

To: Lead Feed Officers
Cc: TSI, CoSLA, SFELC

24 March 2016

FSS/ENFTS/16/004

Dear Colleague

Earned Recognition – Amendment to the Feed Law Code of Practice and Development of Guidance – Consultation Outcomes

Many thanks to those of you who attended one of the two workshops during the consultation period and provided feedback to further develop the guidance to ensure it is fit for purpose. The comments received at the workshops, and following the workshops, have now all been considered and the guidance rewritten. The revised Code of Practice and Earned Recognition Practice Guidance are now available on the Food Standards Scotland website and are effective from 1 April 2016.

<http://www.foodstandards.gov.scot/feed-law-code-practice-2016>

<http://www.foodstandards.gov.scot/earned-recognition-practice-guidance-scotland>

For those local authorities that were not present at the workshops, please do not hesitate to contact me if you have any questions or require clarification on any points in the Code or guidance.

Background

Earned Recognition was one of the outputs of the Feed Review that took place across the UK in 2012 and 2013. As you are aware, Scotland carried out its review of feed in 2015; later than the rest of the UK due to the establishment of Food Standards Scotland. The FSS Board agreed that earned recognition shall be implemented in April 2016. The Scottish review also considered the delivery of

official controls of feed and a decision was made by the FSS Board in January 2016 that feed delivery shall be centralised from April 2017.

Implementing a system of earned recognition for feed in Scotland, with the imminent change to delivery, has been challenging. Whereas FSA implemented earned recognition alongside a revised risk rating system, implementation of earned recognition in Scotland has been done based on the existing risk rating. Although this system does not mirror the rest of the UK, the primary objective of reducing inspection burden to compliant businesses within the feed industry has been achieved.

We see this system as a step change towards a consistent UK approach and this will be subject to on-going review with the rest of the UK.

Key Points in Code of Practice and Guidance

Code of Practice

The Code of Practice is a high level document to which local authorities must have regard. It has been amended to include the implementation of earned recognition and is referenced in Chapters 4.1.5 – 4.1.6 and Annex 5. The detail of how to implement earned recognition is provided in the guidance.

Earned Recognition Practice Guidance

The guidance has been re-organised to provide a logical process flow (section 1.4).

Due to the concerns raised about the risks associated with certain types of feed businesses, the table providing for the amendment to the risk rating (figure 3) has been amended, with a larger numbers of certain types of feed businesses being considered higher risk.

The percentage inspection frequency (2%) shall not be included in the inspection frequencies available in the guide, due to local authorities' experience of it within primary production.

Although primary production is not included within the scope of the guidance, it has been included in figure 3, **for completeness only**. No changes have been made to the risk rating or inspection frequencies for primary production.

Emphasis is given that the application of earned recognition and assignment of different inspection frequencies is a **desktop exercise only**. Assurance scheme information is available to local authorities from the AIC website and FSS. Broad compliance information is available from the risk rating at the previous inspection.

For those businesses that are members of assurance schemes, earned recognition can be applied to businesses that have had an inspection since 1 April 2015, and a table is provided to guide officers when to apply earned recognition depending on when the last inspection took place.

It is recognised that there are a number of feed businesses that have not received an inspection in the last 5 years, or at all. FSS does not ask local authorities to undertake inspections of all these businesses to determine the risk rating. Annex 1 of this letter provides a breakdown of the outcomes of the inspections carried out over the last 5 years (from local authority enforcement returns). This indicates that there is significant broad compliance across Scotland. On this basis, and unless the local authority is aware of compliance issues at a feed business establishment, officers may assume that the unrated businesses, or businesses not subject to inspection in the last 5 years, are broadly compliant and may apply earned recognition accordingly. LAs are asked to inspect a representative sample of a cross section of feed businesses to confirm broad compliance. A table is provided to guide officers when to apply ER depending on when the last inspection took place.

Other points raised

Concern was raised that the local authority systems in place are not able to accommodate alternative inspection frequencies. The software providers amended their systems in 2013 in order to accommodate these changes in England.

Concern was raised that FSS is now asking local authorities to submit quarterly returns instead of annual returns (although sampling and primary production will still require an annual return), and that SCOTSS are to be consulted. SCOTSS have now been consulted on this matter and support FSS in this matter.

The guidance makes reference to FSS provided information on membership and I shall write to you separately with a copy of your local authority register, also containing details of AIC members.

Yours sincerely



Jacqui Angus
Food Standards Scotland

Annex 1 - Indication of non-compliance following inspection

	No. of inspections ¹	Revisits (% of inspections)	Written warnings (% of inspections)	Formal enforcement (% of inspections)
2010/11	3313	54 (1.6%)	5 (0.15%)	1 (0.03%)
2011/12	3032	45 (1.5%)	64 (2.1%)	1 (0.03%)
2012/13	1953	49 (2.5%)	2 (0.1%)	1 (0.05%)
2013/14	1569	58 (3.7%)	17 (1.1%)	1 (0.06%)
2014/15	1371	31 (2.3%)	17 (1.2%)	1 (0.07%)

¹ Based on the returns received in any given year (not always complete)