

Animal Health Dairy Hygiene DRAFT Enforcement Policy Summary

This summary explains the policy that Animal Health Dairy Hygiene staff apply when taking enforcement action against Food Business Operators (FBOs) who do not comply with the regulatory requirements. The aim of the policy is to ensure that enforcement decisions are consistent, fair, transparent, proportionate and accountable and that the health of consumers is protected.

1. We believe that preventative action is better than corrective action and will actively work with FBOs to help them comply with the law.
2. In general, Animal Health Dairy Hygiene will secure compliance by educating through advice however, a clear message will always be given to FBOs that it is their responsibility to comply with the Regulations. If requested, Animal Health Dairy Hygiene will assist in explaining legal requirements and distinguish them from best practice. Reasonable time scales will be set for the FBO to achieve compliance taking account of the risk posed to public health. We will not impose requirements on FBOs that go beyond the requirements of the legislation.
3. When considering any action, Animal Health Dairy Hygiene will aim to balance risks and costs. Similar measures will be taken in similar situations to achieve similar outcomes. However, each case will be judged on individual circumstances. Animal Health Dairy Hygiene aims to explain clearly in each case why remedial action is required and discuss what steps need to be taken before formal enforcement action is initiated. If, however there is a need to protect public health immediate formal enforcement action may be taken.

Enforcement Action

4. Enforcement action is mainly targeted at persons whose actions seriously endanger the consumer. Animal Health Dairy Hygiene prioritises regulatory effort based on an assessment of hazards and risk on each premises.
5. Animal Health Dairy Hygiene will endeavour to secure improved standards through the use of written advice and warnings. Where the FBO does not comply with the previous verbal and/or written advice, Animal Health Dairy Hygiene may seek compliance by serving a formal statutory notice including a Hygiene Improvement Notice (HIN). Such notices will specify the grounds for believing the FBO is failing to comply with the legislation, the precise nature of the alleged contravention, the measures to be taken to secure compliance, any appropriate time scales and the appeal provisions available under the legislation.
6. A HIN will be withdrawn if compliance is achieved within the timescale specified. Where compliance is not achieved within the timescales specified, an offence will have been committed. Animal Health Dairy Hygiene may then recommend prosecution action to the Food Standards Agency for contravention of the legislation together with breach of the notice. The decision as to whether or not to prosecute is made by FSA Legal Services after being investigated by an FSA Investigating Officer. Account will be taken of Animal Health Dairy Hygiene recommendations but the decision making process will be an entirely independent one.
7. The decision to prosecute will also take account of the criteria set down in the Code for Crown Prosecutors, e.g. evidence and public interest tests. A prosecution will only be taken when sufficient evidence is available to ensure that there is a realistic prospect of success and it is in the public interest.
8. Where sufficient reliable and admissible evidence exists, the Food Standards Agency will normally prosecute in the following situations:
 - Incidents/breaches with significant adverse effects.
 - Excessive/continued breaches of the law.
 - Failure to comply or adequately comply with formal remedial requirements.
 - Disregard for food safety standards.
 - Obstructing an officer of Animal Health Dairy Hygiene.

Further details on the inspection process and the enforcement policy of Animal Health Dairy Hygiene can be obtained by contacting 01823 348458 (Taunton) or 0113 2309580 (Leeds).