APPENDIX A

Food Sampling Policy

1. Introduction

In line with the Food Law Code of Practice (England) published by the Food Standards Agency (FSA), Competent Food Authorities are required to make available to consumers and business a food sampling policy. North Herts Council (the Council) is the Competent Food Authority for the purposes of food hygiene legislation and responsible for the delivery of the Food Hygiene Sampling Programme required by the FSA.

This policy sets out the Council's general approach to food sampling and its approach to specific food associated situations. It does not include sampling for food composition or labelling which are the responsibility of Hertfordshire Trading Standards. Water is regarded as food. However, mains supplied tap water is generally sampled by the local water undertaker and is therefore not covered by this policy. The Council does have a duty to ensure the wholesomeness of private water supplies, but the sampling of these supplies is determined by separate legislation and guidance, is also not covered by this policy.

2. General Approach

The Council recognises that food sampling plays an important role in protecting public health and supporting the Council's food law enforcement responsibilities. It is used to gather information about the safety and quality of our food and the potential presence of harmful microorganisms in foods produced, sold or used locally. This information forms part of the Official Controls required by the FSA and helps ensure that appropriate action can be taken to protect consumers. Food sampling is carried out by officers in the Commercial Team within the Council's Environmental Health Service.

Each year the Council develops a sampling programme which is outlined in appendix 1 of the Food Law Service Plan. When developing the annual sampling programme, the Council will have regard to the results of the previous year's sampling, local businesses that produce or sell high risk foods, food complaints, local intelligence and national or regional sampling surveys, as well as guidance offered by the FSA.

Wherever possible food sampling activities will include current coordinated sampling programmes which are determined by national, regional and local programmes. These are intelligence led and centrally coordinated by the FSA or UK Health Security Agency (UKHSA).

Sampling activities will normally be carried out in accordance with appendix 1 of the food service plan but will also be determined by the level of resources available. However, there may be times when sampling is required as a result of a food poisoning outbreak, emerging risk or other food incident. The sampling carried out for such unplanned emergencies will be determined according to public health risk and in conjunction with the guidance offered by the FSA or UKHSA.

3. Types of sampling

3.1 Routine

Routine sampling may take place to monitor the microbiological safety of foods manufactured or sold in the local area. The Food Safety and Hygiene (England) Regulations 2013 and the Food Safety Act 1990 (the Act) allow samples to be procured either by 'purchasing' or 'taking'.

Officers will attempt to purchase all routine samples. Where this is not possible or payment is refused the authorised officer is authorised and permitted to take the sample from the premises without payment.

Routine sampling will include those taken as part of national, regional and local food sampling programmes. These can include swabbing of equipment or food-contact surfaces and food sampling at food manufacturers, retailers or other providers within the district.

3.2 Informal

The majority of samples taken will be informal and assist with the monitoring / surveillance of food and food businesses within the local area.

3.3 Formal

Formal samples will be purchased or taken in accordance with the FSA's Code of Practice and Practice Guidance, by suitably trained, qualified and experienced authorised Officers. The samples will be examined or analysed by the appointed Food Examiner or Public Analyst. Formal samples will be taken where enforcement action may result if an adverse report is received following examination or analysis.

3.4 Process monitoring

Samples may be taken from manufacturers of foods, during the manufacturing process, for the purpose of ensuring the safety of the end product and for assessing the effectiveness of the critical controls in the associated process.

3.5 Primary Authority

In support of the Government's Primary Authority scheme, the Council will notify the Primary Authority of a food business of any adverse results following sampling carried out.

3.6 Routine inspection

Sampling may form part of a routine food hygiene inspection. For example,

- Where an inspecting officer identifies a particular issue with food handling or cleaning practices or identifies a problem that would benefit from obtaining sampling results to support further investigation.
- In specific food manufactures
- Where sampling is used as an official control instead of an inspection on an alternating basis in broadly compliant or low risk food businesses, or on occasions when sampling is used as an intervention either individually or in combination with another official control.

3.7 Food complaints

On receipt of a food complaint, the food may be sampled. That is, submitted for analysis, examination, or for expert identification, if the inspecting officer deems it necessary for the suitable investigation of the complaint.

3.8 Investigating food borne disease

Where a particular premises or food produced or sold in North Hertfordshire is implicated in a case or cases of food borne disease, food samples may be taken and submitted for examination for the purposes of identifying any likely source of infection and controlling any risk to public health. These samples are likely to be taken formally. In the event of an outbreak of food-borne disease, officers will work in consultation with the UKHSA to identify relevant samples.

3.9 Special Investigations

Food samples may be taken and submitted as part of a special investigation, e.g. in response to a food hazard warning, or to other intelligence received about potential food safety issues. This may form part of a ‘food incident’ issued by and involving working with the FSA.

3.10 Environmental sampling

In addition to food sampling, swabs may be taken within food premises to monitor cross contamination, check the effectiveness of cleaning and disinfection or look for specific pathogens. Officers may also take items such as cleaning cloths, sponges or other cleaning items for submission to the laboratory to ensure these do not pose a contamination risk.

The Team has access to an adenosine triphosphate (ATP) detection device which can detect organic residue (food waste or microorganisms) on surfaces providing an informal instant demonstration the effectiveness, or otherwise, of the cleaning.

4. Sampling plan

The council produces an annual sampling plan with regard to the factors listed above. The plan is included in appendix 1 of the food law service plan and could consists of some or all of the following

- Co-ordinated Surveys which can include a variety of food premises and foodstuffs
- locally organised programmes focusing on commonly encountered issues such as cross contamination in businesses handling raw and ready to eat foods
- monitoring and surveillance sampling of other high-risk foods in addition to above
- sampling as a result of a food complaint or allegation of food poisoning
- formal sampling as a result of a food premises implication in an outbreak of food borne illness, findings of an inspection or detention and seizure of foodstuffs
- from premises or sectors where food sample results were previously unsatisfactory
- from premises or sectors where local or national intelligence identifies potential risks to public health.
- product specific statutory sampling – should it be required of a local premises approved under assimilated regulation (EC) 853/2004
- any food type or food business type as required by the FSA.

5. Sampling procedure

All samples will be taken by suitably qualified, trained, authorised officers in accordance with the Food Law Code of Practice, Practice Guidance, relevant legislation, food, water and environmental microbiology (FWEM) guidance and the councils sampling procedure.

Formal samples will be taken in accordance with the guidance and techniques required to collect and take samples that may be used in enforcement or a prosecution.

6. Submission of samples

Samples are submitted to the following:

Food, Water, Environmental and Microbiology Service Laboratory

UK Health Security Agency
FW&E Microbiology Service Laboratory, London
UKHSA Colindale
61 Colindale Avenue
London
NW9 5EQ

The County-appointed Public Analyst

Hampshire & Kent Scientific Services
Kent County Council
8 Abbey Wood Road
West Malling
Kent
ME19 4YT

7. Follow up action

When the results of a laboratory examination or analysis of the sample(s) are received, Officers will decide the appropriate follow-up action with due regard to any expert advice from the Food Examiner or Public Analyst. Reference will also be made to the Council's enforcement policy and sampling procedure. Where appropriate, liaison with the Primary Authority will be carried out.

All sampling results are interpreted using the appropriate table from the UKHSA Guidelines for assessing the microbiological safety of ready to eat foods placed on the market. The FWEM laboratory categorises results as satisfactory, borderline or unsatisfactory for each sample, and each result will lead to a specific appropriate response by the authorised officer:

7.1 Satisfactory results

The authorised officer or officer acting under the supervision of the authorised officer will notify the Food Business Operator (FBO) or manager of the food business of the result and interpretation in writing without delay.

7.2 Borderline results

This category indicates the sample was at the level of borderline acceptable microbiological quality. Within 10 working days of receipt, an authorised officer will normally visit the premises and hand the FBO or manager the printed sampling results issued by the laboratory. The officer will offer advice on the improvements that should be made. In most cases, a resample may be taken.

7.3 Unsatisfactory results

This category indicates that the food sample did not meet the acceptable microbiological standard. An authorised officer will visit the premises without delay. The results will be handed to the FBO or Manager and an investigation carried out, and advice given. Where the FBO is not at the premises the results, along with any advice will also be sent to them by post. Resampling would normally be carried out.

8. Complaints and appeal

Any person wishing to complain about the service they have received or appeal against any decisions that affect them can do so using the councils Comments, Compliments and Complaints policy.

9. Governance

This policy sets out how the Council meets its obligations under food hygiene legislation and guidance. This policy will be reviewed periodically to ensure that it fully meets the requirements of the law. Reviews will be undertaken by the senior officers of Environmental Health and where amendments are required, and in accordance with the provisions of the Council's Constitution, the decision to authorize a revised policy will be delegated to the Director – Regulator in consultation with the Executive Member for Regulatory, with the decision being recorded as a Delegated Decision in due course.