

Report To:	Education & Communities Committee	Date:	12 June 2012
Report By:	Corporate Director Education, Communities & Organisational Development	Report No:	EDUCOM/06/12/MM
Contact Officer:	Martin McNab	Contact No:	01475 714246
Subject:	Safer & Inclusive Communities Food Safety Enforcement Policy		

1.0 PURPOSE

1.1 The purpose of this report is:

1. To update the Committee on the implications of the FSA's Cross Contamination Guidance as per report SCS/63/11/AH/MM and the approach taken by Safer & Inclusive Communities in enforcing them.
2. To seek Committee approval for an updated Food Safety Enforcement Policy, taking into account the requirements of the above guidance as required by the Agency's audit reported to Committee in SCS/80/11/AH/MM.

2.0 SUMMARY

2.1 Members were advised of the potential implications of the Food Standards Agency's Cross Contamination Guidance in report SCS/63/11/AH/MM on 3 May 2011. At that time there were a number of factors which required further elaboration before the Council's approach to the enforcement of these could be concluded. These included:

- The exact legal status of the guidance
- The need for Scottish local authorities to be seen to act in a consistent manner in the application of the guidance
- The need for the Food Standards Agency in Scotland to support local authorities where they may need to take action to enforce the requirements of the guidance
- Whether the potential impact on certain types of business was fully appreciated at a national level
- How local authorities can introduce this guidance to affected businesses and enforce its requirements given the conflicting demands of national performance targets and the limited resources available

2.1 Since that report in May 2011 there has been work done by various parties including individual local authorities, the Scottish Food Enforcement Liaison Committee and the Food Standards Agency Scotland to develop a broad consensus on how the guidance should be applied and enforced in Scotland. Whilst philosophical questions about appropriateness of the approach taken in the guidance may remain there should now be a sufficiently consistent approach taken across Scotland to justify Inverclyde Council's enforcement policy being adapted to take the guidance into account.

2.2 In report SCS/80/11/AH/MM on 25 October 2011 members were advised of the positive audit of the Council's Food Control Service by the Food Standards Agency in August 2011. The one recommendation in that audit was for member approval to be sought for a new enforcement policy taking into account the requirements of the Cross Contamination Guidance. That Enforcement

Policy is attached at Appendix 1 for members' approval.

3.0 RECOMMENDATIONS

3.1 That Committee

1. Approves the Food Safety Enforcement Policy attached at Appendix 1 and endorses the approach taken by Safer & Inclusive Communities in the enforcement of the FSA Cross Contamination Guidance and,
2. Receives an update in 12 months on issues arising from the Enforcement Policy for the Council and an assessment of the impact on local businesses.

Albert Henderson
Corporate Director
Education, Communities & Organisational Development

4.0 Cross Contamination Guidance Background

- 4.1 The Food Standards Agency's Guidance on Cross Contamination "E. coli 0157: Control of Cross Contamination Guidance for food business operators and enforcement authorities (FSA 2011)" as detailed in report SCS/63/11/AH/MM arises from a consultation the Agency made in 2010 following the Pennington Report into the South Wales E coli outbreak.
- 4.2 That consultation was made at the behest of enforcement authorities seeking definitive guidance on the acceptability of so called dual use equipment. One of the principal causes of the outbreak was the use of a vacuum packing machine for both raw meat and ready to eat cooked meat. Clarification was sought as to whether there were any circumstances where a suitable cleaning regime could make this acceptable or whether such use was entirely inappropriate in all circumstances.
- 4.3 As part of the consultation the Agency asked the following question:
- "Do you agree that the underpinning principle for the guidance should be that every consumer needs to be protected from the risk of an isolated instance of low level contamination of food by *E. coli* O157? If not, what alternative would you suggest?"
- There was a sizeable response in the affirmative to this question, largely arising from a campaign led by Consumer Focus Wales following on from the outbreak there. The implications of such a principle are clear; it effectively brings in a zero tolerance approach to risk, where previous enforcement was aimed at risk minimisation.
- 4.4 Following on from that consultation the Agency produced the cross contamination guidance in February 2011. It is worth noting that at no stage was the detail of the guidance or its implications consulted on, the consultation focussed purely on the principles and appeared to be based on the use of complex equipment, cleaning and hand washing. The guidance when it arrived was far more detailed and prescriptive than expected.

5.0 Implications of the Guidance

- 5.1 As indicated above the scope and detail of the guidance was far greater than initially expected. This gave rise to a number of concerns which we have sought clarification on before being comfortable in proceeding with a revision of the Food Safety Enforcement Policy taking into account its requirements. From the outset however it has been clear that the FSA would rely on the publication of the guidance to defend its position in the event of another high profile E. coli 0157 outbreak and the inevitable inquiries arising from such an event. Attention would instead be deflected on to any shortcomings in the implementation of the guidance by enforcement authorities and businesses involved. It is therefore beholden on Inverclyde Council to seek to mitigate the risks which might arise from such an event whilst also minimising the impact on affected businesses. There are a number of specific challenges which must be addressed in seeking to enforce the guidance in a reasonable and equitable manner.
- 5.2 The legal status of the guidance:
- There was initial concern over the legal status of the guidance. Of particular concern was whether the guidance constituted "gold plating" of the existing European legislation on food safety and, therefore, whether that might lead to a political backlash against the guidance and its enforced withdrawal or alteration part way in to an enforcement programme. Discussions with the FSAS on both an individual basis and through the normal liaison arrangements indicate that the Agency considers this to be a guide to compliance, not a change to the legislation. This is a particularly important point as a change to the legislation would require a compliance cost assessment which would inevitably raise the political profile of the guidance.

5.3 Consistency:

Where a potential major change arises in the enforcement of regulation there will inevitably be claims of “inconsistency” from the regulated sector. In many circumstances experience would suggest that this is a general tactic used by major trade bodies and the press to attempt to discredit enforcement regardless of the circumstances. This in no way reduces the importance of authorities acting in a consistent manner in introducing such changes.

In the year since the guidance was introduced there has been a lot of work done to ensure that enforcement of the guidance is rolled out in a consistent manner with as much support for businesses to assist them in compliance as possible. The Food & Health Team-leader has been part of a working group updating the “Cook Safe” materials available to businesses to minimise the work required by individual businesses to comply. Inverclyde Council has held direct meetings with FSAS to discuss our concerns in this area and, by and large, these have been listened to and acted on. The Scottish Food Enforcement Liaison Committee (SFELC) has produced material on the practical enforcement of the guidance, again with input from Safer & Inclusive Communities. Whilst concerns remain about the impact of the guidance on business, at least we can now be confident that there should be a level playing field with consistent enforcement across Scotland.

On a similar note to consistency between authorities, there is an issue of consistency of treatment of businesses within an area. The resources available will not allow all business to be targeted at the same time with visits and support from enforcement staff. This will inevitably put some businesses at a competitive disadvantage if they are being required to comply in advance of their competitors. The enforcement policy seeks to minimise these effects whilst ensuring that a structured and transparent approach is taken to enforcement utilising the resources available.

5.4 Support from the Food Standards Agency Scotland:

One of the major concerns arising from the introduction of new guidance or legislation for local authority enforcement is always what support will be available to local authorities if and when the basic principles of the legislation are challenged in court. The majority of local authorities are not in a position to take potentially very expensive court action probably involving expert witnesses if they do not receive the full backing of the sponsoring agency or department. In this instance we have been given assurances that local authorities will receive the full backing of the FSAS including the participation of scientific staff as witnesses, and support with the costs of action to ensure that the general principles of the guidance are upheld.

5.5 The impact of the guidance on businesses:

When the guidance was launched by the Food Standards Agency in February 2011 it was far from clear to enforcement authorities that the Agency had a realistic grasp of the implications of the guidance for businesses, in particular SMEs. The general change from the use of procedural controls to mitigate risk to an approach which very much involves the separation of raw foods which might be contaminated with food poisoning bacteria from ready to eat foods will clearly have a significant impact on small businesses. The effect will be particularly felt by catering businesses which have significant constraints in terms of space and/or staff and which have complex and changing menu. In the most extreme circumstances compliance with the guidance could involve a significant change to their operation with obvious impact on the viability of some businesses which will already be vulnerable as a result of the prevailing economic conditions.

Whilst this remains a real risk, we can now be confident that the FSAS as the sponsoring body for this guidance is well aware of this. As mentioned in 5.3 above there has been significant progress in terms of the provision of supporting materials for businesses in the last year. The introduction of the new “Cook Safe” guidance to businesses by enforcement officers should serve to mitigate the effect of the changes as far as is reasonably practicable.

5.6 Resource limitations and national performance measures:

Local authorities are required by the Framework Agreement on Official Food and Feed Controls and by the terms of the Code of Practice on Food Law Enforcement to inspect businesses in a certain manner at a frequency determined by a risk based assessment. There are national performance indicators on which this is measured and local authorities are audited by FSAS to ensure compliance. Obviously there will be tension between the need to continue with this and the need to introduce the guidance to local businesses in a structured and transparent manner.

Discussions with the FSA over the course of the last year have led to an agreement that, within certain parameters, local authorities can change their inspection programme for a period of up to three years without being penalised, providing that approach is transparent and detailed. The Food Safety Enforcement Policy details how we intend to roll the guidance out to businesses in Inverclyde over this period. This should be achievable with the staffing resources currently available to the Service.

6.0 Food Safety Enforcement Policy

6.1 General Principles

Inverclyde Council will, wherever possible, seek to work with businesses to secure compliance in preference to taking enforcement action. The enforcement policy sets out how this will be done in more detail and how we will deal with food businesses when a cooperative approach is not practical. Enforcement of food law will be carried out in Inverclyde in accordance with the five principles of better regulation:

- targeting (taking a risk-based approach);
- proportionality (only intervening where necessary);
- accountability (explaining and justifying service levels and decisions to the public and to stakeholders);
- consistency (applying regulations consistently to all parties); and
- transparency (being open and user-friendly).

The enforcement policy sets out Inverclyde Council's approach to the use of the various legal sanctions available under Food Law and makes clear that these will always be used in a graduated manner using the lightest level of enforcement which will achieve compliance and reduce the risk to the public.

6.2 Appendix 1 – Implementation of the FSA Cross-contamination Guidance

Appendix 1 to the Enforcement Policy sets out in detail how we intend to introduce the guidance to businesses in Inverclyde and enforce its requirements over the next three years. The three year roll out is consistent with the derogation granted to enforcement authorities by the FSA to depart from their normal inspection programmes to introduce the guidance. At this stage it is impossible to be sure how much officer resource will be required to introduce the guidance. The number of businesses requiring follow up visits and enforcement action is estimated in the policy but we will not have a true indication until the programme commences following Committee approval. It is hoped that the programme can be delivered within existing resources however.

6.3 A report will be made to Committee in 12 months time detailing any lessons learned from the first year of this implementation programme. Any changes required to the detail or timetable of the programme as a result will be advised at that time.

7.0 Implications

7.1 Finance

There are no financial implications arising from this report.

7.2 Personnel

There are no personnel implications arising from this report.

7.3 Legal

There are no legal implications arising from this report.

7.4 Equalities

There are no implications for equalities arising from this report.

8.0 List of Background Papers

- 8.1
 - Official Food and Feed Controls: SSCC 3 May 2011, SCS/63/11/AH/MM
 - Food Standards Agency Audit of Inverclyde Council's Food Control Service August 2011: SSCC 25 Oct 2011, SCS/80/11/AH/MM

Inverclyde Council

Food Safety Enforcement Policy

Aims & Objectives

It is the aim of Inverclyde Council's Safer & Inclusive Communities Service to ensure, as far as is possible, that all food and drink sold, produced, handled or distributed within the Council's area is produced legally and at minimal risk to the consumer. In achieving this aim the service is mindful of the need to minimise the burden of enforcement on individual businesses at the same time as ensuring that there is a level playing field for all businesses operating in Inverclyde.

Enforcement Principles

General Enforcement Principles

As a general principle Inverclyde Council will always endeavour to use the most appropriate and proportionate means of ensuring the safety of food supplied in Inverclyde. Where compliance with the law and the safe supply of food can be achieved by informal means this will be the preferred option, where more formal action is required this will be employed at the minimal level required to achieve the aims of this policy. The Council will have no hesitation however in using the full range of enforcement tools up to and including emergency prohibition procedures where required.

Enforcement of food law in Inverclyde is carried out at all times in accordance with the five principles of better regulation:

- targeting (to take a risk-based approach);
- proportionality (such as only intervening where necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user-friendly).

Officer Authorisation

Officers carrying out food law enforcement duties are authorised to an appropriate level given their experience, training and qualifications. Officers are provided with both internal and external training in accordance with the Food Law Code of Practice to ensure that their knowledge and skills remain current and relevant.

Monitoring and External Audit

The organisational arrangements and procedures that the Council has in place to ensure its statutory duties under food law and its compliance with the Food Law Code of Practice are monitored internally and subject to external audit by the Food Standards Agency Scotland (FSAS) Audit Branch. Should the Council be found to be failing in its duties the FSAS can take action up to and including the default powers to take over the statutory duties of the Council for food law enforcement.

Enforcement Activities

In enforcing food law in Inverclyde, Safer & Inclusive Communities carries out a number of actions:

- The risk based inspection of food businesses for food safety and standards.
- Food sampling for composition and microbiological safety.
- The investigation of cases and outbreaks of food poisoning and food and water borne illness.
- The investigation of consumer complaints relating to food quality and safety and the hygiene and practices of food businesses.
- The provision of advice and guidance to food businesses operating in Inverclyde on food safety and compliance with food law. This includes acting as a home authority for businesses based in Inverclyde but supplying food over a wider area.

The arrangements for carrying out these actions are detailed in the Official Feed and Food Controls Service Plan which is produced and reviewed on an annual basis.

Levels of Enforcement Action

Informal Action

As stated above Inverclyde Council will always endeavour, where appropriate, to achieve compliance with food law through informal means. This can range from the provision of verbal advice at businesses request through to detailed written inspection reports.

Where advice is given this will be as clear and simple as possible.

Written inspection reports will be clear in the timescales required for remedial action and in distinguishing between what is a legal requirement and what is a recommendation of good practice.

Hygiene Improvement Notice

A Hygiene Improvement Notice is a formal enforcement notice requiring action to be taken to remedy contraventions of food hygiene regulations. The notice specifies the contravention, details the remedial action required and specifies a time scale for action to be taken. Businesses may appeal to a Sheriff should they disagree with any or all parts of a notice or believe a notice to be wrongly served. Failure to comply with a Hygiene Improvement Notice is an offence. The notice may be served in any of the following circumstances:

- Where formal action is proportionate to the risk to health;
- Where there is a record of breaches of food hygiene or food processing regulations;
- Where there is reason to believe that an informal approach will be unsuccessful.

Remedial Action Notice

Remedial action notices (RANs) allow urgent action to be taken to address an issue where there is need for prompt corrective action but not necessarily evidence of an imminent risk to health. They will be used where the minimum notice period required for a Hygiene Improvement Notice is inappropriate, for example to tackle cleaning or cross contamination issues. This could have a significant short-term impact on the business, particularly if the Food Business Operator has to close the premises or stop a particular operation to rectify the hygiene issue. In the majority of circumstances where there is an imminent risk to health however a Hygiene Emergency Prohibition Notice is the more appropriate enforcement option.

Hygiene Emergency Prohibition Notice

Where there is considered to be an imminent risk to health arising from the operations or processes of a food business a Hygiene Emergency Prohibition Notice may be served. The notice prohibits the use or operation of a part or all of the premises of a food business, a process or processes carried out or the use of a particular piece of equipment.

The service of an HEPN is a serious matter, it obviously will have an immediate and, in some cases, lasting effect on the business. The notice requires to be confirmed by a Sheriff within three working days and there are provisions for compensation should the notice be found to be improperly served. Notwithstanding these issues Inverclyde Council will not hesitate to serve such a notice should the circumstances justify it. In accordance with the principle of proportionality however, the notice will prohibit the minimum process or activity required to remove the risk.

Voluntary closure of a food business as an alternative to emergency prohibition will only be accepted where enforcement officers have a high degree of confidence that the closure will be adhered to until such times as the risk has been removed to the satisfaction of the

Service. A written undertaking to this effect will be required from the food business operator and the premises will be checked at regular intervals to ensure that the undertaking is being followed. Voluntary closure will only be accepted in appropriate circumstances and will not be used simply as an easy alternative to emergency prohibition. Enforcement officers may only suggest this option when the health risk conditions allowing the service of an HEPN are fulfilled and where such a course of action is in accordance with the general principles of this policy, the service of an HEPN should always be considered as the first option.

Seizure and Detention

As with emergency prohibition procedures, the seizure and detention of food will be employed strictly where the circumstances dictate that this is the most appropriate option to remove the risk of unsafe food being placed on the market. Where enforcement officers can be confident that voluntary procedures will achieve the same ends, for example voluntary surrender of the affected foods, this will generally be acceptable.

At all times seizure and detention will be carried out in line with the requirements of the Food Law Code of Practice.

Reports to the Fiscal

The decision to report a food business to the procurator fiscal will generally be made either where other appropriate enforcement options have not been successful in ensuring compliance or where there is a need for an additional sanction. In all cases reporting will be carried out in accordance with the most up to date guidance from the Crown Office. It will be made clear in the report why prosecution is considered to be in the public interest.

As a general guide prosecution will be considered to be in the public interest where:

- The alleged offence involved a flagrant breach of the law such that the public was put at risk;
- There was a failure to comply with a statutory notice;
- There was a history of non-compliance involving repeated serious breaches of food law;
- The alleged offence involved a failure to correct a potential risk to food safety having been given a reasonable opportunity to comply.

Additional considerations will be the likely effect of prosecution on other businesses and on public confidence in the safety of food.

Home Authority and Primary Authority Agreements

For the purposes of this policy, as primary authority agreements are not technically binding upon Scottish Authorities in matters of food law, they will be treated in the same way as home authority agreements.

Inverclyde Council will seek to implement the home authority principle wherever possible in its dealings with food businesses. This will apply both to our relationship with businesses based in Inverclyde and in our dealings with larger businesses based outside Inverclyde.

Where the risk posed to consumers in Inverclyde is such that we are unable to accept any detail of a home authority agreement this will be discussed with FSAS, where practical prior to enforcement action.

Food Law Enforcement Policy

Appendix 1

Implementation of the FSA Cross-Contamination Guidance

Background

The FSA's cross-contamination guidance was published in February 2011 in response to recommendations contained in the 2009 report of the public enquiry into the E. coli O157 outbreak in Wales in 2005. The guidance is particularly challenging for both food businesses and local authority enforcers because it conflicts with practices accepted for many years by both parties. However, the key concepts of selecting physical controls (in this case, separation) above reliance on procedural controls (such as handwashing and chemical disinfection) are well established in all other fields of safety management.

Since the guidance was published there has been much work by enforcement authorities and the FSAS in Scotland to agree how this guidance would be enforced consistently and fairly across Scotland. While there are still some ongoing discussions about some of the finer detail of the guidance it is now appropriate to set out how the guidance will be enforced in Inverclyde over the forthcoming three years.

Enforcement Challenges of the Guidance

Obviously there will be many challenges for businesses and enforcers in the implementation of the guidance, not least of which are:

Fairness

As stated above the guidance poses significant challenges both at the level of engaging and securing compliance in individual food businesses and in introducing the guidance to all affected businesses in as short a period as possible without any increase in local authority enforcement resource.

In the former case there is a need to give individual businesses time to comply before enforcement is escalated. The timescales set out in this policy aim to allow that as far as is practical.

In the latter case it has to be accepted that resource limitations mean that there will be a lag in the introduction and enforcement of the guidance between businesses in Inverclyde. This will unfortunately lead to a degree of unfair competition between businesses which have been subject to enforcement with an inevitable cost to the business in terms of changes to their operation and, in some cases, works required and those businesses which will continue

to operate under their previous regime. While this is unavoidable, this policy seeks to set out what Inverclyde Council will do to minimise this and the logic behind the programme adopted.

There is also obviously a need to ensure that businesses in Inverclyde are not placed at a disadvantage compared with other businesses in Scotland. This policy has been devised as a result of lengthy and ongoing discussions across Scotland which seek to mitigate this challenge.

Service Planning and Performance Indicators

Inverclyde Council is required under the Food Law Code of Practice to risk rate every food business according to strict criteria and to implement an inspection programme based upon those risk ratings. Annual returns are made to the Food Standards Agency to demonstrate how this is done and the Council is subject to audit by the Agency on the inspection programme. If we had to adhere strictly to this programme the implementation of the guidance would be spread over a very long period with consequent implications for the existence of a “level playing field” for businesses trading in Inverclyde.

As well as the unfairness that this would mean for businesses there would be an issue for Inverclyde Council’s performance indicators. One of the indicators food authorities are judged against is the level of “broadly compliant” businesses. Staggering enforcement over a period will lead to a significant dip in this indicator over a lengthy period.

Food Hygiene Information Scheme

The Food Hygiene Information Scheme (FHIS) which was introduced in Inverclyde in October 2010 is intended to give information to consumers on the compliance of food businesses with Food Law. It is a web based scheme which gives at a glance information on whether a business has been awarded a “Pass”, whether there is “Improvement Required” or if the business is “Awaiting Inspection”. Strict enforcement of the cross contamination guidance will inevitably mean a significant proportion of food businesses formerly awarded a Pass moving into the Improvement Required category. This enforcement policy seeks to minimise the impact on individual businesses.

Implementation and Enforcement Strategy

Basis

The challenges set out above have been to some extent addressed by direct discussions between individual local authorities, including Inverclyde and the FSAS and by the production of additional guidance on an implementation strategy for the guidance from the Scottish Food Enforcement Liaison Committee (SFELC). This policy has been created in accordance with the SFELC guidance and in light of dispensations allowed by FSAS in terms of service planning and audit.

Local Authorities in Scotland have, subject to certain limitations, been given a three year period from 1 April 2012 to focus their resources on the implementation of the guidance. The SFELC document sets out the detailed criteria which local authorities should use in putting a programme in place to introduce the guidance. It is not intended to reproduce that guidance in detail here but the programme in Inverclyde is based upon that guidance and will be implemented in adherence with the criteria therein.

Implementation Strategy Details

The cross contamination guidance affects, to a greater or lesser extent depending on the exact nature of their operation, 385 of the 670 food businesses in Inverclyde. Essentially these are businesses handling open raw meat or vegetables and ready to eat food. The 385 businesses are mainly caterers although a proportion of other businesses will be affected.

Initial Information

All affected food businesses will be sent information about the cross-contamination guidance. This will consist of a covering letter introducing the guidance and Inverclyde Council's approach to enforcement, a leaflet on the guidance and a factsheet. Businesses will be directed towards the relevant web based resources for fuller information.

Revised Inspection Programme

Category A & B Premises

Under the agreement between SFELC and the FSAS all category A (six month inspections) and Category B (annual inspections) will be carried out as per the normal inspection programme. Premises which are rated as posing a particular risk to vulnerable groups must also be inspected in the first year. This amounts to approximately 100 food businesses in

Inverclyde. The nature of the inspection will vary however depending on whether the premises are affected by the guidance or not. If not, a “standard” food hygiene inspection will be carried out and the premises re-rated following inspection. If the premises are affected an advisory inspection focussed on the Cross Contamination Guidance will be carried out. The post inspection process will thereafter follow that detailed in [Figure 1](#).

Where no doubts exist as to the premises compliance with the guidance, the advisory inspection will conclude and the premises will be re-rated as per normal practice.

Where there is no evidence of non-compliance with the guidance but there are legitimate doubts as to whether compliance is being achieved in all circumstances the inspection will be completed and the premises will be re-rated but in such a way as to ensure that the next programmed inspection is brought forward to allow a further check. This will usually be achieved by adding 20 to the risk rating for increased risk of E. coli 0157.

Where some non-compliance is noted, likely to be the majority of businesses initially, the measures required to achieve compliance will be detailed in writing and the premises revisited in 2 months. This will minimise the problem of premises which were previously rated as “Pass” under FHIS being “Improvement Required” for a prolonged period, and increase confidence that any significant issues will be addressed in a reasonable timescale. The revisit will be made by two officers allowing greater confidence in the consistency of the approach being taken and also allowing the most appropriate and proportionate enforcement action to be taken at the time. [Figure 1](#) shows the detailed process.

Category C Premises

Category C premises (Inspection every 18 months) constitute the bulk of food premises in Inverclyde with some 364 premises in this category. The FSA has given local authorities a dispensation to drop those premises not affected by the guidance off their inspection programmes for a three year period. There are therefore approximately 270 premises which will require inspection. In order to target the implementation of the guidance more effectively these have been divided into high, medium and low risk businesses based on the risk of cross contamination posed by the nature of the operation and on the businesses track record. This has been done on a desk top basis dependent on the local knowledge of enforcement officers and the details held on record for the businesses.

On this basis there are approximately 110 high risk, 75 medium risk and 85 low risk businesses. Compliance inspections will be carried out in that order regardless of next inspection due dates between the high, medium and low categories although it is likely that these will be used as a guide within the categories. For the category C premises affected by the cross contamination guidance the inspection process will be as per that for affected A and B category businesses as shown by [Figure 1](#).

Category D and E Premises

There are approximately 230 category D and E premises in Inverclyde. By their very nature these are unlikely to pose a significant risk in terms of the cross contamination guidance. The inspection programme for D and E premises will be suspended for the period of this policy. In individual cases premises may be inspected if there is credible information that the nature of the business has changed sufficiently to justify bringing them in to this programme.

New Premises

These will be dealt with on a case by case basis. Where initial indications are that they would be excluded from this programme, no inspection will be carried out until this programme is completed. Where they would be included they will be introduced at an appropriate point dependent on the exact nature of the operation.

Complaints about this Policy

Where businesses believe that they have a specific grievance regarding the implementation of this policy they should make representations to the Health Protection Manager who will consider each case on its merits. Where the grievance relates specifically to a complaint of non-compliance by one business against another, such as might arise where a business is inspected at an earlier stage in this process than a neighbouring or competing business and therefore considers itself to be disadvantaged, the approach recommended in the SFELC implementation strategy will be taken. In order to reduce the impact of such complaints on the orderly implementation of the programme, the specific nature of the complaint will be taken into account. In particular we will consider whether the complaint gives any specific and credible intelligence that, had it been known previously, would have changed where the business complained about was placed in the implementation strategy. This will be assessed using the 5x5x5 intelligence model. If it is judged appropriate then the proposed inspection will be rescheduled in light of the information received.

Food Standards

This policy assumes that food hygiene inspections are very much focussed on cross contamination issues, with the exception of inspections of category A and B food premises where the guidance does not apply. In Inverclyde food standards inspections are frequently carried out in concert with food hygiene inspections. In order to remain consistent in respect of risk, any Category A and B food standards inspections will be carried out. Category C food standards inspections will not be carried out for the duration of this policy. Complaints and investigations will be carried out as normal however and any food standards issues which come to light which have particular importance in relation to risk to consumers, e.g. unlabelled allergens likely to provoke a serious adverse reaction, will be dealt with appropriately.

The Proposed Inspection Programme

	<i>June 2012 – Mar 2013</i>	<i>2013-14</i>	<i>2014-15</i>
<i>1.Programmed A& B Inspections</i>	<i>130</i>	<i>180</i>	<i>150</i>
<i>2.Projected secondary visits(a)</i>	<i>91</i>	<i>28(year 1) 75</i>	<i>15(y2)45</i>
<i>3.Projected Enforcement Visits(b)</i>	<i>46</i>	<i>14(y1) 30</i>	<i>6(y2)14</i>
<i>4.High Risk C Visits</i>	<i>50</i>	<i>60</i>	
<i>5.Projected Secondary(c)</i>	<i>30</i>	<i>8(y1)45</i>	
<i>6. Projected Enforcement Visits (d)</i>	<i>12</i>	<i>3(y1)18</i>	
<i>7. Medium Risk C</i>		<i>30</i>	<i>45</i>
<i>8. Projected Secondary(e)</i>		<i>15</i>	<i>3(y2) 27</i>
<i>9. Projected Enforcement Visits(f)</i>		<i>5</i>	<i>1 (y2)8</i>
<i>10. Low Risk C</i>			<i>85</i>
<i>11. Projected Secondary (g)</i>			<i>34</i>
<i>12. Projected Enforcement (h)</i>			<i>10</i>
<i>Total Inspections</i>	<i>359</i>	<i>511</i>	<i>443</i>
<i>Total Officer Visits (Secondary & Enforcement requiring 2)</i>	<i>538</i>	<i>752</i>	<i>606</i>

(a) Estimated at 90% of 1 in year 1, 50% in year 2, 30% in year 3

(b) Estimated at 50% of 2 in year 1, 40% in year 2, 30% in year 3

(c) Estimated at 75% of 4

(d) Estimated at 40% of 5

(e) Estimated at 60% of 7

(f) Estimated at 30% of 8

(g) Estimated at 40% of 10

(h) Estimated at 30% of 11

All estimated figures are very much best guess. Actual figures from year 1 will inform a revision for years 2 and 3.

Estimates of programmed A & B inspections assume a certain proportion of B and C rated premises moving to A.

The programme assumes a 9 month inspection period for this policy in 2012/13 from June.

Cross-contamination Guidance, Enforcement Considerations

Inspections

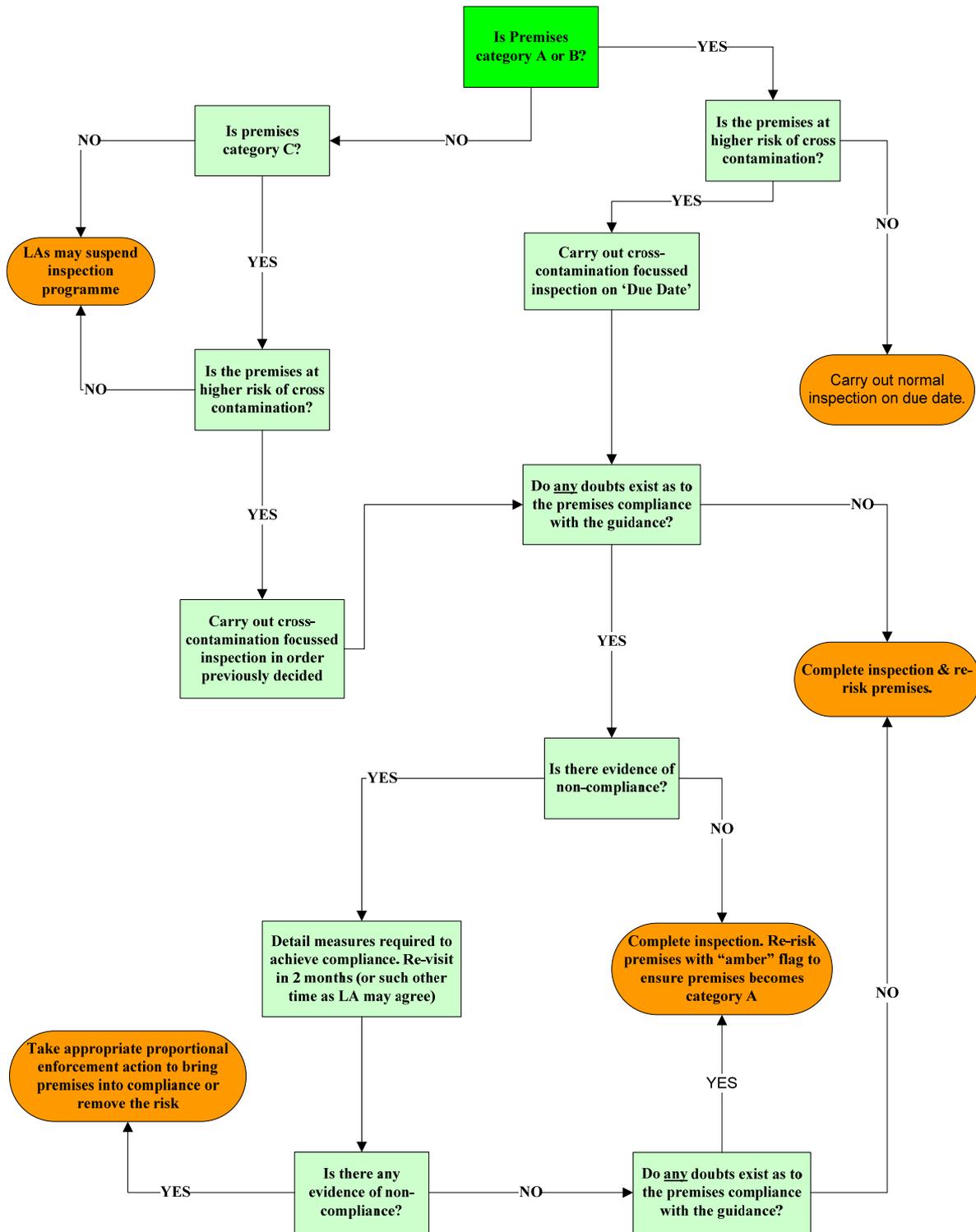


Figure 1 Cross Contamination Guidance - Inspections