

Newcastle under Lyme Borough Council

Food and Safety Team

Sampling Policy



Scope: The policy outlines the arrangements in place for sampling and sets out the factors that are considered when formulating the annual sampling programme.

The Business Manager (Food and Health & Safety) is responsible for approving and amending this policy and for monitoring its implementation and effective operation.

1.0 Introduction

- 1.1 Newcastle under Lyme Borough Council (NuLBC) has a legal duty to inspect food businesses to ensure compliance with food legislation. In addition, NuLBC is required by the Food Standards Agency to have a sampling policy and sampling programme in accordance with the Food Law Code of Practice (England) guidance.
- 1.2 NuLBC recognises that sampling, examination and analysis is a valuable tool in the compliance toolbox in terms of monitoring compliance and protecting the final consumer. The sampling programme is risk based and intelligence led.
- 1.3 As outlined above the main objective of food sampling is to protect health. Sampling can also assist to:
 - detect illegal activities
 - provide advice to food business operators
 - verify safe food controls
 - deter poor food hygiene practices
- 1.4 The policy does not cover food composition and labelling issues or feeding stuffs which are enforced by Staffordshire County Council Trading Standards. NuLBC works in partnership with Officers from Trading Standards, working collaboratively and sharing intelligence in areas such as food allergens.
- 1.5 The policy does not include any responsibilities under a primary authority or home authority arrangement. The policy will be revised should NuLBC consider entering into a primary authority partnership.

2.0 Proactive sampling

2.1 National and regional surveys

Each year the UK Health Security Agency (UKHSA) publishes national sampling studies. The 'Central England – North' Food Liaison Group review the studies determining those that applicable e.g. a new and emerging concern applicable to our region. NuLBC is committed to taking part and contributing towards UKHSA studies.

2.2 Approved premises and high risk businesses

High risk businesses include Risk Category 'A' premises. Approved Premises may be sampled for verification purposed, this may include shelf-life testing, hygiene swabbing and product microbiological screening sampling. Sampling at approved premises may also be used to assess compliance with legal requirements.

2.3 Local surveys

Local surveys are initiated by an individual local authority. These are planned programmes of sampling prompted, for example, by a previous year's sampling results, officer knowledge/ intelligence or intelligence shared by neighbouring authorities.

2.4 Programmed Interventions

Food sampling is not normally carried out during routine food hygiene inspections, although the decision whether to take samples is at the discretion of the inspecting officer. Circumstances where it may be deemed appropriate for sampling to be carried out during an inspection include:

- If there is a history of unsatisfactory food sample analysis results from the premises
- If the officer suspects food safety controls may not adequately protect the safety of the food

Officers may carry out hygiene swabbing of surfaces or equipment. Environmental swabs are used by Officers to provide a means of checking and demonstrating if the controls used by a food business are effective.

2.5 Inspection Plan for a food business

Officers should check the Primary Authority Register to identify whether an inspection plan exists for a business before undertaking sampling. Where there is an inspection plan issued by the primary authority, officers must follow the plan and provide feedback to the primary authority if required. Sampling may be conducted outside of a routine or reactive inspection and stands as a separate intervention to an inspection/audit.

3.0 Reactive sampling

3.1 Response to complaints or a food poisoning outbreak and response to local intelligence/ officer suspicions and regional intelligence

Each investigation is reviewed on a case by case basis and relevant sampling may be undertaken.

4.0 Imported Food sampling

4.1 Routine imported food sampling will be prioritised utilising the following intelligence streams:

- any agreed FSA/UKHSA sampling programme(s)
- any sampling required following a Food Alert, Early Warning System notification or other reliable intelligence.
- information from the 'Central England – North' Food Liaison Group, or other sampling surveys
- any imported food where there is no known history or information on the product

4.2 The sampling programme will take into account any local issues e.g. any consumer complaints relating to imported food, and their local business profile within the district.

5.0 Annual Sampling programme

5.1 The factors taken into account when formulating the NuLBC sampling programme include:

- any national or local consumer issues that will influence the level of sampling to be undertaken
- food sampling priorities
- risk prioritisation, taking into account:
 - the number, type, size, and intervention ratings of food business establishments in our area
 - the type of food produced in the area
 - the procedures adopted by the food business to ensure compliance
 - imported foods
 - originating authority responsibilities

- the need to ensure that the provisions of food law are enforced
- not duplicating sampling that is being undertaken on a wider basis, for example those sampled as part of imported food controls at Border Control Posts (BCPs).

- 5.2 To ensure that the sampling programme is effective the sampling programme prioritises:
- food manufacturers in the area
 - distribution centres that deliver food to a wide area
 - national Sampling Programmes that highlight any food types which relate to specific premises in the area
 - national or regional imported food priorities/surveys and the UK's National Control Plan

- 5.3 For any sample, consideration must also be given to the following risk-related issues:
- the severity of the effect of any given non-compliance with the food
 - the likelihood of the occurrence of injury to health (incl illness).
 - the consumption pattern applicable to the food
 - the degree of distribution
 - the degree of control and monitoring exercised by the manufacturer for all potential faults
 - the compliance history of a food business
 - emerging national and international concerns
 - local consumer and business concerns

5.4 **Sampling Programme**

A sampling programme will be produced annually based on this policy.

6.0 **Arrangements for the analysis and/or examination of the samples**

- 6.1 NuLBC appoint a Public Analyst who meets the minimum qualifications set out in The Food Safety (Sampling and Qualifications) (England) Regulations 2013. All samples for analysis are submitted to a UKHSA accredited laboratory - Colindale London NW9 5EQ. Samples are transported by courier in insulated containers/ice packs and the container is sealed with a tag.
- 6.2 Laboratory timetables determine when sampling takes place. NuLBC is allocated a schedule specifying what days samples can be submitted, cut-off times for submission, and maximum numbers of samples in each submission.
- 6.3 Outside of this schedule urgent samples e.g. a formal sample can be submitted by courier with prior arrangement with the laboratory.

7.0 **Sampling results**

- 7.1 Officers report unsatisfactory sampling results to the food business, and, where corrective action is needed Officers work with the business in the first instance and escalate as necessary in accordance with NuLBCs enforcement policy.
- 7.2 Where unsatisfactory samples are identified officers will undertake a full investigation and resample. The investigation may involve liaison with other local authorities, primary/ home authorities and agencies such as Trading Standards / Food Standard Agency. Where appropriate, a product withdrawal and/or product recall will be instigated.

8.0 **Sampling resource**

- 8.1 NuLBC commit to providing the necessary resource to carry out the annual food sampling programme. Sampling is undertaken by Officers who are suitably qualified, trained and authorised.

9.0 **Recording sampling interventions**

- 9.1 A visit to an establishment to obtain a sample does not constitute an official control, unless the sampling activity forms a component part of a wider reaching official control (e.g. inspection/audit), that overall provides sufficient information to allow the officer to determine the level of compliance.

10.0 Publication of Policy

- 10.1 The Sampling Policy will be published online so as to make it available to businesses and consumers.

11.0 Related Documents

- 11.1 This policy should be read in conjunction with:
- Assimilated Reg (EC) 2017/625
 - Food Safety (Sampling and Qualifications) (England) Regulations 2013
 - Food Law Code of Practice (England)
 - Food Law Practice Guidance (England)
 - Assimilated Reg (EC) 2073/2005 on microbiological criteria for foodstuffs
 - Guidelines for Assessing the Microbiological Safety of Ready-to-Eat Foods Placed on the Market, produced by the UKHSA