associated corrective actions being maintained by the official control staff in the six establishments audited. In one case, where significant non-compliances had been identified as part of the annual audit, the risk assessment of the establishment was not formally re-evaluated, as is required by SOP 6/2008 although the regional superintending veterinary inspector and veterinary inspector had discussed it after the audit.

In each of the three regions audited, there was a well established system of communications between the regional superintending veterinary inspectors and the veterinary inspectors in the plants, as well as links to DAFM headquarters as appropriate. However, where communications relating to the issuing of enforcement notices took place verbally (over the telephone), records were not always maintained.

The audit team found that, on average, across the six food business establishments, 7% of the non-compliances were outstanding or had recurred at the time of this audit. 37% of non-compliances had been partially addressed by the food business operator, but required further corrective action to achieve compliance with food law. 56% of non-compliances had been satisfactorily addressed by the food business operator to comply with the requirements of food law.

The requirements set out in the service contract between the FSAI and DAFM regarding the follow-up & close-out of non-compliances identified during official control inspections require that DAFM shall initiate follow-up action following detection of non-compliances. Additionally, DAFM is required to ensure that documented procedures are in place regarding the follow-up of non-compliances and, under the service contract with the FSAI, that these procedures be reviewed on an annual basis to ensure that they are still in line with legislative requirements and best practice. This was not found to be the case in relation to the documented procedures for undertaking enforcement action. The audit team noted that this issue had also been highlighted on the poultry audit in 2011/2012.

The findings from this audit should be disseminated across all regions within DAFM, to ensure that the findings from the three regions audited, are addressed on a national basis.

Audit findings requiring corrective action are listed in the corrective action plan.



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