Principles for the inspection of food businesses

Implementation Subcommittee for Food Regulation
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Introduction

This document has been developed by the Implementation Subcommittee for Food Regulation (ISFR) to provide authorised officers, including local government environmental health officers (EHOs), with principles to guide the inspection of food businesses. Inspection of food premises is an important activity to assess compliance with the *Australia New Zealand Food Standards Code* (the Code) and food act provisions.

ISFR is made up of representatives from government agencies and departments in Australia and New Zealand that are responsible for monitoring the implementation of food laws and enforcing those laws. These agencies and departments work together through ISFR to ensure food laws are implemented and enforced consistently.

Scope

An inspection is undertaken to assess the ability of a food business to manage food safety risks and comply with the relevant food safety standards. Inspections incorporate a planned sequence of observations, measurements and information gathering to collect factual evidence to support findings and justify actions. This document is targeted to the inspection of a food business for compliance with Chapter 3 of the Code, but could also be applied to inspections conducted to assess compliance with other chapters of the Code.

Principles

The primary responsibility for identifying food hazards and controlling risks rests with food businesses. An inspection of a food business is undertaken in order to assess and monitor compliance with the food safety standards of the Code and identify any corrective action that should be taken to minimise risk to public health and safety. The following principles should apply to all inspections of food businesses.

Purpose of an inspection

Authorised officers inspect food businesses in order to assess compliance with food safety standards of the Code. During an inspection, the authorised officer should check:

- whether food is being handled in a safe and suitable manner;
- whether the food premises design and construction or fixtures, fittings and equipment may contribute to a potential risk to public health and safety;
- whether food that is handled presents a risk, having regard to further processing; and
- whether there is a risk of foreseeable occurrences of foodborne illness as a consequence of food consumption.

Risk-based approach

A risk-based approach should underpin all aspects of the food premises inspection. The nature and frequency of inspections are determined based on the food safety risk associated with the food business.

The risk should be determined using the Risk Profiling Framework[1] (the nationally-agreed tool for government to classify a food business type on the basis of food safety risk), or alternatively, a specific risk classification framework determined in the relevant jurisdiction. A four-tier classification (Priority 1 to Priority 4) is used in the Risk Profiling Framework with Priority 1 food businesses being characterised by the highest level of inherent risk.

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[1]Ross,T et al (2007) Risk Profiling Framework

Initially, the risk classification of a food business is used to determine the frequency of inspections. Subsequently, a combination of the risk classification and the outcomes of compliance assessments for the food business should be used to determine the ongoing frequency of inspections. Elements of a food business considered to be high risk should be assessed at each inspection (e.g. temperature control).

The *Hazard Analysis and Critical Control Point System* (HACCP)[2] can be applied to the inspection and assessment of any food business. HACCP systematically identifies critical control points that impact on risk factors for foodborne illness and allows for evaluation of food processing and management controls.

Key steps involved in undertaking an inspection of a food business

The following steps guide the inspection and compliance assessment of food businesses.

1.   Preparation

An understanding of the foods handled by the food business, the processes involved and the timing of these processes will enable the inspection to be scheduled so that the authorised officer can observe and assess these processes. The inspection priorities should be established and the timing and duration of the visit planned, including whether an announced or unannounced inspection is appropriate.

The compliance history of the business should be investigated and appropriate documentation collected prior to conducting the inspection, including:

- current registration status;
- risk classification and any minimum requirements associated with this classification;
- previous compliance reports, including any outstanding compliance issues and any written correspondence; and
- any recent consumer complaints, recalls or food analysis results.

Authorised officers should ensure that they have all the equipment required to undertake the inspection, for example, calibrated thermometer, material for recording information, camera and sample collection containers.

Before undertaking an inspection, there should be an assessment of the business proprietor's understanding of English. If there is a possibility that communication could be an issue, appropriate steps should be taken to overcome this.

2.   Conducting the inspection and collecting evidence

The inspection should focus on the assessment of potential risk as a result of food handling operations, rather than compliance with prescriptive requirements. Inspection procedures and protocols should be transparent to ensure accountability and ensure expectations for the food business are clear. Establishing an open dialogue with the food business proprietor or manager on arrival at the premises is an important step in conducting an effective inspection. The purpose and scope of the inspection should be clearly outlined to the proprietor.

The inspection should be based on HACCP and may involve:

- the use of open questions directed at food handlers, supervisors and proprietors;
- tracking and observing the managerial controls in place;
- observing the practices and procedures undertaken by the food handlers;
- an assessment of procedures and systems;

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[2]Hazard Analysis and Critical Control Point (HACCP) *System and Guidelines for its Application* Issued by the Codex Alimentarius Commission.

- questioning that can assess whether food handlers, supervisors and proprietors can explain their responsibilities and demonstrate their understanding of relevant systems and protocols;
- assessing whether the requirements of the food safety standards 3.2.2 – Food Safety Practices and General Requirements and 3.2.3 – Food Premises and Equipment of the Code are being met by the food business; and
- an assessment of records and documentation, where available.

Inspections should be conducted so that any evidence collected is sufficient to support enforcement action.

3.   Food safety risk analysis

The data and analysis collected in step two is analysed to determine whether food safety risks associated with the nature of the food business are being managed adequately. The food safety practices in place to manage risks for particular foods that require specific controls (e.g. egg products) should be assessed. The following food safety support practices should also be assessed to ensure that food safety controls are not compromised: pest control; availability of suitable thermometers, chemical storage and usage, equipment cleaning and maintenance and waste management.

The risk analysis should identify any improvements needed to the critical food safety controls. The following questions should be addressed:

- Is there an immediate risk to public health?
- Are there any risk factors not controlled for?
- Do any potential risk factors require attention?

4.   Communication

The findings of inspections should be discussed with the food business at the time of inspection and sufficient information should be provided to ensure there is a clear understanding of the results. When discussing corrective action, the authorised officer should focus on the outcome that should be reached rather than being prescriptive. Timelines for follow up of any corrective action should be discussed and negotiated. The timelines for corrective action should take into account the risk to public health, the nature and extent of the problem and the availability and suitability of solutions to address the problem.

Written communication is important in reinforcing and confirming the verbal discussion at the time of inspection. Written communication should use language that is consistent with that used when conducting the inspection and provide a clear rationale and evidence to support the findings. Any corrective action outlined should be accompanied by clear timelines, details of the processes used by local government in relation to any follow up or enforcement action and provide any guidance material that may be helpful. The templates used by local government to report to businesses should be helpful, well-structured, easy to read and use clear language.

5.   Recording

Accurate and comprehensive recording of information obtained during the inspection is important for managing compliance, as a reference for future inspections and for proceeding with enforcement action. It is recommended that local government specify what details to record, how to record the information and where the records are to be kept.

6.   Reporting

Depending on the jurisdiction, local government may be required to report an agreed set of certain food business compliance activities to the relevant food regulatory authority. ISFR has endorsed annual reporting indicators for local government. The four parameters that will initially be used are:

- Number of licensed (or registered, accredited, notified) food businesses;
- Total number of inspections (of all risk categories);
- Number of complaints received; and
- Enforcement action taken (all types).

Supporting material

Supporting materials and education should be provided to food businesses and authorised officers to assist in the consistent application of these principles for the inspection of food businesses.

The Australia and New Zealand Food Regulation Compliance, Monitoring and Enforcement Strategy (Compliance, Monitoring and Enforcement Strategy) supports a risk-based approach to compliance, monitoring and enforcement. The Compliance, Monitoring and Enforcement Strategy advocates the graduated application of enforcement measures against food businesses, commencing with milder measures such as warnings, which can progress to more severe measures such as prosecution, should milder measures not address the issue of concern.

The Compliance, Monitoring and Enforcement Strategy includes three appendices that provide details on the range of different tools available to food regulators:

Appendix 1: Application of the Strategy to Food Labelling

Appendix 2: Actions for Food Regulators for Generating Compliance;

Appendix 3: Actions for Food Regulators for Monitoring and Assessing Compliance; and

Appendix 4: Actions for Food Regulators for Responding to Non-Compliance.