

Advisory Note 23

Due Diligence - Proprietors

The Food Hygiene (England) Regulations 2006 outlines the defence of due diligence. This allows a person who may be subject to legal proceedings to establish a defence if they can show that they have taken "*all reasonable precautions and exercised all due diligence*" to avoid committing an offence.

A due diligence defence can be established if you can show that:

- you have taken all reasonable steps to make sure that the food you sell complies with the law; or
- the offence was the fault of another person or company;

Is due diligence a legal requirement?

No, due diligence is not required by law. It is a defence which the Food Hygiene (England) Regulations 2006 allows you to use if you become involved in legal proceedings. **The steps that you need to take to be able to show due diligence should help you to avoid committing an offence in the first place.**

How do I show due diligence?

Every case will be different and will depend on factors such as the size and type of business and the sort of food involved. In general you will need to be able to show that:

- your premises and equipment comply with the Food Hygiene (England) Regulations 2006; (see advisory note 1)
- you have a satisfactory hazard analysis system, (see advisory notes 20 & 21)
- you buy food from suppliers you know to be reputable;
- food is kept at the correct temperature as required by the Food Hygiene (England) Regulations 2006, (see advisory note 19)
- you have a proper stock rotation system;
- you and your staff have had adequate food safety training, (see advisory note 22)

Do I need to keep written records?

It is good practice to keep records and it will be very difficult for you to show due diligence without them. These might include:

- records showing the checks you have made on your suppliers;

- details of your “hazard analysis” system, the points in your business you have identified as critical to the safety of food and the way in which these points are controlled; (see advisory note 21)
- temperature records for fridges and freezers. These should be checked at least daily; (see advisory note 19)
- production records if you are making large batches of food;
- a cleaning schedule with records to show that equipment is checked to make sure that it has been cleaned properly; (see advisory note 17)
- pest control records; (see insect fact sheets on www.salford.gov.uk)
- staff food safety training records; (see advisory notes 22 & 23)

Other publications:

- “Systematic Assessment of the Food Environment (SAFE)” A practical guide for restaurateurs and caterers. Available from: Queens House, Lincolns Inn Fields, London WC2A 3BC, Tel: 0207 404 7744;
- the Catering Industry Guide to Good Hygiene (ISBN 0900 103 00 0) obtained from: Chadwick House Group Limited, Chadwick Court, 15, Hatfields, London, SE1 8DJ. Telephone 0171 827 5882, Fax 0207 827 9930. Contains detailed guidance for people running restaurants, cafes, take- always and other catering premises; Price approx £3.60

Other sources of information:

- your trade association;
- colleges and companies who run training courses - a list is available from us at the address below;
- food safety consultants.
- www.food.gov.uk (FSA website)

**For further Advice/Information contact
Salford City Council
Environment Directorate, Turnpike House
631 Eccles New Road, Salford M5 2SH
Telephone: 0161 737 0551
Email: environment@salford.gov.uk**