A GUIDE TO FOOD HYGIENE INSPECTIONS
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Introduction

Most food business establishments that produce, prepare, package or handle food are subject to local authority food hygiene inspections, which are checks to ensure the business is complying with food safety legislation, and that the food it produces or handles is safe to eat. If the business supplies food directly to the public, the establishment may be issued with a food hygiene rating to demonstrate the level of its food hygiene standards.

Food safety legislation is devolved to the individual governments of each country in the UK and different legislation applies, although the requirements are broadly similar. In England, the requirement for food safety hygiene inspections is under the Food Safety and Hygiene (England) Regulations 2013. In Northern Ireland, Scotland and Wales, the General Food Regulations 2004 and Food Hygiene Regulations 2006 apply, with relevant national amendments.

This factsheet explains what a food hygiene inspection is, what type of establishments are required to have them, who carries them out and what happens during and after an inspection.

What type of establishments require an inspection?

Most food business establishments where food operations are carried out are required to have food hygiene inspections. This applies to both permanent and temporary premises. Food operations include making, preparing, processing, handling, storing, serving, selling or distributing food. Examples of the types of business affected include restaurants, hotels, supermarkets, food manufacturing plants, fast-food vans and food delivery vehicles. Staff canteens and kitchens in otherwise 'non-food' businesses are also subject to inspection.

Proprietors of food business establishments need to ensure that any premises where they carry out food operations (including mobile and temporary premises) are either registered or approved by the environmental health department of their local authority or district council at least 28 days before they begin trading. For more information about food business registration and approval, go to www.gov.uk/food-business-registration and www.gov.uk/food-premises-approval.

Who carries out the inspection?

Inspections are carried out by local authority (or, in Northern Ireland, district council) food safety inspectors. They have the right to enter premises and carry out inspections at any reasonable time. Inspections are usually carried out without prior notice. Food safety inspectors generally belong to the food safety units of environmental health or trading standards departments. For more information about who carries out inspections, contact your local authority or district council.

Food hygiene inspections are carried out on a regular basis. The frequency of inspections depends on several factors, including the type of food and method of handling or production and the potential risks and number of consumers affected by those risks. If a business demonstrates a low level of compliance with food hygiene procedures, or poor management controls, or if it generates unsatisfactory food sample results, it will be subject to more frequent inspections. Complaints from consumers also trigger more frequent inspections.

What happens during an inspection?

During a food hygiene inspection, food safety inspectors carry out a series of checks and inspect business records. They may also take photographs and food samples. Inspectors must show identification, and will complete their inspection according to the Food Standards Agency’s (FSA’s) Framework Agreement, which sets out how local authorities must perform their food safety enforcement duties (www.food.gov.uk/enforcement/enforcework/frameagreement).

In general, food safety inspectors check that:

- The premises and equipment are in satisfactory condition.
- Potential food hygiene and safety risks have been identified.
- A suitable Food Safety Management System (FSMS) and controls are in place.
- Supervisors and staff have been suitably trained in food hygiene and safety.
- Food safety records and documents are kept up to date.

If relevant, inspectors will also check that the food being produced or handled is described on menus, packaging and labelling, in a way that is not misleading to consumers. Labelling must be accurate, clear and easy to read and understand, providing certain basic information and listing ingredients, depending on the type of food. For more information about food labelling requirements go to www.gov.uk/food-labelling-and-packaging.

Financial data about your competitors can provide information about the viability of their businesses and give wider indications about the current market for your proposed products or services. If your competitors are registered companies, there are public and commercial sources that provide financial and legal information about them.

In particular, inspectors will check that a business has a suitable FSMS, which is a plan to ensure acceptable standards of hygiene and safety in food preparation and handling. The FSMS should be implemented based on Hazard Analysis and Critical Control Point (HACCP) principles, which enable a food business operator to identify potential risks in work processes and use controls to minimise those risks. Food business operators must put checks in place to ensure the FSMS is maintained, and must keep an up-to-date record of steps taken under it. See BIF 502, An Introduction to Creating a Food Safety Management System (FSMS).

What is the outcome of an inspection?

Food safety inspectors provide feedback after an inspection, which will include identifying any existing or potential problems they have found and advising how those problems can be dealt with. They will also provide a written report outlining any remedial action that needs to be taken and specifying whether the action must be taken in order to comply with legislation or with good practice. Food business operators will be given a reasonable amount of time in which to take action unless there is an immediate threat to public health.

If deemed necessary, inspectors can serve food business operators with an improvement notice. There are four main types of improvement notice:

- Hygiene improvement notice - sets out actions that must be taken to comply with food hygiene law.
Food labelling improvement notice - advises that a food business operator must take steps to comply with food labelling legislation.

Remedial action notice - forbids the business from carrying out certain activities, or using premises or equipment, until remedial action has been taken.

Hygiene emergency prohibition notice - similar to a remedial action notice but is confirmed by a Magistrates' Court.

Failure to comply with an improvement notice is a criminal offence and can lead to prosecution. Serious breaches of food hygiene and safety law can also lead to prosecution. Penalties include court-ordered bans to close down food business establishments or prevent operators using specific food preparation equipment or processes, along with fines and imprisonment.

If a food business operator disagrees with the outcome of an inspection, they can appeal in the first instance to the head of their local authority's environmental health or trading standards department. Subsequent appeals can be made via local councillors, via a Magistrates' court in England, Wales and Northern Ireland or a Sheriff's court in Scotland, and via the local government or public services ombudsman for each of the countries in the UK.

In England, from 2014 the FSA has also introduced a new Independent Business Appeals Panel. For more information about making an appeal go to www.food.gov.uk/business-appeal.

Food hygiene ratings

All food business establishments that supply food directly to the public (and food manufacturers and wholesalers in Wales) may be issued with a food hygiene rating following a food hygiene inspection. In England, Northern Ireland and Scotland, under the Food Hygiene Rating Scheme, a food business will be given a rating between 0 and 5, with 0 meaning 'urgent improvement necessary' and 5 meaning 'very good'. In Scotland, under the Food Hygiene Information Scheme, a business will be given either a 'pass' or 'improvement required' rating. Food businesses in Scotland that exceed the standard of hygiene required for a 'pass' rating can apply for a separate 'Eat Safe Award'.

In England, Northern Ireland and Scotland, food business operators that supply food directly to the public are given a sticker or certificate that they are encouraged to display prominently in their premises. In Wales, food business operators are given a sticker that must be displayed prominently in an entrance or adjacent window of the establishment. Food business operators in Wales must also give verbal information about their hygiene rating if asked by customers.

For further information about the food hygiene rating schemes go to http://food.gov.uk/multimedia/hygiene-rating-schemes.

Hints and tips

- All premises used by a food business operator should be registered with the local authority at least 28 days before beginning to trade.
- Be prepared for food safety inspectors to carry our food hygiene inspections without notice.
- Food business operators should ensure they have developed a suitable Food Safety Management System (FSMS), based on Hazard Analysis and Critical Control Point (HACCP) principles.
- Food safety inspectors are required to show identification, carry out inspections politely and efficiently, and provide feedback after their visits.
- Complying with improvement notices within given timeframes is essential to avoid possible prosecution.

Further information

For practical start up and small business tips, ideas, know-how and news, go to:
Website: www.enterprisquest.com

To access hundreds of practical factsheets, market reports and small business guides, go to:
Website: www.scaevenger.net

BIF 70  A Guide to the Food Safety Act 1990
BIF 182  A Guide to the Food Labelling Regulations 1996
BIF 193  A Guide to Food Hygiene Regulations in the UK
BIF 435  An Introduction to Food Safety Legislation

Useful publications

'Food Law Inspections and your Business'
Food Standards Agency (FSA)
Website: www.food.gov.uk/business-industry/caterers/food-law-inspections

'Safer Food, Better Business for Retailers'
FSA
Website: http://food.gov.uk/business-industry/caterers/sfbb/sfbb/retail

'The Meat Industry Guide'
FSA
Website: www.food.gov.uk/business-industry/meat/guidehygiene/meat

Useful contacts

The Food Standards Agency (FSA) is a Government agency responsible for protecting the public's health and consumer interests in relation to food. It provides guidance and information on food safety. There are four national FSA offices across the UK:

FSA England
Tel: (020) 7276 8829
Website: www.food.gov.uk

FSA Scotland
Tel: (01224) 285100
Website: www.food.gov.uk/scotland

FSA Wales
Tel: (029) 2067 8999
Website: www.food.gov.uk/wales

FSA Northern Ireland
Tel: (028) 9041 7700
Website: www.food.gov.uk/northern-ireland

Improve is the Sector Skills Council for food and drink businesses. It sets standards and provides training relevant to the food industry.
Tel: 0845 644 0448
Website: www.improveit.co.uk

The Chartered Institute of Environmental Health (CIEH) offers a wide range of food safety courses and qualifications.
Tel: (020) 7928 6006
Website: www.cieh.org