

# General Circular

## *General Circular 02/2014*

An important update from the NSW Food Authority for all licensed NSW Vulnerable Persons businesses.

### **Revised audit process for Vulnerable Persons businesses**

As a result of the feedback received and consideration of issues raised from the sector, the Authority will maintain its current system of scheduling audits with individual facilities prior to the audit date. However, there will be a tightening of the scheduling process to ensure that operational efficiency needs of the Authority are met and that integrity of the audit system remains.

**Facilities will be given a minimum of 10 working days notice of an audit** to be scheduled by the Authority. There would need to be significant reasons as to why an audit can't be conducted within this timeframe and the Authority reserves the right to conduct the audit despite any mitigating circumstances.

The Authority will also implement a verification program in 2014 whereby in any year 10% of facilities (audited by either the Authority staff or TPA) are subject to unannounced **inspections**. These inspections will focus on hygiene and processing areas only. Where the Authority receives a complaint concerning food safety matters at a VP facility, it reserves the right to conduct any investigation and inspection on an unannounced basis in accordance with its statutory powers.

### **Background**

A paper was presented at the NSW Vulnerable Persons Food Safety Scheme Consultative Committee meeting on 26 June 2013 to report that the NSW Food Authority (the Authority) was examining whether to conduct all audits in the VP sector on an 'unannounced' basis. The reasons for this were to bring the scheme into line with the other Food Safety Schemes regulated by the Authority where generally audits are conducted on an unannounced basis to increase the veracity of audit results. The main reason for this was to add robustness and increased integrity to the audit findings. Additionally there had been impacts on operational efficiency of the Authority's audit program with an increasing number of facilities requesting a minimum of two months notice for an audit and then cancelling agreed audit dates at short notice.

Feedback was received by NSW Meals on Wheels Association and additional consultation occurred with a number of Aged Care facility operators on the merits of an unannounced system of auditing in this sector. It is acknowledged that as approximately half the facilities under this scheme are audited by Third Party Audit providers and as these are conducted on an announced basis, there was potential for inequity if the Authority conducted unannounced audits only of the facilities audited by Authorised Officers. The sector raised concerns of availability of key personnel if audits were unannounced and suggestions made that any unannounced program should focus on hygiene and operational matters rather than a full audit of the Food Safety Program.

Additional circumstances that required consideration was that the sector is different to other commercialised food businesses audited by the Authority with a very strong service and care culture by kitchen staff that contributed to the overall high food safety performance of this sector. Also, whilst there are specific areas of regulatory remit and oversight between agencies, it is accepted that additional to food safety audits this sector also receives a number of healthcare accreditation assessments from other government agencies.

Whilst the Authority accepts the information provided in this regard, it also maintains the viewpoint that there still needs to be an element of unannounced inspections or audits to complement compliance system outcomes. Experience has shown that the community expects government agencies to operate in an independent manner with historically strong support for 'spot checks' of food businesses. Any compliance system operated by the Authority without some level of unannounced inspections runs the risk of ultimately damaging public confidence in the food regulatory system and the sector itself.

## Enquiries

Please direct any enquiries to:

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