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# Food Safety Act 1990

Code of Practice No. 9:  
Food Hygiene Inspections  
[\(Second Revision Autumn 1999\)](#)

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# CODE OF PRACTICE ON FOOD HYGIENE INSPECTIONS (Code of Practice No 9 Second Revision)

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

## 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 ~~advice on~~ a scheme to determine the minimum frequency of inspection based on an evaluation of the potential risk. This revised Code also includes ~~applies unless more specific guidelines are laid down~~ under other product specific food legislation, for example Code of Practice No. 18 (Revised) Enforcement of the Dairy Products (Hygiene) Regulations 1998. This Code supersedes Codes of Practice No. 9 (Revised) September 1995 and Annex 1 Inspection Rating - The Priority Classification of Food premises Revised August 97.
  
- 3 A separate Code of Practice gives guidance on food standards inspections (Code of Practice No 8 (Revised)). Both 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.  
  
~~Food authorities should also have regard to Code of Practice No 2 on Legal Matters and Code of Practice No 5 (Second Revision) on the Use of Improvement Notices when considering enforcement action.~~
  
- 2 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 which food authorities should complete after each inspection and send to the proprietor of the food business. Annex 4 sets out the competences required by officers undertaking assessments of HACCP based food safety management systems.

## Enforcement Policies

- 2a Each food authority should have a documented policy on food safety 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 or prosecution, is primarily based upon an assessment of risk to public health and 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 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)<sup>1</sup>. Food authorities will wish to consider the provisions of the Crown Prosecution Service Guide 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. ~~particularly that set out in relevant~~ Published UK or EC Industry Guides to Good Hygiene Practice<sup>2</sup> 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 Practice<sup>3</sup>.**

## 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.

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<sup>1</sup> 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.

<sup>2</sup> References to "UK Industry Guides to Good Hygiene Practice" in this Code mean Guides which are recognized by UK Government as Guides which 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.

<sup>3</sup> 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 EC are manufactured in accordance with United Kingdom legislation.** Products for trade with other EC Member States may in theory comply with lesser requirements in other Members States' legislation, in the few instances where requirements have yet to be harmonised by the EC. This should be an increasingly rare situation as food hygiene requirements are harmonised within the EC Single Market.
- 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

5 Food hygiene inspections have the following purposes ~~two main purposes:~~

~~The aim of a food hygiene inspection is:-~~

- 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 and proprietors.
- Identification of potential hazards and their risks to public health.
- Assessment of the effectiveness of management controls to achieve safe food.
- Identification of specific contraventions of food safety legislation.
- Investigation 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 sector specific codes of practice.
- Continued improvements in food hygiene standards.

~~First, Authorised officers should:-~~

- ~~i. make a general assessment of the potential food safety hazards associated with the activities carried on and of the risk of such hazards occurring,~~
- ~~ii. (The primary responsibility for identifying food hazards and controlling risks rests with food businesses)~~

iii. ~~identify contraventions of the Food Safety Act 1990 and food hygiene and processing regulations and seek to have them corrected.~~

~~the effectiveness of food businesses' own assessment of hazards, and the controls exercised by the proprietor and control of risks. This hazard analysis approach shifts the emphasis from final product testing and consideration of the structure and layout of premises to raw materials and process control.~~

~~Many Businesses have developed their own systems of hazard analysis as required by appropriate hygiene regulations. This Code recognises the relevance of effective hazard analysis both in carrying out the inspection and in determining the frequency of inspections. The Food Safety (General Food Hygiene) Regulations 1995 and other food hygiene and processing regulations make clear that the primary responsibility for identifying food hazards and controlling risks rests with food businesses.~~

~~In considering enforcement action food authorities should have regard to risks arising from contraventions, the nature of the food business, and the nature and type of food handled.~~

## Priority Planning and Programme of Food Hygiene Inspections

11 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").

**11a 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.**

12 **Each food authority with responsibility for food hygiene should ~~adopt~~ 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.**

13 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 and the nature of the food, the degree of handling and the size of the business. **Those premises posing potentially a higher risk should be inspected more frequently than those premises with a lower risk.**

14 **Food authorities should ~~adopt~~ 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.

- 15 ~~Any scheme used should take account of management practices and past compliance with the legislation in determining likely future risk. It is not sufficient for food authorities to operate an inspection rating scheme based solely on the type of premises. Well-run businesses with good comprehensive internal control systems, (and possibly their own effective inspection programme) will not need to be inspected with the same frequency as similar businesses which do not have such management control systems.~~
- 16 ~~Premises which are used occasionally for a food business need not be subject to the same frequency of inspection as a similar business operating on a more regular basis. The inspection rating scheme recognises that premises used infrequently, particularly by voluntary and charitable groups, generally pose a lower risk.~~

## 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 <u>a minimum of two inspections within the calendar year. The inspection interval will be a</u>
	<u>minimum of four months from the previous inspection and a maximum of eight months.</u>
B	(at least) every year <u>a minimum of one inspection within the calendar year. The inspection frequency should be</u>
	<u>minimum of ten months from the previous inspection and a maximum of fourteen months.</u>
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 especially for example, where the authority acts as the 'Home Authority' or is the originating authority for a manufacturer whose products are to be widely distributed. ~~Food authorities should also have regard to code of practice No. 13 which gives guidance on the frequency of inspections in relation to the enforcement of vertical product specific hygiene regulations.~~

18a 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 that may be appropriate would need to take account of the type of business being registered and, in the case of national or regional businesses, any prior knowledge of the level of management competence previously displayed by the business.

18b 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 Inspection Programmes

18c 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 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 18c of Code of Practice No. 9 (Revised).

18d It is expected that discussions will normally take place with the Local Authority Associations before action under para.18c is taken. In all cases, the appropriate central government department will, before taking action under paragraph 18c, determine whether urgent action by food authorities is necessary to protect public health.

*[For information to consultees]:* The intention of paragraph 18c is 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 18c 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.*

18e Food authorities may be asked to provide information about the action they have taken to central government. They should document the action that they have taken in response to requests for urgent action under paragraph 18c.

## **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;
  - an inspection carried out under other legislation; and/or
  - 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 legal requirements in relation to own checks regimes in "Vertical" product-specific food hygiene regulations and the "Horizontal" hazard analysis requirements in the Food Safety (General Food Hygiene) Regulations 1995 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.

- 23a Officers undertaking an inspection should have regard to matters identified in the inspection aide-memoire guidance documents issued jointly by central government and LACOTS. This guidance is intended to assist officers and to introduce a more structured approach to the inspection process consistent with international quality assurance practice. Food authorities may modify this aide-memoire guidance for inspectors according to local circumstances but the guidance should be regarded as the minimum considered by officers conducting an inspection. Where the inspection varies from the aide-memoire guidance this should be recorded and held on file. Monitoring for compliance with the aide-memoire guidance should be conducted as part of the management review referred to in paragraph 44a.**

*[For information to consultees]:* These aide-memoire guidance documents referred to in para. 23a will be issued for consultation shortly. *[This note will not be included in the published Code.]*

- 23b Any variation from the core elements of the aide-memoire inspection guidance document should be recorded on the report of the inspection (Annex 3) and on the premises file.**

~~This section contains advice on how the approach to inspection will be affected by the existence of satisfactory hazard analysis systems in food businesses, irrespective of the whether there is a legal requirement on the business for such a system.~~

- 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 training instruction and/or supervision 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 officers should clearly differentiate between work required to comply with legal requirements and recommendations of best practice.

- 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 permanent record of the inspection findings and outcomes made on file.

24a Officers should not reduce the inspection rating of premises originally rated A or B without agreement from a more senior officer and in consultation with the authority's identified food specialist or another officer specifically authorised to do so.

24b 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, verify and monitor these controls.

## File Records

24c 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, own checks or HACCP requirements (HACCP based management control systems);
- information on the hygiene training undertaken by employees;
- for premises approved under product specific hygiene legislation or rated as substantial in accordance with paragraph 2.8 of Annex

1 a plan of the premises including high and low risk product flows, high care and low risk areas, access for personnel (indicating any segregation of those working in low and high risk), waste and drainage flows, and water points where these are used for food production;

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 ever period is the longer, unless required for longer retention because of litigation or local ombudsman review.

~~[preliminary] assessment of the food safety hazards associated with the business and~~

~~look at the whether the business has satisfactory system for assessing food hazards and controlling risks. The approach to inspections should be changed significantly where there is such a system in place, as described in paragraphs 27 to 29.~~

~~[For a [hazard analysis system or HACCP system] to be regarded as satisfactory, this should include a commitment to proper management controls. A well documented hazard analysis system or [own checks system] by itself may be of little benefit without a commitment to proper use of that hazard analysis. References in this Code to "hazard analysis systems" should be read as including both the identification and implementation of appropriate measures of control.]~~

~~25 Before commencing the inspection the officer should ensure that the proprietor or his representative is aware of the purpose of the inspection. Authorised officers should make available copies of the leaflet "Food Law Inspections and your Business". Copies of this leaflet can be obtained free of charge by writing to Health Publications Unit, DSS Distribution Centre, Heywood Stores, Manchester Road, Heywood, Lancashire OL10 2PZ.~~

~~26 Hazard analysis systems and the ways in which businesses control risks will vary greatly, depending on the legislation requirements, type of business, the size of operation, the food safety hazards associated with that operation, and risks to the consumer.~~

~~(See Chapter II Section K on general enforcement of hazard analysis requirements and Section L on hazard analysis requirements arising from the Food Safety (General Food Hygiene) Regulations 1995.)~~

~~27 An inspection should normally include a discussion with the proprietor or representative on matters relating to hygiene systems and procedures.~~

~~Where in the opinion of the officer there are particular hazards associated with the business discussions should also be conducted with operators to establish that they are exercising the necessary controls. An examination of documentation (where appropriate), particularly that related to monitoring of critical control points may be helpful in the discussion. A vital part of this discussion will cover the business's own management controls. Where:~~

~~there are satisfactory management controls as part of a [well thought out hazard analysis system] and~~

~~the authorised officer has confidence in the management of the business on the basis of previous inspections,~~

~~the consideration of hazard analysis and controls should be a significant part of the inspection and may take up a major part of the time involved. A main purpose of subsequent visual or physical examination should be to confirm that critical points have been correctly identified and that controls are in place.~~

~~28 The adequacy or otherwise of any hygiene system/records should be assessed. Any unforeseen potential hazard identified through this assessment should be discussed with the proprietor or representative during or at the conclusion of the visit and confirmed in writing thereafter (see paragraphs 32 and 33).~~

~~29 Where a satisfactory hazard analysis system is not in place, the authorised officer may need to carry out a fuller visual and physical examination of the premises. The officer should have special regard to the hazards associated with the business, to identify those areas of the processing, distribution, handling, storage and display of food which require closer scrutiny. This will enable the officer to focus the inspection on the areas of greatest potential concern.~~

## Unit Inspection

31 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

36 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.

## Reports

~~32 On completion of the inspection the officer should discuss with the proprietor or representative a summary of the matters which, in the opinion of the officer, breach the requirements of the Act or regulations, the officer may also provide any advice on good food hygiene practice he may wish to give.~~

~~19 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.~~

~~33 Authorised officers should confirm the report back in writing after every programmed~~

~~inspection and, where appropriate, after other inspections using a should include all the items covered in the sample report form at Annex 3.~~

## Action to be Taken when Breaches of Regulations are Identified [General]

- 49 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 ([Revised](#)): Prohibition Procedures. ~~Informal advice or a letter should be used if such an approach is likely to be as effective as statutory means of enforcement.~~
- 50 An authorised officer may wish to offer informal ~~written~~ 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 Industry recommended 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 ~~diligence~~ [general standard of care](#) exercised by the proprietor. [Authorised officers should always confirm any advice in writing. \(See paragraph 24\)](#)
- 50a 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 premise file.
- 51 ~~Where food authorities provide advice on food hygiene, they should ensure that there is~~ [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~~ [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.](#)
- 52 The food authority should ensure, whenever possible, that any improvement notices, ~~or informal written advice~~ [which is considered appropriate following an inspection is sent to the proprietor with the](#) ~~or inspection report of the inspection. following an inspection are sent to the proprietor together.~~ [Food authorities should ensure that copies of the reports of inspections, letters and notices are sent to the registered or head office where this is not the premises visited.](#)
- 53 ~~In deciding what measures need to be taken to meet contraventions of hygiene or processing regulations, food authorities may refer to the advice and recommendations contained within national guidelines or industry codes of recommended practice. Food authorities should be aware that the Food Safety Act allows food businesses issued with an improvement notice to take other steps to comply with regulations as long as these achieve the same effect. Food authorities must give due consideration to any relevant UK or EC Industry Guides to Good Hygiene Practice when assessing compliance with the Food Safety (General Food Hygiene) Regulations 1995 see paragraph 80.~~
- 54 The food authority should have regard to [guidance issued by central government](#), ~~any advice or opinion given 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 a national Coordinating body they should discuss their approach with their national co-ordinating body. ~~first discuss their approach with that body.~~

- 55 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 coordinating body. The appropriate local body for consultation would be the local food liaison group recognised by LACOTS.

## Co-ordination of Advice and Enforcement

- 45 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.

45a 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.

- 46 ~~Food authorities should be guided by LACOTS' home authority principle. in determining which food authority should take 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 hygiene and food safety legislation.

- 47 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.

- 48 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

- 21 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 2b.

## Monitoring of the Inspection Programme and the Quality of Inspections

44 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 practicable, that inspections are carried out competently and to a uniform standard.

44a 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 EC 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;
- compliance with the authorities enforcement policy;
- 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 to assess their consistency of interpretation and approach.

## Qualifications of Inspectors

37 Food authorities with responsibility for food hygiene should appoint at least one environmental health officer (EHO) with specialist knowledge and who has operational responsibility for food hygiene and food safety matters<sup>4</sup>. Food authorities may establish a

<sup>4</sup> For the purposes of the Codes of Practice an EHO is a person holding a Certificate of Registration of the Environmental Health Officers Registration Board or the EHORB Diploma in Environmental Health (or its antecedents); or equivalent qualifications granted in Scotland. An EHO who is authorised to act as a port

team of officers consisting of environmental health officers, together with suitably qualified food technologists, technicians or assistants with responsibility for such matters.

**37a The food authority should notify the appropriate central government department of the name of the officer who has operational responsibility for food safety matters.**

42 Before authorising an officer to inspect any premises, the food authority should be satisfied that the officer **holds the appropriate qualification as set out below, is competent to carry out food premises inspections,** ~~is competent to do so, is qualified as set out,~~ possesses the necessary experience to undertake the duty **and is able to demonstrate the competences contained in Annex 4.** ~~Food authorities should give particular attention to the need for authorised officers to receive appropriate training in hazard analysis systems~~

**38 Officers authorised to undertake inspections of food premises should have a detailed knowledge** ~~[Inspections of food premises should only be undertaken by officers who are suitably qualified and experienced and who] of:-~~

- **the nature and types of food industry in their area and the technology utilised in those premises;**
- **relevant food safety and hygiene legislation regulations;**
- **Codes of Practice issued under section 40 of the Food Safety Act;**
- **UK ~~and~~ EC Industry Guides to Good Hygiene Practice; and**
- **relevant guidance issued by central government and ~~or~~ by LACOTS.**

Officers may be assisted in such inspections by those who are not so qualified.

39 Premises which fall within risk categories A and B according to the inspection rating scheme in Annex 1, those of all food manufacturers and processors classified as substantial under paragraph 2.8 of Annex 1, and premises which are approved or require approval under product-specific food hygiene regulations should be inspected only by environmental health officers, official veterinary surgeons (where appropriate), or officers holding the Higher Certificate in Food Premises Inspection, issued by any of the following:-

- **The Environmental Health Officers' Registration Board (EHORB);**
- **The Scottish Food Safety Officers' Registration Board (SFSORB);**
- **The Institute of Food Science and Technology (IFST).**

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**health inspector and whose duties include the inspection of meat and meat products will require the Certificate of Registration endorsed as a qualified Veterinary Auxiliary.**

The Certificate should not be issued until the requirements of paragraph 43 have been satisfied.

40 Premises may change risk category between inspections, eg, a premises formerly in category C may appear on inspection to fall into category B. Except for food manufacturers and processors classified as substantial under paragraph 2.8 of Annex 1, and premises which require approval under product-specific food hygiene regulations, the inspection may be completed for that occasion only, even if carried out by an officer possessing only the qualifications set out in paragraph 41. But food authorities should ensure that the outcome of the inspection and any action proposed are validated by an officer holding the qualifications in paragraph 39.

41 All other premises must be inspected by officers who have either one of the qualifications set out in paragraph 39, or an Ordinary Certificate in Food Premises Inspection issued by one of the following:<sup>5</sup>

- The Environmental Health Officers' Registration Board (EHORB);
- The Scottish Food Safety Officers' Registration Board (SFSORB),

43 All officers ~~other than environmental health officers and official veterinary surgeons undertaking inspections~~ will require a period of structured practical training with a food enforcement authority of not less than 6 months. The scope, extent and outcome of this practical training should be assessed by one of the organisations awarding the qualifications mentioned in paragraphs 39 and 41 above.

43a Food authorities should retain copies of the Certificate of Registration, qualifications and documents required by this Code and details of any ongoing or refresher training for officers authorised by the authority to undertake inspections.

## ~~High Risk Activities~~

~~20 The inspection rating scheme ensures that food authorities have special regard to food businesses which are involved in methods of preparation including processing, cooking and packaging of food which present particular risks.~~

20 Notwithstanding the general qualification requirements set out above inspections of high risk activities should only be undertaken by officers who are experienced in the inspection of food premises, who have received adequate training to enable them to conduct inspections of high risk activities and who have demonstrated their competence to the food authority to undertake such inspections. These are activities/premises where specific processes are undertaken as described in paragraphs 2.6a and 2.6b in Annex I.

20a Where a food authority has within its area specialist, complex or higher risk

<sup>5</sup> Until 31 March 2000, officers who are suitably experienced and competent but who do not hold such qualifications may undertake inspections covered in this paragraph.

manufacturing premises it should ensure its officers undertaking the inspections have adequate training and experience and/or have access to specialist advice.

## Contractors

20b Before employing any contractors to undertake inspection activities on behalf of the food authority the authority must be satisfied that the staff to be used by the contractor will satisfy the qualification requirements set out above, that the staff are competent to undertake inspections and comply with the authority's enforcement policies. Food authorities should monitor the inspections undertaken by contractors in accordance with its monitoring procedure.

20c 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".

## **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 relevant information on 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, including appropriate thermometers or other temperature monitoring equipment. Where monitoring equipment is used the officer should take steps to prevent cross-contamination. In England and Wales, see *Code of Practice No 10: Enforcement of the Temperature Control Requirements of Food Hygiene Regulations*.

## **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, UK or EC Industry Guides to Good Hygiene Practice, central government and LACOTS guidance, and appropriate technical literature<sup>6</sup>.

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<sup>6</sup> See footnote Nos. 2 and 3 on page 2

## CHAPTER II

### Food Safety (General Food Hygiene) Regulations 1995: Approach to Enforcement

- 56 The following paragraphs give general advice on [the approach to](#) enforcement of these requirements. See [Section L of this Code below](#) for specific advice on enforcement of the Food Safety (General Food Hygiene) Regulations 1995 [relating to hazard analysis systems and food hygiene training](#), and separate Codes for advice on ~~"Vertical"~~ product specific food hygiene Regulations.
- 57 **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 and supervision 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.
- 58 **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 ~~or food hygiene training are~~ 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 [risk to food safety or wholesomeness](#) ~~future safety of food within the business~~. Authorised officers should take particular care with formal enforcement action in these situations for low risk businesses. ~~Care should also be taken to avoid an undue emphasis on documentation of hazard analysis systems (unless required by vertical hygiene regulations).~~
- 59 **In the absence of any evidence [of risk to food safety or wholesomeness](#) which indicates a significant breach of other food hygiene requirements, food authorities may nevertheless consider a formal approach to enforcement where:-**
- the businesses involve high risk operations;
  - the breaches of requirements relating to hazard analysis systems or those relating to [supervision and instruction and/or training and/or supervision](#) 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 or wholesomeness](#). This might apply, for example, where there has been a general failure to set up a hazard analysis system, [but may not be appropriate](#) ~~would not apply~~ where there was a minor error in the analysis, or in the controls instituted, or [any error or absence of a minor error of documentation](#); and
  - the food business has failed to respond to an informal, educative approach.

60 Where food authorities find it necessary to adopt a formal approach to the enforcement of the requirement regulations relating to the supervision and instruction and/or training and/or supervision 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.

## Requirement for Hazard Analysis Systems

61 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 ~~the consumer~~. 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 Enforcement officers may therefore wish to encourage documented hazard analysis systems in such situations, although documents are ~~a documented system would~~ not be an express legal requirement. See also para. 55.

62 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 EC 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 ~~listed~~ in paragraph 61.

63 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.**

~~64 In all cases, the application of effective food hygiene as stated in Section F, a commitment to proper management controls is vital for a hazard analysis system to be regarded as satisfactory.~~

65 UK or EC Industry Guides to Good Hygiene Practice will ~~are expected to~~ contain advice on these issues. **Authorised officers must give due consideration to Industry Guides and should have regard to any advice issued by central government Departments or by LACOTS.** (See ~~Section K~~ above for general advice on enforcement of hazard analysis requirements.)

~~66 In the first twelve months after coming into force of the Food Safety (General Food Hygiene) Regulations 1995, food businesses will need particular help and advice in adjusting to the new requirements. Authorities are not normally expected to consider the service of an Improvement Notice or legal action in relation to enforcement of the requirements relating to hazard analysis in this period.~~

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

67 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.

- 68 The level and content of supervision and instruction and/or training, ~~instruction or supervision~~ 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.
- 69 ~~Training requirements should be assessed by food businesses as part of a hazard analysis system. Where there is a satisfactory hazard analysis system, it should not be necessary for authorised officers to assess the effectiveness of training by discussion with staff, other than as confirmation of the discussion about the hazard analysis system with the food business proprietor or representative. Guidance in the following paragraphs on the enforcement of training requirements applies in other circumstances.~~

## **Matters to be Considered in Assessing the Level of Supervision and Instruction and/or Training ~~or Instruction~~ Where a Satisfactory Hazard Analysis System is not in Place**

- 70 Any such ~~assessment of training levels~~ should give due consideration to relevant UK or EC Industry Guides to Good Hygiene Practice. The guidance in paragraphs 72 to 75 applies particularly where there is no relevant UK or EC Industry Guide.
- 71 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.
- 72 UK food hygiene and processing regulations do not define 'food handler'. Existing guidance issued by the food industry suggests that the term should 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, ~~instruction, or supervision~~, 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, ~~instruction, or supervision~~, 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.
- 73 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.
- 74 In assessing the level of supervision and instruction and/or training ~~or instruction~~ 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.

- 75 Where businesses decide not to include an examination in any ~~their~~ 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 him to have concerns over the level of food hygiene awareness, he should discuss them with the proprietor.

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

- 76 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 EC 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.
- 77 **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 examination or course provided by any training organisation is an express ~~mandatory~~ requirement, including any training course run by the food authority.**

## **Other Requirements**

- 78 Food authorities should appreciate ~~recognise~~ 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 recognize 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.**
- 79 **In all cases, food authorities should have regard to the risk to food safety or wholesomeness ~~presented to the safety and wholesomeness of foodstuffs~~ when assessing the way in which a food business ~~should~~ complies with that requirement. When determining the risk to food ~~the~~ safety or ~~and~~ wholesomeness of a food, authorised officers must have regard to the manner in which food ~~it~~ 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.**
- 80 **Authorised officers must also give due consideration to any relevant UK or EC 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 EC Industry Guides may be used voluntarily by food businesses as a guide to compliance with the Regulations ~~or with the EC Food Hygiene Directive~~. This means that other means of achieving the safety requirements of the Regulations ~~and the Directive~~ may be acceptable, provided those safety requirements are actually met.
- 81 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.

- 82 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 EC 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 ~~operator~~ 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 safety and wholesomeness of food~~, 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 Section I of this Code on coordination of advice and enforcement.
- 83 **Where there is no UK or EC 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.
- 84 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 46 and 47 in interpreting these requirements.**
- 85 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.

# INSPECTION RATING - THE PRIORITY CLASSIFICATION OF FOOD PREMISES

## Third Revision: Summer 1999

### 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 accordingly.<sup>7</sup>

### 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*

Score

~~5 — Preparation of foods other than high risk by voluntary and charitable groups;~~

~~Day to day Retail handling of foods other than high risk, such as fruit, vegetables, canned and other ambient shelf stable products.~~

10 — ~~Day to day~~ Handling of prepacked high risk foods; and preparation (including cooking) of high risk foods in establishments supplying less than 20 high risk meals a day;

<sup>7</sup> Further guidance on the scoring of food premises may be obtained from the Lancashire Association of Chief Environmental Health Officers Food Group.

wholesalers and distributors of shelf stable foods;

~~Premises which operate for 3 or less days per week, for example some village/church halls and community centres;~~

manufacture including packing of foods other than high risk;

premises involved in the filleting, salting or cold smoking of fish. ~~without subsequent modified atmosphere packaging.~~

- 30 ~~Day to day~~ Handling or preparation (including cooking) of open high risk foods, for example supermarkets, restaurants, staff canteens, public houses, take-aways, sandwich preparation, delicatessens ~~supplying more than 20 consumers each day;~~

~~Production/manufacture including packing of foods other than high risk;~~

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.

- 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:

2.6a An additional score of 20 should be included for certain food processes where the potential risk is greater.

2.6b The following should be included in this category:-

manufacture of ~~cooked and chilled~~ cook/chill food ~~(excluding catering establishments);~~ 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***

- 2.7 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.

### 2.8 ***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, 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).

- 2.9 An *additional score* to that above should also be included for catering premises including hospitals, nursing homes, daycare centres, including child nurseries ~~village halls/church halls and community centres where the consumers predominantly fall within a vulnerable group.~~ where:

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(a) production and/or service of high risk foods takes place, and

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(b) there are more than 20 persons in a vulnerable group at risk.

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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, 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 EC 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 ~~Fair~~ Satisfactory, Very Good or ~~Very good~~ Excellent.

### 3.3 *Guidance on the Scoring System*

Score

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

5—~~Good~~ 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. ~~improvements still possible.~~

10—~~Fair~~ 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—~~Poor~~ 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 noncompliance 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 ~~and the level of food hygiene training;~~
- (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) ~~the existence of external quality assurance accreditation, or~~ 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.

NB: The guidance on this element of the scoring system has been revised to take account of the developments in documented food safety management systems since the original draft in 1991.

#### Score

- 0 High Confidence - good record of compliance. Access to technical advice within organisation. Subject to internal ~~inspection audit.~~ May Will have satisfactory documented Quality Assurance ~~or and HACCP based~~ food safety management system ~~(including HACCP) or similar systems~~ 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 technical advice from trade associations. Have satisfactory documented procedures and systems. Able to demonstrate an understanding appreciation and 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. ~~Some appreciation of hazards.~~
- 20 Little Confidence - varying record of compliance. ~~Little~~ Poor appreciation of hazards and control measures. ~~quality control.~~ No food safety management system.
- 30 No Confidence - poor track record of compliance. Little or no technical knowledge. 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 2.6b](#)) 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 "Highly 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.

## 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
<del>Production</del> <u>Manufacture</u> 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: \_\_\_\_\_

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PART 2. COMPLIANCE

*Food Hygiene and Safety*

<del>Good</del> <u>Excellent</u>	0
<del>Fair</del> <u>Very Good</u>	5
<del>Fair</del> <u>Satisfactory</u>	10
<del>Poor</del> <u>Fair</u>	15
Bad	20
Very bad	25

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*Structural*

<del>Very good</del> <u>Excellent</u>	0
<u>Very</u> Good	5
<del>Fair</del> <u>Satisfactory</u>	10
<del>Poor</del> <u>Fair</u>	15
Bad	20
Very bad	25

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PART 3. CONFIDENCE IN MANAGEMENT/CONTROL SYSTEMS

<del>Highly</del> confident	0
Moderate confidence	5
Some confidence	10
Little confidence	20
No confidence	30

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PART 4. SIGNIFICANCE OF RISK

*Significant risk of food being contaminated with:*

<i>E. coli 0157, other VTEC, Cl. botulinum</i>	0 or 20
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INSPECTION RATING TOTAL: \_\_\_\_\_

# INSPECTION RATING SCHEME

Category	Points		Minimum Frequency of Inspection
	Range	Max	
A	91 -	195	<del>every 6 months</del> <u>a minimum of two inspections within calender year</u>
B	71 -	90	<del>every year</del> <u>a minimum of one inspection within calender year</u>
C	41 -	70	every 18 months
D	31 -	40	every 2 years
E	21 -	30	every 3 years
F	less than	21	every 5 years

# 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.

**REPORT OF A FOOD HYGIENE INSPECTION**  
~~CARRIED OUT UNDER THE FOOD SAFETY ACT 1990~~

A report containing the following information (Section A) should be provided to the proprietor of the food business following each inspection (paragraph 2 refers). The information may be provided as a separate report or may be incorporated 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 (please specify):
- 7 RECORDS/DOCUMENTS EXAMINED:
- 8 DETAILS OF ANY SAMPLES PROCURED (eg description, batch number):
- 9 SUMMARY OF MATTERS DISCUSSED AT CLOSING MEETING  
(PARAGRAPH. 24)
- 10 SUMMARY OF ACTION TO BE TAKEN BY THE AUTHORITY (eg follow-up action, service of improvement or emergency prohibition notice):

The following information (Section B) may be provided at the discretion of the food authority

**Section B: to be completed at the discretion of food authority**

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.

SIGNED BY:  
DESIGNATION:  
DATE:

NAME IN BLOCK CAPITALS:  
AUTHORITY:

(DN: The standards of competence have been modified to take account of the 'own-check' requirements of product specific hygiene directives and the role of the food authority in the auditing of documented systems)

**STANDARDS OF COMPETENCE FOR ALL LOCAL AUTHORITY FOOD SAFETY OFFICERS IN RELATION TO HACCP BASED MANAGEMENT CONTROL SYSTEMS**  
**Persons to whom these standards apply must already hold one of the following qualifications:**

Ordinary Certificate in Food Premises Inspection

Higher Certificate in Food Premises Inspection

Certificate of Registration of the Environmental Health Officers Registration Board

Diploma in Environmental Health (or one of its antecedents)

Diploma of the Royal Environmental Health Institute of Scotland

Food authorities must satisfy themselves that staff engaged in the inspection of food premises and the auditing of food safety systems, in addition to holding the relevant qualification (as prescribed in paragraphs 37, 39 and 41 of Code of Practice No. 9 Revised) for the risk category of premises to be inspected, are able to demonstrate the following standards of competence.

1 To identify, through the conduct of an audit, the need for improved food safety control in food premises

1.1 Assess the quality of food safety hazard identification in a food business

1.2 Assess the quality of critical control point (CCPs) identification in a food business

1.3 Assess the suitability of controls in place and their monitoring at CCPs

1.4 Assess the verification and review by business proprietors of HACCP based management control systems

2 To promote and support the implementation of HACCP based management control systems in food businesses

2.1 Explain the principles of hazard analysis to business proprietors /managers

2.2 Specify targets for improved control of food safety hazards

2.3 Provide advice on carrying out hazard analysis and implementing controls

2.4 Explain the relationship between HACCP systems (based on Codex) and other food safety management systems

3 To secure compliance with hazard analysis/HACCP based management control systems requirements in legislation

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**3.1 Explain the legal requirements in relation to HACCP based management control systems**

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**3.2 Secure compliance by discussion and persuasion**

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**3.3 Secure compliance by the issue of notices**

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**3.4 Secure compliance through the courts (and gather and preserve evidence in a form usable in court)**

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