

### Trigger Value for Secondary Inspections

The Food Law Code of Practice (Scotland) requires secondary inspections and appropriate enforcement for food businesses where significant failures of statutory requirements are found (Section 4.2.5). The SFELC Food Safety Subcommittee recommends that food authorities should consider the same trigger value for initiating secondary inspections to ensure consistency and to demonstrate effective use of resources. The trigger for a secondary inspection should be linked to the risk rating of the food business and be related to the need to protect public health and ensure food safety.

The 'Level of (Current) Compliance' element of the inspection rating is the most appropriate section to use for setting a trigger value. The third parameter in the food hygiene scheme (Score 15) is given when major non-compliance is found and "more effort is required to prevent a fall in standards"; it would be sensible to use this score as the trigger for a secondary food hygiene inspection. The first parameter in the food standards scheme (Score 40) is used when there is a general failure to comply with legal requirements. This score should be used to trigger a secondary food standards inspection. Intervening at these stages should hopefully prevent conditions deteriorating; effect an improvement in the premises; and prevent consumers from being prejudiced.

The Code of Practice requires food authorities to be reasonable, proportionate and consistent in their approach to food safety enforcement. Adopting this approach to secondary inspections will demonstrate that secondary inspections are proportionate to the risk rating of the business and would be the reasonable expectation in those circumstances. If adopted by all food authorities it will illustrate that food authorities are acting consistently across the country.

Food Authorities are required to document their approach to secondary inspections in terms of Section 4.2.5 of the Food Law Code of Practice (Scotland). The Food Safety Subcommittee recommends the attached statement is an appropriate form of words for inclusion in an authority's enforcement policy. Food authorities should review their enforcement policy at the earliest opportunity to ensure that they have adequately set out their approach to secondary inspections.

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# Scottish Food Enforcement Liaison Committee

## Food Safety Subcommittee Report



Recommended approach to secondary inspections when food businesses fail to comply with significant statutory requirements:

*'Secondary inspections for both food hygiene and food standards will be carried out when a food business is failing to comply with significant statutory requirements. When an officer gives a score of 15 or more in either of the compliance elements of the inspection rating schemes, this will act as the trigger for a secondary inspection to be scheduled. The presumption is that a secondary inspection will be scheduled, however in some circumstances the track record of the FBO may indicate that the significant contravention(s) will be remedied without a further visit being required. In these circumstances the officer needs to be confident that the matter will be remedied and that food safety will not be compromised by leaving the premises until the next scheduled inspection.'*

*The timing of the secondary inspection will be determined by the nature of the contravention and the action required to secure compliance. In any case, the secondary visit will take place no longer than 3 months after the primary inspection (1). The appropriate enforcement action MUST be taken when food businesses have failed to remedy the significant contravention(s), which initiated the secondary inspection (2). When a score greater than 15 is given for either of the compliance elements the officer MUST consider whether additional enforcement action is required.'*

### Notes:

- (1) The maximum time to the secondary inspection (SI) can be determined locally to suit resources. Food authorities should consider whether the SI should have a higher priority than low risk planned inspections or alternative interventions.
- (2) The expected action will be detailed in the Food Authority's enforcement policy.

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*This committee is a non-statutory advisory committee of the Food Standards Agency*