

Audit of Operational Delivery

Post Mortem Inspection

July – September 2020

Final Report issued January 2021



Foreword

Audits of Food Standards Scotland food law enforcement services 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 Operations on 30 July 2020. The aim of the audit is to maintain and improve consumer protection and confidence by ensuring that Operations are providing an effective food law enforcement service.

Food Standards Scotland audits assess conformance against 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 Scottish Manual of Official Controls (SMOC) The provisions for conducting audits are provided for in Article 6 of 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 food safety, standards and feeding stuffs.

Specifically, this audit aimed to establish:

- Verification that official controls are carried out in compliance with planned arrangements.
- Verification that planned arrangements are applied effectively.
- Verification that planned arrangements are suitable to achieve the objectives of official controls.

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

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1.0 Introduction

- 1.1 This report records the results of the audit at Operations, FSS, with regard to their delivery of Post Mortem Inspection activities under relevant sections of **Regulations (EU) No 2017/625**, **Commission Delegated Regulation (EU) 2019/624** and **Commission Implementing Regulation (EU) 2019/627**

The **FSS Manual for Official Controls** was referenced throughout the audit, specifically and primarily relevant sections within: **Chapter 2.4. Post-Mortem, Health and Identification Marking**

- 1.2 For the first time ever this was a virtual audit, conducted entirely under Covid-19 conditions and restrictions, and as such there were no physical meetings and only remote review of documentation was possible. This presented a substantial challenge, particularly to the Auditors, with everything requiring to be done electronically.
- 1.3 Evidence production was reliant on auditee co-operation and auditor requests. A regular audit would have allowed auditors to select records, documents and make requests based on what was physically observed with the resulting added dynamics involved.
- 1.4 The limitations of this type of audit are many, 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 the outcomes in the report. It is essential that where possible any follow up to this report be physically delivered.
- 1.5 The audit focused on the arrangements for meeting certain operational criteria, particularly on guidance, procedures, records, training, authorisations, monitoring interventions and transparency about their enforcement activities.

Reason for the Audit

- 1.6 As detailed in the Foreword, Article 6 of Regulation (EU) 2017/625 requires Competent Authorities to carry out internal audits or have audits carried out on themselves.
- 1.7 From April 2020, as agreed previously, the audit programme covering the official controls delivered by FSS will be carried out as an internal audit by the FSS Audit and Assurance Team. This audit forms part of that audit programme.

Scope for the Audit

- 1.8 With the current, and future, constraints in place as a result of Covid-19 restrictions it was agreed that audit scope would cover:
- An assessment of local plans and procedures in compliance with relevant legislation

- The verification of application of, and adherence to, documented plans and procedures
- An assessment of the capacity and capability of the Branch to deliver the controls
- An assist in the identification and dissemination of good practice
- The provision of information to aid future FSS policy and operational development

1.9 There was no on-site element of the audit and it was fully conducted remotely.

2.0 Executive Summary

Procedures and arrangements.

- 2.1 The audit found these are in place but do not reflect or update, in full, legislation implemented post-2019 and so currently applicable. Specifically, and most significantly, the SMOC has not been updated in accordance with Regulations (EU) 2017/625, 2019/624 and 2019/627.
- 2.2 This is of particular and significant importance in relation to two work areas:
- Low throughput Abattoirs
 - Wild Game Handling Establishments
- 2.3 The auditors found non-compliance relating to these premises where PMI is being carried out by MHIs without the required levels of veterinary supervision and verification.
- 2.4 This is particularly significant in Wild Game premises which do not meet low throughput and low capacity criteria as there is a legislative requirement for permanent OV presence or, if PMI is carried out by an MHI, an OV should be present daily (even if for a short period of time).
- 2.5 Auditors were presented with a report that had been submitted to the Senior Management Team in May 2020 outlining Contingency Plans pending a final analysis and implementation of the findings required to comply with regulations. A further paper was submitted to SMT in December 2020, with particular emphasis on changes brought by OCR on PMI. The recommendation for full OCR implementation received SMT agreement and work is in progress to that effect.
- 2.6 It is noted that, other than in the above areas, PMI practice is presently compliant because the new legislation does not increase the requirements from the previous legislation.
- 2.7 The required changes and updates to the SMOC are being introduced via a system of electronic Action Notes but these do not reflect all legislative changes. A good process to ensure these were read by all officers is in place, but in the case of the introduction of significant changes to enforcement procedures and recording, there was an apparent inconsistency of approach and application by some OVs at PMI.
- 2.8 There was substantial evidence of a good level of communication between FSS officers and FBOs through regular meetings that ensures FBOs are informed of the level of compliance and where required promptly informed of any case of non-compliance.

Staff capability and capacity.

- 2.9 The limited evidence gathered during COVID-19 as provided by Operations officers showed that PM inspections were being performed satisfactorily by OVs, MHIs and PIAs. Interviewees demonstrated a good understanding of procedures they were following. The inability of Auditors to carry out plant visits was however a significant impediment to the verification of this.
- 2.10 Verbal and supplied copies of day book evidence clearly indicated that other relevant issues such as Food Chain Information (FCI) and Ante-Mortem Inspection results were being taken into consideration during PMI.
- 2.11 It was evidenced that there are historic variations in the process and methods for training and approving OVs and MHIs. Training records, including those dating from 2015 supplied by the FSA to verify that officers have undergone appropriate training relative to PMI were not always readily available as these were retained elsewhere within FSS. No evidence of a structured and focussed training programme for officers carrying out PMI could be provided. It is understood however, that this is a known issue and so will be provided for new MHI officers currently being recruited. It was also noted that much of the OV training has been brought under direct FSS control as a result of the TUPE process, and this represents a significant opportunity for improvement.
- 2.12 The staffing interviews indicated that in OV staffed red meat plants with MHI staff, and in poultry plants with PIA staff, post-mortem verification is carried out by the OV as per following the SMOC instruction on a daily basis. This verification is based on examination of a proportion of detained carcasses. There is evidence of “on the line” assessment of officers (by OVs, Supervisory MHIs and Operations Managers) being conducted, but there is no formalised or structured procedure for this and no written record was available to indicate it was happening.
- 2.13 In OV only plants, and plants with no daily supervision by an OV, post-mortem verification and quality checks are not being completed in any form. No consistent independent verification of PMI activities was evidenced.
- 2.14 Officer interviews indicated that there was no evidence of a lack of capacity being available or provided. The officers interviewed indicated that adequate facilities and equipment were available for the efficient and effective performance of PM official controls, and other official activities, but in view of the present restrictions this could not be verified on site.

Level of Assurance

- 2.15 As detailed in the FSS OFFC Delivery Audit Charter the audit has been assigned as below:
- 2.16 The Recommendations within this report detail the weaknesses in the controls that Operations should address.

<p>Limited Assurance</p> <p>Controls are developing but weak</p>	<p>There are weaknesses in the current risk, governance and/or control procedures that either do, or could, affect the delivery of any related objectives. Exposure to the weaknesses identified is moderate and being mitigated.</p>
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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 (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 food law, animal health and animal welfare rules as amended.

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

<p>Article 5.1)</p>	<p>The Scottish Manual of Official Controls (SMOC) provides procedures and arrangements to ensure the effectiveness and appropriateness of PMI but the Manual does not reflect or update, in full, legislation implemented post-2019 (i.e. Regulations (EU) 2017/625, 2019/624 and 2019/627). The SMOC also refers to Regulation (EU) 219/2014 which has been repealed. Some legislative changes relative to PMI have been introduced via Action Notes with version control, authorisation hierarchy (e.g. 2020-06/04: Chapter 2.4 Post-Mortem, Health and Identification Marking re (OCR) EU 2017/625 changes relative to poultry). The “sign to confirm reading” approach being taken at plant level to ensure these were read and understood by all officers was noted as being an example of good practice. It was noted however, that in the case of the introduction of significant changes to enforcement procedures and recording, through the use of the Enforcement Module in the Operational Workflow System there was an apparent inconsistency of approach and application between plants.</p> <p>All of the above procedures were confirmed as available to all via the FSS website. The evidence examined indicated officers were confirmed as being suitably qualified and experienced for the tasks being performed and access to appropriate and properly maintained</p>
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	<p>equipment was available.</p> <p>Inspection of FSS issued authorisation documents indicated that all legal powers to enforce official controls were in place.</p>
5.2)	<p>OV authorisation documents were inspected and it was noted that conflict of interest checks are carried out and recorded, but no formal record of the detail of these conflict of interest check results was provided as requested by the Auditors.</p>
5.4)	<p>Questioning of officers revealed a historic variation in the process for training and approving officers carrying out PMI. This is primarily a reflection of the time spent working with a former Service Delivery partner and is of particular relevance with regards to OVs carrying out PMI and PMI verification with limited (or no) post OV course training. It is noted that, subsequent to TUPE, OV Training has been brought in-house and an MHI training package in collaboration with FSA is proposed. There is an overarching need to demonstrate compliance with Commission Delegated Regulation (EU) 2019/624 annexe II.</p> <p>There was no evidence of a managed consistent and on-going training programme for officers and no formal “keep up to date” programme.</p> <p>There was only limited evidence of on-going assessment of competency in this work area. There is evidence of “on the line” assessment of officers (by OVs, Supervisory MHIs and Operations Managers) but there is no formalised or structured procedure and no written record was available to indicate the content, structure or process of what was happening.</p>
5.5)	<p>The minutes of officers’ meetings in plant, meetings with Food Business Operators and FSS Management meetings provided good evidence that effective escalation of issues, with a coordinated and effective response, was happening. The use of officers working across several plants was an aid to ensuring consistency.</p>

Recommendation 1

Action Points

- a. The requirements of the SMOC are to be updated to accurately reflect the legal requirements.
- b. The implementation of Action Notes in respect of enforcement and recording actions taken should be consistent.
- c. A record of verification of any conflict of interest should be maintained, reviewed and updated as necessary.
- d. A training programme across all levels of FSS officers involved in PMI requires to be produced, delivered, reviewed and recorded.
- e. A system for assessing competency at PMI requires to be recorded consistently at all establishments

3.3 Article 12. Documented control procedures.

Article 12.1)	Documented procedures are in place and cover all areas as referred to above – updating of these is required.
12.2)	<p>Documented control verification procedures are in place with instructions contained within the SMOC. Additionally, a documented programme of management checks on PMI data entry is carried out (and recorded) to detect and deal with issues.</p> <p>In OV staffed red meat plants with MHI officers, and in poultry plants with PIA officers, post-mortem verification is carried out by OV as per SMOC instruction on a daily basis.</p> <p>In OV only plants, and plants with no daily supervision by an OV, post-mortem verification and quality checks were not evidenced as happening, being completed or recorded for verification purposes.</p>
12.3)	Verbal and documentary evidence was provided that corrective actions were being taken if shortcomings were identified e.g. enforcement action if contamination levels rose, feedback to producer if a pattern of pathology was found.

Recommendation 2

Action Point

- a. PMI checks are required to comply with the requirements of Article 12 in that Competent Authorities shall have control verification procedures in place. Verification should be carried out more frequently and at least matching the daily activities carried out at the establishment.

3.4 Article 13. Written records of Official Controls

Article 13.1)	Available on OWS and also in plant on paper or in day book (by exception). Evidence was provided that actions resulting from PMI issues were recorded appropriately in day book and enforcement module of OWS (plus Intervention Log and ENF11/5).
13.2)	FBOs informed when necessary and issues discussed at meetings. Non-compliances dealt with appropriately with evidence provided of escalation to operators as per documented procedures. Operators are being informed routinely of compliance levels in plants with FSS officers' presence by various methods ranging from rejected meat reports through shared PMI recording systems to spreadsheet notification of PMI results.

3.5 Article 18. Specific rules on official controls and for action taken by the competent authorities in relation to the production of products of animal origin intended for human consumption.

Article	It was noted that during discussions and record checks that the PMI performed by an OV was satisfactory.
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18.2 c)	<p>It was also noted that where PMI was conducted under supervision the requirements were known to the OV and assurances were given that these were being implemented.</p> <p>It was noted that the criteria and conditions for the performance of PMI were not being met in full.</p>
18.3)	The Poultry Inspection Assistant (PIA) system is being utilised in poultry abattoirs. The evidence provided indicated that this is compliant with a system in place which assures officers are independent, receive appropriate training, are assessed by and follow OV instruction.
18.4)	It was noted that the Health mark controls were being used appropriately and there were systems being used to ensure corroboration was in place to make these identifiable to individual use.

Regulation (EU) No 2019/624 concerning specific rules for the performance of official controls on the production of meat.

- 3.6 Article 7. Criteria and conditions for the performance of post - mortem inspections under the responsibility of the official veterinarian, referred to in Article 18(2) (c) of Regulation (EU) 2017/625.

Article 7.d)	<p>The article requires that only in low capacity slaughterhouses and Wild Game handling establishments, PMI can only be carried out by an MHI without OV presence. In addition, there remains a requirement for the OV to be present in the establishment at least once a day.</p> <p>The auditors found non-compliance in that PMI is being carried out by MHIs</p> <ul style="list-style-type: none"> • in WGHE with high throughput and no OV presence • in low capacity WGHE and abattoirs with no daily OV presence.
7.e)	In establishing the above, the current practice of monthly OV visits does not fulfil the need for PMI verification and MHI performance assessment.

Recommendation 3

Action points

- a. An OV is required to be present in every establishment on a day that PMI is being conducted.
- b. An OV is required to verify PMI appropriately in high throughput WGHEs.

- 3.7 Article 8. Performance of post-mortem inspections by the official veterinarian.

Article 8.a – f)	Auditors found officers to be knowledgeable and aware of policies, procedures, legislation and working systems. Evidence of compliance was provided with examples given of PMI inspection by OV at emergency slaughter, referral of notifiable disease suspicion to the
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	appropriate authority and the application of stricter controls to take account of disease status (TB in cattle, Salmonella in poultry).
8.g)	It was noted that in cases of delay of PMI where FSS officers were not present at slaughter or dressing there was a degree of non-compliance as on occasion, in plants for which this derogation is applied, the PMI Inspection was being carried out by an MHI and not an OV.

Regulation (EU) No 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption.

- 3.8 Article 10. Obligations of the official veterinarian as regards checks of documents.

Article 10.1-3)	Evidence was provided to the auditors that Food Chain Information, Ante Mortem Inspection results are routinely taken into account in assessing PMI.
10.4)	Auditors identified that in Wild Game Handling Establishments the required Hunter's Declarations are taken into account, but in plants without regular OV presence, these are not being assessed by an OV on a daily basis.

Recommendation 4

Action point

- a. All Hunter's Declarations are to be assessed by an OV in the establishment on a daily basis matching the requirements for PMI.

- 3.9 Article 12. Requirements for post-mortem inspection.

Article 12)	The auditors found compliance and verbal/written evidence that proper inspection was being facilitated by line speed alteration and inspection officer number. It was noted that there were, at times, pressure placed upon an officer as a result of the need to ensure proper inspection in a busy working environment.
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- 3.10 Article 13. Derogation on the timing of post - mortem inspection.

Article 13.1)	It was noted that in cases of delay of PMI where a FSS officer was not present at slaughter or dressing there was a degree of non-compliance as on occasion, in plants for which this derogation is applied, the PMI Inspection was being carried out by an MHI and not an OV.
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Recommendation 5

Action Point

- a. PMI is required to be carried out by an OV in establishments suitably derogated for any delay in inspection.

3.11 Articles 14-28. Detailed requirements for PMI Inspection.

Article 14-28)	As noted previously the current instructions reflect previous legislation. However as 2019/627 does not increase requirements, PMI is still compliant but instructions and references require updating.
	All officers interviewed were fully aware of their current instructions and familiar with PMI Inspection requirements for the species being dealt with. A good understanding of the pathological conditions requiring partial or total condemnation was exhibited.

Recommendation 6

Action point

- a. All instructions, guidance and references relevant to PMI including the SMOC require to reflect the current legislation.

3.12 Section 4. Official controls on specific hazards and laboratory testing.

Article 31)	It was noted that where required PMI was fully compliant with Trichinella requirements.
33)	Auditors found a good understanding of the documented process for dealing with tuberculosis official controls.
37)	The sampling programme for veterinary residues as required by the VMD was found to be in place with sample requirements allocated to each plant by FSS. Quarterly reporting indicated full compliance.

3.13 Article 45. Measures in cases of non-compliance with requirements for fresh meat.

Article 45.a-u)	As audited, verbal and documentary evidence indicated a good understanding of the range of conditions requiring the declaration of meat as unfit for human consumption.
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3.14 Article 46. Measures in cases of non-compliance with requirements on good hygiene practices.

Article 46 1.a-b)	Auditors noted verbal and documentary examples of corrective actions being taken as a result of poor hygiene practices which were being detected at PMI being given by MHIs and OVs.
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4.0 Annexe A – Action Plan

Action Plan for Operational Delivery Post Mortem Inspection Audit, July-Sept 2020

Recommended Point for Action	Planned actions	Target date for completion	Responsible Officer(s)
1) A record of verification of any conflict of interest should be maintained, reviewed and updated as necessary.	There are confidentiality issues but available in e-HR. Data to be extracted from e-HR.	1/6/21	Field Veterinary Manager
2) The requirements of the SMOC are to be updated to accurately reflect the legal requirements	SMOC currently under review by the L&D team.	1/6/21	Senior Veterinary Advisor
3) Lack of OV presence in every establishment on a day that PMI is being conducted.	OCV Implementation will address the matter.	1/12/21	Field Veterinary Manager
4) A training programme across all levels of FSS officers involved in PMI requires to be produced, delivered, reviewed and recorded.	The L&D team to produce a training program across all levels of FSS officers involved in PMI.	1/6/21	Senior Veterinary Advisor
5) A system for assessing competency at PMI requires to be recorded consistently at all establishments.	Expand the current PMI verification recording in OWS for all plants.	1/6/21	Field Veterinary Manager
All actions were completed following the receipt of evidence from the Operational Delivery Division – April 2022			

5.0 Acknowledgements

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

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Food Standards Scotland
Audit Assurance Branch

Abbreviations

EU	European Union
FBO	Food Business Operator
FSA	Food Standards Agency
FSS	Food Standards Scotland
MHI	Meat Hygiene Inspector
OV	Official Veterinarian
OWS	Operational Workflow System
PIA	Poultry Inspection Assistant
PMI	Post Mortem Inspection
POAO	Products of Animal Origin
SMOC	Scottish Manual of Official Controls
SMT	Senior Management Team
TUPE	Transfer of Undertakings Regulations
VMD	Veterinary Medicines Directorate
WGHE	Wild Game Handling Establishment