

Rotherham Metropolitan Borough Council

FOOD AND FEED SAMPLING POLICY 2022/23 **(Food, Health and Safety)**

Rotherham Council recognises the important contribution sampling makes to the protection of public and animal health and the food and feed law enforcement responsibilities of the Authority. The Council will provide the necessary resources to carry out its food and feed sampling programme and the sampling activity will be reviewed in the Food and Feed Service Plan.

The Council has appointed Dr Duncan Campbell of The Public Analyst Service Ltd as the Public Analyst and the UK Health Security Agency UKHSA, Food, Water and Environmental Microbiology Laboratory, Block 10, National Agri-Food Innovation Campus, Sand Hutton, York, YO41 1LZ acts as the food examiner.

For the purposes of this Policy, sampling activities are classed as either reactive (arising from requests for service) or pro-active (arising from the Food/Feed Sampling Programme).

This document sets out the general policy for food and feed sampling for Rotherham Council.

1.0 Purpose of sampling

Sampling has a role to play supporting the work in relation to food hygiene, food standards and animal feeding stuffs. It is used to:

- detect and deter fraudulent activity and target resources to priority areas set out in the National Enforcement Priorities.
- assist in the protection of consumers/animals through the enforcement of food and feed legislation.
- assess the quality of food/feed manufactured, sold or supplied in Rotherham.
- assist the evaluation of food/feed hygiene practices in businesses and to help determine if advice or enforcement action is appropriate in premises where it is suspected poor practices and procedures exist.
- support the food/feed law surveillance functions of the Authority and to help identify any contraventions of food/feed legislation and to take corrective action as necessary.

2.0 Scope

Food and feed samples are primarily taken for examination, for monitoring or surveillance purposes or because of a complaint. Food samples may be submitted for analysis to check for the speciation of the food, allergens, contamination etc. Feed samples are submitted to the Analyst.

This policy applies to all food and feed samples (including water that comes into contact with food) which are procured by Authorised Officers from premises within the Borough whether they are purchased or taken using statutory powers. Food and feed samples which are received by the Authority as a result of a request for service are also covered by the policy.

This policy applies to all food and feed samples whether they are classified as formal or informal. The sampling activity is reported in the Food and Feed Sampling Plan.

3.0 General Policy

Rotherham Council is committed to monitoring the safety of food/feed, which is either manufactured, sold or supplied within its area, by carrying out sampling.

Suitably qualified, trained and authorised Officers will be responsible for undertaking the food and feed sampling functions of the Council. Samples are taken in compliance with the [Food Law Code of Practice \(England\) Issued March 2021](#) and the [Feed Law Code of Practice \(England\) Issued April 2018](#) and following internal procedures.

The Food and Feed Service Plan sets out the resources available for sampling, the resources available to undertake sampling are finite, therefore in order to maximise the impact which sampling can have it is our policy to direct resources to those areas where we believe the greatest overall benefit can be achieved.

In order that we show equality and independence it is our policy to always offer payment for food/feed samples.

4.0 Reactive Sampling

It is our policy to consider all “reactive” samples that are referred to Regulation and Enforcement are actioned where appropriate. “Reactive” samples are those which occur as a result of a request for service being made. Requests for service predominantly arise from one of the following sources:

- **Food and Feed Complaints**

Food and feed complaints are assessed as well as complaints about premises to determine any necessary action. If appropriate, consideration may be given to undertaking food/feed samples.

Food poisoning cases/food borne cases, illness in animals and outbreak investigations.

The investigation of food poisoning outbreaks may require food samples to be submitted to the Food Examiner/Public Analyst. Samples may include environmental samples/swabs in addition to the food samples. The investigation of illness in animals may require feed samples to be submitted to an analyst, although generally referrals will be made to the Primary Authority/Originating Authority of the feed mill.

- **Responding to local or national food/feed alerts, warnings, and contamination incidents.**

The Authority may submit samples because of information or intelligence relating to contamination incidents, allergy alerts, product recalls, product withdrawals or warnings issued by the Food Standards Agency or other Agencies.

- **Imported Food/Feed**

The Authority may submit imported food and feed samples in the event of problems being highlighted, to assist businesses or for surveillance purposes.

5.0 Pro-Active Sampling

Most food samples procured by authorised officers will be informal samples undertaken as part of our monitoring and surveillance activities, this is generally risk based or as a result of information/intelligence. It is our policy to conduct this activity in a planned way and a Sampling Programme is drawn up on a quarterly basis by the Principal Officers/Community Protection Managers.

The Programme may be amended during the quarter to accommodate new surveys and other situations.

The Food and Feed Sampling Programme will have regard to:

- **The nature of food businesses in the borough -**

The Programme may target approved premises or those selling particular types of food from certain types of premises, for example the Public Health cross-regional XR74 – Hygiene in sandwich bars and salad bars which is running until October 2022. Feed sampling would consider the national priorities and the businesses operating in Rotherham.

- **The likely customer base –**

The programme may target certain groups of people such as vulnerable people by sampling food in care homes or nurseries or protecting babies by sampling food labelled for children of a particular age group.

- **Premises risk rating, previous inspection history from inspections, complaints, etc –**

The programme may include premises because of their risk profile for example, premises with poor management control or if a problem is highlighted because of an inspection/intervention. Food/feed complaints or complaints about premises may also warrant sampling at the premises. Unsatisfactory samples will be considered and dealt with accordingly.

- **Inter-agency co-ordinated sampling surveys -**

The Authority is generally supportive of national, regional and regional surveys because they enable Rotherham Council to work in partnership with other local authorities, agencies and laboratories. Resources can be targeted more effectively and the results provide information that is more detailed. The Authority considers participating in initiatives from the following agencies and groups:

- EC co-ordinated sampling programmes
- Food Standards Agency (FSA) co-ordinated sampling programmes
- National Trading Standards co-ordinated sampling programmes
- UK Health Security Agency liaison group initiatives
- Regional and local liaison group initiatives
- National Enforcement Priorities and Bulletins from the National Food Crime Unit

However, co-ordinated programmes may also be carried out in conjunction with other organisations and local initiatives undertaken

- **Primary Authority, Home and Originating Authority Premises -**

It is our policy to include some limited sampling at local manufacturers. Sampling may be carried out where authorised officers deem necessary to help these businesses and assist other agencies, local authorities, etc. Some businesses have inspection plans issued by the Primary Authority.

- **Process Monitoring -**

The Authority does not generally undertake process monitoring. The Authority will usually sample finished products i.e. at the point of sale, unless it is necessary to identify whether a specific stage of preparation e.g. pre-cooking, storage, slicing etc. may compromise food safety. Process monitoring would generally be undertaken when problems have been identified and require further investigation.

6.0 Special Investigations

Occasionally because of food and feed sampling or other enforcement activities, we identify serious problems, which require special investigation. In such circumstances, resources may need to be redirected to this. Some sampling activity may be undertaken which is not in accordance with the practice guidance if deemed appropriate.

7.0 References

[Food Safety Act 1990](#)

[Food Safety and Hygiene \(England\) Regulations 2013](#)

[The Framework Agreement on Official Feed and Food Controls by local authorities, Amendment Five, April 2010](#)

[The Animal Feed \(Hygiene, Sampling etc. and Enforcement\)\(England\) Regulations 2015](#)

[Food Safety \(Sampling and Qualifications\)\(England\)Regulations 2013](#)

[Agriculture Act 1970](#)

[Food Law Code of Practice \(England\)](#) Issued March 2021

[Food Law Practice Guidance \(England\)](#) Issued March 2021

[Feed Law Code of Practice \(England\)](#) Issued April 2018

[Feed Law Practice Guidance \(England\)](#) Issued April 2018

[The Code for Crown Prosecutors](#)

[The Regulators' Code](#)

[National Enforcement Priorities for England](#) April 2021