

## **Audit of the Operational Delivery Division**

### **FEED DELIVERY**

Audit Programme: 2022/23, Audit 3

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# Foreword

Audits of Food Standards Scotland's Operational Delivery Division are part of the arrangements to improve consumer protection and confidence in relation to food and feed.

The audit scope was detailed in the audit brief and plan issued to the Feed Delivery Branch on 8 September 2022. The aim of the audit is to maintain and improve consumer protection and confidence by ensuring that the Feed Delivery Branch are providing an effective feed law enforcement service.

Food Standards Scotland audits assess conformance against retained Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law and the Food Standards Scotland's Manual for Official Controls. The provisions for conducting audits are provided for in Article 6 of retained Regulation (EU) 2017/625.

The Audit scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Food Standards Scotland policy on feed safety, standards and feeding stuffs.

Specifically, this audit aimed to establish:

- Verification that official controls are carried out in compliance with planned arrangements by evaluating the organisational, management and information systems in place
- Verification that planned arrangements are applied effectively to ensure they are effective and suitable to achieve the objectives of the relevant feed law
- Verification that planned arrangements are suitable to achieve the objectives of official controls and assess the capacity and capability of the delivery of the feed service
- Provide a means to identify under performance in feed law enforcement systems
- Assist in the identification and dissemination of good practice to aid consistency
- Provide information to aid the formulation of Food Standards Scotland policy

Following the audit, it is expected that for any recommended points for action, the Feed Delivery Branch will prepare and implement an action plan which will incorporate a root cause analysis of any non-compliance. A list of recommendations is provided in the action plan template at the end of this report.

Root cause analysis is a technique that senior management should use to identify the root causes of non-conformities identified at the audit have been effectively addressed. An important aspect is that there is a need to ensure that the non-conformity does not recur. This should be achieved by the accurate identification of the cause(s) of the non – conformity (i.e. the root cause) and the introduction of effective preventative action.

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# 1.0 Introduction

- 1.1 This report records the outcomes of the audit of Food Standards Scotland's (FSS) Local Authority (LA) Delivery Division, with regard to their delivery of the Feed Delivery Branch activities.
- 1.2 The overarching criteria which detail the standards that the assessment has been made against, are contained within relevant sections of retained **Regulation (EU) No 2017/625**.
- 1.3 The guidance relating to the current planned arrangements and referred to throughout will be the primary policy implementation and procedural references within:
  - [Official control delivery and enforcement of feed | Food Standards Scotland](#)
  - [Feed Manual for Third Parties - Final 31 March 2021.pdf \(foodstandards.gov.scot\)](#)
  - [Scottish Food and Feed Law Guide - August 2018.pdf \(foodstandards.gov.scot\)](#)
  - [Feed Delivery - Official Control Procedures.pdf \(foodstandards.gov.scot\)](#)
  - [Primary production inspection guidance - March 2011.pdf \(foodstandards.gov.scot\)](#)
  - [New Delivery Model - Animal Feed Official Controls | Food Standards Scotland](#)
- 1.4 This was a virtual and practical on-site audit using electronic desk top auditing plus three separate verification meetings with authorised officers delivering inspections at Feed Business Operators. The Auditors also met with the colleague responsible for the management of the Feed Management Information System for a practical demonstration of it, the Policy Lead for Feed as well as Service Managers.
- 1.5 Evidence production was largely reliant on auditee co-operation and auditor requests. We were provided with everything requested in a timely and helpful manner. Previously the standard audit format would have allowed auditors to search and select records and documents and make requests based on what was physically observed with the resulting added dynamics involved, which could not be done this time.
- 1.6 This type of blended audit has limitations and, as a result, it should be viewed as a restricted process that will require review and further refinement to ensure that all parties involved can understand and benefit from this report's outcomes. It is considered by the auditors that it is essential that where possible, any follow up to this report be via verification visit.

- 1.7 The audit focused on the arrangements for meeting certain operational criteria, particularly guidance, procedures, records, monitoring interventions, transparency and reporting about their delivery.

### **Reason for the Audit**

- 1.8 As detailed in the Foreword, Article 6 of retained Regulation (EU) 2017/625 requires Competent Authorities to carry out internal audits or have audits carried out on themselves.
- 1.9 The audit programme covering the official controls delivered by FSS is carried out as an internal audit by FSS's Audit Assurance Division. This audit forms part of that audit programme.

### **Scope of the Audit**

- 1.10 The Audit Brief was sent to the Feed Delivery Branch outlining the agreed scope of the audit. After preliminary exploratory discussions it was agreed that the audit scope would cover the following:

[Regulation \(EU\) No 2017/625](#) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and Feed law, animal health and animal welfare rules as amended.

[Regulation \(EC\) 178/2002](#) defines Feed law as including the production, processing and distribution of feed for feed-producing animals and defines a 'feed business' as any business carrying out any operation of production, manufacture, processing, storage, transport, or distribution of feed. This includes all producing, processing or storing of animal feed. Articles 15-18 and 20-21 set out feed safety requirements, traceability, and the responsibilities of feed business operators.

[Regulation \(EC\) 183/2005](#) requires most businesses involved in the use, manufacture or marketing of feeds to be approved or registered with their competent authority. It sets standards relating to the transport, storage of feed as well as the training of personnel and keeping of records.

[Commission Regulation \(EC\) No 152/2009](#) provides for the sampling and analysis methods for the official control of feed

[Feed Manual of Official Controls for Third Parties, Operating Under Delegation](#)

[Feed Delivery – Official Control Procedures](#)

[Service Plan](#)

- 1.11 There were several important on-site elements of the audit to verify inspections. These took place at a supermarket, a farm and a transport distributor. These reality checks were announced and allowed auditors to verify implementation of protocols, policies and procedures. In addition, the Feed Management Information System was demonstrated in person at a meeting.

### **Feed Delivery Background**

- 1.12 Based on annual official control and enforcement data from LAs over several years

from 2010, as well as EU Directorate-General for Health and Food Safety (DG SANTE) and FSS audits, it was clear that, in general, LAs were not delivering the feed official controls in accordance with the Feed Law Code of Practice, demonstrating that the system was neither efficient or effective nor in compliance with the EU or domestic regulations. Having considered various options available, the Board agreed, in 2015, that the function should be reviewed and as a result, FSS accepted Competent Authority status. A consultation was completed and details are available at [New Delivery Model - Animal Feed Official Controls | Food Standards Scotland](#)

1.13 During this period, (2015 - 2022), the level of feed official control figures continued to drop due to a continuing shortage and diversion of resource within LAs, and uncertainly about the outcomes of this work (as reported to FSS by LAs). A new delivery model was developed and implemented, with the initial plans substantially amended and resources greatly reduced at the last moment, as reported to the Executive Leadership Team (ELT) in September 2021.

1.14 At the time of this audit the risks detailed within that paper still exist and this audit highlights that the following, in particular, are significant:

Extract below from the paper referred to in 1.13.

*8.2.1. Inadequate delivery of the feed delivery model in Scotland.*

*8.2.2. Feed Delivery Branch being reactive to incidents, service requests and complaints with no (modified to little) pro-active capabilities to face emerging threats.*

*8.2.3. Risk of no feed delivery in areas with no Delegated Service Level Agreement.*

*8.2.5. Adverse effects on public health through inadequate or harmful feed.*

*8.2.7. Unfair competition between legitimate and unscrupulous feed businesses.*

*8.2.8. Loss of confidence in the quality of Scotland's feed and food exports.*

*8.2.10. Risk to FSS reputation affecting export attestations.*

*8.2.11. Over 7,500 premises may remain without an official status or feed controls. Total businesses registered or approved with FSS is 16740 whereas information from Scottish Government Rural Payments indicates the existence of 24274 businesses.*

*8.2.14. Inadequate support for FSS operational feed controls team.'*

1.15 At the most recent FSS's Tactical Tasking Co-ordinating Group (TTCG) in November 2022, the Tactical Assessment covered Feed in some detail.

The definitions in the TTCG Register are that there are four Red risks directly associated with the Feed Delivery Branch and one Red risk linked to Imports/Exports for feed, so in total 5 risks at the highest level are outstanding for feed.

- A new, emerging or increasing/repeating issue which presents immediate threat to public health, food standards, the economy, the environment,

provision of supplies etc., and will require a significant response in Scotland/UK

- A strategically significant part of organisation or sector is at or has exceeded the limits of capacity or capability, and further resources are urgently required.
- A strategically significant issue which is expected to get worse in the short to medium term.

1.16 A new Feed Management Information System has been implemented, which shows that LAs (acting as Agents) are delivering their inspection element of the system but with FSS almost entirely failing to deliver an inspection programme across the nine LA areas where they are responsible. This has been reported to the ELT on a quarterly basis.

1.17 The changes to the model and most importantly, the problems associated with recruiting competent personnel from LAs and also the very late restriction to implement agreed recruitment of FSS Feed Officers, has created a situation that has not as yet, improved official control figures but now also carries more risks of non delivery in FSS areas and a lack of resilience in LA areas.

1.18 FSS Senior managers stated that given budget constraints a fully resourced function could not be achieved and challenged the Feed Delivery Branch to adopt a priority and risk based approach to delivery of the function.

## 2.0 Executive Summary

### Level of Assurance

2.1 The audit has been assigned the outcome rated detailed below:

2.2 The Recommendations within this report detail the weaknesses in the controls that the Feed Delivery Branch (FDB) should address.

2.3 Auditors consider that immediate action is required to mitigate these risks as there are potentially major risk implications for FSS in respect of the areas of health, financial, reputational and trading as a result.

#### Insufficient Assurance

**Controls are not acceptable and have notable weaknesses.**

There are significant weaknesses in the current risk, governance and or control procedures, to the extent that the delivery of objectives is at risk. Exposure to the weaknesses identified is sizeable and requires urgent mitigating action.

## **Capacity**

- 2.4 The Audit found that the current FSS resource for conducting official controls was insufficient and unable to achieve the requirements of the Feed Manual, Retained Regulation (EU) 2017/625 of The European Parliament and the Agriculture Act 1970.
- 2.5 The ELT had previously agreed staffing levels but this has as yet not been delivered, and until it is, FSS will continue to fail on its statutory obligations with respect to Feed delivery.
- 2.6 An adequate level of delivery capacity, i.e., number of operational officers should have been in place when FSS acquired Competent Authority status. Feed officers have to be competent in delivering official controls and upskilling and training is likely to take around 24 months to develop an officer from a relevant background to a suitable competency.
- 2.7 There is currently a significant shortfall in Full Time Equivalent (FTE) resource at FSS FDB. A report dated September 2021 proposing an alternative structure has not been implemented and as a result the impact, including on staff wellbeing, on the FDB has to be considered as unsustainable even in the short term.
- 2.8 The FDB have produced Service Delivery Plans, but thereafter cannot demonstrate an ability to deliver on many areas of the current FSS guidance.
- 2.9 The requirement to deliver an annual Intervention Programme has not been met. This impacts seriously on the FSS ability to deliver official controls appropriately and to act in compliance with FSS guidance in the Feed manual.
- 2.10 Database reports requested by the auditors as part of the audit were sufficiently detailed to allow the verification of the inspection programmes and showed that those LAs acting under a Delegated Service Level Agreement (DSLA), were performing at a higher level than FSS with regards to the seven areas the FDB team cover.
- 2.11 FDB does not have sufficient capacity to complete the requirements of the Feed manual or other documentation.

## **Capability**

- 2.12 The operational documents, policies, procedures and IT system supplied as evidence by the FDB were of a high standard and were fit for purpose.



- 2.13 The FDB have a documented procedure covering authorisations. Officer Authorisation Warrants were specific to individual competency. There was suitable reference to Retained Regulation (EU) 2017/625 and a detailed listing of powers under the Feed Hygiene (Scotland) Regulations.
- 2.14 All Officers find that using the Feed Management Information System (FMIS) is simple and effective. As such, the facility and equipment is considered as being very capable of assisting in the efficient and effective recording and quantitative monitoring of official controls.
- 2.15 FSS internal monitoring of officers' work, is only quantitative in nature with almost no qualitative monitoring either of Agents or internal staff. Effective monitoring has not taken place for some time due to both staff shortages and the effect of the change to the new delivery model.
- 2.16 Officers appeared to have received, for their area of competence, appropriate training enabling them to undertake their duties competently and to perform official controls and other official activities in a consistent manner. This takes considerable resources within the FDB to ensure and also to maintain.
- 2.17 Approved and high risk establishments in areas delegated by FSS to LAs are receiving interventions at the required frequencies, however, this is **not the case** for high risk establishments for which the FDB are responsible to undertake official controls for as a result of a lack of suitably qualified and recruited staff.

### **Procedures and arrangements.**

- 2.18 The guidance documents supplied by FSS are suitable and are capable of providing an effective structure for Feed Delivery within Scotland. However, they have already missed their first review date due to factors out with the control of the FDB. All involved in the compliance and delivery of these documents were aware of content and purpose.
- 2.19 FSS has a Feed Delivery Manager responsible for the application of these arrangements to ensure that ongoing compliance is being achieved. The Manager demonstrated a full understanding of background and process, however, as evidenced, due to many factors, the delivery plan is not being achieved by FSS.
- 2.20 The success of the current arrangements is very dependent on the detailed knowledge and experience of the Agents. These DSLA partners are the same LAs that were previously delivering the official control system for Feed as the Competent Authority. At that time, many were considered as performing inadequately. However, the range of duties delivered now, as they are not the Competent Authority is

substantially reduced from the previous regime and they are managing to comply with the requirements of the DSLAs.

- 2.21 The database used by FSS has required considerable input to update the information transferred in by LAs as the data was old, inaccurate or incomplete and used for a different model of enforcement. FSS rely on the database for the inspection programme and the efficient development and use of this is critical to the success of the new model.
- 2.22 Verification checks to ensure impartiality, quality and consistency of inspections was evidenced by auditors at the level of the Agents and FSS FDB officers. Since implementation of the new delivery model there has been no overarching FSS qualitative monitoring of the official controls associated with feed delivery, leading to a credibility risk for FSS.
- 2.23 Both FSS and LA Feed Officers demonstrated knowledge, competency and capability as demonstrated through the three reality checks. Their actions were delivered to ensure compliance with the Feed Manual and Procedures at each reality check.
- 2.24 Recording the progress and outcome of the inspections observed was a blended mix of IT using the FSS supplied iPad (or similar) or the more traditional paper based records. All inspections were suitably uploaded and recorded on the FMIS.
- 2.25 There was evidence of a good level of communication between FSS and the Agents with minuted meetings and ad-hoc conversations and correspondence being demonstrated.

## 3.0 Audit Findings

- 3.1 The findings reported below detail both corrective and preventive actions which are not confined to addressing specific technical requirements, but also include system - wide measures. Conclusions address the compliance with the planned arrangements, the effectiveness of their implementation and the suitability of the planned arrangements to achieve the stated objectives as appropriate.

[Regulation 2017/625](#) on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules as amended:

**Article 5. General Obligations concerning the competent authorities**  
**Article 9 and 10. Staff performing Official Controls**  
**Article 11. Transparency of Official Controls**  
**Article 12. Documented control procedures**  
**Article 13. Written records of Official Controls**  
**Article 138. Action in the event of established non-compliance**

## Retained Regulation (EU) No 2017/625

### 3.2 Article 5. General obligations concerning the competent authorities and the organic control authorities

Article 5	Audit Findings
a	<p>a) Key Performance Indicators (KPIs) on quality have not been monitored as the new system beds in. Procedures are evolving faster than the documented initial model of operational delivery leading to FSS deviating from the original plan. <a href="#">Recommendation 1.</a></p> <p>b) The available guidance documents, including the procedures and arrangements in place, supplied by FDB were generally found to be suitable, however the planned reviews to ensure compliance with currently implemented legislation and the content of the Feed Manual was not being achieved. <a href="#">Recommendation 2.</a></p> <p>c) FSS require to implement a policy and procedure to monitor any potential Conflicts of Interest within their own officers. This is covered for the Agents / LAs in the contract and feed delivery manual, however, there is no active monitoring taking place by FSS. <a href="#">Recommendation 3.</a></p> <p>d) Authorisation documents checked were found to be correct and were quoting current legislation. These documents are an integral part of the credibility of official controls and so should be kept under review.</p> <p>e) There were no records of external verification of the Agents inspection methods or techniques, only on the results of the data uploaded to the FMIS. Auditors were informed by LA officers that they were unaware if external verification of their work had been done. <a href="#">Recommendation 4.</a></p> <p>f) Documents relevant to Feed official controls were confirmed as available to all on the FSS website.</p> <p>g) All LA interviewees demonstrated a comprehensive knowledge of, and an involvement in, what was clearly a minor component of their role within Trading Standards work.</p> <p>h) There is clear evidence of good, and frequent, communications from FSS to Agents. The Feed Delivery Manager has demonstrated considerable time and effort has been spent on establishing and maintaining effective communications with Agents.</p> <p>i) The Agents appeared to have available a sufficient number of suitably experienced staff to deliver the DSLA, however this was not the case for FSS as there was a severe shortage of sufficient staff as previously agreed in the FSS's ELT Report of September 2021. This has resulted in planned FSS inspections failing to be delivered to the programme. <a href="#">Recommendation 5.</a></p>

	j) Currently there is a low resilience level by FDB and the precarious or nil situation to respond to emergencies and reactive work, together with the allocation as demonstrated with Scottish Food Crime Intelligence Unit (SFCIU) on the dealing with incidents. This may become further aggravated if one Agent withdraws from the current DSLA arrangements.
b	The IT equipment used and the systems followed to perform official controls were demonstrated and noted as being suitably efficient and effective. This has been noted as an area of good practice.
c	The database has required years of work to update and cleanse the data, however, it is still an onerous and ongoing task to verify information required to carry out inspections as a result of both inheriting poor data and the constant turnover of data related to Feed Business Operators (FeBOs), potentially due to the length of time between inspections and the nature of the industry. <a href="#">Recommendation 6</a> .
d	There is evidence of ongoing training being delivered for both FDB and Agent's staff. Planned arrangements include a three year contract with a supplier to provide training on technical and operational issues relevant to the feed official controls. In addition to this, there is training on the FMIS and electronic devices also being internally delivered by the FDB.

#### Good Practice:

Feed officers and Agents are provided with a digital tablet which allows them to complete reports and access FMIS data in real time. This operational tool has been demonstrated to be an innovative and effective development in updating the FMIS.

#### Recommendations for Article 5

1. Revise the KPIs to accurately reflect operational practices and requirements.
2. Review documentation or adjust the review frequency stated so as to maximise resources and reputation.
3. Implement a policy and procedure to monitor potential conflicts of interest.
4. Implement both external and internal verification systems with onward and upward reporting as part of the Plan, Do, Check, Act (PDCA) cycle.
5. Increase the number of suitably trained and qualified feed officers of the FDB to that previously agreed or substantially revise and reduce the operational requirements of the function taking into consideration all associated risks.
6. Ensure the database information is kept up to date and consider revising the registration process to simplify the planning of inspections.

### 3.3 Article 9. General rules on official controls

Article 9	Audit Findings
a	Inspections are planned annually with KPIs reported quarterly, this mis-match is neither efficient nor effective. Monitoring is a requirement but at present may be counter-productive, as it shows inspections being “missed” so a review of programme KPIs is required. <a href="#">Recommendation 7.</a>
b	From the evidence reviewed the FDB are significantly failing in the delivery of an inspection programme. Agents, however, appear to be competently dealing with theirs, although final reassurance will not be obtained until the end of the current yearly inspection programme. <a href="#">Recommendation 8.</a>
c	<p>Feed trials are a significant and important area of feed enforcement that do not appear to have been factored into the current delivery model. It has fallen to FSS’s Feed Policy team to provide an administrative function, assess the outcome of the Food Standards Agency (FSA)/FSS risk assessments, provide a risk management decision and recommendation to the Scottish Ministers and keep the applicant and trial facility informed of progress made on applications and provide support to FSS’s feed delivery on these matters.</p> <p>FSS use external FSA Science involvement in evaluating the risk assessment for trials which has been constant and significant and there has been FSS Science contribution providing input to the scientific evaluations for the last three trials in Scotland.</p> <p>It appears that there are inadequate resources being provided and as a result there are serious reputational and animal / public health implications to consider if and when these trials fail on any aspect or are approved without robust scrutiny. <a href="#">Recommendation 9.</a></p>
d	Enforcement of Imported Feed is inconsistent and the sampling arrangements are under resourced due to a lack of suitably qualified and trained Feed officers. FSS do not have data showing where, when, what or how much material is imported as feed either directly into Scottish ports or through the border from England. <a href="#">Recommendation 10.</a>

Recommendations for Article 9
7. Monitoring requires to be SMART (Specific, Measurable, Achievable, Realistic, and Timely) as the KPIs in use may be considered as being either ineffective, deficient or lacking relevance.
8. FSS require to effectively deliver the inspection programme in full.
9. The system for handling Feed trials requires a cross office and inter-agency process to be fully established to ensure these are managed and monitored effectively.
10. Imported feed monitoring requires to be improved to ensure that FSS is delivering its feed responsibilities at all levels effectively.

### 3.4 Article 10. Operators, processes and activities subject to official controls

Article 10	Audit Findings
a	The three reality checks showed that in each case feed, or food intended for feed, was subject to satisfactory official controls at each stage observed.
b	Delivery of feed trials is an FSS function delivered by Policy and FDB staff and at the moment this can only be delivered by input from one Senior Policy Officer, Senior Feed Officer, or the Lead Feed Officer, both at Level 2 competency.
c	<p>No auditor verification of Feed trials was carried out, however the information received indicated that FSS has already monitored one feed additive trial with a number being considered for authorisation. However, almost no monitoring, testing or verification of the trial process or outcome was evidenced as being carried out. Auditors were informed that FSS policy contacted the trial facilities in 2022 to better determine the number of trial requests. However, it was reported that trial facilities struggle to estimate; timings and numbers.</p> <p>An estimated two - four days Policy work is being achieved for each trial with around eight to twelve separate trials per year. This diverts resources away from active policy development and implementation across the feed spectrum. This seriously exposes FSS to reputational risk through the lack of involvement in feed trials which are authorised by a Scottish Minister based on FSS recommendations. <a href="#">Recommendation 11.</a></p>
d	A distributor of imported feed material was visited to verify the Agent's delivery of official controls for these, and this inspection was found to be carried out satisfactorily. In addition, it allowed the Agent to identify additional domestically produced feed material that the distributor was storing without being aware of the true nature and classification of the feed additive. <a href="#">Recommendation 12.</a>

Recommendations for Article 10	
<b>11.</b>	A system and resources to adequately monitor and deliver feed trials is required to be implemented without delay.
<b>12.</b>	Imports of feed require to be monitored and suitably subjected to official controls.

### 3.5 Article 11. Transparency of Official Controls

Article 11	Audit Findings
a	The FSS produced manuals are on the website and are being implemented by both parties involved in official control delivery.
b	FSS guidance on sampling is also available on the website.

c	There appears to be a complete absence of any compliance with the legal requirements to publish the required information. <a href="#">Recommendations 13 and 14.</a>
d	In relation to feed, individual ratings are entirely absent from any publicly available information. <a href="#">Recommendation 15.</a>
e	The Multi Annual National Control Plan is routinely one year behind on official control statistics and when published these are not sufficient to comply with the requirement of this article.

<b>Recommendations for Article 11</b>	
<b>13.</b>	FSS are required to publish on the internet relevant information concerning the organisation and the performance of official controls.
<b>14.</b>	They shall also ensure the regular and timely publication of the additional information required by this article.
<b>15.</b>	To demonstrate transparency FSS should publish, or make otherwise available to the public, information about the rating of individual operators based on the outcome of one or more official controls.

### 3.6 Article 12. Documented control procedures

Article 12	Audit Findings
	The Manuals developed contain sufficiently detailed procedures which are satisfactory in content to ensure official controls are delivered in accordance with the regulations.
	FSS have implemented a DSLA for the delivery of Feed Official Control which is well managed in some areas such as liaison, team meetings and communication.
	FSS have not implemented satisfactory control verification procedures for inspections and have only quantitative data available through the FMIS as a tool for the effective and required management of any shortcomings in compliance with the required procedures. <a href="#">Recommendation 16.</a>
	The DSLA requirement for FDB / FSS to audit the Agents has not been achieved. <a href="#">Recommendation 17.</a>
	The FDB present data or reports to a quarterly ELT meeting, yet it appears there is no questioning or appreciation of the limitations of the information being received. Where whole quarters are completed without a single inspection being achieved by FSS (as in Q1 and Q2 of 2022) or there is no reference to self-monitoring as required, the system and its outputs has to be robustly examined by the ELT. <a href="#">Recommendation 18.</a>

<b>Recommendations for Article 12</b>	
<b>16.</b>	The Competent Authority (FSS) is required to implement control verification procedures for inspections where this is delivered by Agents.

**17.** The DSLA requirement for self-monitoring and reporting is required to be followed by Agents and the FDB. FSS are required to comply with the relevant applicable contents of the DSLA and the Manuals.

**18.** Meaningful reports and data should be presented to the ELT who themselves should have a sufficient understanding of the process to be able to recognise the implications of the direction of travel.

### 3.7 Article 13. Written records of Official Controls

Article 13	Audit Findings
	Agents and FSS officers complete a written record of every official control performed. These follow standard templates on the electronic devices supplied by FSS.
	During the audit there were three separate verification visits to three areas of Scotland, where three different inspections were observed being taken. These consisted of a supermarket, a farm and a distributor/warehouse.
	Written records of each inspection were produced by the inspecting officer and these were available on the FMIS. There was no means of verifying if subsequent correspondence was actually sent to the FeBO. <a href="#">Recommendations 19 and 20.</a>
	Inspection outcome letters are automatically generated by the FMIS but these are not always sent to the FeBO by the Agents if non compliances have not been found. Letters are not required to be published on the internet.

#### Recommendations for Article 13

**19.** FSS should ensure that Agents are required to send an inspection outcome letter to a FeBO where there is a non-conformance identified.

**20.** The FMIS should record the details of all communications with Feed Business Operators.

### 3.8 Article 138. Action in the event of established non-compliance

Article 138	Audit Findings
	Where non-compliance through inspection is established, FSS take action by creating a system generated letter that is forwarded to the Agent for sending to the FeBO. There is no system or procedure established to verify whether the FMIS letter is then sent on to the FeBO actually takes place. <a href="#">Recommendation 21.</a>
	Verification checks established that in all cases where non-compliance is found the letter detailing this has been sent to the FeBO. This letter however does not appear to include the requirement to prevent further occurrence of the contravention. <a href="#">Recommendation 22.</a>



	Notice procedures are available but have not yet been used.
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<b>Recommendations for Article 138</b>
<b>21.</b> The FMIS should record when the letter detailing evidenced non compliances is sent to the FeBO.
<b>22.</b> The FSS Feed Manual should detail appropriate measures for the officer to work with the FeBO to ensure that the operator concerned puts in place procedures which prevents further occurrences of such non - compliance.

### Regulation (EC) 178/2002

- 3.9 The above regulation defines Feed law as including the production, processing and distribution of feed for Feed-producing animals and defines a 'feed business' as any business carrying out any operation of production, manufacture, processing, storage, transport, or distribution of feed. This includes all producing, processing or storing of animal feed. Articles 15-18 and 20-21 set out feed safety requirements, traceability, and the responsibilities of feed business operators.

Articles 15 - 18	Audit Findings
Feed Safety requirements Presentation Responsibilities Traceability	The FDB are not carrying out the inspections which are required as sufficient enough to determine if the requirements to produce safe feed are being achieved. <a href="#">Recommendation 23.</a> Agents are including this as part of their routine inspection process.
Articles 20 - 21 Responsibilities (FeBO) Liability	The FDB have good liaison with the SFCIU, and any such withdrawal procedure is likely to be followed, however, the FDB do not presently have the resources to deliver this, so it effectively becomes the responsibility of the SFCIU to manage the process.
<b>Recommendations for Chapter II Section 4</b>	
<b>23.</b> FSS must ensure that the inspections required are carried out to ensure that feed is not unsafe or misleading and is traceable and that FeBOs are verifying these requirements.	

### Regulation (EC) 183/2005

- 3.10 [Regulation \(EC\) 183/2005](#) requires most businesses involved in the use, manufacture or marketing of feeds to be approved or registered with their competent authority. It sets standards relating to the transport, storage of feed as well as the training of personnel and keeping of records.

## Chapter II Obligations

Articles 6-7	Audit Findings
Hazard Analysis Critical Control Point (HACCP) and its documents	Procedures based on HACCP principles were appropriately checked at all three reality checks.
Articles 9-10 Registrations	FSS maintain the register of establishments and the performance of it is reported quarterly to the ELT.  Approvals were not covered during the audit.

<b>Recommendations for Chapter II Section 4</b>
No recommendation.

## Chapter III Guides to Good practice

Articles 20-21	Audit Findings
Development, dissemination and use of guides	The FDB have produced a series of documents under this article. These are readily available and are being used by FSS and Agents.

<b>Recommendation for Chapter III</b>
No recommendations

## Chapter IV Imports and Exports

Articles 23-25	Audit Findings
Imports Interim measures Exports	The reality check on imported feed arriving at Grangemouth established that the appropriate checks were being completed by the Agent.

<b>Recommendation for Chapter IV</b>
No recommendations

**Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed**

3.11 Sampling and in particular for Genetically Modified Organism's (GMO)

Article 1	Audit Findings
Sampling and in particular for GMOs	<p>Very limited if any sampling is being conducted in accordance with this article. <a href="#">Recommendation 24.</a></p> <p>FSS have no means of monitoring or verifying any imports of feed to Scotland.</p> <p>The Scottish Food Sampling Database (SFSD) was found to record Feed samples, which is not apparent from the title. It appears that data on feed sampling is rarely if ever reviewed. <a href="#">Recommendation 25.</a></p>

Recommendations for Article 1
<p><b>24.</b> A centrally managed system involving the appointed Agricultural Analyst and deputies that identifies and then programmes the sampling of any feed covered by this article requires to be implemented.</p>
<p><b>25.</b> The use of an appropriate system such as SFSD should be an integral part of the FDB routine work and relevant KPIs.</p>

## 4.0 Annex A – Action Plan

These have been categorised under the broad headings as follows:

**Organisational**

**Operational**

**Policy**

**Administrative**

Recommended Point for Action	Planned actions	Target date for completion	Responsible Officer(s)
<p><b>1.</b> Revise the KPIs to accurately reflect operational practices and requirements.</p> <p>Level of priority: <b>High</b></p>	<p><b>Organisational</b></p> <p>Review existing KPIs while reviewing Delegated Service Level Agreement (DSLA) renewals in April 2024.</p> <p>Review of KPI as an effective management tool that helps FSS assess LA performance and reflect operational practices and requirements.</p>	31.03.2024	Lead Feed Officer
<p><b>2.</b> Review documentation or adjust the frequency stated so as to maximise resources and reputation.</p> <p>Level of priority: <b>Medium</b></p>	<p><b>Operational</b></p> <p>To draft a Document Control Policy for Feed Delivery Branch (FDB) documentation which includes a review process.</p>	31.03.2024	Animal Feed Officer

<p><b>3.</b> Implement a policy and procedure to monitor potential conflicts of interest.</p> <p>Level of priority: <b>Low</b></p>	<p><b>Operational</b></p> <p>To develop and implement a procedure to monitor potential conflicts of interest occurring for operational officers.</p>	<p>30.09.2023</p>	<p>Lead Feed Officer</p>
<p><b>4.</b> Implement both external and internal verification systems with onward and upward reporting as part of the Plan, Do, Check, Act (PDCA) cycle.</p> <p>Level of priority: <b>High</b></p>	<p><b>Organisational</b></p> <p>Draft a plan for the verification of third parties operating under delegation and FDB officers for, inspection methods, techniques and performance in accordance with DSLAs and the Feed Manual of Official Controls.</p>	<p>Plan: 31.03.2024</p> <p>Implementation: 30.06.2024</p>	<p>Lead Feed Officer / Animal Feed Officer</p>
<p><b>5.</b> Increase the size of the FDB to that previously agreed or substantially revise and reduce the operational requirements of the function taking into consideration all associated risks.</p> <p>Level of priority: <b>High</b></p>	<p><b>Organisational</b></p> <p>The Lead Feed Officer has submitted 2 HR02 requests to increase size of the FDB operational capacity by suitably qualified and competent staff.</p> <p>The role for Senior Feed Officer has been approved to proceed to recruitment on 30 March 2023.</p> <p>With regards to the Trainee Feed Officer roles the option of redeploying existing Meat Hygiene Inspectors from the Field Operations Branch is currently being explored. Should this prove not be a viable route then the intention is to go to proceed to recruitment during the 2023/24 financial year for these roles.</p>	<p>30.09.2023</p>	<p>Head of Operational Delivery / Lead Feed Officer</p>

<p><b>6.</b> Ensure the database information is kept up to date and consider revising the registration process to simplify the planning of inspections</p> <p>Level of priority: <b>Medium</b></p>	<p><b>Administrative</b></p> <p>The database is in constant review and update, i.e., an ongoing process to correct, delete and update data that was inherited from local authorities.</p> <p>This may take at least 5 years to achieve but some business information may take longer due to the frequency of visits.</p> <p>A review of existing registration, inspection recording and feed premises management systems will be carried out.</p>	<p>Ongoing. 30.06.2026.</p>	<p>Feed Business Support Manager</p>
<p><b>7.</b> Monitoring requires to be SMART (Specific, Measurable, Achievable, Realistic, and Timely) as the KPIs in use may be considered as being either ineffective, deficient or lacking relevance.</p> <p>Level of priority: <b>Medium</b></p>	<p><b>Organisational</b></p> <p>This is covered under recommendation 1 above.</p>	<p>n/a</p>	<p>n/a</p>

<p><b>8.</b> FSS require to effectively deliver the inspection programme within their remit. Level of priority: <b>High</b></p>	<p><b>Organisational</b></p> <p>An Inspection programme for 2023/24 consisting of approximately 300 inspections by FDB and 1300 inspections by LAs has been drafted to be delivered in proportion to existing resources.</p> <p>Furthermore, updates to be submitted to FSS senior leadership on quarterly progress for the delivery of inspection programme by FDB and LAs as Agents.</p>	<p>31.03.2024</p>	<p>Lead Feed Officer / Feed Business Support Manager</p>
<p><b>9.</b> The system for handling Feed trials monitoring requires a process to be fully established to ensure these are managed and monitored effectively  Level of priority: <b>High</b></p>	<p><b>Organisational</b></p> <p>FDB to draft a process on how feed trials are to be monitored by FDB officers once Minister authorisation is granted.</p> <p>FSS (Policy and Science etc.) to develop a system for handling how feed additive applications for authorisation are progressed internally within FSS to obtain Minister authorisation as this process is out with FDB control.</p>	<p>31.10.2023</p>	<p>Lead Feed Officer</p> <p>FSS Policy and Science Officers</p>
<p><b>10.</b> Imported feed monitoring requires to be improved to ensure that FSS is delivering its feed responsibilities at all levels effectively.</p>	<p><b>Operational</b></p> <p>FSS (Import and Export Branch) and FDB to consider pro-active plans as to how <b>imported animal feed not of animal origin</b> could be checked and monitored.</p>	<p>31 March 2024</p>	<p>Head of Imports and Exports. N.B the Head of Imports and Exports post is</p>

Level of priority: <b>Medium</b>	Imports of feed of animal origin is the responsibility of LAs and is not covered by the exiting DSLAs for feed official controls.		currently vacant, however a HR02 has been submitted to Senior Leadership Team by the Head of LA Delivery for this role.
<b>11.</b> A system and resources to adequately monitor and deliver feed trials is required to be implemented without delay. Level of priority: <b>High</b>	<b>Organisational</b>  This will be delivered under recommendations 5 and 9.	n/a	n/a
<b>12.</b> Imports of feed require to be monitored and suitably subjected to official controls.  Level of priority: <b>High</b>	<b>Administrative</b>  This will be met under recommendations 5 and 10.  Imports of feed of animal origin is the responsibility of LAs and is not covered by the exiting DSLAs for feed official controls.	n/a	n/a
<b>13.</b> FSS are required to publish on the internet relevant information concerning the organisation and the performance of official controls.	<b>Organisational</b>  FDB to engage with Corporate Communications and Marketing Division on how FDB could contribute to FSS publication of information concerning the organisation and the performance of official controls.	31.03.2024	Feed Business Support Manager



Level of priority: <b>Low</b>			
<b>14.</b> FSS shall also ensure the regular and timely publication of the additional information required by this article.  Level of priority: <b>Low</b>	<b>Operational</b>  This can be covered by recommendation 13 above.	n/a	n/a
<b>15.</b> To demonstrate transparency FSS should publish, or make otherwise available to the public, information about the rating of individual operators based on the outcome of one or more official controls  Level of priority: <b>Low</b>	<b>Organisational</b>  Not for implementation. Fulfilling this recommendation as written would be problematic under GDPR (General Data Protection Regulation) requirements as any personal information or information from which an individual could be identified, would require consent from the data subjects due to the purpose for which LAs collected the data originally, which was for feed registrations only.  As the provisions of Article 11 of Regulations 2017/625 states “Competent authorities may publish...” which would imply a scope for FSS to decide whether to meet the obligations under Article 11.  This could however, be met by recommendation 13 for general publication of FSS performance of official controls.	n/a	n/a

<p><b>16.</b> The Competent Authority (FSS) is required to implement control verification procedures for inspections where this is delivered by Agents</p> <p>Level of priority: <b>High</b></p>	<p><b>Operational</b></p> <p>This will be met by recommendation 4.</p>	n/a	n/a
<p><b>17.</b> The DSLA requirement for self-monitoring and reporting is required to be followed by Agents and the FDB. FSS are required to comply with the relevant applicable contents of the DSLA and the Manuals.</p> <p>Level of priority: <b>High</b></p>	<p><b>Operational</b></p> <p>This will be covered by recommendation 4.</p>	n/a	n/a
<p><b>18.</b> Meaningful reports and data should be presented to the ELT who themselves should have a sufficient understanding of the process to be able to recognise the implications of the direction of travel.</p> <p>Level of priority: <b>High</b></p>	<p><b>Organisational</b></p> <p>Planned actions for recommendation 8 will meet this recommendation:</p> <p>(To submit updates to FSS senior leadership on quarterly progress for the delivery of inspection programme by FDB and LAs as Agents).</p>	n/a	n/a

<p><b>19.</b> FSS should ensure that Agents are required to send an inspection outcome letter to a FeBO where there is a non-conformance identified.</p> <p>Level of priority: <b>Medium</b></p>	<p><b>Administrative</b></p> <p>Propose this be added as a further step under action for recommendation 22 below.</p>	n/a	n/a
<p><b>20.</b> The FMIS should record the details of all communications with FeBOs.</p> <p>Level of priority: <b>Low</b></p>	<p><b>Administrative</b></p> <p>FDB evaluate options including using FMIS for recording communications with FeBOs as this functionality does not currently exist.</p>	31.03.2025	Feed Business Support Manager
<p><b>21.</b> The FMIS should record when the letter detailing evidenced non compliances is sent to the FeBO.</p> <p>Level of priority: <b>Medium</b></p>	<p><b>Administrative</b></p> <p>This can be met under recommendation 20.</p>	n/a	n/a
<p><b>22.</b> The FSS Feed Manual should detail appropriate measures for the officer to work with the FeBO to ensure that the operator concerned puts in place procedures which prevents further occurrences of such non- compliance.</p>	<p><b>Policy</b></p> <p>FDB update the Feed Manual of Official Controls for Third Parties Operating Under Delegation with guidance on how to work with businesses to avoid future non-compliances.</p>	30.04.2024	Lead Feed Officer

Level of priority: <b>Medium</b>			
<b>23.</b> FSS must ensure that the inspections required are carried out to ensure that feed is not unsafe or misleading and is traceable  Level of priority: <b>High</b>	<b>Operational</b>  This recommendation cannot be met with regard FeBOs as FDB has no direct control on FeBOs, however recommendation 8 can meet the requirements of this recommendation.	30.06.2024	Feed Business Support Manager
<b>24.</b> A centrally managed system that identifies and then programmes the sampling of any feed covered by this article requires to be implemented.  Level of priority: <b>Medium</b>	<b>Operational</b>  FDB to consider improvements to the SFSD to enable effective recording of analysis and reporting of animal feed sampling programme outcomes.	31.03.2024	Lead Feed Officer
<b>25</b> The use of SFSD should be an integral part of the FDB routine work and relevant KPIs.  Level of priority: <b>Medium</b>	<b>Administrative</b>  This can be met under action for recommendation 24.	n/a	n/a
<b>All actions were completed following receipt of evidence from the Operational Delivery Division – August 2025.</b>			

## 5.0 Acknowledgements

The Audit Assurance Team would like to acknowledge the help and co-operation of the FSS officers for their assistance with the conducting of this audit.

Audit Assurance Division  
Food Standards Scotland

# Abbreviations

<b>DSLA</b>	Delegated Service Level Agreement
<b>ELT</b>	Executive Leadership Team
<b>EU</b>	European Union
<b>FDB</b>	Feed Delivery Branch
<b>FeBO</b>	Feed Business Operator
<b>FMIS</b>	Feed Management Information System
<b>FSA</b>	Food Standards Agency
<b>FSS</b>	Food Standards Scotland
<b>FTE</b>	Full Time Equivalent
<b>GDPR</b>	General Data Protection Regulation
<b>GMO</b>	Genetically Modified Organism
<b>HACCP</b>	Hazard Analysis Critical Control Point
<b>KPI</b>	Key Performance Indicator
<b>LA</b>	Local Authority
<b>PDCA</b>	Plan, Do, Check, Act
<b>SFCIU</b>	Scottish Food Crime Intelligence Unit
<b>SFSD</b>	Scottish Food (and Feed) Sampling Database
<b>SMART</b>	Specific, Measurable, Achievable, Realistic, and Timely
<b>TTCG</b>	Tactical Tasking Co-ordinating Group (TTCG)