

REPORT ON THE EHNI RESPONSE TO FSA PROPOSALS TO REVIEW THE APPROVAL PROCESS	6th June 2017
TO: ENVIRONMENTAL SERVICES COMMITTEE	
FOR DECISION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Resilient, Engaged and Health Communities
Outcome	To advise of EHNI's response to FSA proposals to review the approval process for food businesses that handle products of animal origin.
Lead Officer	Food, Health & Safety and Consumer Protection Manager
Cost: (If applicable)	N/A

Background

In NI, approval of those establishments subject to approval under EC Regulation No 853/2004 has historically been split between district councils (DCs) and the Food Standards Agency (FSA) as follows:

- FSA carries out the approval in establishments where the Department of Agriculture, Environment and Rural Affairs (DAERA), on behalf of the FSA, is responsible for enforcement namely those establishments where veterinary control is required and in raw milk processing and egg packing establishments.
- District Councils carry out enforcement and approval in all other establishments where approval is required. In premises where veterinary control is required which also produce meat products or edible co-products, referred to as integrated establishments, district councils are responsible for enforcement in relation to those parts of the establishment in which those products are produced.

The FSA has produced a paper proposing that the system for approval in place for those establishments where FSA is the approving authority be replicated across all establishments currently approved by District Councils.

Under this proposal District Councils would remain as the enforcement authority in these establishments and be responsible for routine inspection, audit and enforcement functions but would no longer be the approving authority.

Options within the FSA paper were to change the current approvals process or provide an alternative proposal which provided at least the same benefits that implementation of the proposed change would allegedly deliver.

The response from EHNI is attached as Appendix II and provides an alternative proposal which is to strengthen the current approval process with no change to the approval authorities and District Councils continuing to approve establishments within their current remit.

Recommendation

It is recommended that Causeway Coast and Glens Borough Council adopt the proposals suggested and advise the FSA accordingly.



Response from EHNI to FSA (NI) Proposed Review of Approval

1: Background and introduction

- 1.1 This paper provides a response to a paper tabled by Kirsten Dunbar at Northern Ireland Food Managers Group (NIFMG). That paper made a proposal to change the current arrangements for approvals of establishment or requested that an alternative proposal be made which provided, at least, the benefits that implementation of the proposed change would allegedly deliver. **This paper effectively provides the latter, i.e. an alternative proposal.**
- 1.2 We would entirely acknowledge and concur with FSA's assertion in the paper that it is vitally important that NI maintains a robust and consistent official control programme post Brexit that will support the certification of products being exported. We further recognise that the official control programme, the approvals process and verification of the food business operators' (FBO) food safety management systems are vital in this regard.
- 1.3 However, EHNI do not believe that sufficient evidence has been presented by the FSA to demonstrate that the current system is failing. However, we do agree that that the current arrangements could be strengthened both by DCs and the FSA, particularly around communications and information sharing.
- 1.4 EHNI agree that arrangements for delivery of official controls differ across DCs but would argue that arrangements have always differed between the group systems and would highlight that this was never raised as an issue pre-RPA. The FSA is aware that new structures are being put in place in the DCs and there is a period of transition which may be more obvious in councils which have been made up from areas which derived from different group areas. EHNI would seek to assure the FSA that continued and strengthened consistency of approach within and across DCs is a key priority.

2 Details

2.1 Competency assessment & training and development

The competency assessment framework which all councils were to have completed by 31/3/17 will assess both Lead Officers (LO) and Authorised Officer (AO) competency in individual competencies including inspection of food establishments. To meet this competency the LO or AO must demonstrate their knowledge and experience in approved premises

inspections. Internal monitoring visits should contribute to the determination of this assessment.

If gaps are identified that officer should not complete unaccompanied approved premises inspections until the gaps have been addressed. Training on approved premises inspection had been on the training plan for last year but the training did not take place. If this training was available for 2017/18 it would be prioritised for those who require it. Currently ABC online provides a course on approved premises.

The FSA have outlined that much experience was lost as part of local government reorganisation. However, EHNI would point out that in most Councils the same officers who carried out approval assessments prior to RPA are continuing to do this work. Where a particular DC identifies a lack of expertise in a specific approval type, arrangements could be and are made for some work shadowing in another DC area.

All services face ongoing challenges with the retirement of mature experienced staff and the subsequent employment of new professionals, Councils have in place arrangements to build capacity and competency through training programmes, shadowing, etc. and a system of internal monitoring to ensure the quality and consistency of interventions are maintained and carried out competently.

This combination of competency assessment, identification of training needs, provision of training, capacity building through work shadowing for on the job experience within and across DCs, supervision and monitoring of staff we believe should alleviate any concerns held by the FSA in relation to lack of expertise, joined-up working across the DCs and consistency of approach.

2.2 Approval Forum

The approval forum has recently agreed a document on the approval process with standard letters etc. which has been shared with all 11 Councils. Actions or decisions taken at the approval forum are fed back to all 11 Councils through NIFMG every 2 months. Minutes are also circulated to the NIFMG.

EHNI have noted the FSA's concerns in relation to contact made from EHOs with queries in relation to approvals and have communicated this within their councils. The approval forum has members from several district councils who are happy to be contacted by other Councils with approval queries. If these officers are unable to answer the query, then it should be raised at the approvals forum.

2.3 RIAMS

The FSA are providing the food module of the RIAMS system to all 11 Councils in Northern Ireland from April 2017. Agreed procedures on the approval process will be available on the RIAMS site which will improve

consistency. Guidance documents and minutes of meetings will also be available on RIAMS.

2.4 Scheme of Delegation

Councils will review their scheme of delegation so that where possible the ability to issue approvals is delegated to the Head of Service rather than having to go to Council. This would/will mean that FSA can be notified in a timelier manner and make the necessary amendments to the approved premises list.

2.5 General Comments on Proposal

EHNI would highlight that the FSA's proposal lacks detail on how it would work in practice. EHNI would raise questions on the resources the FSA will have available to them to complete approvals visits and the proposed review of existing approvals. The competence of the staff who will do this work is a concern for EHNI.

The report also states that the extra visits would not be 'perceived as an additional regulatory burden by FBOs'. However, we would argue that it would be an actual additional burden to both FBOs and District Council resources as additional visits would be required.

3 Summary

The FSA had listed the points detailed below as benefits in moving to a joint approval process as detailed in the proposal. EHNI believe these benefits can be achieved by strengthening the current arrangements as outlined above and would make the following additional comments relating to each of the desired benefits:

3.1 A single approval (and administration) process which can be explained to visiting EU and third country auditors

The arrangements that are currently in place have been working historically. They have been successfully audited and explained to various EU and third country auditors over the years. These arrangements are also in place in other areas of the UK. Export certificates issued by District Councils are currently and historically accepted by third countries, e.g. China, India. With the proposals detailed in Section 2 District Councils don't believe that post-Brexit this will become an issue.

3.2 A regionally co-ordinated and consistent application of the agreed approval process, with an adherence to the specific timescales and conditions laid down in EC Reg. No. 853/2004, which will stand up to audit by EU and third country auditors

The availability of procedures and guidance documents on the approval process on RIAMs will improve coordination and consistent application across the region. In addition, the availability of minutes from the NI subgroups, including the approval forum, on RIAMS will ensure that all officers have access to the most up to date decisions and actions. The approval forum will continue to agree, update and improve procedures and documents available to DCs to achieve a regionally coordinated and consistent application of the agreed approval process

3.3 Support from FSA for DC EHOs to ensure food business operators apply the relevant standards and food safety management systems within approval process timescales

DC EHO's will have to undertake an assessment of the standards and food safety management system within the premises and then arrange for the FSA to carry out the approval assessment within the necessary timescales. This will slow down the process and make it more difficult to adhere to approval process timescales in addition to it being bureaucratic for the FBO.

Support from FSA can be sought through the approvals forum and DC EHOs can continue to ensure food business operators apply the relevant standards and food safety management systems within the required timeframe.

3.4 Real-time updating of approved establishment lists

In addition to reviewing the scheme of delegation, the provision of regionally agreed letters for notification of approvals to the FSA will enable the FSA to be notified sooner. Better use of the Executive Support email address by District Councils can improve the notification time.

District Councils have also noted that when they provide information to the FSA on approved premises there can be a delay in the time taken by the FSA to update the approved establishment list. It has been brought to the attention of EHNI that there have been issues around the accuracy of the information put on the list by the FSA. These are issues to be addressed in-house by the FSA.

3.5. An Approvals Forum which will work as a support group to ensure continued consistency of standards and enforcement across all NI approved establishments

The existing approvals forum will continue to provide support for DC queries and communicate through to the EHNI any issues relating to consistency of standards and enforcement. This role will not change regardless of who is issuing the approval.