

Food Safety Act 1990

Code of Practice No. 8:
Food Standards Inspections
(**Second Revision Autumn 1999** ~~July 1996~~)

CODE OF PRACTICE ON FOOD STANDARDS INSPECTIONS

(CODE OF PRACTICE No. 8 SECOND REVISION)

The sections in **bold type** are a Code of Practice issued under Section 40 of the Food Safety Act 1990, which food authorities must have regard to. The remaining text is for information only.

Introduction

- 1 This Code of Practice gives guidance to food authorities on the frequency and nature of food standards inspections. A separate Code of Practice gives guidance on food hygiene inspections (Code of Practice No. 9 Revised). Both of these Codes should be read in conjunction with Code of Practice No. 3: Inspection Procedures - General, which gives a definition of the term "inspection" and guidance on whether to give notice of inspection visits, the co-ordination of inspection visits, visits to premises outside the food authority's area and post-inspection procedures. The Appendix to this Code explains the application of the Food Safety Act to primary producers of food and food sources, such as farmers and growers.

- 2 **For the purpose of this Code of Practice:**

"food standards" means:

legal requirements covering the quality, composition, labelling, presentation and advertising of food and of materials or articles in contact with food.

"food standards inspection" means:

an inspection carried out in order to establish whether food standards are being met.

"Programmed inspection," means:

an inspection carried out as part of a planned programme.

Enforcement Policies

- 2a **Each food authority should have a documented policy on food standards enforcement including prosecution which is published and available to businesses and consumers. The enforcement policy should direct that any enforcement action, be it verbal warnings, the issue of written warnings, statutory notices, formal cautions and prosecution in England and Wales, is primarily based upon an assessment of the probable public benefit of a prosecution and the importance of the case. In Scotland the ultimate decision as to whether or not to prosecute rests with the Procurator Fiscal, and enforcement officers should liaise with him or her regarding those cases presented for prosecution.**

- 2b** In preparing and keeping up to date their enforcement policies food authorities should have regard to the advice issued by central government and by LACOTS (and in certain circumstances SFCC in Scotland)¹. Food authorities will wish to consider the provisions of the Crown Prosecution Service Guide in drafting their enforcement policy.

Official Control of Foodstuffs Directive (89/397/EEC)

- 4 This Directive is one of the key directives adopted by the European Community in order to bring about a single market in foodstuffs. One of its aims is to ensure that Member States can have confidence in each other's food law enforcement arrangements. The basic principle is that food should be inspected primarily at the point of production so that there is no need for regular border controls when food moves between Member States.

Products Intended for Sale Outside the United Kingdom

- 5 Under the EC Official Control of Foodstuffs Directive (EC 89/397) Member States must "ensure that products intended for consignment to another Member State are inspected with the same care as those intended for marketing on their own territory" and Member States may "not exclude a product from appropriate control on the grounds that it is intended for export outside the Community".
- 6 **Authorised officers should inspect products intended for sale anywhere within the European Community with the same care as they inspect products intended for sale in the United Kingdom. When inspecting manufacturing premises they should check that products intended for sale within the EC are manufactured and labelled either in accordance with United Kingdom legislation or in accordance with the requirements of the legislation of the Member State to which the food will be sold, if different from the United Kingdom requirements. (The labelling requirements of other Member States should be compatible with EC Directive 79/112 on food labelling).** Authorised officers are not expected to have a detailed knowledge of the legislation of other Member States but they may need to seek advice from appropriate sources.
- 7 **Authorised officers should not exclude products from inspection on the grounds that they are intended for export outside the European Community.**

Purpose of Food Standards Inspections

¹ In order to reflect the different legal and administrative systems in Scotland SFCC is the food co-ordinating body for Scotland in those areas where arrangements in Scotland differ from England and Wales. In such circumstances the SFCC and LACOTS will liaise to secure coincidence of advice and guidance as may be necessary.

- 3a** Food standards inspections are carried out to ensure that food standards requirements are met, consumers are provided with food that is properly presented, labelled and advertised, and that fair trading conditions are maintained in the food sector. In particular, a food standards inspection should include:-
- an assessment of the risk of the enterprise failing to meet food standards requirements;
 - a consideration of the existence and effectiveness of management systems designed to ensure that food standards requirements are met and, where they exist, testing their effectiveness;
 - an assessment of compliance with food standards requirements by examining labels, descriptions, menus, claims, recipes, other records and, if appropriate, taking samples;
 - offering advice on legal requirements and good practice;
 - initiating effective enforcement action in accordance with the authority's enforcement policy including, if appropriate, agreeing remedial action by the enterprise within a specified timescale;
- 3b** Officers should be aware that formal action may result from inspections, therefore the purpose of the inspection must also include the gathering of evidence in support of any legal action which may result from infringements detected during the inspection.
- 3c** The purpose of the food standards risk assessment is to establish a risk profile for businesses in the authority's area and enable the authority's planned inspection programme to be targeted proportionate to risk.
- 3d** Food Standards Inspections should cover all aspects of production from field to table excluding livestock farms. Inspections also offer an opportunity for finished foods and ingredients to be sampled for examination or analysis – refer to Codes of Practice 3 & 7 for more detail.
- 3e** Food Standards Inspections essentially have four main objectives which are:-
- To assess compliance with compositional and labelling requirements, product presentation and advertising.
 - Determine if any preventative action can be recommended which may reduce the likelihood of infringement.

- Detect breaches of legal requirements and where appropriate gather evidence to support formal action.
 - Assess the risk presented by the premises to determine the next inspection date.
3. ~~The purpose of food standards inspections is to ensure that food standards are being met and to ensure that the priority classification which determines the frequency of inspection for the premises has not changed.~~ Other activities such as the provision of general advice as part of enforcement duties can be a useful means of securing compliance with specific legislation. ~~Where possible authorised officers should seek to prevent contraventions. They should be prepared to offer advice where this is appropriate or is requested and discuss changes to a company's quality systems and labelling, (where appropriate in consultation with other food authorities, for example, the authority where the product was manufactured and/or the authority where a company's decision-making base is located). If authorised officers find that legal requirements are not being met, they should take whatever steps are necessary and appropriate to ensure compliance. Section C of Code of Practice No.2: Legal Matters gives guidance on deciding whether to prosecute and on taking legal proceedings.~~

Priority Planning and Programmes for Food Standards Inspections

- 8 Under the Official Control of Foodstuffs Directive, Member States have to draw up programmes for inspections of food premises and ensure that inspections are carried out “regularly”. (although the Directive does not define what is meant by “regularly”)
- 8a** Food authorities should maintain an accurate record of the food premises in their area. This record should include all premises which are subject to inspection under the Food Safety Act 1990 whether or not they are registered under the Food Premises (Registration) Regulations 1991.
- 9 Each food authority with responsibility for food standards should implement and maintain a documented programme for food standards inspections according to risk frequency and, as far as is practicable, ensure that inspection visits are carried out in accordance with that programme. Food authorities should observe the minimum inspection frequencies set out in paragraph 14.
- 9a** The authority's sampling strategy (see Code 7 Revised) should set out the consumer protection factors which will be used to determine the desired level of sampling to be undertaken during or following inspections of food premises.
- 10 There are some premises where the risks of infringement of food law are minimal but nonetheless the premises are used as food businesses. Such premises would require very infrequent inspections. It is for a food authority to decide whether

these premises should be included in their 5 year inspection programme or whether they should be put on a separate and less frequent schedule of visits. Where any premises in this schedule is subject to a justified consumer complaint or adverse sampling result it must be placed in the five year programme. There are other premises which may be considered as having no inspection risk for food standards purposes, e.g. child minders in domestic premises with less than four children or bed and breakfast accommodation with less than four rooms to let. These businesses will be very limited and could be deemed to fall outside an inspection programme and no risk assessment will be necessary. Agreed exceptions for Food Standards Programmes are detailed in Annex A (ii).

- 11 Non-manufacturing or non-processing premises dealing with food where labelling requirements are applicable should not be excluded from the food standards inspection programme. These include premises handling:

- non-prepacked foods
- foods prepacked for direct sale
- alcoholic drinks sold otherwise than prepacked
- food subject to "use-by" dates
- or
- foods labelled with nutritional information

Inspection Rating

- 12 Programmes should be based on an assessment of the risk that premises may fail to meet food standards, such as composition and labelling standards. They should give a higher priority to premises which present a higher risk to food standards. Food authorities should implement and maintain a system of priority classification of food premises in their area using the inspection rating system set out in Annex A in order to assess whether premises are likely to present a high, medium, or low risk to food standards. The scheme recognises that some food premises and businesses may present a greater food standards risk than others, even though they involve similar types of trading and could have a higher inspection rating for other areas of control such as fair trading, product safety or food hygiene. The scheme also recognises that risks could change from one visit to another depending on changing circumstances e.g. the introduction of a quality system.

~~Food authorities should have regard to all relevant and available information. This will include:-~~

- ~~— the effectiveness of the business' quality assurance systems (if any);~~
- ~~— the likelihood of the business failing to meet food standards (for example, any history of past failures);~~

- ~~—the type of business;~~
- ~~—the type of processes operated on the premises (if any);~~
- ~~—the number and volume of production lines (where applicable);~~
- ~~—the international, national or local importance of the business.~~

- 13 ~~It is not sufficient for food authorities to operate an inspection rating system based solely on the type of premises. An effective inspection programme should recognise that the frequency of the inspection will vary according to the type of food business, the nature of the food, the size of the business, and the procedures adopted by the food business to ensure compliance with legislation.~~

Timing of Inspections

- 16 To determine the timing of inspection visits ' food authorities should have regard to all relevant and available information. This may include:

- the factors used in risk assessment (listed in Annex A);
- seasonal factors (where applicable);
- the need to check compliance with new legislative requirements;
- the time which has elapsed since the previous inspection.

Some food premises only operate in the early hours of the morning, late at night or at weekends. An effective inspection programme will need to recognise that such food businesses should be visited outside normal food authority hours of work.

Frequency of Inspection

- 14 Once the food authority has determined the relevant extent of risk, as set out in Annex A, premises should be inspected within the following minimum frequencies:

Band	Minimum Frequency of Inspection
High	At least every year High risk premises should receive a minimum of one inspection during the calendar year. The inspection frequency should be a minimum of ten months from the previous inspection and a maximum of fourteen months.
Medium	At least every 2 years

Low

At least every 5 years

Minimal

At least every 10 years

15 Food authorities should regard these inspection frequencies as the minimum and may provide for more frequent inspections where they consider this appropriate especially for example, where the authority acts as the 'Home Authority' or is the originating authority for a manufacturer, whose products are to be distributed outside the UK.

15a Food authorities should endeavour to undertake an inspection of any newly registered food business within a period of 28 days following receipt of the application for registration. Any longer period which may be appropriate, would need to take account of the type of business being registered and any prior knowledge of the level of management competence displayed by the business.

15b The food authority's approach to the initial inspection of any unregistered food business of which they become aware should be documented as part of their inspection programme.

Urgent Action Outside the Inspection Programme

15c From time to time situations may occur which give rise to a need for food authorities to take urgent action outside their inspection programmes. In such situations central government departments may ask food authorities to take specific action. Food authorities are required to have regard to any communication issued under this paragraph. Any such communication will be clearly identified as being issued under paragraph 15c of Code of Practice No. 8 (Revised). It is expected that discussion will normally take place with the Local Authority Associations before action under paragraph [this para] is taken.

Explanatory note to consultees: This provision is intended to address situations where:-

- a food-related problem arises which requires urgent action to be taken to protect public health; and
- the food authority is deemed to be the appropriate body to undertake such action; and
- the situation could not reasonably have been anticipated in time to allow for it to be addressed by amendments to the Code of Practice.

The need for action under paragraph 15c is not expected to arise frequently. The circumstances in which this will occur are likely to fall into one of the following categories:-

- evidence emerges that an unsafe practice, which represents a significant hazard to public health, is occurring in certain settings
- a particular food handling or food preparation practice, previously thought to be safe, is found to entail a previously unsuspected hazard to public health
- a foodstuff previously thought to be safe is found, for whatever reason, to be hazardous to public health
- a particular food or foods, with national distribution, is/are found to be contaminated and thereby to present an imminent risk of injury to health.

This explanatory note will not be included in the published Code

In all cases, the appropriate central government department will, before taking action under paragraph [this para], determine that urgent action by food authorities is necessary to protect public health.

15d Food authorities may be asked to provide information about the action they have taken to central government departments. In response to all requests they should document the action that they have taken.

Combined Visits

18 Combining inspections with other activities on the same premises can help make effective use of food authority resources and minimise disruption to businesses. Section C of Code of Practice No.3 : Inspection Procedures - General gives guidance on co-ordinating inspection visits. Wherever it is practicable and appropriate to do so, particularly in response to

requests by businesses, both food standards and food hygiene inspections should be combined, especially where the food authority carries out both functions.

The Inspection

- 19 Authorised officers should use the checklist of points to inspect in a food standards inspection (see Annexes B and C). It is not necessary to inspect every point in the checklist at every inspection, nor is the list exhaustive. Particular attention should be paid to identifying key control points, mixing stages when additional ingredients are added, monitoring corrective actions and verification procedures and documentation. The taking of samples and their subsequent analysis and/or examination should form an integral part of inspection, wherever appropriate, particularly in the inspection of a manufacturing premises. ~~Before commencing an~~ At the appropriate point in the inspection the officer should ensure that the proprietor or representative is aware of the purpose of the visit to the premises and what the officer intends to do. Other reasons for inspection are to advise traders of the law and ways in which they can comply with it and this should be recorded within 'other points' within Annex B or C.
- 20 When exercising their power to inspect recipes and other trade secrets, authorised officers should bear in mind that it is an offence to disclose any trade secret (such as a secret manufacturing process) unless the disclosure is made in the performance of the officer's duty.
- ~~21. Authorised officers should bear in mind that legislation covering food contact materials and articles:~~
- ~~only applies to materials and articles in their finished state;~~
- ~~but applies whether or not they are in contact with food.~~

File Records

- 20a file records which may be computer based should include:
- information on the size and scale of the business;
 - information on the type of food activities undertaken by the business including any special equipment, processes or features;
 - copies of any correspondence with the company, [including documentation associated with approvals or licensing];
 - the existence and assessment of any documented quality system;

- details of other businesses which produce or import for the company;

- 20b** All inspection reports should be retained for a period of at least 2 years or until the next inspection whichever period is the longer, unless required for longer retention because of litigation or local ombudsman review.

Reports

- 22** On completion of the inspection the officer should discuss with the proprietor or representative a summary of matters which, in the opinion of the officer, breach the requirements of the Act or other regulations and any advice on good food standards practice the officer may wish to give. Report forms can cover other legislation (e.g. weights and measures) covered on inspection visits to food premises.
- 22a** Where requested, the food authority should advise the proprietor or representative of the inspection rating allocated to the business and be prepared to discuss the scoring applied. The food authority should emphasise that the inspection rating is a guide to the minimum frequency of inspection.
- 23** Authorised officers should report back in writing to the proprietor or representative after every programmed inspection and, where appropriate, after other inspections. Reports should include all items covered in the sample report forms at Annexes D and E. ~~The report should make it clear that it is not a notice requiring works to be carried out.~~ It should make clear which items on the form have been inspected. Food authorities may produce their own report forms. They may, for example, make use of self-carbonating paper or word processors. The report may be issued at the time of inspection.

Action to be Taken When Breaches of Regulations are Identified

- 23a** An authorised officer may wish to offer informal advice when poor practices are identified which do not constitute a breach of regulations or where "advice on good practice" or similar parts of Industry Codes or Recommended Practice, including central government Guidelines, have not been followed. This advice may be helpful to the proprietor and may be a relevant record for the authority in any assessment of the general standard of care exercised by the proprietor. Authorised officers should always confirm any advice in writing in the inspection report.
- 23b** In most instances prosecution should not be the first option although there will be circumstances, such as a deliberate action or where advice has been ignored, when a prosecution may be regarded as the most effective action.

- 23c** All authorised officers when making enforcement decisions should abide by their authority's documented enforcement policy. Departures from the policy should be exceptional, and the reasons for the departure should be documented on the premises file.
- 23d** A clear distinction between matters which are necessary to meet statutory requirements and those which are recommended as good practice should always be made when food authorities provide advice. They should also ensure that advice or interpretation of requirements contained in any word processed document or pre-printed letter, circular or advisory booklet, whether or not issued as part of an inspection, is accurate and reflects current practice. Food authorities should be prepared to discuss the requirements of any letter, circular or advisory booklet with the proprietor.
- 23e** The food authority should ensure, whenever possible, that informal written advice which is considered appropriate following an inspection is sent to the proprietor with the inspection report. Food authorities should ensure that copies of any inspection report, letters and notices are sent to the Registered or Head Office where this is not the premises visited.
- 23f** The food authority should have regard to guidance issued by central government. Where no central government guidance has been issued, the food authority should have been guided by any advice given by LACOTS. Where a food authority wishes to adopt an approach which is not consistent with that expressed by LACOTS [or SFCC] a national Co-ordinating body they should discuss their approach with that body.
- 28** ~~Food authorities should maintain a documented management system to monitor the quality and nature of inspections undertaken by their officers to ensure, so far as is practicable, that inspections are carried out to a uniform standard. The management monitoring system should also ensure that any interpretation and action taken by officers following an inspection is consistent with the authority's policy which should also have regard to any advice given by appropriate sources e.g. LACOTS, SFCC, and their local liaison groups.~~
- 29** Where issues of interpretation and inconsistency arise authorised officers should discuss areas of difficulty with colleagues in other authorities **including the relevant Home Authority**. Whatever problems are encountered, food authorities should avoid taking a unilateral decision on interpretation without seeking the views of other authorities or of a national co-ordinating body, e.g. LACOTS.

Co-ordination of Advice and Enforcement

- 31** The co-ordination of food authority advice and enforcement is essential to ensure uniformity of treatment and consistency in dealing with food businesses, especially those which have more than one branch or unit and these are situated in different food authority areas.

- 32 Each food authority should be guided by the LACOTS Home Authority Principle. Where a food authority is unable to adhere to this principle they should discuss their concerns with LACOTS and, should the matter not be resolved, with the relevant central government department.
- 33 Food authorities should be guided by LACOTS' home authority principle in determining which food authority should take the lead. The home authority should take responsibility for giving advice to food businesses which have more than one branch or unit situated in different food authority areas on matters relating to food standards legislation.
- 34 Food authorities considering giving detailed advice or taking enforcement action in relation to food businesses which have branches or units situated in other food authority areas should consider whether they need to contact the home authority before doing so. This may be necessary, for example, where the advice or enforcement action relates to centrally agreed policies or procedures of a food business. It would not be necessary, however, where such action relates to matters of an exclusively local nature.
- 35 Food authorities acting as home authority should recognise that whilst they will be providing advice to a particular food business whose decision making base is located in their area, there will be other similar food businesses in the same sector of the industry who have other food authorities acting as home authority, eg the different national chains of pizza houses. Groups of home authorities serving food businesses trading in the same sector of the industry should consider the benefits of regular liaison. LACOTS is willing to assist home authorities to develop these liaison arrangements.

Follow-up Visits

17. ~~Where an inspection brings problems to light, the food authority should arrange to carry out a further visit to the business if necessary. The timing of this follow up visit will depend on the report of the initial inspection and any necessary remedial action to be taken.~~

If contraventions of food standards or labelling regulations and/or poor practices are found during the programmed inspection, the food authority should arrange to carry out a further visit to the business. The timing of this visit will be determined by the action taken by the food authority as a result of the original inspection. Where significant breaches of standards and labelling regulations have been identified this re-visit should whenever practicable be undertaken by the same officer who undertook the original programmed inspection. The policy of the food authority regarding re-visits should be

included in the documented enforcement policy referred to in paragraphs 2a and 2b.

Monitoring of the Inspection Programme and the Quality of Inspections

48a Food authorities should maintain a documented management system to monitor adherence to the inspection programme and the quality and nature of inspections undertaken by their officers to ensure, so far as is practicable, that inspections are carried out competently and to a uniform standard.

48b The management monitoring system should include as a minimum, measures to monitor the following:

- adherence to the Food Authority's planned inspection programme.

- priority is given to inspecting the higher risk premises (high and medium bands).

- compliance with Food Safety Act Codes of Practice and central government guidance.

- compliance with internal procedures, policies and the Authority's enforcement policy.

- that risk ratings allocated are appropriate.

- that the interpretation and action taken by officers following an inspection is consistent within that authority and with LACOTS guidance.

Food authorities should consider undertaking joint exercises with adjoining authorities to assess their consistency of interpretation and approach.

~~H. SPECIALIST FOOD STANDARDS OFFICERS AND TEAMS~~

Qualifications of Inspectors

27 Food authorities with responsibility for food standards should appoint at least one officer ~~or team of officers with particular responsibility (possibly alongside their other responsibilities) for food standards matters.~~ with specialist knowledge and who has lead responsibility for food standards matters. Food authorities may establish a team of officers including suitably qualified food technologists, technicians or assistants with responsibility for such matters.

- 27a** In England and Wales the food authority should ensure that officers authorised to enforce the provisions of the Trade Descriptions Act 1968 in relation to food are competent and have the appropriate qualifications and experience.
- 27b** The food authority should notify the appropriate central government department of the name of the officer who has lead responsibility for food standards matters
- 25** From 14 September 1995, any inspections or investigations that require a higher level of training (e.g. examination of quality assurance systems) should only be carried out by authorised officers who have qualifications and experience in such matters. These duties will generally involve the inspection of high risk premises engaged in the manufacture and processing of foodstuffs. Officers appointed before 14 September 1995 without sufficient qualifications may continue to undertake inspections for the time being providing food authorities are satisfied they are sufficiently experienced to enforce the legislation. This exemption is extended to officers transferring between local authorities. These exemptions terminate on 30 September 2000 - (see Code of Practice No. 19).
- 26** All inspection of other premises must be carried out by officers meeting the general qualification requirements of paragraphs 7 and 9 of Code of Practice 19 (Revised). Officers appointed before 14 September 1995 who do not meet these requirements may continue to enforce legislation for the time being, providing the authority is satisfied that they are sufficiently experienced to do so until 30 September 2000².

Contractors

- 26a** Before employing any contractors to undertake inspection activities on behalf of the food authority the authority must be satisfied that staff to be used by the contractor will satisfy the qualification requirements set out above, that the staff are competent to undertake inspections and are aware of the authority's enforcement policy. Food authorities should monitor the inspections undertaken by contractors in accordance with its monitoring procedure.
- 26b** Provided each contracted person is individually authorised by the enforcement authority in writing, so that they are an "authorised officer" within the terms of the Food Safety Act, then they can exercise "powers of entry". It consequently follows that individuals who are not so authorised do not have "powers of entry".

² Officers authorised to undertake inspections of premises other than high risk (see Code 8) may continue to undertake inspections without the relevant qualifications set out in paragraph 7 of Code 19 until 30 September 2001.

Clothing and Equipment

- 34 **Food authorities should provide officers who carry out inspections with the necessary clean protective clothing including head gear consistent with good industry practice. ~~as appropriate~~. Officers should ensure that they wear protective clothing, give any information eg: health status, and adhere to any reasonable food safety precautions which are required by the company or organisation under inspection. Where the company or organisation provides its own appropriate protective clothing, this should be worn by the officer.**
- 35 **Food authorities should provide officers with all of the equipment necessary to carry out a full and detailed inspection to enable authorised officers to meet the expectations of this Code.**

Access to Information

- 35a Food authorities should ensure officers have convenient access to suitable, sufficient and up to date information to enable them to carry out competent inspections. This information should include all relevant legislation, Section 40 Food Safety Act Codes of Practice, Government and LACOTS guidance, and appropriate technical literature.**

APPENDIX

INSPECTION OF FARMS AND PRIMARY PRODUCERS OF FOOD AND FOOD SOURCES

1 The Food Safety Act does not differentiate between primary producers of food and food sources (for example, farms, horticultural crop producers, beekeepers, vineyards, and fish farms) and other types of premises. Instead Section 1(3) sets out the following definitions:

- *food source* means any growing crop or live animal, bird or fish from which food is intended to be derived;
- *a food business* is a business in the course of which commercial operations with respect to food or food sources are carried out;
- *food premises* are premises used for the purpose of a food business;
- *commercial operations* in relation to food cover a range of activities including selling, possessing for sale, delivering, preparing, labelling, storing, importing and exporting;
- *commercial operations* in relation to a food source mean deriving food from it for the purpose of sale or for purposes connected with sale.

2 A food source becomes *food* once it has been harvested, gathered, slaughtered etc. to be used for human consumption. Primary producers of *food* are running food businesses within the terms of the Act and it applies to them precisely as it applies to all other food businesses.

3 However, producers who handle only *food sources* (not food) and who do not carry out commercial operations in respect of them are *not* running food businesses within the terms of the Act. Examples include livestock farms or fish farms which sell only live animals or fish or nurseries selling only live plants.

4 The Act applies to farm shops precisely as it applies to other food shops.

Primary producers running food businesses

5 Food authorities should include premises used for food businesses in their regular inspection programmes. They should follow the guidance set out in this and other relevant Codes of Practice.

Primary producers not running food businesses

6 Food authorities do not need to include premises which are not used for food businesses in their regular inspection programmes.

- 7 Authorised officers of food authorities do nevertheless have powers of entry to such premises under Section 32 of the Food Safety Act in order to enforce the Act and relevant regulations made under it (for example, regulations covering food sources). They may visit such premises, for example, in order to investigate a problem which has arisen further down the food chain.

ANNEX A

CLASSIFICATION OF FOOD PREMISES

Basic Principles

- 1.1 All food premises should be subject to a detailed assessment based on the criteria detailed in this Appendix although Annex A(ii) should be taken into consideration.
- 1.2 A form which illustrates the system, and is suitable for use when operating it, is at Annex A (i). The officer should complete the form following an inspection either at the premises or subsequently in either hard copy or computer records and reassess on subsequent inspections if circumstances have changed, e.g. the introduction of a quality system or expansion of product range.
- 1.3 Officers should use the full range of scores available within the system to ensure a consistency of approach. It is recognised that professional judgement will play an important part in determining the rating band into which any premises should be placed.
- 1.4 The operation of the inspection rating scheme should be subject to periodic management review to ensure that the scheme is being used correctly.

2. Questions

The Potential Risk

- 2.1 The following four factors should be considered before determining the potential risk of premises, including those dealing with the manufacture of material and articles intended to come into contact with foodstuffs

(a) Type of business*

Score

- | | |
|----|-------------------------------------------------------------------------------------------------------------------------------|
| 5 | Primary producers – premises producing food intended for human consumption in an unprocessed state e.g. fruit and vegetables. |
| 5 | Distributors and transporters including importation (EU) and third countries and wholesaling. |
| 10 | Retailers (retail trade), Service sector (restaurants, canteens, caterers and public houses). |
| 15 | Manufacturers, including small scale production e.g. butcher, bakers, businesses packing from bulk supplies and processors. |

* Also see the most up to date 'Notes for Guidance' issued to local authorities in relation to the 'Official Control of Foodstuffs - Inspection Statistics', if further help is necessary.

(b) Range and quantity of product manufactured, packed, processed, labelled or sold

Score

0 No product manufactured, packed, processed or labelled;

5 Single, few - (this includes a single product, single or very few ingredients and one process);

10 Intermediate - (this includes several different products, multiple ingredients with few production stages where different ingredients are added);

15 Substantial - (this includes a wide range of different products, multiple ingredients with several production stages where different ingredients are added.

(c) Volume of production, including preparation, turnover and range of food standards legislation applicable to business.

Score

5 Little - (this includes businesses supplying local trade, for example high street or corner shop, local restaurant or local retail outlet.

10 Intermediate - (this includes businesses whose trade extends outside of the town or district, for example hyper-market, small manufacturers).

15 Substantial - (this includes larger manufacturers whose products are distributed nationally or Internationally including other Member States in the EU).

(d) Number of Consumers at Risk

The officer should consider the number of consumers/competitors likely to suffer economic loss, be misled by incorrect information, including health issues, or be subject to unfair commercial transactions if there is a failure in food standards procedures.

Score

0 Very few - (this includes premises supplying less than 20 consumers each day

5 Few - (this includes premises supplying local trade, for example high street or corner shop, local restaurant)

- 10 Intermediate - (this includes larger businesses whose trade extends outside of the town or district, for example hyper-market, small local manufacturer.
- 15 Substantial - (this includes manufacturers whose products are distributed nationally or internationally including other Member States in the EU).

Level of (Current) Compliance

- 2.2 The officer should take into consideration the size of the business, volume of trade and the range of food standards legislation applicable to its activities, e.g. manufacturer or retailer.

Score

- 0 Very good - high standard of compliance with statutory obligations. No evidence to suggest that accepted good trade practice is not followed, including, if applicable, codes of recommended practice
- 5 Good - high standards of compliance with statutory obligations and recommended trade practices but some improvements still possible
- 10 Average - some non-compliance with statutory obligations and recommended trade practices
- 15 Fair - number of areas which failed to comply with statutory obligations and recommended trade practices
- 20 Poor - general failure to comply with statutory obligations

Confidence in Management/Record Keeping/Control System Including Past History

- 2.3 Scope of question - the performance of management will be scored in question 2 on the basis of current practice. A management with good food standards performance well understood and adopted by staff should have achieved a good standard in question 2 and hence a low score.

The question on confidence is not meant to consider this aspect again, but to elicit a judgement from the inspecting officer on the likelihood of the maintenance of satisfactory compliance in the future.

Several factors will influence the officers' judgement including.

- (a) The 'track record' of the business, i.e. its willingness to act on previous advice. Previous history and identified failings should also be taken into account, including number of complaints for the type and size of business, incorrect analytical/examination results including labelling, prosecutions and cautions/warnings.

- (b) The attitude of the management towards food standards and the level of training.
- (c) The technical knowledge within the business on food standards matters, including the identification of key control points.
- (d) The technical/professional advice available to the business from external sources, e.g. research or trade associations.
- (e) The existence of a quality control system, or satisfactory documented procedures.
- (f) The business's attitude to home authority and/or originating authority liaison.

Score

0	Highly confident - good record of compliance. Adequate technical advice available. Have adequate quality control systems/records appropriate to the size of business. No reported failings since last assessment. Management having regard to the Home Authority Principle in relation to its business activities (if applicable)
5	Moderate confidence – reasonable record of compliance. Adequate technical advice available. Have adequate quality control systems/records with very few reported failings in relation to the size of its business. Management having regard to the Home Authority Principle in relation to its business activities (if applicable)
10	Some confidence - record of compliance satisfactory but some improvements still possible. Adequate technical advice available. Quality control systems/records need improving. Management having regard to the Home Authority Principle in relation to its business activities (if applicable)
15	Little confidence - varying record of compliance. Little appreciation of quality control procedures or record systems. Reported failings with formal action taken
20	No confidence - poor track record of compliance. No appreciation of quality control or recording systems. Reported failings with formal action taken

INSPECTION RATING

BAND	Points MIN	Range MAX	MINIMUM FREQUENCY OF INSPECTION
HIGH	60	100	(at least) every year high risk premises should receive a minimum of one inspection during the calendar year. The inspection frequency should be a minimum of ten months from the previous inspection and a maximum of fourteen months.
MEDIUM	45	59	(at least) every 2 years
LOW	10	44	(at least) every 5 years.
Negligible risk	0	Less than 10	

ANNEX A(i)

INSPECTION RATING SCHEME (FOOD STANDARDS)

PREMISES NAME:
 ADDRESS:

DATE OF INSPECTION
INSPECTING OFFICER

1. POTENTIAL RISK Points available

Points scored

(a) Type of business

Primary producers	5
Distributors/transporters including importation	5
Service sector	10
Retailers	10
Manufacturers, including small scale production e.g. butcher, bakers, packers and processors	15

(b) Range/quantity of product manufactured, packed, processed or labelled

None	0
Single-Few	5
Intermediate	10
Substantial	15

(c) Volume of production turnover.

Little	5
Intermediate	10
Substantial	15

(d) Consumer Risk

Very few	0
Few	5
Intermediate	10
Substantial	15

2. COMPLIANCE (CURRENT)

Very good	0
Good	5
Average	10
Fair	15
Poor	20

3. CONFIDENCE IN MANAGEMENT/CONTROL SYSTEM/PREVIOUS HISTORY

Highly Confident	0
Moderate Confidence	5
Some Confidence	10
Little Confidence	15
No Confidence	20

TOTAL POINTS SCORED

INSPECTION RATING

INSPECTION RATING

BAND	Points MIN	Range MAX	MINIMUM FREQUENCY OF INSPECTION
HIGH	60	100	(at least) every year high risk premises should receive a minimum of one inspection during the calendar year. The inspection frequency should be a minimum of ten months from the previous inspection and a maximum of fourteen months.
MEDIUM	45	59	(at least) every 2 years
LOW	10	44	(at least) every 5 years.
Negligible	0	10	

ANNEX A(ii)

EXEMPTIONS TO THE INSPECTION RATING SCHEME (FOOD STANDARDS)

LIST OF FOOD PREMISES AGREED BETWEEN CENTRAL GOVERNMENT AND LACOTS THAT NEED NOT BE INCLUDED WITHIN A LOCAL AUTHORITY'S INSPECTION PROGRAMME (SEE BELOW)

Examples: Child Minders based in private accommodation with facilities for no more than four children;
 Bed and Breakfast with no bar or restaurant facilities for non residents and with no more than four letting rooms

For the information of local authorities the above list is regularly updated after consultation between the two bodies and does not preclude an authority from adding any category, to their list of premises liable for inspection if in their judgement it justifies inclusion.

Periodically central government will request surveys of these premises to ensure that inclusion in this annex is appropriate.

ANNEX B

CHECKLIST OF POINTS TO INSPECT IN A FOOD STANDARDS INSPECTION

MANUFACTURING PREMISES

It is not necessary to inspect every point on this list at every inspection. The list is not exhaustive. Sampling and analysis/examination of samples should form an integral part of inspection where appropriate.

Some of the points below apply to manufacturers of food and to manufacturers of materials and articles in contact with food. Others apply only to manufacturers of food.

1. *Product Design and Recipe*
 - (a) Master manufacturing instructions
 - (b) Recipes
 - (c) Ingredients (including specifications and conditions of purchase).
2. *Raw Materials*
 - (a) Specifications
 - (b) Documentation
 - (c) Storage and stock rotation
 - (d) Materials and articles intended to come into contact with food.
3. *The Production Process*
 - (a) Plant, machinery and equipment
 - (b) Processes and processing methods
 - (c) Operating instructions and training
 - (d) Semi-finished products
 - (e) Automated process control tests
 - (f) Identify key control points e.g. the addition of certain ingredients within the production process.
 - (g) Records of checks on the accuracy and effectiveness of (a)-(f) above.
4. *Quality Systems*
 - (a) Monitoring procedures and their design base including sampling
 - (b) Analytical procedures and controls
 - (c) Records
 - (d) Acceptance/rejection systems including arrangements for corrective action, recall and/or re-labelling products and segregation of goods
 - (e) Procedures for dealing with consumer complaints.
 - (f) Staff training

5. *The Completed Product*
 - (a) Specification
 - (b) Composition and quality
 - (c) Packaging materials.

6. *Storage and Distribution*
 - (a) Goods in storage and distribution
 - (b) Systems for segregating goods.

7. *Product Labelling*
 - (a) Labels
 - (b) Advertisements
 - (c) Presentation.

8. *Other points* (as appropriate)

ANNEX C

CHECKLIST OF POINTS TO INSPECT IN A FOOD STANDARDS INSPECTION

NON-MANUFACTURING PREMISES

(for example, processors, packers, warehouses, importers, retailers, caterers, farms)

It is not necessary to inspect every point on this list at every inspection. The list is not exhaustive. Sampling and analysis/examination of samples should form an integral part of inspection where appropriate.

1. *Quality Systems*
 - (a) Stock control procedures
 - (b) Sampling and analytical procedures if applicable,
 - (c) Records
 - (d) Acceptance/rejection systems including corrective action procedures.
 - (e) Procedures for dealing with consumer complaints
 - (f) Staff training
2. *Product Packaging and Labelling*
 - (a) Prepacked goods
 - (b) Non-prepacked goods
 - (c) Advertisements
 - (d) Date marking.
3. *Materials and Articles in Contact with Food*
4. *Other Points* (as appropriate).

Note: When inspecting manufacturing facilities at these premises (for example, an in-house bakery in a supermarket or a butcher's shop manufacturing meat products) use the checklist at Annex B.

ANNEX D

POINTS TO INCLUDE IN A REPORT OF A FOOD STANDARDS INSPECTION CARRIED OUT UNDER THE FOOD SAFETY ACT 1990

(Food authorities may design their own forms)

MANUFACTURING PREMISES

1. Name and address of premises.
2. Person(s) seen/interviewed.
3. Type of premises.
4. Date and time of inspection.
5. Points inspected. (Tick if *any* point within the category was inspected - a tick does not signify that every item was inspected).
 - (i) *Product Design and Recipe*
 - (a) Master manufacturing instructions
 - (b) Recipes
 - (c) Ingredients (including specifications and conditions of purchase).
 - (ii) *Raw Materials*
 - (a) Specifications
 - (b) Documentation
 - (c) Storage
 - (d) Materials and articles intended to come into contact with food
 - (iii) *The Production Process*
 - (a) Plant, machinery and equipment
 - (b) Processes and processing methods
 - (c) Operating instructions and training
 - (d) Semi-finished products
 - (e) Automated process control tests
 - (f) Records of checks on the accuracy and effectiveness of (a)-(e) above.
 - (iv) *Quality Systems*
 - (a) Sampling Procedures
 - (b) Analytical procedures
 - (c) Records
 - (d) Acceptance/rejection/segregation systems
 - (e) Procedures for dealing with consumer complaints.

- (v) *The Completed Product*
 - (a) Specification
 - (b) Composition, quality
 - (c) Packaging materials.

- (vi) *Storage and Distribution*
 - (a) Goods in storage and distribution
 - (b) Systems for segregating goods.

- (vii) *Product Labelling*
 - (a) Labels
 - (b) Advertisements
 - (c) Presentation.

6. Details of any samples procured, e.g. description, batch number.

7. Comments and conclusions.

8. Advice.

9. This report only covers the areas inspected at the time of the inspection. It does not indicate compliance with any provision of the Food Safety Act 1990 or of any regulations under it. It is not a notice requiring works to be carried out.

10. Signed.....

Name (in block capitals).....

Date.....

ANNEX E

POINTS TO INCLUDE IN A REPORT OF A FOOD STANDARDS INSPECTION CARRIED OUT UNDER THE FOOD SAFETY ACT 1990

(Food authorities may design their own forms)

NON-MANUFACTURING PREMISES

1. Name and address of premises.
2. Person(s) seen/interviewed.
3. Type of premises.
4. Date and time of inspection.
5. Points inspected: (Tick if *any* point within the category was inspected - a tick does not signify that every item was inspected).
 - (i) *Quality Systems*
 - (a) Sampling procedures
 - (b) Analytical procedures
 - (c) Records
 - (d) Acceptance/rejection systems
 - (e) Procedures for dealing with consumer complaints.
 - (ii) *Stock Rotation*
 - (iii) *Product Packaging and Labelling*
 - (a) Prepacked goods
 - (b) Non-prepacked goods
 - (c) Advertisements
 - (d) Presentation.
 - (iv) *Materials and Articles in contact with food*
 - (v) *Other points (as appropriate)*
6. Details of any samples procured, e.g. description, batch number.
7. Comments and conclusions.
8. Advice.

9. This report only covers the areas inspected at the time of the inspection. It does not indicate compliance with any provision of the Food Safety Act 1990 or of any regulations under it. It is not a notice requiring works to be carried out.

10. Signed.....

Name (in block capitals).....

Date.....