



PUBLIC PROTECTION DEPARTMENT

FOOD SAFETY SERVICE

**ALTERNATIVE ENFORCEMENT
STRATEGY FOR LOW-RISK FOOD
BUSINESSES**

1.0 Introduction

- 1.1 This document sets out the strategy to be adopted by Cheltenham Borough Council for the enforcement of food hygiene legislation in low-risk food businesses, in accordance with paragraph 4.1.5.2.4 of the Code of Practice on Food Law.

2.0 Background

- 2.1 The Code of Practice on Food Law (CoP) issued by the Food Standards Agency published in 2008 incorporates an option for local authorities to implement alternative enforcement strategies for those businesses in which the inherent hazards are not significant by virtue of their trading activities or the number of customers they supply. In normal circumstances inclusion in the strategy will preclude those businesses from inspections (paragraph 4.1.5.2.4 of the CoP).
- 2.2 Following each full inspection, food businesses are rated in accordance with Annex 5 of the Code of Practice according to the risks presented, with the resultant score determining the frequency of future inspections. It is important to understand that the category/rating assigned to a business may alter following a primary inspection and therefore the frequency of visits may alter.

3.0 Aim of the strategy

- 3.1 The Hampton Report's vision was that 'no inspection should take place without reason' and therefore the aim of this strategy is to enable the council to focus attention on those businesses which present the greatest risk to consumer safety and/or who are failing to meet their statutory obligations.
- 3.2 The strategy will also assist in maintaining contact with low-risk food businesses to enable advice and information to be provided as appropriate. It will also provide a mechanism for topic based coaching and education as businesses are able to request further food safety information that may highlight a training need.

4.0 Definition of low-risk

- 4.1 Food businesses will be classified as low-risk where they receive an overall score of 30 or less (i.e. category E) following a food hygiene inspection. This may be achieved through the type of food sold, and/or by virtue of the standard of food safety controls implemented. (Refer to Annex 5 of the Code of Practice for details of the rating system).
- 4.2 Depending on the information received and any changes to the activities undertaken by a food business they may move into or out of the lower-risk category.
- 4.3 Low-risk premises (i.e. those scoring 30 or less) can be excluded from the planned inspection programme provided they are subjected to an alternative enforcement strategy at least once in every three years. Please note this does not include those premises scoring 0 i.e. unrated.

5.0 National Food Hygiene Rating Scheme

- 5.1 All businesses covered by the Alternative Enforcement Strategy (AES) will automatically receive a rating under the national Food Hygiene Rating Scheme (FHRS) at the time the initial food hygiene score is generated, provided the business is included in the scope of the scheme. The FHRS score will be checked and amended as necessary as part of the annual AES.

6.0 Consultation

- 6.1 Local food premises and business groups were consulted prior to the implementation of the strategy in accordance with LACORS recommendations.

7.0 The strategy in practice

a. Administration

- 7.1 At the beginning of each year the Food & Occupational Safety Manager, Duty Officer for Food Safety or Business Support Officer will compile a list, using the CAPS system, of the food businesses with an overall rating of 30 or below which are due a primary inspection that year. These businesses will be included in the low-risk strategy.
- 7.2 On a quarterly basis, each low risk (Category E) business due for inspection that month will be sent an initial letter (LR01) together with a low risk self-assessment questionnaire (SAQ) to complete. SAQs will be industry-specific to allow clearer assessment of the business activities.
- 7.3 On receipt of completed questionnaires the officer leading the strategy will review the information provided to determine whether there has been any changes to the business since the last inspection which may present an increased risk to food safety. The officer will determine the most appropriate course of action for example, contacting the premises with any requested guidance. The officer will determine if the risk rating remains the same and subsequently establish the date of the next intervention. This information must be recorded on Uni-Form together with officer justification for actions taken.
- 7.4 If the questionnaire has not been returned within the 28 day period the officer leading the strategy will telephone those outstanding premises with a reminder establish if a further copy of the questionnaire needs to be dispatched.
- 7.5 If no questionnaire has been received after a further 14 days the food business will be subject to a food hygiene inspection.

b. Visits

- 7.6 Although the strategy aims to minimise the number of visits made to the low-risk food businesses, it is recognised that there is a reliance on the honesty of the proprietor of the business to provide accurate information. To assess the adequacy of the scheme and responses received, inspections will be undertaken in the following instances;

- Where the information provided in the questionnaire indicates that the activities of the business have changed and the risk to consumer safety may have increased, and;
- Of all premises failing to return the questionnaire;

Taking the above into account at least 10% of the low-risk businesses currently trading should be inspected each year.

- 7.7 In addition to the above, business will also be visited in the following instances;
- To investigate complaints relating to the business;
 - On receipt of a food registration form indicating a change in ownership, and/or type of food business;
 - As part of an investigation into a food poisoning outbreak;
 - In response to actions requested by a Food Alert;
 - As part of a routine or special sampling initiative;
 - At the request of the proprietor/manager.

c. Uni-form

- 7.8 The Uni-Form database must be maintained to ensure the actions taken under the scheme are accurately recorded. Responsibility for entering actions on uniform should be co-ordinated between the strategy lead officer and Business Support Officer to ensure the following is recorded.

Sending out of initial letters and questionnaires

Receipt of returned questionnaires

Amending the business score/rating to reflect any changes to the risks presented

Amending contact details to reflect changes to proprietorship (including re-sending of food premises registration form if necessary)

Sending out reminder letter

Inspection undertaken

8.0 Performance Assessment

Objective

- 8.1 To maintain a rolling alternative inspection strategy for the enforcement of food hygiene standards for those businesses categorised as low-risk.
- 8.2 To send food hygiene questionnaires each year to all businesses categorised as low-risk.

Performance

- 8.3 The strategy is predominantly an administrative based procedure and therefore each year all businesses falling into the low-risk category will be included in the scheme.

Monitoring data

- 8.4 The effectiveness of the strategy can be measured against the following criteria using the TEN performance management system;
- Number of businesses receiving a low-risk questionnaire each year;
 - The number of questionnaires returned each year;
 - The number of reminder letters sent out each year;
 - The number of low-risk businesses inspected each year;
 - The number of businesses moving out of the low-risk strategy each year due to a change in the level of risk presented.

Flow chart of AES procedure

