

GMFLG: PROPOSALS FOR FOOD SAFETY REVISITS

It was recognised that there may be significant resource issues for some authorities, but it was accepted that consistency in this core function should be a primary aim of the GMFLG.

The Code of Practice (England) states that “*An inspection of a food premises may either be a primary inspection or a secondary inspection. A secondary inspection is any other visit to a food business that is not a primary inspection, for any purpose connected with the enforcement of food law, including*

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- *Visits to check on the progress of measures required after a previous inspection;*
 - *Visits to investigate food and food establishment complaints;*
 - *Visits to discuss aspects of food safety management procedures based on HACCP principles;*
 - *Visits involving the explanation of food safety issues to food handlers.*

It also states that food businesses that fail to comply with significant statutory requirements must be subject to appropriate enforcement action and secondary inspection(s).

Failure to comply with significant statutory requirements includes:

- *Failure to comply with a single requirement that compromises food safety, compromises public health, or prejudices customers;*
- *Failure to comply with a number of requirements which taken together, indicate ineffective management;*
- *Failure to comply with the requirements of a Hygiene Emergency Prohibition Notice or Order (food hygiene).*

The timing of the secondary inspection will be determined by the action taken as a result of the earlier inspection. Such an inspection should, whenever practicable, be undertaken by the same officer who undertook the original inspection. The Food Authority’s approach to secondary inspections should be part of their documented Food Service Plan or Enforcement Policy.”

“Secondary inspections should be followed up in writing if the officer conducting the inspection:

- *Requires the food business operator to take action;*
- *Needs to confirm something has been done;*
- *Needs something to be noted.”*

The sub-group agreed that this meant that additional visits should be carried out to check that the matters identified had been dealt with and that it would not be acceptable for these to form part of the next routine inspection.

N.B. The FSA Food Law Enforcement Monitoring Form, includes a requirement to provide details of the numbers of secondary inspections (revisits) carried out (Form 2.1).

In order to improve consistency between authorities it was agreed that it would be useful to produce proposals as to when a secondary inspection (revisit) would be required, for discussion by GMFLG:

Proposals:

Secondary inspections (revisits) to check compliance should be carried out for the following:

1. After the service of: a Hygiene Improvement Notice;
a Hygiene Emergency Prohibition Notice or Order;
a Remedial Action Notice.
2. After grant of a conditional approval in accordance with Article 31(2) (d) of Regulation (EC) 882/2004.
3. Contraventions of Hygiene Regulations: Although the Code of Practice (England) requires that follow up visits should be made whenever contraventions of food hygiene regulations are identified, it

is recognised that this would have serious resource implications for some authorities. It is therefore proposed that as a minimum, secondary inspections (revisits) should take place where there are contraventions which might lead to risks to food safety, for example:

Food Hygiene (England) Regulations 2006:
Regulation (EC) 852/2004

Article 3 Failure to carry out a food business in a hygienic way.
Article 5 HACCP: where inadequate control of CCPs may lead to risks to food safety.

Annex II,
Ch I.

Para. 1 Premises not kept clean.
Para. 2(a) Premises do not permit adequate maintenance, cleaning/disinfection
Para. 2(b) Inadequate protection against accumulations of dirt, shedding of particles, mould on surfaces etc.
Para. 2(c) Inadequate protection against cross contamination, pests etc.
Para. 2(d) Temperature conditions not appropriate for hygienic processing.
Para. 3 Inadequate number of flush lavatories
Para. 4 Inadequate number of WHB's and inadequate hot and cold water etc. at WHBs.
Para. 8 Drainage facilities inadequate.
Para. 10 Cleaning agents and disinfectants stored in areas where food is handled.

Ch. II

Para. 2/3 Inadequate washing facilities

Ch. V

Equipment not kept clean or in good repair.

Ch. VI

Accumulations of food waste/inadequate storage

Ch. VII

Unsatisfactory water supplies

Ch. VIII

Para. 1 Unsatisfactory personal hygiene
Para. 2 Persons with diseases/infections etc.

Ch. IX

Paras. 1 & 3 Inadequate protection of food from risk of contamination, adequate pest control procedures.

Ch. XII

Food Safety Training and training in the application of HACCP principles.

4. Contraventions of the temperature control requirements in Regulation 30 /Schedule 4 of the Food Hygiene (England) Regulations 2006 which may lead to a risk to food safety.

The above is not intended to constitute a comprehensive list. It is recognised that there will other circumstances which will require follow-up action.

Timescales for secondary inspections (revisits)

It is recognised that this will be a matter of professional judgement and subject to discussion (and wherever possible agreement) between the officer and the food business operator.

However, it is essential that the timing of the re-visit is appropriate to the matters which require attention. For example:

- a) Where there are poor levels of cleanliness or risks of cross contamination which may pose a risk to food safety, the re visit should take place at a very early stage. This may require immediate action, a visit the following day or a few days later.
- b) Where food handlers handling high risk open foods require training (i.e. Level one), it would be appropriate to require this to be carried out in a period which reflects that specified in the Industry Guides (i.e. 3 months, Ref: Catering Guide).

Officers carrying out secondary inspections (revisits)

The Code of Practice (England) states that "The timing of the secondary inspection will be determined by the action taken as a result of the earlier inspection. Such an inspection should, whenever practicable, be undertaken by the same officer who undertook the original inspection".