

Our Reference: FOI 1562/1021/2014

By email: [REDACTED]

17 June 2014

Dear [REDACTED]

## FREEDOM OF INFORMATION REQUEST

Further to your emailed request for information which was received by the Food Standards Agency (FSA) on 19 May 2014, I am now in a position to respond. Please note the date for response given in our acknowledgement letter was incorrect and should have been given as 17 June. I apologise for this.

Your request was as follows:

*The number of unannounced inspections that the Food Standards Agency carried out of businesses to ensure all food standards regulations are strictly met in the calendar years of 2010,2011,2012,2013 and to-date in 2014;*

*The number of these businesses that met the regulations; the number of business that failed to meet regulations; The penalties that are available to FSA to apply on businesses that fail to comply with food safety regulations;*

*If business that fail to meet food safety regulations and are instructed by enforcement officers to carry any urgent works to ensure that they premises to meet regulations are re-inspected within 30 days to ensure that works were carried out.*

Your request is being handled under the terms of the Freedom of Information Act 2000.

The FSA directly carries out unannounced inspections at dairy establishments and standalone meat cutting plants in England, Scotland and Wales. All other food establishments are inspected by local authority food law enforcement officers.

The FSA brought the inspection of dairy establishments in-house in 2012. The following table shows the number of inspections and follow-up visits carried out since then, all of which are unannounced, together with the number of premises that resulted in corrective action being required:

	<b>No. of primary inspections</b>	<b>No. primary inspections identifying corrective action</b>	<b>No. of follow up visits</b>
<b>2012</b>	520	259	151
<b>2013</b>	1,070	837	376
<b>2014 (to date)</b>	717	374	348

For standalone meat cutting plants, the FSA carried out an initial 3 month programme of unannounced visits from February 2013. During this period, 651 visits were undertaken. An unannounced inspection process for these premises was formalised in November 2013. Since then, 801 unannounced inspections (at 554 establishments) have been carried out. One or more deficiencies were identified at 615 inspections (431 establishments).

In addition, the FSA collects food law enforcement monitoring data from local authorities annually. This data covers the financial year from 1 April to 31 March. The following table shows the reported number of official controls carried out by local authorities at food businesses for the years 2010/11 to 2012/13. The data for 2013/14 is currently being collected and will be available in November 2014.

	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
Inspections & Audits	349,687	276,697	385,450
Verification & surveillance	91,740	95,701	100,274
Sampling visit	30,350	26,792	27,026

Although the FSA monitoring data does not specifically include the number of local authority visits that are unannounced, official controls are carried out in accordance with EC regulation 882/2004, Article 3.2 of which states:

‘Official controls shall be carried out without prior warning, except in cases such as audits where prior notification of the feed or food business operator is necessary’.

Although the local authority monitoring returns include details of enforcement action taken against food premises, this is not in a format that can identify how many businesses met or did not meet regulations. The data does however include the number of food businesses that are Broadly Compliant<sup>1</sup> or better. The following table gives the percentage of UK food businesses that were broadly compliant or better during 2010/11 to 2012/13.

<sup>1</sup> A food establishment defined as ‘broadly compliant’ for food hygiene, has an intervention rating score of not more than 10 points under each of the following three criteria: Level of (Current) Compliance – Hygiene; Level of (Current) Compliance – Structure; and Confidence in Management. Details of the food hygiene scoring scheme can be found in Section A5.3 of the Food Law Code of Practice, available at <http://multimedia.food.gov.uk/multimedia/pdfs/enforcement/food-law-code-of-practice-england-april-2014.pdf>

	2010/11	2011/12	2012/13
% establishments Broadly compliant or better: Including new businesses that have not yet been inspected and risk rated	83.7%	84.5%	85.7%
Excluding the uninspected new businesses	88.9%	90.2%	91.2%

FSA and local authority inspectors have a range of enforcement tools available to apply on businesses that fail to comply with food safety regulations. These tools range from informal verbal advice and written warnings to the formal enforcement listed below:

Type of Action	Purpose
Hygiene Improvement Notice	To seek compliance with non-urgent hygiene deficiencies
Detention of Food Notice	To detain food while further investigation is carried out.
Certification of Food Notice	To certify food that has not been produced, processed or distributed in accordance with the Hygiene Regulations to deem it to fail to comply with the Food Safety Requirements and facilitate condemnation.
Seizure of Food Notice	To formally seize food in order that it may be taken before the court to be condemned
Remedial Action Notices <sup>2</sup>	To achieve prompt rectification of deficiencies in premises, equipment or processes that may impact on food hygiene.
Hygiene Prohibition Order	Prohibition of a food business proprietor or manager from participating in the management of any food business
Hygiene Emergency Prohibition Notices and Orders	To obtain the authority of the court to deal with circumstances that pose an imminent risk of injury to health
Prosecution	Where other enforcement action has failed to result in improvements or where criminal activity has taken place.

<sup>2</sup> Remedial Action Notices may only be served on Approved Premises in England, but may be served on any food business in Northern Ireland, Scotland and Wales.

Where a food business is instructed to make improvements they will be given a set period in which to do this and the inspector would be expected to follow-up to ensure that the work is carried out. The timescales for this vary depending on the circumstances and the enforcement action taken.

If prosecuted for an offence of contravening food safety or food hygiene regulations, the maximum penalty that can be imposed on a food business operator on summary conviction in the magistrates' court is 6 months imprisonment and/or a maximum fine of £5,000 per offence. If tried on indictment and convicted in the Crown court, the maximum sentence that can be imposed on the operator is a term of imprisonment of 2 years and/or an unlimited fine. The maximum fines that can be imposed in general by magistrates' courts are likely to be increased later this year under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

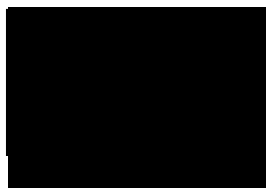
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If you have any queries about this letter, please contact me. Please remember to quote the reference number at the top of this letter in any future communications.

If you are not satisfied with the way the Agency has handled your request for information, you should write within two calendar months of the date of this letter to the Openness Team, and ask for an internal review. They will arrange for the Complaints Coordinator to conduct the review. Their address is Food Standards Agency, Room 2C Aviation House, 125 Kingsway, London, WC2B 6NH (email: [Openness.team@foodstandards.gsi.gov.uk](mailto:Openness.team@foodstandards.gsi.gov.uk)).

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Agency. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or through the website at: [www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely



Local Delivery Division