

## **Food Standards Agency in Scotland**

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**Report on the Focussed Audit of the  
Delivery of Official Controls in Dairy  
Farms subject to the requirements of  
Regulation (EC) No 852/2004 on the  
Hygiene of Foodstuffs and Regulation  
(EC) No 853/2004 laying down Specific  
Hygiene Rules for Food of Animal Origin**

**Dumfries & Galloway Council  
20 - 21 June 2012**

## Foreword

Audits of Local Authorities food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of Local Authorities. These Local Authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

[www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK, has established external audit arrangements.

Agency audits assess Local Authorities' conformance against the Food Law Enforcement Standard ("The Standard"), the 5<sup>th</sup> revision of which was published in April 2010 by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at:

<http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

It should be acknowledged that there will be considerable diversity in the way and manner in which Local Authorities may provide their food enforcement services reflecting local needs and priorities.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that Local Authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel Local Authority audit schemes are implemented by the Agency's offices in all of the countries comprising the UK.

For assistance, a glossary of technical terms used within this audit report can be found at Annexe C.

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## 1.0 Introduction

- 1.1 This report records the results of an audit at Dumfries & Galloway Council with regard to food hygiene enforcement in dairy farms, under relevant headings of The Standard in The Framework Agreement on Official Feed and Food Controls by Local Authorities. The audit focused on the Authority's arrangements for the management of dairy premises interventions, enforcement activities and internal monitoring. The report has been made available on the Agency's website at:  
[www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports)

### Reason for the Audit

- 1.2 The power to set standards, monitor and audit Local Authority food law enforcement services was conferred on the Food Standards Agency by Section 12 of The Food Standards Act 1999 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of Dumfries & Galloway Council was undertaken under section 12(4) of the Act, and Regulation 7(4) of the Regulations as part of the Food Standards Agency in Scotland audit programme.

### Scope of the Audit

- 1.3 In Scotland, Local Authorities are responsible for the inspection of dairy farms, the frequency of which is specified in the Food Law Code of Practice. This focussed audit looked at the Local Authority assessment of compliance with the regulations.
- 1.4 The audit examined Dumfries & Galloway Council's systems and procedures for the official controls on raw milk. The programme was confined to the control of raw milk at primary production level. This included verification visits to two dairy farms to assess the effectiveness of official controls implemented by the Local Authority at the food business premises. Particular emphasis was given to Food Business Operator controls required to comply with Annex I of Regulation (EC) No 852/2004 and Annex 3, Section IX of Regulation (EC) No 853/2004. Audit checks included assessment of:
- Provision and adequacy of Officer training and authorisations, including the means by which the Local Authority ensures that Officers are competent to effectively assess hygiene standards at raw milk production holdings;
  - Structured assessments and evaluation of Local Authority service plans, reviews, policies and procedures, records and relevant official control activities relating to establishments registered under Regulation (EC) No 852/2004 and (EC) No 853/2004 as applicable;

- Implementation and effectiveness of control activities, including inspection, sampling and enforcement to establish that Local Authorities monitor, support and improve food law compliance;
- Maintenance and management of appropriate records in relation to official controls at food business premises to ensure that these are sufficiently detailed, accurate, up to date and effectively managed;
- Internal service monitoring arrangements to ensure that these are consistent, appropriate, and effective and comply with internal procedures and corrective actions are implemented to ensure that interventions are carried out competently.

## **Background**

- 1.5 Dumfries & Galloway occupies 6439km<sup>2</sup> in the south west of Scotland, making it the third largest of Scotland's 32 Local Authorities. The economy of the region is based primarily on agriculture and forestry with light industry and tourism making significant contributions. Some 30% of Scotland's dairy cattle come from Dumfries and Galloway. The Authority has 467 dairy farms within its area.

## 2.0 Executive Summary

- 2.1 The most recent Food Service Plan is dated 2009/2010. The plan which follows the service planning guidance in the Framework Agreement has not been reviewed or updated since.
- 2.2 The Authority has a specific aide memoire in place dated March 2001 to assist Officers undertaking inspections at dairy farm premises.
- 2.3 Qualifications and training records were requested for those Officers involved in interventions at dairy farms; however qualifications were not available. With regard to the Officer who had carried out the recent inspections at dairy farms, the necessary qualifications were not possessed as required by the Food Law Code of Practice.
- 2.4 Individual Officer training records were requested; however the Authority was unable to provide training records containing evidence that each Officer had completed a minimum 10 hours relevant training in the last year.
- 2.5 The documentation provided for inspections was being completed. From the files examined it was evident that Officers were clear on the Authority's procedure for the inspection of dairy premises.
- 2.6 File checks of five dairy farm files confirmed that the Officers were completing the specific aide memoire. Food business operators were provided with reports confirming the findings from inspections.
- 2.7 The Authority has a Food Safety Enforcement Inspection Policy which was approved in September 2007.
- 2.8 Discussion and review of internal monitoring procedures and practices indicated that the Authority was not following their internal monitoring procedure which required to be updated. Other forms of monitoring food law enforcement work was however taking place.

### 3.0 Audit Findings

#### 3.1 Organisation and Management

##### ***Strategic Framework, Policy and Service Planning***

- 3.1.1 The most recent Food Service Plan is dated 2009/2010. The plan, which follows the service planning guidance in the Framework Agreement, has not been reviewed or updated since. The Authority however advised that they intended to produce a new Service Plan in the near future.

##### ***Recommendation***

- 3.1.2 The Authority should:

Draw up, document and implement a Service Delivery Plan in accordance with the Service Planning Guidance in the Framework Agreement on Official Feed and Food Controls by Local Authorities. Any variance in meeting the Service Delivery Plan shall be addressed by the Authority in its subsequent Service Plan.

[The Standard - 3.1, 3.3]

##### ***Documented Policies and Procedures***

- 3.1.3 The Authority has a specific aide memoire to record information gathered during dairy inspections. This aide memoire is dated March 2001 and would benefit for being reviewed to ensure that it covers all the required elements of Regulation (EC) No 852/2004 and Regulation (EC) No 853/2004.
- 3.1.4 With regard to general procedures, the Authority advised that the Food Service Manual requires to be reviewed and updated.
- 3.1.5 There was no evidence of tuberculosis monitoring, intervention or co-ordinated working to satisfy the requirements of the Food Law Practice Guidance (Scotland).

##### ***Officer Authorisations and Training***

- 3.1.6 The Authority has a procedure in place for the authorisation of Officers which links to the Environmental Standards Scheme of Delegation. Officers are individually authorised in writing and have documentation to this effect.
- 3.1.7 Copies of Officer qualifications were not available at the time of audit. With regard to the Officer who had carried out the recent inspections at dairy farms,

the necessary qualifications were not possessed as required by the Food Law Code of Practice.

- 3.1.8 Individual Officer training records were requested; however the Authority was unable to provide training records containing evidence that each Officer had completed a minimum 10 hours relevant training in the last year.

***Recommendation***

- 3.1.9 The Authority should:

Ensure that Officers delivering Official Controls possess the relevant qualifications as required by the Food Law Code of Practice.

[The Standard - 5.1]

Ensure that all authorised Officers receive the training needed to be competent to deliver the technical aspects of the work in which they are involved, in accordance with the Food Law Code of Practice.

[The Standard - 5.4]

**Database Management**

- 3.1.10 The Authority has an electronic database of the food establishments within the area. Records, including risk assessments, for the dairy premises requested were able to be retrieved. No specific procedure is in place for ensuring that the food premises database is accurate and up to date.

***Recommendation***

- 3.1.11 The Authority should:

Set up, maintain and implement a documented procedure for ensuring that the food premises database is accurate, reliable and up to date.

[The Standard - 11.2]



## 3.2 Dairy Farms Interventions and Sampling

### *Dairy Farm Interventions*

- 3.2.1 The Authority has 467 registered dairy farms within its area. All are risk rated using the risk rating scheme within the Food Law Code of Practice. The allocation of 10 points under type of food and method of handling has not been routinely added to dairy farms as required by the Food Law Code of Practice.
- 3.2.2 The Authority has taken the decision to apply the risk rating scheme and alternative enforcement strategy to dairy farms as they would apply to any other business categorised as E in terms of Annex 5 of the Food Law Code of Practice.
- 3.2.3 Premises categorised as D are inspected at the frequency specified in the Food Law Code of Practice. However premises categorised as E do not receive interventions at the frequency specified in the Food Law Code of Practice.

### *Intervention Reports and Records*

- 3.2.4 Records of six dairy inspections were checked; in all cases inspection aide memoires were completed and available. Reports were left with the FBO following inspection.
- 3.2.5 Inspections are generally pre-notified by letter to ensure that the appropriate personnel are available at the time of inspection. This is contrary to Article 3 (2) of Regulation (EC) No 882/2004.

#### ***Recommendation***

- 3.2.6 The Authority should:

Carry out food hygiene interventions at dairy farms at a frequency which is not less than that determined under the Intervention rating scheme set out in the Food Law Code of Practice.

[The Standard - 7.1]

### *Verification Visits to Dairy Farms*

- 3.2.7 During the audit, verification visits were undertaken to two dairy farms. The Authorised Officer who had carried out the recent programmed inspections accompanied the auditors on the verification visits. The main objective of

each visit was to assess the effectiveness of the Authority's assessment of the food business operators' compliance with the food law requirements of Regulation (EC) No 852/2004 and (EC) No 853/2004 as applicable.

- 3.2.8 An Interview was held with the Officer before the verification visits took place to confirm the contents of the file records and to explain the format and objectives of the visit. It also gave the Officer the opportunity to explain the inspection process, i.e. the preparatory work carried out prior to an inspection and the general process while on site, which included a preliminary interview with the food business operator (FBO) and the general hygiene checks to verify compliance with the structure and hygiene practice requirements.
- 3.2.9 At the recent programmed inspection of the dairy farms the Officer had restricted the assessment of the business compliance against the premises specific aide memoire which did not contain all of the requirements of Regulation (EC) No 852/2004 and Regulation (EC) No 853/2004. Details of the premises, milking processes, veterinary records and cleaning programmes were recorded.
- 3.2.10 One of the dairies had recently installed an automated milking process, which the Authority was unaware of until their recent inspection. The process involved is highly computerised and has many monitoring points which should be available to an inspecting officer. Calibration of measuring equipment was not discussed during the inspection.
- 3.2.11 In the second dairy, milk was sent directly to the bulk tank from the clusters with automated testing for mastitis being done at each milking point. This parlour had been designed with no feeding points available to cows during milking which made the process more efficient.
- 3.2.12 At neither of the dairy farms had the Officer raised any items as either requiring attention or for recommendation. Both visits confirmed that the Officer had completed the premises specific aide memoire that was designed to assess business compliance with structure and hygiene pre-requisites.

### ***Sampling***

- 3.2.13 The Authority advised that they do not take milk samples from dairy farms and explained that the milk buyers test samples from each bulk tank. The Officer was aware that sample results were available on farm for the Authority to inspect. The Antibiotic failures determined by the milk buyer are notified to the Authority.

### 3.3 Enforcement

3.3.1 The Authority has a Food Safety Enforcement Inspection Policy which was approved in September 2007.

3.3.2 No enforcement activity beyond advice had been deemed necessary by the Authority in recent years at any dairy farm within the area.

### 3.4 Internal Monitoring

3.4.1 The Authority has an internal monitoring procedure in place; however this is not being followed. The Authority advised that it required to be updated. Monitoring is however taking place in other formats. The Authority should amend the internal monitoring procedure to reflect the internal monitoring activities that are taking place in practice.

#### ***Recommendation***

3.4.2 The Authority should:

Amend the internal monitoring procedure to reflect the internal monitoring activities that are taking place in practice.

Internal monitoring should be recorded.

[The Standard - 19.1]

Auditors: Marion McArthur  
Graham Forbes  
Jacqui Angus

Food Standards Agency  
Audit Branch, Scotland

## ANNEXE A

**Updated Action Plan for Dumfries & Galloway Council**

Date of Audit : 20-21 June 2012

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
<p>The Authority should draw up, document and implement a Service Delivery Plan in accordance with the Service Planning Guidance in the Framework Agreement on Official Feed and Food Controls by Local Authorities. Any variance in meeting the Service Delivery Plan shall be addressed by the Authority in its subsequent Service Plan.</p> <p>[The Standard - 3.1, 3.3]</p>	End November 2012	We will review and update the Food Service Plan.	Partially completed. Review awaiting approval of Director.	<p>Food Service Plan updated. Review of Service Plan carried out and agreed with Service Manager.</p> <p><b><u>FSA Comment 14 October 2014</u></b> <b>Accepted, recommendation closed.</b> <b>G Forbes</b></p>
<p>The Authority should ensure that Officers delivering Official Controls possess the relevant qualifications as required by the Food Law Code of Practice.</p> <p>[The Standard 5.1]</p> <p>The Authority should ensure that all authorised Officers receive the training needed to be competent to deliver the technical aspects of the work in which they are involved, in accordance with the Food Law Code of Practice.</p> <p>[The Standard 5.4]</p>	End November 2012	We will review the relevant qualifications with regard to the inspection of dairy production holdings and assess what the training requirements are.	Completed	<p>We have re-allocated dairy production holding inspections to officers with the relevant qualifications as required by the Food Law Code of Practice pending the results of the aforementioned review. Technical Officer interviewed has since left the Service and the post re-advertised with qualification specified for level of inspection of production holding.</p> <p><b><u>FSA Comment 14 October 2014</u></b> <b>Accepted, recommendation closed.</b> <b>G Forbes</b></p>

## ANNEXE A

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
<p>The Authority should set up, maintain and implement a documented procedure for ensuring that the food premises database is accurate, reliable and up to date.</p> <p>[The Standard - 11.2]</p>	End November 2012	The Service will incorporate the suggestions and recommendations made at the time of audit into the re-drafted procedures.	Completed	<p>This Service already has a procedure to prevent the corruption or loss of data from any data base and a procedure for keeping the premises database up-to-date; however, this was under review at the time of the visit. Updated procedure provided.</p> <p><b><u>FSA Comment 14 October 2014</u></b> <b>Accepted, recommendation closed.</b> <b>G Forbes</b></p>
<p>The Authority should carry out food hygiene interventions at dairy farms at a frequency which is not less than that determined under the Intervention rating scheme set out in the Food Law Code of Practice.</p> <p>[The Standard - 7.1]</p>	End October 2012	We will continue to risk rate dairy farms and carry out interventions on a proportionate enforcement basis having regard to the whole of food hygiene enforcement in Dumfries and Galloway and the priorities attached. We will also review the current risk ratings to assess whether the scoring is accurate and consistent across the area and take appropriate action in line with our policy on inspections.	Partially completed. Awaiting decision from Head of Service on change of policy to follow FSA/SFELC guidance on cross contamination.	<p>We have reviewed the current risk ratings of all the dairy farms in Dumfries and Galloway and have identified all those that have not been allocated 10 points under the “type of food and method of handling”. We have further refined the analysis to identify those dairy farms that would become category D or more with the allocation of the 10 points. Paper put to senior management proposing change of policy to follow SFELC cross contamination guidance which will result in postponing inspections of all category D premises including aforesaid production holdings.</p> <p><b><u>FSA Comment 14 October 2014</u></b> <b>Accepted, recommendation closed.</b> <b>G Forbes</b></p>

## ANNEXE A

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
<p>The Authority should amend the internal monitoring procedure to reflect the internal monitoring activities that are taking place in practice. Internal monitoring should be recorded.</p> <p>[The Standard - 19.1]</p>	End November 2012	We will amend the internal monitoring procedure to reflect the internal monitoring taking place and record this activity as recommended.	Completed	<p>Procedure updated.</p> <p><b><u>FSA Comment 14 October 2014</u></b>  <b>Accepted, recommendation closed.</b>  <b>G Forbes</b></p>

**Actions accepted by Auditors : Audit file closed 23 October 2014**

## ANNEXE B

### Audit Approach/Methodology

The audit was conducted using a variety of approaches and methodologies as follows:

*(1) Examination of Local Authority policies and procedures.*

The following Local Authority policies, procedures and linked documents were examined before and during the audit:

- Food Safety Enforcement Inspection Policy
- Food Law Enforcement Service Plan 2009-2010
- Planning, Housing and Environment Services Committee minutes of 09 June 2009
- Review of Food Law Enforcement Service Plan Progress Report 2009-2010
- Public Health Services Manager letter of authorisation of 01 March 2012
- Scheme of Delegation – Environmental Standards (2011)
- Procedure for document control of 18<sup>th</sup> September 2007
- Production Holdings Inspection form
- Food Sampling Policy of 2007
- Chemical Sampling of food: Sampling plan (2007)
- Microbiological sampling of food: Sampling plan (2007)
- Internal monitoring procedure of 27 September 2007

*(2) File reviews*

The following Local Authority file records were reviewed during the audit:

- Dairy Farms Interventions and Intervention Reports;

*(3) Officer interviews*

The following Officers were interviewed:

- Audit Liaison Officer
- Authorised Officer who carried out the most recent intervention at the two dairy farms selected for a verification visit.

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

*(4) On-site verification check:*

A verification visit was made with the Authority's Officer to two local dairy farms. The purpose of the visit was to verify the outcome of the last intervention carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice (Scotland) and other official guidance.



## ANNEXE C

# Glossary

Audit	Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
Authorised Officer	A suitably qualified Officer who is authorised by the Local Authority to act on its behalf in, for example, the enforcement of legislation.
Food Law Code of Practice (Scotland)	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990, Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009, as guidance to Local Authorities on the enforcement of food legislation.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Standards Agency	<p>The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safer Food For the Nation.</p>
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Chapter One Service Planning Guidance</li> <li>• Chapter Two The Standard</li> <li>• Chapter Three Monitoring of Local Authorities</li> <li>• Chapter Four Audit Scheme for Local Authorities</li> </ul> <p>The <b>Standard</b> sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency</p>

	will be conducting audits of the food law enforcement services of Local Authorities against the criteria set out in The Standard.
Full Time Equivalents (FTE)	A figure which represents that part of an individual Officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Primary production	The production, rearing or growing of primary products including harvesting, milking and farmed animal production prior to slaughter. It also includes hunting and fishing and the harvesting of wild products;
Public Analyst	An Officer, holding the prescribed qualifications, who is formally appointed by the Local Authority to carry out chemical analysis of food samples.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.