POLICY FOR APHA AUTHORISATION OF EXPORT CERTIFICATION SUPPORT OFFICERS (CSOs) IN GREAT BRITAIN

Definitions

1. For the purposes of this document, the following definitions shall apply:

i) **Animal products** means Products of Animal Origin whether for human consumption or not, Animal By-Products and animal germplasm.
ii) **Animal By-Products (ABPs)** means animal carcasses, parts of animals, or other materials, which come from animals but are no longer intended for human consumption.
iii) **Authorisation** means approval by the Animal and Plant Health Agency to carry out the Certification support Officer (CSO) role, which can take up to ten working days from obtaining the OCQ(AHP) - CSO certificate, and is evidenced by inclusion in the definitive list of authorised CSOs held on the Animal Health Paraprofessional database, which is managed by the APHA OV team.
iv) **Certification support Officer** (**CSO)** means a person who has obtained the OCQ(AHP) - CSO certificate and has been authorised by the APHA to act in a supporting role to Certifying Officers.
v) **Environmental Health Officers (EHOs)** means individuals authorised as EHOs under the Food Safety Act 1990 by, or on behalf of, the Food Standards Agency (FSA) or Food Standards Scotland (FSS).
vi) **Official controls** means any form of control that the Competent Authority performs for the verification of compliance with feed and food law, animal health and animal welfare rules.
vii) **Official veterinarian (OV)** means a veterinarian appointed by the Animal and Plant Health Agency.
viii) **Products of Animal Origin (POAO)** means products derived from animals for human consumption and a few legally defined animals presented to the final consumer for human consumption.
ix) **Revalidation** means the renewing of the OCQ(AHP) - CSO certificate for a further period of time.
x) **Revocation** means the withdrawal of CSO authorisation.
xi) **Suspension** means the temporary withdrawal of CSO authorisation, pending the outcome of a specified process or action.
xii) **Verification** means checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled or complied with.
xiii) **Veterinary judgement** means decisions made that require the application of veterinary training, knowledge and experience, as restricted in the UK by the Veterinary Surgeons Act 1966 to registered members of the Royal College of

Veterinary Surgeons and as required by section 3 of the OIE Terrestrial Animal Health Code.

Introduction

2. This Policy for Authorisation of CSOs sets out the relationship between the Animal and Plant Health Agency (hereafter referred to as "the Agency") and Official Control Qualification (Animal Health Paraprofessional) - Certification Support Officer (OCQ(AHP) - CSO) trained and Agency-authorised individuals. The Agency acts on behalf of the relevant Ministers in England, Scotland and Wales to authorise OCQ(AHP) trained individuals who seek to carry out specific tasks on behalf of those Ministers. CSOs may provide support to authorised Certifying Officers in the area of official controls for export health certification in relation to animal products, excluding germplasm and live animals.

3. In order to facilitate the effective implementation of official controls and provide support resources in the area of export certification, Agency-authorised CSOs may be engaged by and can only act under the direction of an Official Veterinarian (OV) who holds the OCQ(V) - Products Export (PX) certificate in GB authorised by APHA, or an authorised Environmental Health Officer (EHO).

4. The CSO shall be directed by those officers identified in paragraph 3 in accordance with the standards for authorisation of those who carry out official controls or official tasks. These standards are laid down in relevant European and domestic legislation, particularly Council Directive 96/93/EC of 17 December 1996 and Regulation (EC) No 882/2004 (the "Regulation"). This Regulation is directly applicable law in Great Britain[1].

5. The World Organisation for Animal Health (OIE) also sets standards for the authorisation and conduct of officials in relation to the certification of animals and animal products for international trade. This is detailed in Section 3 of the OIE's Terrestrial Animal Health Code concerning the quality of veterinary services.

Authorisation

6. The Official Controls Qualification (OCQ) for Certification Support Officer (CSO) is an accredited qualification achieved following training and assessment by a government approved provider (hereafter referred to as

[1] The 882/2004 regulations will be superseded by Regulation (EU) 2017/625 on 'official controls and other official activities to ensure the application of food and feed law, rules on animal health and welfare and plant health and plant protection products' (the "OCR Regulation"), and comes fully into force on 14 Dec 2019. Under any EU exit implementation period, this legislation will also be directly applicable in the UK, or the UK will have made legislation to provide for similar controls and requirements.

"training provider").

7. The Agency will authorise as a CSO any person who:
   i) Holds a valid OCQ(AHP) - CSO certificate, demonstrating their competence to undertake the relevant activities; and,
   ii) Is regarded by the Agency as suitable for carrying out tasks on behalf of Ministers, taking into account any previous performance as an official.

   Such authorisation shall be completed within ten working days of obtaining the OCQ(AHP) - CSO certificate.

8. Once authorised, the CSO shall be included in the definitive list of officially authorised CSOs on the Animal Health Paraprofessional (AHP) database that is managed by the APHA OV team. However, at no time shall a CSO be considered an Agency member of staff or an employee of government.

9. Authorisation will be for a period of three years from the date of obtaining the OCQ(AHP) - CSO certificate. If the CSO does not revalidate before the expiry of that three-year period then their authorisation will be revoked.

10. The CSO may renew their authorisation as described in the following two circumstances by obtaining a new OCQ(AHP) - CSO certificate:

    i) Within the two months prior to the expiry of any three-year authorisation period (the revalidation window). The start date of the new period of authorisation shall be the original expiry date at the end of the three years; or

    ii) Before the revalidation window. The start date of the new period of authorisation shall be the date that the revalidation OCQ(AHP) - CSO certificate was obtained.

    In each case, upon obtaining the OCQ(AHP) - CSO certificate, the procedure outlined in paragraph 7 shall apply, except that the authorisation will run continuously.

    AHP database records shall be updated accordingly by the APHA OV team.

11. The Agency will supply an official stamp to each authorised CSO. The stamp shall bear a unique number that will be assigned to that authorised CSO.

12. All official communication will be via the email address that is registered by the CSO on the training provider's database. It is a condition of the

authorisation that this email address must be kept up to date and current by the CSO.

Performance of tasks

13. CSOs may not carry out any functions that require the exercise of veterinary judgement and are restricted to the execution of administrative checks. They may only carry out such inspections, factual verification and evidence collection as specified by their directing OV or EHO for the directly related product and certificate and only with respect to animal products, excluding germplasm and live animals.

14. The Agency will not supply any materials necessary for the performance of the CSO role other than the issuing of an official stamp, as described above.

15. CSOs must maintain a high standard of hygiene and biosecurity when visiting food production or other premises in the exercise of their function such as the wearing of suitable protective clothing and the correct use of an approved disinfectant, as appropriate to the situation and as specified by their directing OV or EHO.

16. The Agency will monitor CSO performance as it sees fit through a range of checks and inspection activities including, but not limited to:
    i) Analysis of data and copies of attestations or export certificates;
    ii) Investigation of complaints, in particular from recipients of tasks undertaken by an authorised official; and,
    iii) Reports from directing OVs or EHOs, who are required to monitor the delivery of the CSO function.

Acting in an official capacity

17. CSOs should be aware that they are acting in an official capacity when carrying out their official tasks and should be appropriately trained in the area of such official controls as are relevant to their authorised tasks. They must be capable of responding to queries related to the performance of their function while operating in the field.

18. In order to enable and maintain the effective performance of their role all authorised CSOs will have access to an on-line portal through which instructions and the CSO training module material will be made available. These reflect the requirements of relevant legislation and government policy. Additions and amendments shall be issued periodically and it is essential that all CSOs refer to the current instructions. It is the CSO's responsibility to be up to date with all aspects relevant to the CSO authorisation that applies to them. As such, CSOs are expected to monitor the registered email address,

which they supplied to the training provider and must register with the training provider any change to that address by updating their personal details on the AHP website.

19. CSOs maintain responsibility for the security of all information obtained in the course of the execution of their duties whether documentary, oral, pictorial, digital, or printed. All such data is considered personal and commercially sensitive data and may not be disclosed unless authorised under applicable sections of the General Data Protection Regulations 2018 ("GDPR"). The unlawful disclosure of protected data shall be grounds for suspension or revocation of authorisation.

20. CSOs must abide by the standards set out in the CSO training module and act without conflict of interest. They must follow the guidance on certification as this underpins official activities and reflects EU legislative requirements.

21. CSOs must ensure that all of their official activities are covered by professional indemnity insurance or equivalent arrangements.

Suspension of authorisation

22. The authorisation of a CSO may be suspended in the following circumstances:
    i) Where a preliminary report is made by any party which the Agency considers serious enough to warrant an investigation, authorisation may be suspended until such time as the investigation process is completed and authorisation is restored or revoked as the case may be;
    ii) If the Agency becomes aware of an investigation by a statutory body into the CSO where such investigation concerns animal health, animal welfare, public health, acts of fraud or dishonesty or violence which could affect the safe, effective performance of the CSO task or bring the Agency into disrepute;
    iii) If there is evidence to suggest the CSO is unable undertake the safe, effective performance of the CSO task due to physical or mental impairment;
    iv) If, in the Agency's opinion, a CSO infringes or fails to comply with official instructions or consistently performs official tasks unsatisfactorily;
    v) If the CSO is no longer under the direction of an OCQ(V) - (PX) authorised OV or authorised EHO; or
    vi) Any other circumstance provided for in this policy.

23. A CSO who is suspended shall not continue to assume the role of a CSO. Stamps must be handed in to their directing OV or EHO until such time as any investigation process is completed and authorisation is restored or revoked as the case may be. In cases where suspension relates to the absence of, or a change in directing OV or authorised EHO, and there is an intervening period,

stamps must be held by either APHA or the previous Certifying Officer. Stamps must be returned to the Agency when authorisation is revoked.

Investigation

24. Investigations pursuant to any allegation or circumstance outlined in paragraph 23 shall be conducted in accordance with the following:
    i) A sole investigator, who is a permanent employee of the Agency and a Member of the Royal College of Veterinary Surgeons (MRCVS), will be appointed to carry out and complete an investigation without unreasonable delay;
    ii) The investigator shall notify the CSO in writing of the terms of the allegation and request a relevant account from the CSO in writing or in person. Such notification shall be sent to the CSO's registered email address;
    iii) If the CSO wishes to appear in person they may be accompanied[2] to any interview or be represented at their own expense. They shall notify the investigator of the attendance of their representative no later than 72 hours before the appointed date of interview; and
    iv) The Agency will treat all reports and other documents as confidential except that they may be shared with any other statutory body with a legitimate interest where such disclosure is authorised under relevant GDPR or other legislation.

25. The investigator may interview such parties as they consider fit and shall make every attempt to interview any persons suggested by the CSO who are considered to be relevant to the allegation made. Should the investigator fail to interview parties suggested by the CSO, the investigator shall give reason for such failure in any report produced.

26. The CSO shall co-operate with any reasonable request to assist the investigation, including the production of documents or attendance at an interview. Failure to comply will be considered as grounds for immediate suspension of authorisation.

27. In cases where there is evidence of intentional non-compliance with instructions or with the standards in this policy or of any gross misconduct, the Agency's investigator may recommend that the Agency suspend the CSO's authorisation before the investigation is complete.

28. The CSO will be given a draft of the investigator's report by email and invited to correct any factual errors or to make any relevant comments. The CSO will have 14 calendar days to do this and will be expected to respond by email to

[2] This may be any person to accompany the CSO and can be a Union representative or an employee.

the person appointed to receive such communication. Upon request, the Agency may grant extra time to the CSO to review the report if there is reasonable justification.

29. The final report, which contains the investigator's recommendation, shall be forwarded to the review panel.

Decisions of the review panel

30. The review panel shall be comprised of two/three members; at least one of whom shall be an Agency MRCVS and the other an official permanently employed by the Agency at a suitable level of seniority (no lower than SEO level). Members of the review panel shall not have been involved in the investigation.

31. The review panel shall meet for the hearing within 28 calendar days after receiving the investigator's report.

32. The CSO will be given at least seven calendar days' written notice of the date of the hearing. The CSO will be invited to make representations and given the opportunity to present any relevant mitigating factors. The CSO may do this orally at the hearing or in writing before the hearing. The CSO may be accompanied to the hearing or be represented at their own expense. They shall notify the review panel of the attendance of their representative no later than 72 hours before the hearing.

33. The review panel shall consider the investigator's report as well as any representations made by the CSO when making their deliberations.

34. The review panel will normally make a decision within seven calendar days of the hearing. The findings and decision will be immediately reported to the CSO in a letter sent to their registered email address.

35. The review panel may decide on any one or more of the following outcomes in proportion to their findings:
    i) The panel finds in favour of the CSO and no further action is required with restoration of authorisation, if suspended;
    ii) Written advice given to the CSO;
    iii) Suspension (or further suspension) of OCQ(AHP) - CSO authorisation, pending retraining at the CSO's expense;
    iv) Revocation of authorisation, following which it may be decided to refuse authorisation on the OCQ(AHP) - CSO module for a period of up to five years. A CSO may apply to the Agency's Veterinary Director for restoration of authorisation at intervals of no less than 12 months;

v) Referral to a relevant professional regulatory body (e.g. to the RCVS if the CSO is also a veterinary nurse), where there are grounds for concerns as to professional conduct;
vi) Additional conditions such as undergoing retraining, or working under the direct supervision of a named OV or named EHO for a specified period of time;
vii) Referral to the Local Authority or to the police if there is evidence that fraudulent or criminal acts may have been committed;
viii) Any other reasonable action that the Agency considers necessary.

36. In determining the outcome of the investigation, the review panel will consider previous training, performance and conduct as well as the facts of the specific case. Professional misconduct, intentional or repeated non-compliance with CSO procedures would justify a long period of suspension of authorisation.

37. If the review panel decides that it is necessary to suspend the authorisation of a CSO and there has been a similar incident within the previous five years then they will normally decide on refusal to authorise as an OCQ(AHP) - CSO for five years from the date of the decision.

Appeals

38. Appeals pursuant to the final decision of the review panel shall be conducted as follows:

    i) The appeal must be in writing and addressed to the Agency Veterinary Director;
    ii) It must be received within 28 calendar days of the date of the review panel's written communication detailing their findings and the outcome; and
    iii) It must set out the grounds for appeal and include any relevant evidence.

39. Following consideration of the written grounds for appeal, the Veterinary Director, or in their absence, an appointed senior person (not below Grade 7) who has not previously been involved in the case, must decide the appeal within 14 calendar days.

40. If the CSO's authorisation has been suspended or revoked then this will continue during the 28 calendar day period allowed for lodging an appeal and while the appeal is being considered.

41. The decision of the Veterinary Director, or the person appointed by them, is final.

Revocation of Authorisation

42. The authorisation of a CSO may be revoked in the following circumstances:

i) If they no longer hold a valid certificate[3] with respect to the OCQ(AHP) - CSO training as described in paragraph 7 above;

ii) If a CSO voluntarily requests their authorisation to be revoked, giving one week's notice in writing to the Agency; or

iii) Following the final decision of review panel or appeal outcome of any investigative process.

43. The Agency will not revoke a CSO's authorisation without first carrying out an investigation unless a report concerning the CSO is received from a statutory body and is of a serious nature or a criminal allegation, which would affect the safe execution of the CSO function.

Restoration of Authorisation

44. If the authorisation has been revoked due to the expiry of an OCQ(AHP) - CSO, which has not been revalidated on time as outlined in paragraph 9, then full retraining will be required. Only after successful completion of retraining shall the CSO authorisation be restored.

45. If authorisation has been suspended because the CSO is no longer under the direction of an OCQ(V) – PX authorised OV or authorised EHO, then CSO authorisation may be restored when the CSO is assigned to another authorised OV or authorised EHO, to the extent that their OCQ(AHP) - CSO certificate is still valid.

46. If authorisation has been suspended or revoked and the review panel or appeals decision recommends restoration of authorisation, then authorisation will be restored to the extent that their OCQ(AHP) - CSO certificate is still valid.

Date[4]: 11 December 2018

[3] Note: There is no period of grace for expiry of the OCQ(AHP)-CSO authorisation. Individuals should revalidate in good time.

[4] Later revisions should also be dated

Annex I – Legislation

Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products

Article 2

1. For the purposes of this Directive:

'veterinary legislation' means the legislation listed in Annex A to Directive 89/662/EEC and Annexes A and B to Directive 90/425/EEC;

'certifying officer' means the official veterinarian or — in the cases provided for in veterinary legislation — any other person authorized by the competent authority to sign the certificates required by that legislation….

Article 3

1. The authority shall ensure that certifying officers have a satisfactory knowledge of the veterinary legislation as regards the animals or products to be certified and, in general, are informed as to the rules to be followed for drawing up and issuing the certificates and — if necessary — as to the nature and extent of the enquiries, tests or examinations which should be carried out before certification.
2. Certifying officers must not certify data of which they have no personal knowledge or which cannot be ascertained by them.
3. Certifying officers must not sign blank or incomplete certificates, or certificates relating to animals or products which they have not inspected or which have passed out of their control. Where a certificate is signed on the basis of another certificate or attestation, the certifying officer shall be in possession of that document before signing.
4. Nothing in this Article shall prevent an official veterinarian from certifying data which have been:

(a) ascertained on the basis of paragraphs 1 to 3 of this Article by another person so authorized by the competent authority and acting under the control of the official veterinarian, provided that he or she can verify the accuracy of the data, or …
where this is authorized under veterinary legislation.

Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules

Article 6

Staff performing official controls

The competent authority shall ensure that all of its staff performing official controls:

(a) receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to carry out official controls in a consistent manner. This training shall cover as appropriate the areas referred to in Annex II, Chapter I;

(b) keep up to date in their area of competence and receive regular additional training as necessary.

OIE Terrestrial Animal Health Code

Section 3. Quality of Veterinary Services
Chapter 3.1 Veterinary Services
Article 3.1.1.
…
The same fundamental principles should apply in countries where the responsibility for establishing or applying certain animal health or animal welfare measures, or issuing some international veterinary certificates, is exercised by an organisation other than the Veterinary Services, or by an authority or agency on behalf of the Veterinary Services. In all cases, the Veterinary Services retain ultimate responsibility for the application of these principles.

These fundamental principles are presented in Article 3.1.2. [of the Terrestrial Animal Health Code].