Animal and Plant Health Agency

ET175 Policy for APHA authorisation of export Certification Support Officers (CSOs) in Great Britain

May 2021

Contents

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 official recognition by the Animal and Plant Health Agency to carry out the Certification Support Officer (CSO) role and is evidenced by inclusion in the definitive list of authorised CSOs held on the Animal Health Paraprofessional database, which is managed by the Agency's Official Veterinarian (OV) Team.

iv) **Certification Support Officer (CSO**) means a person who has obtained the Official Controls Qualification (Animal Health Paraprofessional) (OCQ(AHP)) - CSO certificate and has been authorised by the Agency to act in a supporting role to Certifying Officers.

v) **Certifying Officer** means any person designated (previously 'authorised') to sign officially issued export health certificates on behalf of the appropriate Central Competent Authority.

vi) **Day** means a day in the calendar, including Saturday, Sunday, bank and public holidays.

vii) **Food Competent Certifying Officer (FCCO)** means a person deemed qualified and competent by the APHA and designated to certify certain officially issued export health certificates. This role was previously known as non-veterinary Certifying Officer (COnv).

viii) **Official controls** means any form of control that any appropriate Competent Authority performs for the verification of compliance with feed and food law, animal health and animal welfare rules.

ix) **Official Veterinarian (OV)** means a veterinarian 'authorised' as an OV by the Agency.

x) **Products of Animal Origin (POAO)** means products derived from animals for human consumption and includes legally defined living animals ready to be presented to the final consumer for human consumption.

xi) **Revalidation** means the renewal of the OCQ(AHP) - CSO prior to its date of expiry to enable continuation of both the qualification and authorisation.

xii) **RACE Team** means APHA's Regulatory, Affairs, Compliance and Enforcement Team.

xiii) **Revocation** means the withdrawal of CSO authorisation.

xiv) **Senior Veterinary Manager** is a Veterinary Surgeon directly employed by the Agency at either Grade 7 or Grade 6.

xv) **Suspension** means the temporary withdrawal of CSO authorisation, pending the outcome of a specified process or action.

xvi) **Training Provider** means the supplier contracted by the Agency for the provision of CSO training and assurance.

xvii) **Verification** means checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled or complied with.

xviii) **Veterinary Director** is the Head of the Veterinary Profession in the Agency

xix) **Veterinary judgement** means decisions that require the application of veterinary training knowledge and competencies, as restricted by the Veterinary Surgeons Act 1966 to registered members of the Royal College of Veterinary Surgeons in the UK and as required by section 3 of the World Organisation for Animal Health (OIE) Terrestrial Animal Health Code.

xx) **Working day** means a day that is not a Saturday, Sunday, bank, or a public holiday.

Introduction

2. This policy sets out the relationship between the APHA (hereafter referred to as “the Agency”) and Agency authorised individuals who hold the OCQ(AHP) - CSO qualification. 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 in the area of export certification, Agency-authorised CSOs may be engaged by and can only act under the direction of an OV who holds the OCQ(V) - Products (PX) certificate and is authorised by the Agency, or is an authorised Food Competent Certifying Officer (FCCO).

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 European and domestic legislation, particularly 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’ (also known as “the OCR Regulation”). This Regulation is directly applicable law in Great Britain.

5. The OIE also sets standards for the designation 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.

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

Authorisation

7. The Agency will authorise as a CSO any person who:

i) Holds a valid OCQ(AHP) - CSO certificate, demonstrating their understanding in relation to delivering 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 and as verified by a Certifying Officer via the training provider's records.

Such authorisation shall be made 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 AHP database that is managed by the Agency's OV team. However, at no time shall a CSO be considered an Agency member of staff or an employee of government.

9. Authorisation as a CSO will be for a period of four years from the date of obtaining the OCQ(AHP) - CSO certificate.

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

11. 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.

Revalidation

12. If the CSO's revalidation is not completed before the expiry of the four year period the authorisation will be suspended. The CSO has the option to revalidate the qualification at any time during the six month period immediately following the deadline in order to have the authorisation reinstated.

13. Failure to complete the revalidation within the six months period following the deadline will result in expiry of the authorisation.

14. The training provider will notify the CSO of the completion deadline for the revalidation and will send reminders, prior to the expiry date of the OCQ.

15. The CSO may have their authorisation revalidated in the following circumstances without a break in their authorisation:

- before the expiry of the authorisation period the CSO may undertake the revalidation training and obtain a certificate confirming that retraining from the training provider
- if this revalidation is completed within the specified window for revalidation the start date of the next period of the authorisation shall be the original expiry date
- if revalidation takes place prior to that window, the start date of the new period of authorisation shall be from the date of certification
- if revalidation takes place during the six month period of suspension, the start date of the new period of authorisation shall be from the date of certification.

16. Agency records shall be updated accordingly.

17. If the authorisation has been expired the CSO will need to complete the full OCQ training, or apply to the Agency for permission to revalidate outside of the deadline. The Agency retains the right to grant or refuse permission based on the reasons provided for the request.

18. It is a requirement to hold the relevant OCQ(AHP) - CSO in order to operate as a CSO, therefore the CSO's Authorisation will expire with the expiration of the OCQ and CSOs will be unable to carry out CSO work unless requalification is completed.

19. If a CSO is unsuccessful in obtaining revalidation, then there will be an opportunity to retake the revalidation qualification again on two occasions. Following three unsuccessful attempts it will be necessary to take the full qualification again in order to seek reauthorisation as a CSO.

20. Spot check audits (internal verification) will be carried out by the training provider on behalf of APHA to ensure that the information being submitted at revalidation is correct and compliant. This will occur on an ongoing basis so it will not delay the revalidation process.

Performance of tasks

21. CSOs may not carry out any functions that require the exercise of veterinary judgement or that require the judgement of a food competent Local Authority (LA) Officer. CSOs are restricted to the execution of factual checks and verification of measurable parameters. They may only carry out such inspections, factual verification and evidence collection as specified by their directing OV or FCCO for the directly related product and certificate and only with respect to animal products, excluding germplasm and live animals.

22. 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.

23. 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 FCCO.

24. 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 FCCOs, who are required to monitor the delivery of the CSO function.

Acting in an official capacity

25. 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.

26. 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 are responsible for updating their training record with any change to that address.

27. 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.

28. 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.

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

30. CSOs must report any criminal convictions to the Agency immediately. The Agency will then consider whether the CSO authorisation can continue.

Revocation of authorisation

31. The authorisation of an OV may be revoked for a number of reasons. These include:

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

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

iii) If the CSO is convicted of a criminal offence that renders them unfit to be a CSO.

iv) If the CSO voluntarily requests their authorisation be revoked, giving one week's notice in writing to the Agency.

32. If a CSO has their authorisation revoked for any of the above reasons the Agency will send a letter by email to their registered email address giving full reasons for the action taken. The CSO has a right of appeal against this decision as set out the appeals section of this Policy Document.

Suspension of authorisation

33. 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 FCCO; or

vi) Any other circumstance provided for in this policy.

34. 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 FCCO 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 FCCO, and there is an intervening period, stamps must be held by either the Agency or the previous Certifying Officer. Stamps must be returned to the Agency when authorisation is revoked.

Investigation

35. 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 Grade 6 or Grade 7 Senior Veterinary Manager, 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) An investigation would normally include a meeting with the CSO to enable them to present further evidence and explanation. However in some cases the investigator may decide that this is not necessary. For example in cases were the facts are beyond dispute (e.g. following admission in writing by the CSO or following a legal conviction).

iv) The CSO shall be given a minimum of five days' notice of the interview, which may be undertaken face to face or remotely using the Agency's security compliant options

v) If the CSO wishes to appear in person they may be accompanied (This may be any person to accompany the CSO and can be a Union representative or an employee).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;

vi) 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 or if criminal action or intent is evident or suspected.

vii) If the allegation raises concerns over the validity of the OCQ(V) qualification then the training provider will be notified so that they can consider the status of the qualification that the CSO has obtained.

36. The Agency shall notify the CSO's employer, as registered on the CSO's training record on the training provider's database, of the investigation.

37. 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.

38. 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.

39. At any point in time if, in the opinion of a Senior Veterinary Manager (not below Grade 6), there is sufficient evidence or concern that during the period of investigation the CSO may continue to undertake their official role in non-compliance with this policy, or that doing so may bring the UK system of controls into disrepute the CSOs authorisation will be suspended.

40. 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 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 provided the request is received in writing before the expiry of the 14 day period.

41. The investigator may decide that there is insufficient evidence to substantiate the alleged misconduct and recommend to the Senior Veterinary Manager that the case is closed. If the Senior Veterinary Manager agrees they will write to the CSO informing them of this.

42. The final report, which contains the investigator's recommendation, shall be forwarded to the review panel and copied to the Veterinary Director.

Decisions of the review panel

43. A review panel will be set up comprising two members, at least one of whom shall be an Agency MRCVS of Grade 6 and the other an official permanently employed by the Agency at a suitable level of seniority (Grade SEO or above). The investigator will not be a member of the review panel.

44. A member of the review panel will invite the CSO to a review panel meeting, which will usually be carried out face to face but may be carried out remotely. The CSO will be given at least five working days' notice of the date of the meeting. 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 meeting or in writing before the meeting. No expenses will be payable to the CSO for attendance at this meeting.

45. The CSO may be accompanied at the review meeting but the cost of their representative attending the meeting will be at their expense. The CSO must notify the member of the review panel who invited them to the meeting, that they will be accompanied by a representative no later than 72 hours before the appointed date of the interview.

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

47. 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. The panel will also set a period (maximum five years) before the CSO can re-apply for authorisation

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 FCCO for a specified period of time;

vii) Invalidation of relevant output where the review panel is sufficiently concerned that the CSO has not acted appropriately in performing the specific task.

viii) Referral to the LA or to the police if there is evidence that fraudulent or criminal acts may have been committed;

ix) Any other reasonable action that the Agency considers necessary.

48. 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.

49. 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.

50. The review panel will normally make a decision within five working days of the meeting and immediately communicate this in writing to the CSO. The findings and decision will be reported to the CSO in a letter sent to their personal email address.

51. The Agency will notify the CSO's employer, as registered on the CSO's training record on the training provider's database, of the outcome.

52. The review panel will send copies of all their documents to the Veterinary Director and the Agency's OV and RACE Teams.

53. In the event that authorisation is suspended or revoked and the allegation raises concerns over the validity of the qualification, OCQ(AHP) - CSO, then the training provider will be notified so that they can consider the status of the qualification that the CSO has obtained.

Appeals

54. 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's Veterinary Director and sent by either:

- email to APHA Corporate Correspondence (APHA.CorporateCorrespondence@apha.gov.uk) or
- letter to the following address:
  Corporate Correspondence
  APHA Weybridge
  Woodham Lane
  New Haw
  Addlestone
  Surrey
  KT15 3NB

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.

55. The Veterinary Director may within 14 days decide the appeal or on receipt of the appeal immediately appoint a Senior Veterinary Manager (not below Grade 6) who has not previously been involved in the case to decide the appeal on their behalf. The appointed person will have 14 days to decide the appeal.

56. 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.

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

Restoration of authorisation

58. 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 paragraphs 12-15, then full retraining will be required. Only after successful completion of retraining shall the CSO authorisation be restored. The CSO can apply to the Agency for permission to revalidate outside of the deadline. The Agency retains the right to grant or refuse permission based on the reasons provided for the request.

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

60. 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. For the avoidance of doubt there will be no extension of the Authorisation period.

61. When a CSO has had their authorisation removed as result of an investigation and a review panel decides that they can reapply for their authorisation at the end of the period set (maximum five years), their application for re-authorisation has to be reviewed and approved by the Veterinary Director. The Veterinary Director will consider if following the period of removal they are now fit to be a CSO.

62. If the review panel decides that there is no case to answer then their OCQ(AHP) - CSO will be reinstated automatically without referral to Veterinary Director.

Cessation of authorisation

Resignation

63. If a CSO resigns from authorisation a written or email confirmation must be sent to the Agency. If the CSO decides to resume CSO work, completion of the OCQ or re-validation will be required.

Retirement

64. If a CSO intends to retire and no further work is to be carried out on behalf of the Agency they must provide written or email notification to the Agency and indicate on their training record that they do not wish to revalidate the qualification.

Death of CSO during appointment

65. Upon notification that a CSO has died the Agency will:

- update the training provider and Agency IT system with the details and
- request that the Official Stamp is returned or seek assurance that it has been destroyed.

Annex 1: 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].

Data Protection:

For information on how we handle personal data visit www.gov.uk and search Animal and Plant Health Agency Personal Information Charter.

APHA is an Executive Agency of the Department for Environment, Food and Rural Affairs and also works on behalf of the Scottish Government, Welsh Government and Food Standards Agency to safeguard animal and plant health for the benefit of people, the environment and the economy.