

## Animal Feed Review in Scotland

### 1 Purpose of the paper

- 1.1 This paper seeks the Board's agreement to a different model for delivery of official controls on animal feed.
- 1.2 The Board is asked to consider the options for future delivery of feed official controls in Scotland. Audits undertaken by the EU Food and Veterinary Office (FVO) and FSA have identified that the current system of official controls delivery is not effective and FSA colleagues in England, Wales and Northern Ireland have taken steps to secure improvement within their respective countries.
- 1.3 This paper lays out a number of options for consideration for implementation in Scotland, which were developed with input from the Society of Chief Officers of Trading Standards in Scotland (SCOTSS).
- 1.4 The Board is asked to:
  - **Agree** that a different model of delivery for feed official controls is required in Scotland
  - **Discuss and provide a view** on the most favourable option for Scotland as laid out in detail in Annex A.
  - **Agree** that earned recognition beyond primary production (Annex B) shall be implemented in Scotland as soon as possible.

### 2 Background

#### Scope

- 2.1 This paper applies to all feed businesses covering both primary (on-farm) and non-farm producers, as defined within the EU Regulation No. 1831/2003 on feed hygiene. This includes imported feed and the supply of co-products and surplus food from the food industry.
- 2.2 Due to the similarity of the primary production requirements of feed and food law, any consideration of feed law must also include food. Therefore this paper also includes food primary production.
- 2.3 Official controls include inspections and sampling and are used to ensure verification of compliance with feed law.

#### Overview

- 2.4 Animal Feed official controls are generally undertaken by Trading Standards services across England, Scotland and Wales, and by the Department of Agriculture and Rural Development (DARD) in Northern Ireland. A Code of

Practice (guidance in Northern Ireland) has been issued by Ministers in every country within GB to local authorities.

- 2.5 The Code of Practice is issued under the Official Feed and Food Controls Regulations and is directed to local authorities responsible for the delivery of feed official controls. It sets out and explains the requirements of the EU Regulation on official controls, and how these apply to local authorities.
- 2.6 Following two FVO missions to the UK in 2009 and 2011, at which the UK received criticism on a number of issues related to feed controls, FSA across the UK, began a complete review of how feed controls are delivered. Implementation of the outcomes of the review took place from 2013, however, no progress was made in Scotland at that time because of the need to consider the establishment of Food Standards Scotland. The key areas of the UK review are detailed below and address the majority of the FVO concerns (see Annex C) :-
- Risk rating to include the adoption of earned recognition (sustained compliance)
  - Qualifications and a move towards a more competency based approach
  - Regional collaboration
- 2.7 A further audit by the FVO in January 2014 was positive of the changes that England, Wales and Northern Ireland were adopting and they were keen to see what Scotland intended post-vesting of Food Standards Scotland. This was again raised at FVO audits in February and June 2015.
- 2.8 Details of how the review was implemented in England, Wales and Northern Ireland are included in Annex D.

### **3 Discussion**

- 3.1 31 local authorities in Scotland are each responsible for carrying out feed law official control and enforcement within their areas. Local Authorities receive funding through the Block Grant from Scottish Government, however, this is not ring-fenced. Individual authorities make local decisions on distribution of funding according to circumstances, to address statutory obligations and the jointly agreed set of national and local priorities, including the Scottish Government's key strategic objectives and manifesto commitments. It is the responsibility of each local authority to allocate the total financial resources available to them to achieve the agreed outcomes.
- 3.2 In addition to the block grant, local authorities have, since 2002, received a share of £300,000 (£325,000 since 2005) from FSA for feed law enforcement. This was brought about as a result of new legislative requirements. It has become apparent, however, that receipt of the FSA funding has resulted in a redistribution of trading standards budgets so that in the majority of cases, the only funding available for feed law enforcement is FSA funding.

- 3.3 Scottish Government has advised that funding allocated for a particular function is to remain with the function and not the body to whom it was originally allocated. In other words, it should be redistributed if there is a change in how that function is delivered. Therefore, as a minimum, it will be possible to return the £325,000 from local authorities to Food Standards Scotland to fund this function centrally and distribute according to the preferred delivery model.
- 3.4 Following new requirements for primary production in 2006, local authorities are also eligible to apply for a share of funding (approximately £50,000) for primary production feed and food law official control delivery and enforcement. A mapping exercise indicated that since most of the requirements for primary production food and feed law are almost identical, local authorities are encouraged to carry out both inspections at the same time, and do so. In Scotland, unlike other parts of the UK, earned recognition has been in place for food and feed primary producers since 2008.
- 3.5 In addition to local authorities, Scottish Government's Rural Payments and Inspections Division undertake primary production (feed and food) inspections when carry out cross compliance inspections. There are approximately 250 inspections carried out on behalf of FSS annually and there is no intention to change this arrangement.
- 3.6 The outcome of the FSA audits carried out in 2012 and 2013 identified a number of fundamental problems with how feed official controls were organised and delivered. In particular:-
- Service Planning - either no service plan or not fully accordance with requirements
  - Training and Authorisation - no procedures for the authorisation of officers based on their competencies and insufficient training to maintain competency to deliver technical and administrative aspects of their work
  - Interventions - failure to carry out interventions/inspections at the required frequency. Feed businesses not registered or approved accordingly.
  - Internal Monitoring - no internal monitoring procedures that adequately reflected the feed service. Insufficient records of internal monitoring retained.
- 3.7 There is evidence therefore that the delivery of feed official controls must change to ensure an effective service. The essential requirements for an effective delivery of official controls are:-
- Technical competency of officers. The FVO stated during their 2014 audit that, in their opinion, officers could not be considered competent unless they spend 50% of their time on feed (see Annex E)
  - On-going training
  - Range of official controls (including inspections and sampling: Annex F)
  - Centralised policies and procedures to provide consistency

- Centralised oversight, monitoring and administration. Local authorities have reported that the administrative burden for feed, diverts focus away from the delivery of controls
- 3.8 A review of the implementation of earned recognition in England, and its benefits, and consideration of consistency across the UK, demands adoption of earned recognition in Scotland. Governance arrangements for the implementation and maintenance of earned recognition are already in place for the rest of the UK and FSA agrees that these arrangements should be extended to include Scotland. It is therefore anticipated that earned recognition, in relation to membership of assurance schemes, can be adopted fairly quickly, irrespective of the delivery model used.
- 3.9 In May 2015, FSS met with the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) to consider options for delivery. SCOTSS later provided an options paper which have been considered in developing this paper. A further meeting took place with SCOTSS on 4 September to consider the practical constraints around implementation. SCOTSS have indicated that any change to delivery should be considered within the wider context of the Strategic Review of Trading Standards and should take place at the start of the financial year to minimise any disruption to current trading standards arrangements. Meetings are planned shortly with Scottish Government, Society of Local Authority Chief Executives (SOLACE) and Convention of Scottish Local Authorities (Cosla) to discuss these issues.

#### 4 Options appraisal

- 4.1 Annex A provides a detailed breakdown of the options available:

- Option 1: Status quo
- Option 2(a): FSS delivers feed official controls (“centralisation”),
- Option 2(b): FSS delivers feed official controls in conjunction with effectively performing LA’s
- Option 3(a): LAs deliver feed official controls but on a regional basis
- Option 3(b): LAs deliver feed official controls with a number of centralised FSS functions (hybrid)
- Option 4: FSS delegates to control bodies

- 4.2 FSS considers *Option 3b* secures the most effective future delivery model. This option is supported by SCOTSS and ensures that expertise and a degree of local knowledge is retained, and by using fewer officers, officer competency can be maintained in line with the FVO recommendations. This option will allow changes to take place to delivery without a need to require Ministerial consent or legislative change, which could take some considerable time.
- 4.3 Retaining the current system is not an option. Even with the adoption of earned recognition, this will not address the competency requirements and administrative burden. If anything, competency could be reduced due to fewer inspections and disproportionate administrative burden. Although centralisation

will improve consistency and control, there is currently no operational expertise within FSS. Existing FSS officers will require to be trained or currently employed local authority officers will need to be recruited, which may prove difficult due to the impact on career progression of Trading Standards Officers. Industry is also likely to be negatively impacted due to a loss of current relationships and local knowledge. There are risks associated with using control bodies related to perception of delivery at a profit and associated increased costs.

- 4.4 As above, £375,000 is available for use for delivery of official controls. We estimate that based on extrapolation of LA risk ratings and taking account of earned recognition, 1300 inspections are required per year.
- 4.5 If we consider English and Welsh unit inspection costs, there is considerable variation depending on the type of feed business. Further work with SCOTSS is required to develop costings.
- 4.6 In addition, irrespective of the model adopted, resource is required in order to set up, implement and administer official control delivery. It is anticipated that this will require one FTE official initially reducing, once implemented, to between 25% to 50% FTE depending on the model. Employment costs are estimated to be £34,000 for year 1.
- 4.7 It is recognised that sampling activity has been low and not necessarily directed towards the feed materials of greatest risk. In order to bolster sampling to allow a detailed risk assessment to assess future needs, it is anticipated that £50,000 would be required initially for this function. Clearly this may change depending on the outcome of the risk assessment.
- 4.8 We cannot underestimate the challenge of ensuring buy-in from all local authorities. SCOTSS have indicated that whilst they do have some influence over engagement with proposed delivery, ultimately, decisions will be made by local politicians depending on circumstances and with due consideration of the increasingly difficult financial challenges facing local authorities. Experience of shared service arrangements amongst local authorities has been disappointing to date. FSS plans to meet with Scottish Government and Cosla as soon as possible, and SCOTSS and FSS will work together with local authorities. Timing for delivery will therefore depend on how these negotiations proceed. If no agreement can be made before 1 December 2015, we will revert to the Board to agree next steps. If agreement is obtained, we will deliver the regional model 3(b) by April 2016
- 4.9 Assuming the regional model is implemented in accordance with the plan, the new arrangement will be closely monitored over 12 months to ensure that delivery is on track. In the event that the new arrangement does not deliver an improvement in service, FSS would consider an alternative.
- 4.10 In order to set up systems and procedures, work with local authorities to implement delivery and monitor delivery going forward, a dedicated animal feed coordinator would be required on full time basis initially. It is expected that time

spent dedicated to animal feed could reduce once a new system has been bedded in. Recruitment for such a post can begin as soon as a decision is made about the future direction.

- 4.11 As a contingency, FSS will amend legislation to allow enforcement functions to be transferred from local authorities to FSS should it be required. In addition, recruitment and training needs will be identified and considered for FSS staff, if required.

## 5 Identification of risks and issues

- 5.1 The key risk is that feed official controls are not delivered under the current arrangements. Annex A lays out the risks associated with each option. The preferred regional option addresses those risks. It is considered as a step towards compliance with an option open to consider centralisation in the event that the benefits associated with regionalisation are not realised.
- 5.2 A failure to address the problems associated with the current delivery model will continue to present risks associated with public health, animal health and welfare and increased risk of a feed incident could impact on trade and reputation to the feed sector and Scotland. Any other model, in the short term, could be impacted by a change in enforcement officer and loss of local knowledge, but these risks are outweighed by the benefits associated with improved delivery.
- 5.3 Adoption of earned recognition and the preferred delivery model will align Scotland with the remainder of the UK. This will address concerns previously identified by the FVO.

## 6 Conclusion/Recommendations

The Board is asked to:

- **Agree** that a different model of delivery for feed official controls is required in Scotland.
- **Discuss and provide a view** on the most favourable option for Scotland as laid out in Annex A.
- **Agree** that earned recognition beyond primary production (Annex B) shall be implemented in Scotland as soon as possible.

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**Annex A: Options Benefits/Disbenefits/Risks**

<b>Option</b>	<b>Benefits</b>	<b>Dis-benefits</b>	<b>Risks</b>
1. Status Quo	There are no benefits to retaining the current arrangements. <i>(Reference: FVO and FSA audits)</i>	There is evidence that the current system does not work (FVO, FSA audits etc). This is also acknowledged by SCOTSS.	Continue to maintain an ineffective system which fails to deliver.  Infraction proceedings (EU)  Incidents resulting in risks to consumer safety, animal health and welfare and trade
2(a). FSS delivers all feed official controls (centralised system)	System managed by FSS to improve control and communication.  Opportunity to develop a consistent Scotland-wide system that meets needs of industry and EU.  Simple administrative processes including monitoring  Maintenance of officer competency  Official controls and enforcement carried out according to risk  LAs will benefit from no longer having to resource this area of work	Some LAs already have systems in place that work reasonably well. They have dedicated officers who deal only with feed, primary production and animal health.  Loss of local knowledge and experience  Increased travelling time to establishments  Change in legislation is required which will take up to a year  Recruitment of existing qualified and competent LA officers or training of existing FSS staff	Some LAs may resist and potentially damage relationships with industry.  LAs may scale back activity in the period between announcement of intention and implementation.  Employment of appropriately qualified staff could prove difficult due to curtailing of trading standards professional career development or loyalty  Ministers fail to support FSS proposals
2(b). FSS delivers all feed official controls in most LA areas but those LAs with effective systems retain the authority and are subject to closer monitoring	As 2(a)  Retain local knowledge and maintain good working relationships (in those areas only)	As 2(a)  Significant administrative burden to manage a hybrid solution (collation of data, funding distribution etc)	As 2(a)  Complexity associated with the hybrid solution could result in a failure to deliver in certain circumstances (gaps in delivery)

Option	Benefits	Dis-benefits	Risks
<p>3(a). LAs continue to deliver feed official controls but on a regional basis (where 6 regional lead officers deliver official controls on behalf of their region).</p> <p>Regional officers will be responsible for working with LAs in their region to determine programme of official controls for all feed businesses . Functions will also include import controls and maintenance of regional feed business register.</p> <p>FSS will develop centralised administration and coordination systems and provide training.</p>	<p>Maintenance of officer competency (fewer officers therefore greater time spent on feed per officer). Fewer officers requiring training.</p> <p>Inspections carried out according to risk rating</p> <p>Funding re-allocated appropriately and paid to regional officers (LAs) on delivery</p> <p>Centralised systems resulting in greater consistency and reduced bureaucracy</p> <p>Improved communication and reduced administrative burden (both for FSS and LAs) due to fewer delivery partners</p>	<p>Reduced local knowledge</p> <p>Loss of expertise by officers not engaged in feed work.</p> <p>Increased travelling time to establishments</p> <p>Enhanced monitoring, audit and engagement by FSS with regional officers</p> <p>Increase in administrative burden on FSS (estimated 0.25 FTE)</p>	<p>Reluctance of LAs to operate on a regional basis</p> <p>LAs fail to agree working arrangements within each region</p> <p>Damage to relationships with industry due to change of officer.</p> <p>Lack of resilience due to limited officers undertaking this work</p>
<p>3(b). As 3(a) but with additional centralised functions, as outlined by SCOTSS (see Annex H)</p>	<p>As 3(a)</p> <p>Improved coordination of imports and sampling and analysis functions, and engagement with Agricultural Analysts (including contract management)</p> <p>Single point of contact for businesses (registration and approval)</p> <p>Reduced burden maintaining register</p> <p>Improved consistency of delivery</p>	<p>As 3(a)</p> <p>Large increase in administrative burden on FSS (estimated 0.5 FTE)</p>	<p>As 3(a)</p>



<b>Option</b>	<b>Benefits</b>	<b>Dis-benefits</b>	<b>Risks</b>
4. FSS delegates the function to existing inspectors from other Government Departments and commercial organisations (e.g. assurance schemes), some of whom will be “control bodies”	Existing experience (to a limited degree)  Reduced footfall (particularly at primary production)	Change in legislation required which will take up to a year.  Loss of local knowledge as these organisations would attend businesses they are unfamiliar with  Enhanced monitoring and audit by FSS of control bodies (required by Reg 882/2004)	These organisations may not be willing to participate  Potential conflict of interest  Official controls perceived to be delivered with a profit element

## **ANNEX B EARNED RECOGNITION (BASED ON ENGLISH FEED LAW CODE OF PRACTICE)**

The risk rating of feed businesses is detailed within the Feed Law Code of Practice:-

Scotland: 2006 risk rating scheme: 1, 2 or 5 years

England, Wales, Northern Ireland: 2014 risk rating scheme: 1, 2, 3, 4 or 5 years

### **Earned recognition**

There are two approaches to Earned Recognition

#### **(i) Membership of Assurance scheme**

Subject to an assurance scheme being “approved” by FSS and a business sustaining compliance with the requirements of the standard, then that business can benefit from reduced frequency of inspection. The frequency will be determined by the nature of the feed business.

#### **(ii) Demonstration of sustained compliance**

This applies to businesses that are not members of assurance schemes but demonstrate broad compliance. Broad compliance must be measured over two consecutive inspections. An Alternative Enforcement Strategy (AES) may be used instead of an official control, however, it should be alternated with an official control visit at a frequency determined by the Code (for “satisfactory compliance” according to the type of business) until the business loses its earned recognition status.

Table 1 provides a demonstration of the impact of earned recognition upon inspection frequency.

## Earned Recognition/Sustained Compliance

Table 1

Business Description	Potential Approval/Registration Codes Applicable to the Business for illustrative purposes only	Poor Compliance Frequency of inspections Years	Varying Compliance Frequency of inspections Years	Satisfactory Compliance Frequency of inspections Years	Broad Compliance or better Frequency of inspections Years / AES	Earned Recognition for Members of Approved Assurance Schemes  Frequency of inspections years / % annual inspection sample
Arable Farm	R14	3	4	5	AES	2%
Co-Product Producer	R12	1	1	2	4	5
Distributor	All approved codes plus R1,R2,R3,R5 ,R7	2	4	5	AES	2%
Importer	Not applicable					
Livestock Farms	R13	3	4	5	AES	2%
Manufacturer of additives or of feed using additives	All Approved Codes plus R1, R2, R3 to R4 and R6	1	1	2	3	4
Mobile Mixer	R4	1	1	2	4	5
On-Farm Mixer	R10 or R11	2	4	5	AES	2%
Stores	R9	2	3	5	AES	2%
Supplier of Surplus Food (supermarkets etc)	R7	2	4	5	AES	2%
Transporter	R8	2	4	5	AES	2%

**Impact of Sustained Compliance on numbers of inspections.**

FSA carried out an impact assessment as part of the review of the Feed Law Code of Practice at the end of 2013. Their analysis indicated that adoption of earned recognition in England and Wales would result in a reduction of inspections by 55% and 53% respectively.

<http://www.food.gov.uk/sites/default/files/multimedia/pdfs/consultation/feedlawcop-consult.pdf>

From previous work, we know there is higher uptake of assurance schemes in Scotland and since earned recognition is predominately through the assurance scheme route, we can expect the reduction in inspections to be greater than 55%.

For businesses that are members of assurance schemes, there should be immediate benefits for FSS and businesses by a reduction in inspection frequency as a result of evidence of earned recognition being readily available. However, evidence of sustained compliance in businesses that are not members of assurance schemes can only be obtained following an inspection.

It is not known how many businesses will benefit from earned recognition using a demonstration of sustained compliance without carrying out a full analysis with local authority input (this level of detail is not collected in the annual enforcement return). For higher risk businesses, subject to recent inspections, this may be available. However, there are a number of businesses that have not received inspections in accordance with the Code of Practice and therefore it may take some time to collect information on inspection outcomes, delaying the full realisation of benefits.

## ANNEX C : FVO AUDITS

Common themes from 2009 and 2011 audits:

- To ensure that official controls on feed follow the appropriate frequency required and ensure that all categories of feed businesses are included within scope
- To ensure that official controls on feed take account of all the relevant risk criteria
- To ensure that feed businesses put in place and implement HACCP based procedures
- To ensure that LAs allocate to feed law enforcement the sufficient number of suitably qualified and experienced staff. (*In particular, the FVO discussed that in their view, someone spending less than 50% of their time on feed work, would find it difficult to maintain competency.*)
- To further improve the coordination and cooperation between and within competent authorities involved in official controls on feed
- To ensure that follow-up activities on corrective actions imposed are always recorded in particular to demonstrate that such follow-up activities have been effectively carried out and that the actions are timely
- To ensure that official controls on imported feed take account of all the requirements, in particular those pertaining to the risks associated with different types of feed.
- To execute the official sampling according to the relevant risk criteria and to analyse the appropriate feed for the relevant parameters.

### Links to FVO reports:

**2009**

[http://ec.europa.eu/food/fvo/audit\\_reports/details.cfm?rep\\_id=2335](http://ec.europa.eu/food/fvo/audit_reports/details.cfm?rep_id=2335)

**2011**

[http://ec.europa.eu/food/fvo/audit\\_reports/details.cfm?rep\\_id=2826](http://ec.europa.eu/food/fvo/audit_reports/details.cfm?rep_id=2826)

**2014**

[http://ec.europa.eu/food/fvo/audit\\_reports/details.cfm?rep\\_id=3319](http://ec.europa.eu/food/fvo/audit_reports/details.cfm?rep_id=3319)

**ANNEX D: Key Features – Comparison across the UK**

	<b>Delivery model</b>	<b>Businesses</b>	<b>Funding and source</b>	<b>FTEs</b>
<b>England</b>	Regional	144,000	£2,140,000 (withdrawn from Revenue Support Grant)	Approx 60
<b>Wales</b>	Regional	19,000	£490,000 (withdrawn from Revenue Support Grant)	6
<b>Northern Ireland</b>	Centralised	27,000	£200,000 (Annual Department Budget Settlement)	6 (4 + 2 managers)
<b>Scotland</b>	<i>To be considered</i>	25,000	<i>To be confirmed (£375,000 from FSS top-up grant?)</i>	Approx. 6

**England**

- FSA in England has been working with the National Trading Standards Board (NTSB) to better coordinate grant funding available to local authorities to support delivery of the enforcement priorities and to help ensure effective, risk-based controls are in place across England. This is being done on a regional basis.
- In addition, local authority inspections are supported by the annual inspections made by approved assurance scheme auditors at members' premises ("earned recognition"). Improvements seen as follows:-
- The NTSB co-ordinates official feed controls on a regional basis in England and manages the funding for this work, as well as undertaking a series of regional and national projects with the aim of continuous improvement of delivery.
- Better planning of inspections: NTSB undertake an annual planning exercise which models the number of inspections required by the revised Code of Practice for the different regions in England so that the funding is being distributed appropriately.
- Better sampling and feed controls at ports: NTSB undertake an annual exercise to ensure that national sampling priorities are met and that appropriate checks are made on imported feed coming to the UK.
- Better reporting: There is now quarterly reporting on planned delivery of the inspection, sampling and imported feed checks through the FSA/NTSB Governance Group which means that local authority capacity issues are identified early and resources can be re-directed where necessary.

**Wales**

- Within Welsh Government, feed was considered a failing service in Wales when it came under the spotlight during the Pennington Review, following the 2005 Welsh E coli outbreak, and LA audits carried out by FSA Wales. In 2011, FSA recommended to the First Minister of Wales “that a Welsh national feed inspection and enforcement service is formed as part of the FSA, with a focus on effective consistent and risk-based enforcement”.
- However, following discussions with Trading Standards services in Wales, FSA worked with local authorities to develop a regional delivery system for feed. Each of the six regions has a lead authority (officer) including one who is also the nominated officer for feed imports across Wales, and other officers are seconded as necessary. Funding (£490,000) has been diverted from the Revenue Support Grant to FSA in Wales and FSA in Wales pays for work on evidence of completion.
- FSA sets the risk based priorities on a regional basis and determines a risk based intervention programme and sampling programme. Earned Recognition is included within this programme. LAs agree a uniform unit cost. Each region uses a nominated lead officer who will ensure that the work allocated to the region is done, although they have a certain autonomy to decide how it is done.
- FSA has appointed a Support Officer who spends 50% of their time administering this function although it is anticipated that this will reduce to 20% after around 18 months.

**Northern Ireland**

- Department of Agriculture and Rural Development (DARD) carries out feed official controls and enforcement in Northern Ireland. DARD has a statutory duty to enforce legislation relating to feed but FSA has the policy lead for feed law in Northern Ireland.
- DARD uses the previously issued GB Feed Law Code of Practice as a guidance document. This is due to be reviewed shortly.
- There are no plans to change the delivery of feed official controls in Northern Ireland, although they are in the process of adopting Earned Recognition in line with the rest of the UK.

## ANNEX E: COMPETENCY AND QUALIFICATIONS

Until recently, and with the exception for Northern Ireland, the Feed Law Code of Practice laid down specific qualifications and competencies. However, there has been a recent move to a competency framework for trading standards. This has been developed by FSA and the Trading Standards Institute.

These requirements are detailed in the Code of Practice which only applies to local authorities.

There are two tiers of officers which require different qualifications and competencies:

*Level 1:* Enforcement at feed business establishments where simple and straightforward operations are employed and basis quality controls and safety systems are in place. This excludes the inspection of activities which require approval under the Feed Hygiene Regulations.

*Level 2:* Full range of animal feed enforcement duties. These include businesses that require approval, such as additive and pre-mixture manufacturers and those manufacturing and/or putting compound feeds on to the market.

### a. England and Wales

#### Competencies

Officers are required to meet and demonstrate (provide evidence of) minimum competency before they can be authorised to undertake specific official feed control duties. The competencies will vary depending on the nature of the activity/role e.g. lead feed officers, sampling, points of entry etc.

All officers involved in the assessment of compliance with feed law (other than those only undertaking sampling of feed official controls at primary production or at points of entry, including the use of any associated enforcement powers) are required to hold an appropriate qualification. Lead Feed Officers must also hold an appropriate qualification before they can be appointed to the role.

Officers involved in sampling of feed official controls at primary production or at points of entry must meet the competency requirements. The use of enforcement sanctions by officers who do not hold a qualification must be reviewed as soon as possible by the Lead Feed Officer or another appropriately qualified and competent officer.

Officers who undertake alternative enforcement activities (AES) are required to meet the qualification or competency requirements provided their work is:

- overseen by a Lead Feed Officer (or an officer who holds the qualification and meets the relevant competency requirement for the establishment subject to AES); and



- they are not involved in assessing compliance, giving advice on compliance with feed law or using enforcement powers.

## Qualifications

The 'appropriate qualification' is met if an officer has successfully completed the agriculture written, oral and practical papers as part of one of the following qualifications in the Trading Standards Qualification Framework (TSQF):

- Certificate of Competence;
- Core Skills in Consumer Affairs and Trading standards;
- Module Certificate in Consumer Affairs and Trading Standards;
- Diploma in Consumer Affairs and Trading Standards;
- Higher Diploma in Consumer Affairs and Trading Standards.

The structure of the TSQF is modular, and each module consists of both examinations and assessment of a portfolio of evidence demonstrating competency in practical work. The portfolio of evidence includes documents in the form of reports, letters, computer printouts, photographs, observation reports, case files, emails etc and can only be obtained within a local authority.

The following qualifications and their antecedents are also appropriate qualifications:

- Diploma in Trading Standards (DTS) or its antecedents;
- Diploma in Consumer Affairs (DCA) which includes the Food and Agriculture Paper in part II, or its antecedents;
- Diploma in Consumer Affairs (DCA) Certificate of Competence in relation to Food and Agriculture issues by the TSI or its antecedents;
- Certificate of Competence in Agriculture;
- Diploma in Consumer Affairs and Trading Standards (DCATS) or
- Higher Diploma in Consumer Affairs and Trading Standards (HDCATS) with the Module Certificate in Consumer Affairs and Trading Standards in Agriculture.

## **b. Northern Ireland**

Qualifications of officers are set out under the DARD framework. DARD officers must have the minimum entry level qualifications for Group Two Inspectors: National certificate or diploma in Agriculture, Agricultural Science or a closely related subject (where at least half the modules are similar in content to those in the Agriculture degree). Alternative equivalent or higher standard qualifications are also considered.

In addition DARD feed enforcement officers must be able to demonstrate, having undertaken appropriate qualification/training and supervised experience, competence in the evaluation and inspection of hazard analysis and critical control point (HACCP) based safety management systems and basic components of quality control systems and auditing techniques to ensure effectiveness and operations of the simple systems.

**c. Scotland**

It is our intention that, on review of the Feed Law Code of Practice, the qualification and competency requirements for Scotland are matched to those in England and Wales.

Should it be necessary, FSS must consider what training requirements would be necessary to allow FSS to delivery official controls. The minimum qualification required is the Diploma in Consumer Affairs and Trading Standards (DCATS). Typically, DCATS is undertaken using the Trading Standards Institute (TSI) academy (whilst working), followed by an examination. The TSI academy is an on line resource with structured modules, and access to tutors, that the student works through. The course takes 6 months and begins each April, with registration in January.

***Ongoing Competency***

FSA has run a number of training courses for officers in order to maintain their competency. FSS could continue to tap into these course for a fee, or develop our own courses.

## ANNEX F: SAMPLING

The FVO has criticised the UK for the lack of consideration of risk around the feed samples that are taken.

Analysis of feed samples can be expensive; analytical costs for potential contaminants identified in the national enforcement priorities can be in excess of £1000 per sample. Local Authorities advise that annual sampling budgets range from £2000 to £5000, but could be reduced due to financial pressures. Whilst some authorities report having sufficient resources for sampling, a number report having no specific budget for feed sampling and they rely on FSA sampling grants for this purpose. It should be noted, however, that very few LAs have applied for feed sampling grants when the opportunity has arisen. A number of LAs have reported a need for additional support, such as training or ring-fenced funding for sampling/analysis.

As a result of these issues, sampling activity is low in Scotland. Sampling priorities are laid out at the start of the year within the published “National Enforcement Priorities”.

The FVO raised concern both in 2011 and 2014 that sampling plans were inadequate or focussed on analytes that were not relevant to the feed being sampled. In the 2014 FVO audit report, comments concerning sampling include

*“it was noted that several inspectors, notably those who spend a limited part of their working time on feed controls, ..... were not taking samples according to the risk criteria as set out in the working instructions.”*

*“at several establishments visited the audit team saw evidence that products had been sampled without taking into account the relevant risk criteria as laid down in the national instructions.”*

A clear sampling plan funded and coordinated centrally will ensure that sufficient samples are taken of appropriate feed (in accordance with priorities) for the appropriate analysis.

**ANNEX G: FEED ENFORCEMENT RETURNS 2013/14**

Based on SGRPID and 27/31 LA returns

	Farms	Feed Mills	Importers	Distributors/ Hauliers	Stores	Retailers	Co-products	Total
<b>No. of businesses</b>	19174*	81	4	275	65	1603	495	<b>21697</b>
<b>No. of inspections</b>	1465	46	5	45	16	165	116	<b>1858</b>
<b>Re-visits</b>	43	10	0	0	0	2	3	<b>58</b>
<b>Advice given</b>	331	14	3	21	5	11	41	<b>426</b>
<b>Other interventions</b>	148	0	0	1	0	0	1	<b>150</b>
<b>Sampling visits</b>	32	37	3	2	1	29	4	<b>108</b>
<b>Written warnings</b>	8	1	0	5	1	0	2	<b>12</b>
<b>Formal enforcement</b>	0	0	0	0	0	0	1	<b>1</b>
<b>Samples taken</b>								<b>80</b>
<b>Analysis</b>								<b>785</b>

\*Scottish Government figure – 21,471 farms (2014 Agricultural census)

Percentage of inspections against no. of premises (non-primary production only)

<b>Year</b>	<b>No. of premises</b>	<b>No. of inspections (%)<sup>1</sup></b>
2013/14 (27/31 returned)	2525	393 (16%)
2012/13 (27/31 returned)	2412	660 (27%)
2011/12 (31/31 returned)	2567	684 (26%)
2010/11 (30/31 returned)	2547	655 (26%)
2009/10 (13/31 returned)	1026	187 (18%)

<sup>1</sup> The inspection frequency varies according to the risk rating determined by the nature of the business. This is also extremely variable across Scotland, ranging from 1% to 100%. Since the risk rating is not captured centrally, it is not possible to determine the baseline.

**Annex H****Extract from SCOTSS Paper (favoured option)**

The 'franchise' label refers to centralised specification and provision of services best provided centrally by FSS, with operational delivery distributed to lead authorities through a contracting relationship. This option plays to the strengths of FSS as a single national body providing policy leadership, consistency, economies of scale and ability to respond to shifting resource demands. The option envisages centralised provision of:-

- Intelligence processing
- Risk analysis
- Prioritisation
- Administrative Systems
- Analytical Services
- Training
- Administration of the Register of feed businesses
- Strategic Management of Import Controls
- Strategic Management of Approval of Establishments

It plays to the strength of local authorities providing links to other local authority services, local knowledge, rapid reaction ability and a presence across Scotland. This option allows the expertise in Local Authority Trading Standards Services (LATSS) to be concentrated into regional centres of excellence. The society believes approximately 6 lead authorities would provide sufficient critical mass for them to maintain organisational and officer competence. This option envisages that lead authorities would provide:-

- Inspections (including importation)
- Sampling
- Compliance / enforcement Action
- Approval of establishments