

Food Safety Act 1990

(as amended)

Code of Practice No. 9:
Food Hygiene Inspections:
(Second Revision October 2000)

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Code of Practice on Food Hygiene Inspections

(Code of Practice No. 9 Second Revision October 2000)

This Code of Practice is issued under section 40 of the Food Safety Act, as amended ("the Act"). The Code is set out in bold print. Notes for guidance, which are in plain text, are not provisions of the Code but are guidance to the food authorities and others about its application and interpretation. This Code supersedes Codes of Practice No. 9 (Revised) September 1995 and Annex 1 Inspection Rating – The Priority Classification of Food Premises Revised August 1997.

Introduction

1 This Code of Practice gives guidance to food authorities on the frequency and nature of inspections carried out to assess the hygiene of premises and the public health protection aspects of food law. Annex 1 to this Code contains a scheme to determine the minimum frequency of inspection based on an evaluation of risk. This revised Code also includes guidelines on inspections under other product-specific food legislation.

2 **This Code of Practice and Code of Practice No. 8 (Revised) (which gives guidance on food standards inspections) 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.**

3 Chapter II of this Code gives guidance to Food Authorities on the approach to the enforcement of the Food Safety (General Food Hygiene) Regulations 1995. Advice on these Regulations is specifically identified in the text. Chapter III contains a number of Annexes. Annex 1 describes the Inspection Rating Scheme referred to in Chapter I of this Code. Annex 2 to this Code explains the application of the Food Safety Act to primary producers of food and food sources, such as farmers and growers. Annex 3 is the specimen form of Report containing the information which food authorities should include in their report after each inspection.

Enforcement Policies

4 Each food authority should have a documented policy on food safety enforcement including prosecution which is published and available to businesses and consumers. In Scotland the ultimate decision as to whether or not to prosecute rests with the Procurator Fiscal, and enforcement officers should liaise with the Procurator Fiscal regarding those cases presented for prosecution.

5 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 should consider the provisions of the Code for Crown Prosecutors in drafting their enforcement policy.

6 Authorised officers should be prepared to offer advice where this is appropriate or is requested particularly to small and medium sized enterprises and encourage food businesses to adopt good food hygiene practice. Published UK or EU Industry Guides to Good Hygiene Practice² may be particularly relevant to certain premises subject to the Food Safety (General Food Hygiene) Regulations 1995 as will other published recommended Industry Codes of Practice³.

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

7 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 others' 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.

- 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 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.
- 2 References to "UK Industry Guides to Good Hygiene Practice" in this Code mean Guides that are recognised by UK Government as Guides that are presumed to comply with the Food Safety (General Food Hygiene) Regulations 1995. "EC Industry Guides" are those recognised by the European Community as Guides presumed to comply with Article 3 of the EC Food Hygiene Directive.
- 3 The Institute of Food Science and Technology (IFST) publishes a comprehensive list of Guides and Industry Codes of Practice issued by a variety of bodies. Listing of Codes of Practice Applicable to Foods (1993). Details of Additional Guides and Industry Codes can be found in the IFST publication 'Good Manufacturing Practice' 4th Edition 1998.

Products Intended for Sale for Human Consumption Outside the United Kingdom

8 Under the Official Control of Foodstuffs Directive, 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”.

9 **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 EU are manufactured in accordance with United Kingdom legislation.**

10 **Authorised officers should not exclude products from inspection on the grounds that they are intended for export outside the Community.**

Chapter I: Purpose of Food Hygiene Inspections

11 Whilst the primary responsibility for identifying food hazards and controlling risks rests with food businesses, food hygiene inspections undertaken by food authorities have the following purposes:

- to establish whether food is being handled and produced hygienically;
- to establish whether food is, or will be having regard to further processing, safe to eat;
- to identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food.

With this in mind, the main objectives of a food hygiene inspection are the:

- Determination of the scope of the business activities and of the relevant food safety legislation that applies to the operations taking place at the premises.
- Thorough and systematic gathering and recording of information, from observations and discussions with food handlers, managers and proprietors.
- Identification of potential hazards and associated risks to public health.
- Assessment of the effectiveness of process controls to achieve safe food.
- Assessment of the hazard analysis or Hazard Analysis and Critical Control Point (HACCP) based food safety management system operated by the business.
- Identification of specific contraventions of food safety legislation.
- Consideration of appropriate enforcement action, (proportionate to risk), to secure compliance with food safety legal requirements.

- Provision of advice and information to food business proprietors and food handlers.
- Recommendation of practical, good food hygiene practices, in accordance with Industry Guides and relevant sector specific codes of practice where appropriate.
- The promotion of continued improvements in food hygiene standards through the adoption of good practice.

Priority Planning and Programme of Food Hygiene Inspections

12 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”).

13 Each food authority should set up and maintain a database of food premises in its area and have a documented procedure to ensure its food database is accurate and up to date.

14 Each food authority with responsibility for food hygiene should implement and maintain a documented programme for food hygiene inspections and, as far as 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 17.

15 Some food premises and businesses will present a higher risk to the consumer than others. 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 degree of handling and the size of the business. **Those premises posing a higher risk to the consumer should be inspected more frequently than those premises with a lower risk.**

16 Food authorities should implement and maintain the scheme of priority classification of food premises in their area using either the inspection rating scheme set out in Annex 1 or by adopting a scheme which operates to similar principles and results in at least the same minimum inspection frequencies. The scheme takes account of management practices and past compliance with the legislation in determining likely future risk. Well-run businesses with good comprehensive internal control systems, (and possibly their own effective inspection programme or external third party inspections) will not need to be inspected with the same frequency as similar businesses which do not have such management control systems.

Frequency of Inspection

17 Once the food authority has determined the relative extent of risk as set out in Annex 1, premises should be inspected within the following minimum frequencies:

Category	Minimum Frequency of Inspection
A	at least every 6 months
B	at least every year
C	at least every 18 months
D	at least every 2 years
E	at least every 3 years
F	at least every 5 years

18 Food authorities should regard the inspection frequencies set out in paragraph 17 as the minimum and may provide for more frequent inspections where they consider this appropriate for example, where the authority acts as the 'Home Authority' or is the originating authority for a business whose products are to be widely distributed.

Need to Reschedule Inspection Programmes

19 From time to time situations may occur which give rise to a need for food authorities to take urgent action to reschedule their inspection programmes. In such situations the Food Standards Agency may ask food authorities to take specific action. Food authorities are required to have regard to any communication issued under this paragraph.

20 It is expected that discussions will normally take place with LACOTS before food authorities are asked to reschedule their inspection programmes. In all cases, the Food Standards Agency will, before taking action under paragraph 19, determine whether urgent action by food authorities is necessary to protect public health.

21 Food authorities may be asked to provide information about the action they have taken to the Food Standards Agency. They should document the action that they have taken in response to requests for action under paragraph 19.

Combined Visits

22 Combining a food hygiene inspection with another visit to the same premises can help make effective use of food authority resources and minimise disruption to businesses. Wherever it is practicable and appropriate to do so, a food hygiene inspection should be combined with:

- a food standards inspection where the officer, or the food authority, is responsible for the enforcement of both food hygiene and food standards matters;
- another visit for food hygiene purposes (for example, to investigate a complaint or a problem which has arisen further down the food chain or to respond to a request for advice).

The Inspection

23 Whilst the legal requirements in relation to “own checks” regimes in product-specific food hygiene regulations (referred to as “Vertical” regulations) and the hazard analysis requirements in the Food Safety (General Food Hygiene) Regulations 1995 (referred to as “Horizontal” regulations) differ the purpose of the inspection remains the same. However the approach to the inspection will depend on the legal requirements and the extent to which the business has documented their food safety management approach.

24 **A Food Hygiene Inspection should include:**

- a review of the information held on record by the food authority in relation to the food business;
- a preliminary discussion with the duty manager/proprietor which should include:
 - an explanation by the officer of the purpose of the inspection;
 - identification of all the food related activities undertaken by the business e.g. the areas of the premises used for the preparation/production/storage of foodstuffs, the processes used, and the staff involved;
 - identification of the customer base of the business;
 - identification of any food safety management systems that may be in use;

- an assessment by the officer of the hazards posed by the business's activities;
- an assessment of the manager's/proprietor's understanding of the hazards posed by the business and the application of appropriate controls;
- an examination of any documented food safety management system/hazard analysis;
- an assessment of the provision of supervision and instruction and/or training of staff;
- a discussion with any staff responsible for monitoring and corrective action at critical control points to confirm that control is effective;
- a physical examination of the premises to assess if all the critical controls have been identified, whether those controls are in place and to assess compliance with the relevant legislation;
- an assessment whether to take microbiological or chemical samples;
- a closing meeting with the duty manager/proprietor which should include:
 - a discussion regarding any hazards that have been identified by the officer that have not been covered by the business's systems;
 - a discussion regarding any failure to implement or monitor any critical controls that have been identified by the business;
 - a discussion regarding any contravention of the relevant legislation;
 - any recommendations of best practice the business may wish to consider;
 - a discussion regarding the timescale for any corrective actions needed and any follow-up action the officer intends to take.

In this closing meeting and in subsequent reports (see paragraph 26) officers should clearly differentiate between work required to comply with legal requirements and recommendations of best practice.

25 Further guidance is available in aides-memoire issued jointly by the Food Standards Agency and LACOTS. These are intended to assist officers and to introduce a more structured approach to the inspection process consistent with international quality assurance practice. The aides-memoire relevant to the business being inspected should be regarded as the minimum considered by officers conducting an inspection. However, where officers undertake an inspection which does not include all elements covered by an aide-memoire then this should be recorded on the premises file and the implications recorded on the report of the inspection (Annex 3). Monitoring for compliance with aides-memoire should be conducted as part of the management review referred to in paragraph 45.

Reports

26 A food hygiene inspection should include the following:

- a written report to the business. The report of the inspection should confirm all the matters discussed at the closing meeting. A report should be issued even if the standards found were satisfactory. All reports of the inspections shall at least contain the information detailed in Annex 3;
- a record of the inspection findings and outcomes made on file.

Review of Inspection Rating

27 Officers should review the scores allocated to the premises following each inspection (see Annex 1 paragraph 1.2). Officers should not reduce the inspection rating of premises originally rated A or B without consultation with the authority's identified lead officer with responsibility for food hygiene and food safety matters or agreement from a relevant senior officer.

Documentation

28 Although it is recognised that many businesses have developed their own systems of hazard analysis the proprietors of food premises undertaking food processes referred to in paragraphs 2.5 to 2.8 in Annex 1 should be encouraged to document, and monitor these controls.

File Records

29 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;
- an assessment of the company's compliance with the appropriate hazard analysis requirement, or HACCP requirement (referred to as 'own checks') in product-specific food hygiene regulations;
- information on the hygiene training undertaken by employees;
- for premises approved under product specific hygiene legislation details of any derogations in force, details of approved products and cleaning methods employed.

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, local ombudsman review or the policy of the food authority.

Unit Inspection

30 Authorities may wish to consider whether "unit inspection" would be a useful concept for them to include in their priority system. Unitisation of large premises into sub-divisions allows each sub-division or unit to be separately assessed and separately inspected. Such a system might be particularly useful where food hygiene inspection of a unit, for example a restaurant in a department store, is likely to be needed more frequently than for the rest of the premises.

Timing of Inspections

31 Some food businesses 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.

Action to be Taken when Breaches of Regulations are Identified

32 An authorised officer has a range of options available when breaches of hygiene or processing regulations are identified during an inspection. Advice on the enforcement action possible is included in Code of Practice No. 5 (Revised): The Use of Improvement Notices and Code of Practice No. 6: Prohibition Procedures.

33 An authorised officer should offer 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 Guides to Good Hygiene Practice or recommended industry codes of practice 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 (see paragraph 26).**

34 All authorised officers when making enforcement decisions should follow 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.

35 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.

36 The food authority should ensure, whenever possible, that any improvement notices, or written advice which is considered appropriate following an inspection is sent to the proprietor with the report of the inspection. Food authorities should ensure that copies of letters and the reports of inspections, are sent to the registered or head office where this is not the premises visited.

37 The food authority should have regard to guidance issued by central government. Where no central government guidance has been issued, the food authority should be 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 they should discuss their approach with them before undertaking any action unless any delay is likely to prejudice public health protection.

38 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 LACOTS.

Co-ordination of Advice and Enforcement

39 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 who have more than one branch or unit and these are situated in different food authority areas.

40 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 Food Standards Agency.

41 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 hygiene and food safety policy and legislation.

42 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.

43 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, e.g. 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

44 If contraventions of food hygiene or processing regulations and/or poor hygiene 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 hygiene 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 paragraph 4.

Monitoring of the Inspection Programme and the Quality of Inspections

45 Food authorities should maintain documented monitoring procedures to monitor adherence to the inspection programme and the quality and nature of inspections undertaken by their officers or staff supplied under contract to ensure, as far as practicable, that inspections are carried out competently and to a uniform standard. These procedures will form part of the documented monitoring arrangements required by the Food Law Enforcement Standard.

46 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 (A to C);
- compliance with Food Safety Act Codes of Practice and central government guidance;
- that officers have due regard to published UK or EU Industry Guides to Good Hygiene Practice;
- compliance with internal procedures, policies and the authority's enforcement policy;
- that the inspection ratings allocated (Annex 1) are appropriate;

- **that the interpretation and action taken by officers following an inspection is consistent within that authority, and is consistent with central government and/or LACOTS guidance.**

Food authorities should consider undertaking joint exercises with adjoining authorities for example by adopting the LACOTS approach to Inter-Authority Auditing to assess their consistency of interpretation and approach.

Clothing and Equipment

47 Food authorities should provide officers who carry out inspections with the necessary clean protective clothing including head gear consistent with good industry practice. Officers should ensure that they wear protective clothing, give any relevant information on health status when requested, 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.

48 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

49 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, UK or EU Industry Guides to Good Hygiene Practice, central government and LACOTS guidance, and appropriate technical literature⁴.

⁴ See footnote Nos. 2 and 3 on page 2.

Chapter II: Food Safety (General Food Hygiene) Regulations 1995

Requirement for Hazard Analysis Systems

50 The ways in which businesses identify food hazards and identify and implement control and monitoring procedures at critical points will vary greatly, depending on the type of business, the size of operation, the food safety hazards associated with that operation, and risks to public health. In certain high risk businesses and operations, a formal, documented hazard analysis system based on specialist advice may be necessary to establish effective controls. Authorised officers may therefore wish to encourage documented hazard analysis systems in such situations, although documents are not an express legal requirement.

51 In other businesses, the hazard analysis should still follow a structured approach to identifying hazards and controlling risks, but could rely on generic advice on the hazards and necessary controls in such businesses, including advice in UK or EU Industry Guides to Good Hygiene Practice. Levels of documentation, where this is appropriate, to record the critical control points identified and monitoring will vary according to the factors stated in paragraph 50.

52 Lower risk operations are unlikely to need formal, documented hazard analysis systems. The smaller span of control in smaller businesses is a relevant factor in assessing risk and therefore in determining whether a formal hazard analysis system is needed. **In the case of lower risk operations, inspections should aim to establish that adequate controls rather than a formal system are in operation.**

53 UK or EU Industry Guides to Good Hygiene Practice contain advice on these issues. **Authorised officers must give due consideration to Industry Guides and should have regard to any advice issued by the Food Standards Agency or LACOTS.** (See below for general advice on enforcement of hazard analysis requirements.)

Requirements for the Supervision and Instruction and/or Training of Food Handlers

54 The requirements of the Food Safety (General Food Hygiene) Regulations 1995, relating to the supervision and instruction and/or training of food handlers, apply except where there are specific requirements for training in product-specific food hygiene regulations. More specific advice may be given on the latter in other Codes of Practice.

55 The level and content of supervision and instruction and/or training for food handlers is a responsibility placed on the food business to determine, having regard to the nature of the business and the role played by food handlers within it. The supervision and instruction and/or training should however be commensurate with the food handlers' work activities.

Matters to be Considered in Assessing the Level of Supervision and Instruction and/or Training

56 Any such assessment should give due consideration to relevant UK or EU Industry Guides to Good Hygiene Practice. The guidance in paragraphs 58 to 61 applies particularly where there is no relevant UK or EU Industry Guide.

57 In assessing whether the level and content of any supervision and instruction and/or training provided meets legal requirements, the food authority should consider the relative risk of operations, in the same way as for other aspects of the inspection.

58 UK food hygiene and processing regulations do not define 'food handler'. The term may encompass factory operatives, shop assistants, catering staff and includes volunteers and staff recruited temporarily. In any initial assessment of needs for supervision or for instruction or for training, a comprehensive definition should be used, encompassing any and all staff handling food in any form. The staff covered will, therefore, be very wide ranging in their needs for supervision and instruction and/or training, eg, from those handling only packaged, ambient stable foods, who may need only simple instruction on safety measures, to staff handling high risk, open foods who will usually need a form of structured training, which should be updated at intervals.

59 The level of training which a food authority can expect in respect of all persons handling high risk open foods is that of the equivalent of training contained in the basic or certificate food hygiene course accredited by the CIEH, REHIS, RSH, RIPHH, SOFHT and other similar training organisations. In-house training may be able to provide an equivalent level of training, even if the training is not accredited by such organisations. "Equivalent" in this context means equivalent in training standard – course content must also be appropriate.

60 In assessing the level of supervision and instruction and/or training which should be expected of food businesses dealing with low risk foods, the food authority should recognise that in many cases the provision of suitable written or oral advice to a food handler and active supervision may be sufficient to satisfy legal requirements.

61 Where businesses decide not to include an examination in any training programme they may have, particularly for staff dealing with high risk foods, authorised officers may wish to assess the level of food hygiene awareness during their routine inspections. Where the authorised officer has identified food hygiene problems which lead the officer to have concerns over the level of food hygiene awareness, the officer should discuss them with the proprietor.

Advice to Food Business Proprietors on the Supervision and Instruction and/or Training of Food Handlers

62 Some food businesses, particularly the smaller and independent businesses, may seek advice from the food authority on how to meet training requirements. Food authorities should try to be helpful in response to such requests. In the absence of relevant UK or EU Industry Guides, the food authority may wish to direct the proprietor to any of the recognised training organisations. In doing so the food authority should avoid showing favour to any particular organisation.

63 In giving any advice or guidance on the training of food handlers, the food authority should not state or imply that attendance at any particular course provided by any training organisation is an express requirement, including any training course run by the food authority.

Other Requirements

64 Food authorities should appreciate that, while certain requirements of these Regulations impose minimum hygiene standards which apply to all relevant food businesses, many other requirements of these Regulations are explicitly related to risk, ie, they recognise by use of terms such as "where necessary" or "where appropriate" that certain requirements should not apply to all food businesses or operations, as they are not always necessary to achieve food safety. **Authorised officers should have regard to food businesses' own hazard analysis, where this has been properly carried out, in determining how the Regulations apply to food businesses.**

65 In all cases, food authorities should have regard to the risk to food safety when assessing the way in which a food business complies with that requirement. When determining the risk to food safety or wholesomeness of a food, authorised officers must have regard to the manner in which food is handled and packed, and any process to which the food is subjected before supply to the final consumer, and the condition under which it is displayed.

66 Authorised officers must also give due consideration to any relevant UK or EU Industry Guide to Good Hygiene Practice in determining how the Regulations apply to food businesses and particularly when the terms “where appropriate” or “where necessary” are used in the Regulations. UK or EU Industry Guides may be used voluntarily by food businesses as a guide to compliance with the Regulations. This means that other means of achieving the safety requirements of the Regulations may be acceptable, provided those safety requirements are actually met.

67 The Regulations in some cases allow for alternative materials to those specified to be used, providing that the food business operator “can satisfy the food authority” that the materials used are appropriate. This does not mean that businesses are required to apply to food authorities before using these materials, although some businesses may find it helpful and prudent and they may be encouraged to do so.

68 Where materials are used which would not normally satisfy the requirements, food businesses should be able to demonstrate the adequacy of alternative materials including their understanding of any risks associated with their use. Authorised officers must give due consideration to any relevant UK or EU Industry Guide to Good Hygiene Practice in considering requests. They should also have regard to any hazard analysis carried out by the food business. Where a food business proprietor has satisfied an authorised officer that materials other than those specified in the Regulations are appropriate, having regard to the risk the material would present to food safety and wholesomeness, the food authority should confirm that fact in writing. This will reduce the risk of different interpretations being given over time. Food authorities are encouraged to discuss their responses to such requests in local Food Liaison Groups and to communicate their policies on use of alternative materials to food businesses, although it is recognised that some experience of the operation of the Regulations may be needed before this is possible. See also the reference in this Code on co-ordination of advice and enforcement.

69 Where there is no UK or EU Industry Guide relevant to the food business, food authorities should have regard to food businesses’ own hazard analysis, where this has been properly carried out, in determining how the Regulations apply to food businesses. Where there are no relevant Industry Guides, the following guidance may be helpful.

70 Chapters I to X of Schedule 1 to the Regulations provide basic food hygiene requirements, including design requirements, for food businesses. The application of the requirements, eg that in paragraph 3 of Chapter I for “adequate washbasins” and interpretation of requirements “where necessary” or “where appropriate”, will vary according to the nature of the

business, the nature of the food, and the risk associated with the way the food is handled. **In the absence of a relevant Industry Guide and where the business does not have a hazard analysis system, authorised officers may question the food business operator's awareness of risks in the business and should question any assumption that requirements for structures, equipment, and premises normally accepted in the trade do not apply to the business. Food authorities should have regard to paragraphs 40 and 42 in interpreting these requirements.**

71 Requirements in Schedule 1, Chapter III for moveable, temporary, domestic, and other premises are nearly all qualified by the term "where necessary" and an overarching requirement related to practicability. **Authorised officers should pay particular regard to the practicalities of requirements, especially where small-scale or occasional operations are involved.** The emphasis in this Chapter is on food handling practices which effectively prevent the contamination of food.

Approach to Enforcement

72 The following paragraphs give general advice on the approach to enforcement of these requirements. See above for specific advice on enforcement of the Food Safety (General Food Hygiene) Regulations 1995 relating to hazard analysis systems and food hygiene training.

73 **Food authorities should adopt a graduated approach to enforcement. As the first step towards securing compliance, the authorised officer should adopt an educative approach and discuss the requirements of the legislation relating to hazard analysis and to supervision and instruction and/or training with the proprietor.** The aim should be to encourage the adoption of a preventive approach to food safety, even where there is no immediate risk to public health apparent at the time of inspection.

74 **In considering formal approaches to enforcement, food authorities should take account of whether there is also evidence of a significant breach of other food hygiene requirements. Clear breaches of requirements relating to hazard analysis systems and food hygiene training would normally be expected to lead to significant breaches of other food hygiene requirements.** The objective of a hazard analysis system, for example, should be to have effective food hygiene controls in place. Where effective controls are in place which achieve food safety and meet other food hygiene requirements, but a satisfactory hazard analysis system is not in place, and/or the training requirement is not met, formal enforcement action will be based largely on a judgement of the effect of these breaches on the future safety of food within the business. Authorised officers should take particular care with formal enforcement action in these situations for low risk businesses.

75 In the absence of any evidence which indicates a significant breach of other food hygiene requirements, food authorities may nevertheless consider a formal approach to enforcement where:

- the business involves high-risk operations;
- the breaches of requirements relating to hazard analysis systems or those relating to supervision and instruction and/or training would be likely to lead to significant breaches of other food hygiene requirements, if not remedied, and in so doing give rise to an unacceptable risk to food safety. This might apply, for example, where there has been a general failure to set up a hazard analysis system, but may not be appropriate where there was a minor error in the analysis, or in the controls instituted, or any error or absence of documentation;
- the food business has failed to respond to an informal, educative approach.

76 Where food authorities find it necessary to adopt a formal approach to the enforcement of the requirement relating to the supervision and instruction and/or training of food handlers, they should not invite the business to participate in food hygiene training which is provided by the authority because of the potential conflict of interest.

Annex 1: Inspection Rating – The Priority Classification of Food Premises

Third Revision: October 2000

1 Basic Principles

1.1 All food premises should be subject to a detailed assessment based on the criteria detailed in this Annex.

1.2 A form which illustrates the system, and is suitable for use when operating it, is at Annex 1(i). The officer should complete the form following an inspection and review the score at any subsequent inspection.

1.3 Officers should use the full range of scores available within this system, as the purpose of the rating system will be frustrated by cautious marking or by a reluctance to recognise management/control systems.

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 by staff and to discuss and amend their scoring criteria accordingly⁵.

2 Part 1: The Potential Hazard

2.1 The following three factors should be considered before determining the potential hazard of premises:

Type of Food and Method of Handling

2.2 Type of food and degree to which food will be handled using the guidance below – Score 5-40.

2.3 Guidance on the Scoring System:

5 Further guidance on the scoring of food premises may be obtained from the Lancashire Association of Chief Environmental Health Officers Food Group.

Score

- 5 Retail handling of foods other than high risk, such as fruit, vegetables, canned and other ambient shelf stable products.
- 10 Handling of prepacked high risk foods, and preparation (including cooking) of high risk foods in establishments supplying less than 20 meals a day;
- wholesalers and distributors of shelf stable foods;
- manufacture including packing of foods other than high risk;
- premises involved in the filleting, salting or cold smoking of fish.
- 30 Handling or preparation (including cooking) of open high risk foods, for example supermarkets, restaurants, staff canteens, public houses, take-aways, sandwich preparation, delicatessens;
- wholesalers of high-risk foods;
- dispatch centres – shellfish.
- 40 Manufacture of high risk foods such as cooked meat and poultry, dairy products (NB: These are establishments which are approved by the food authority under product specific hygiene legislation);
- wholesalers who re-wrap high risk foods;
- centres where shellfish are purified.

2.4 High-risk foods may be regarded as those foods that support the growth of micro-organisms, and/or are intended for consumption without further treatment that could destroy pathogenic micro organisms or their toxins.

Method of Processing

2.5 An additional score of 20 should be included for certain food processes where the potential hazard is greater. (NB: If Officers consider that an additional score should be included under this section (Method of Processing), it may be allocated under paragraph 2.5 or paragraph 2.7, but not under both. The maximum additional score under this section is 20).

2.6 The following should be included in this category:

thermal processing of low-acid products;

aseptic packing of low-acid products;

vacuum packing including sous-vide but excluding raw and unprocessed meats and dried foods.

2.7 An additional score of 20 should be included for certain food processes where the potential risk is greater.

2.8 The following should be included in this category:

manufacture of cook/chill food i.e. cooked and prepared meals or foods which may be eaten cold or after reheating (NB: Catering premises should not be included in this category unless they are engaged in the specific operation referred to commercially as the preparation of cook/chill meals. Reheating of cook/chill meals as a process is also excluded from the scope of this paragraph.);

small-scale production of cooked meat products e.g. certain retailers including butchers (NB: These are likely to be activities which are exempt from product specific legislation. Manufacturers of meat products should not be included in this category. They already attract additional scoring in paragraph 2.3);

small-scale production of milk and dairy products (NB: For the purposes of this annex small-scale production of milk and dairy products means processing from farm-dairy type premises with a distribution area up to and including the intermediate level in Part 1 (c) consumers at risk.);

purification of shellfish.

Consumers at Risk

2.9 The officer should consider the number of consumers likely to be put at risk if there is a failure of food hygiene and safety procedures.

2.10 Guidance on the Scoring System

Score

- 0 Very Few – (this includes premises supplying less than a total of 20 consumers each day).
- 5 Few – (this includes premises supplying essentially local trade, for example high street or corner shop, local supermarket, local restaurant).
- 10 Intermediate – (this category would include rather larger businesses whose trade extends outside of the town or district, for example regional supermarket/hypermarket, small-scale local manufacturer).
- 15 Substantial – (larger manufacturers whose products, which may be low risk, are distributed nationally or internationally).

2.11 An additional score to that above should be included for hospitals, nursing homes and daycare centres, including child nurseries where:

- (a) production and/or service of high risk foods takes place, and
- (b) there are more than 20 persons in a vulnerable group at risk.

For the purposes of this Annex vulnerable groups are:

- (a) elderly people over 65 years, children under 5 years, and
- (b) people who are sick, or immuno-compromised.

3 Part 2: Level of (Current) Compliance

3.1 The food hygiene and safety procedures and the structure of the premises should be assessed separately using the scoring system below:

- (a) food hygiene and safety includes food handling practices and procedures and temperature control;
- (b) structural includes cleanliness, layout, condition of structure, lighting, ventilation, facilities etc.

3.2 The officer should score the compliance observed during the inspection according to the guidance set out below. Adherence to any relevant UK or EU Industry Guide to Good Hygiene Practice should be considered when assessing compliance.

An appropriate level of conformity with relevant national guidelines or industry codes of recommended practice will also be necessary to satisfy being categorised as 'Satisfactory', 'Very Good' or 'Excellent'.

3.3 Guidance on the Scoring System

Score

- 0 Excellent – high standard of compliance with statutory obligations and industry codes of recommended practice, conforms to accepted good practices in the trade.

- 5 Very good – high standard of compliance with statutory obligations and industry codes of recommended practice, minor contraventions of food hygiene regulations. Some minor non-compliance with statutory obligations and industry codes of recommended practice.

- 10 Satisfactory – some non-compliance with statutory obligations and industry codes of recommended practice. The premises are in the top 50 per cent of premises and standards are being maintained or improved.

- 15 Fair – some major non-compliance with statutory obligations – more effort required to prevent fall in standards.

- 20 Bad – general failure to satisfy statutory obligations – standards generally low.

- 25 Very bad – almost total non-compliance with statutory obligations.

4 Part 3: Confidence in Management/Control Systems

4.1 Scope of this part – the performance of management will be scored in part 2 on the basis of the results achieved. A management with good food hygiene performance well understood by the workforce should have achieved a good standard in part 2 and hence a low score.

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

4.3 Several factors will influence the inspector's judgement including:

- (a) the "track record" of the company, its willingness to act on previous advice and enforcement and the complaint history of the company;
- (b) the attitude of the present management towards hygiene and food safety;
- (c) the technical knowledge within or available to the company on hygiene and food safety matters, including hazard analysis/HACCP systems and the control of critical points;
- (d) satisfactory documented procedures and HACCP based food safety management systems.

4.4 Guidance on the Scoring System

The scoring ranges from 0-30 (no confidence). A high score would boost the inspection rating and indicate the need for more frequent inspections.

Score

- 0 High Confidence – good record of compliance. Access to technical advice within organisation. Subject to internal audit. Will have satisfactory documented HACCP based food safety management system which may be subject to external audit process. Audit by food authority confirms compliance with documented management system with few/minor non-conformity not identified in the system as critical control points.
- 5 Moderate Confidence – reasonable record of compliance. Technical advice available in house or access to and use of technical advice from trade associations. Have satisfactory documented procedures and systems. Able to demonstrate effective control of hazards. Will have satisfactory documented food safety management system. Audit by food authority confirms general compliance with documented system.
- 10 Some Confidence – satisfactory record of compliance. Access to and use of technical advice either in-house or from trade associations. May have satisfactory documented food safety management system.

- 20 Little Confidence – varying record of compliance. Poor appreciation of hazards and control measures. No food safety management system.
- 30 No Confidence – poor track record of compliance. Little or no technical knowledge. Little or no appreciation of hazards or quality control. No food safety management system.

5 Part 4: Significance of Risk

5.1 Following the assessment of the above factors the officer should consider for all premises whether there is a significant risk of food being contaminated with *E. coli* 0157, other VTEC or *Cl. botulinum*. In this context significant risk means a higher probability that an incident may occur. In making this decision the officer should consider, amongst other things the following matters:

- (a) The potential for contamination/cross contamination by the specified organisms;
- (b) Survival and growth of the specified organisms;
- (c) The existence of hazard analysis systems and confidence in their implementation including documentation and records of monitoring of controls;
- (d) The extent and relevance of training undertaken by managers, supervisors and food handlers;
- (e) Whether intervention by food authorities is necessary to reduce the probability of an incident occurring.

5.2 An additional score of 20 should be included where there is a significant risk of food being contaminated with *E. coli* 0157, other VTEC or *Cl. botulinum*.

5.3 Guidance on the Scoring System

The additional score only applies if, in the opinion of the officer, there is a significant risk of food being contaminated by *E. coli* 0157 or other VTEC, or, in the case of *Cl. botulinum*, the organism surviving any processing (see paragraphs 2.6 and 2.8) and multiplying.

The additional score is not to be applied generically to categories of food premises.

The additional score of 20 for a premises which poses a significant risk must be consistent with the assessment made for Confidence in Management/Control Systems. If the confidence in management is assessed as "High Confidence" or "Moderate Confidence" and in the opinion of the officer there exists a significant risk of contamination with *E. coli* 0157 etc., then one of the assessments must be incorrect and these should be reviewed. Premises should not pose a significant risk if there is high or moderate confidence in the management/control procedures.

Once a premises is no longer a significant risk the additional score of 20 no longer applies.

Annex 1(i) Inspection Rating Scheme

To be read and used in conjunction with Annex 1

PREMISES: NAME:
 ADDRESS:

DATE OF INSPECTION:
INSPECTING OFFICER:

SCORE

PART 1. POTENTIAL HAZARD

Type of Food and Method of Handling

Handling low risk foods	5
Handling high risk foods	10
Preparation high risk foods	30
Manufacture high risk foods	40

Method of Processing

High risk activities e.g.	0 or 20
Cook/chill foods	
Aseptic packing, low acid foods	
Retail and small producers of cooked meats	
Thermal processing, low acid foods	

Consumers at Risk

Very few	0
Few	5
Intermediate	10
Substantial	15

Vulnerable Groups (Catering)

Premises serving vulnerable groups	0 or 20
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INSPECTION RATING SUBTOTAL TO CARRY FORWARD: _____

INSPECTION RATING SUBTOTAL CARRIED FORWARD: _____

PART 2. COMPLIANCE

Food Hygiene and Safety

Excellent	0
Very Good	5
Satisfactory	10
Fair	15
Bad	20
Very bad	25

Structural

Excellent	0
Very Good	5
Satisfactory	10
Fair	15
Bad	20
Very bad	25

PART 3. CONFIDENCE IN MANAGEMENT/CONTROL SYSTEMS

High confidence	0
Moderate confidence	5
Some confidence	10
Little confidence	20
No confidence	30

PART 4. SIGNIFICANCE OF RISK

Significant risk of food being contaminated with:

<i>E. coli</i> O157, other VTEC, <i>Cl. botulinum</i>	0 or 20
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INSPECTION RATING TOTAL: _____

INSPECTION RATING SCHEME

Points Category	Range	Max	Minimum Frequency of Inspection
A	91 –	195	at least every 6 months
B	71 –	90	at least every year
C	41 –	70	at least every 18 months
D	31 –	40	at least every 2 years
E	21 –	30	at least every 3 years
F	less than 21		at least every 5 years

Annex 2: 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, bee-keepers, vineyards and fish farms) and other types of premises. Instead Section 1(3) sets out the following definitions:

- food sources 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 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 3: Report of a Food Hygiene Inspection

A report containing the following information (Section A) should be provided to the proprietor of the food business following each inspection (paragraph 26 refers). The information may be provided as a separate report or may be included as part of a letter from the food authority.

Section A: to be completed in all cases

- 1 NAME AND ADDRESS OF PREMISES:
- 2 PERSON(S) SEEN/INTERVIEWED:
- 3 TYPE OF PREMISES:
- 4 DATE AND TIME OF INSPECTION:
- 5 SPECIFIC LEGISLATION UNDER WHICH INSPECTION CONDUCTED:
- 6 AREAS INSPECTED:
WHOLE OF PREMISES/PART OF PREMISES (specify areas):
- 7 RECORDS/DOCUMENTS EXAMINED (and outcome):
- 8 DETAILS OF ANY SAMPLES PROCURED (e.g. description, batch number):
- 9 SUMMARY OF MATTERS DISCUSSED AT CLOSING MEETING (PARAGRAPH. 24):
- 10 SUMMARY OF ACTION TO BE TAKEN BY THE AUTHORITY (e.g. follow-up action, letter, service of improvement notice):

Additional information (Section B) may be provided at the discretion of the food authority.

Section B: Information relating to the inspection at the discretion of food authority e.g. matters that in the opinion of the officer require attention.

Section A: to be completed in all cases

SIGNED BY:

NAME IN CAPITALS:

DESIGNATION:

DATE:

(The name of the food authority is not included under Section A as it is assumed that this information will appear as a header to this form or incorporated as part of a letter from the authority).

