



# FOOD SAMPLING POLICY

## SCOPE

Competent Authorities must ensure their sampling policy:

- is published and readily available to businesses and consumers
- includes their general approach to food sampling, including unsatisfactory samples
- sets out the Competent Authority's approach in specific situations such as:
- surveillance, imported food monitoring, businesses with an inspection plan issued by the primary authority, interventions, complaints, special investigations and co-ordinated programmes (national, regional and local)
- covers all samples taken including those not taken in accordance with the Practice Guidance
- details the formulation their sampling programme, including any national or local consumer issues that will influence the level of sampling to be undertaken
- commits and details the resources necessary to carry out their food sampling programme

## LEGISLATION

- [The Food Safety \(Sampling and Qualifications\) \(England\) Regulations 2013](#)
- [Regulation 14 of The Food Safety and Hygiene \(England\) Regulations 2013](#)  
or [Section 29 of the Food Safety Act 1990](#)
- [Assimilated Regulation \(EC\) No 2073/2005 on microbiological criteria for foodstuffs](#)
- [Guidelines for Assessing the Microbiological Safety of Ready-to-Eat Foods Placed on the Market](#)

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## 1) GENERAL STATEMENT AND APPROACH TO FOOD SAMPLING

Whilst there is a statutory duty by virtue of assimilated Regulation (EC) No 2073/2005 which imposes upon food businesses to undertake a certain amount of their own sampling work, Adur & Worthing Councils recognises that food sampling plays an important role in the protection of public health. Sampling contributes towards the food law enforcement function, in helping to ensure so far as possible, that food and drink intended for human consumption is safe. The Council also recognises that the implementation of its policy by the sampling programme provides benefit and assurance to local businesses about the quality of food they produce.

The sampling programme will take into account the number, type, risk rating and food hygiene rating of food businesses within the area. The programme will then focus on foods which are produced/ manufactured within the Adur & Worthing Councils area and those posing a greater risk to consumer's health. Whenever possible the programme will be scheduled to work in collaboration with any national or local sampling initiatives.

Food and environmental sampling will be undertaken in accordance with the Council's adopted procedures, [The Food Safety and Hygiene \(England\) Regulations 2013](#), the [Food Safety \(Sampling and Qualifications\) \(England\) Regulations 2013](#), Food Law Code of Practice and Practice Guidance, and UKHSA guidelines. Where sampling fulfils a role in the enforcement of food legislation, it will be undertaken in accordance with the [Public Health & Regulation's Enforcement Policy](#).

Any local sampling will consider the following:

- Whether further processing of the food will reduce or eliminate microorganisms prior to consumption
- The role played by hazard analysis or HACCP in the production of safe food
- The statistical confidence in the sampling technique.

The council accepts that sampling should not place an unnecessary burden on a business and therefore in non-investigative cases, there is a provision that samples may be purchased. A list of foods and areas sampled and the laboratory results will be made known to the owner of the food without undue delay, together with any advice/follow up action. All food and environmental samples will be taken by authorised officers of the council being suitably trained, experienced and qualified in accordance with the council's sampling procedure.

## 2) TYPES OF SAMPLING

### 2.1 - Routine Sampling

Routine sampling will take place to monitor the safety of foods manufactured, distributed and retailed in the Adur & Worthing Councils area. All routine samples may be purchased unannounced, anonymously or taken with the consent of the owners of the food by an authorised officer. These samples will be analysed or examined by the appointed Public Analyst or Food Examiner and results must be shared with the Food Business Operator.

Routine sampling is part of our Sampling Programme supporting co-ordinated programmes.

## **2.2 Informal Sampling**

The majority of samples taken for microbiological purposes will be informal, and form part of the monitoring/surveillance programme. Samples of food that are the subject of a consumer complaint and are brought to the Department are also classed as informal, as are food samples submitted for expert opinion for example pest identification.

Environmental hygiene samples are taken as informal samples. This is useful in providing validation of HACCP systems/cleaning routines or highlighting where cleaning regimes may need to be improved.

Samples may be taken from manufacturers of foods, during the manufacturing process, for the purpose of ensuring the safety of the end product and for assessing the effectiveness of the critical controls in the process. The manufacturer will be notified of the result of any such sample analysis or examination.

## **2.3 Formal Sampling**

Formal samples will be taken where legal enforcement action is being considered and this may include follow up samples where informal samples show unsatisfactory microbial results. Normally, formal samples consist of three representative parts, in which the business retains one part, the Local Authority retains one part and the final part is sent for analysis. There are exemptions to this rule which are detailed in the [Food Law Practice Guidance \(England\) 2021](#). Formal samples will be purchased or taken in accordance with Regulation 14 of The Food Safety and Hygiene (England) Regulations 2013 and the Food Safety (Sampling and Qualifications) (England) Regulations 2013, section 7-9 by suitably trained, qualified and experienced authorised officers. The examination or analysis is by the appointed Food Examiner or Public Analyst. An official certificate will be issued to the council and a copy forwarded to the food business operator. However, where the council is undertaking an investigation, the release of the certificate may be delayed if its early release might compromise the investigation.

## **2.4 Food Examiners and Food Analysts**

Adur & Worthing Councils has engaged the UKHSA FW&E Laboratories at Porton Down, Salisbury to provide food examiners (microbiological examination) and Public Analyst Hampshire Scientific Services, Southsea, Hampshire, as food analysts (non microbiological issues).

Both these laboratories are recognised as 'Official Control' laboratories for the purpose of food law enforcement. The council will seek to ensure that the laboratories used are appropriately accredited to process any particular sample or type of sample and that their staff are qualified in accordance with the Food Safety (Sampling and Qualifications) (England) Regulations 2013 and fulfil requirements under Regulation 15 of The Food Safety (Sampling and Qualifications) (England) Regulations 2013.

## 2.5 Formulating the Sampling programme

An annual food sampling programme will be produced by the Team Leader for Food and Health & Safety with consultation with the Food Team each year to be included in the Food Delivery Service Plan.

The review will take account of resources, local manufacturers, UKHSA & FSA sampling studies, poorer performing and high risk businesses, local intelligence and consideration of reactive sampling for food complaints. The review will assess national or regional imported food priorities.

## 3) SAMPLING RESULTS

Reports and formal food examination certificates are received from the Labs electronically or if a significant pathogen has been detected or a test result has implications for public health, notification will be verbally by telephone and report emailed to the Service. As part of the Service Level Agreement with the UKHSA FW&E Lab, all samples are retained for a period of three months unless specified by Adur & Worthing Councils for legal proceedings.

All businesses will be informed of the sampling results with guidance on good food hygiene practice, via letter sent electronically or posted. The results are benchmarked against [assimilated Regulation \(EC\) No 2073/2005 on microbiological criteria for foodstuffs](#) and [Guidelines for Assessing the Microbiological Safety of Ready-to-Eat Foods Placed on the Market - GOV.UK](#). In the receipt of unsatisfactory samples, officers will make contact with the business, to discuss practices and may take further samples. Officers may be required to liaise with agencies and other local authorities if the food not meeting food safety requirements may have been distributed outside of the district to protect public health.

A right to second opinion

Food Business Operators have the right to a second opinion on the results of a formal sample at their own expense. Information on the process, see:

- Guidance on how to submit for [second expert opinion](#)
- Guidance on how to [submit a referee sample to the Government Chemist](#)

## 4) SAMPLING UNDER SPECIFIC SITUATIONS

### 4.1- Co-ordinated Programmes

There are several co-ordinated programmes:

- National sampling studies published by UKHSA and FSA
- Regional sampling studies for Local Authorities covered by Colindale and UKHSA FW&E Lab based in Porton Down.
- Local sampling programme which includes Adur & Worthing manufacturers. These include businesses that require approval for manufacturing animal products, as well as manufacturers that do not require approval. In addition, premises that are non-broadly compliant and higher risk premises may be included in a local study.

## **4.2 - Home Authority Principle**

In support of the Primary Authority Principle, sampling will mainly be focused on those food businesses for which Adur & Worthing Councils have home or originating authority responsibility. Where sampling identifies a problem with a food manufactured outside the area, the relevant home or originating authority will be notified and a copy of the certificate of analysis or examination forwarded to them. This would be the local authority having responsibility for the decision making base of a company and an originating authority is one where the food originates i.e. is manufactured.

## **4.3 - Surveillance**

Sampling can be used as a tool to verify hygiene practices at food businesses and to comply with food safety legislation. Ad hoc routine sampling surveillance is not normally undertaken. Sampling is project based or reactive in receipt of local intelligence.

## **4.4 - Imported food monitoring**

Adur & Worthing Councils are not a designated Border Control Post but will support any sampling programmes for inland imported foods at the request of the Food Standards Agency or other agencies where resources are permitted. This may include sampling required after a FSA Food Alert or food complaint.

## **4.5 - Businesses with an inspection plan issued by the Primary Authority**

A Primary Authority can set inspection plans and other official controls to ensure consistency of enforcement amongst all branches of a food business partnership. Any sampling undertaken at businesses that have formed a Primary Authority Partnership, the Primary Authority will be informed of any unsatisfactory sample results, in event that unsatisfactory results have wider food safety implications.

## **4.6 - Interventions**

Planned sampling as part of the sampling programme is not an official control to determine overall food safety compliance (to provide a Food Hygiene Rating Score), unless the sampling activity forms a component part of a wider reaching official control, that overall provides sufficient information to allow the officer to determine the level of compliance. Sampling may form part of a routine inspection of a food business, although this is not common practice. It may take place if, during the inspection, the authorised officer identifies a particular problem that needs further investigation or for obtaining evidence to support investigation. It may also take place during an inspection for process monitoring purposes.

Sampling can be a part of an alternative intervention strategy for low risk premises.

## **4.7 - Complaints**

Sampling carried out as a result of a complaint may be related to a food complaint or food premises complaint.

On receipt of a food complaint, the food may be submitted for analysis, examination, or for expert identification, if this is deemed necessary for the suitable investigation of the complaint.

#### **4.8 - Special Investigations**

Food samples may be taken and submitted as part of a special investigation, e.g. in response to a Food Alert, or to other intelligence received about potential food safety issues. This may form part of a 'food incident' involving liaison with the Food Standards Agency or other food enforcement authorities.

Where a particular premise or food produced in the Adur & Worthing Councils area is implicated in a case or cases of food borne disease, food samples may be taken and submitted for examination for the purposes of identifying any likely source of infection and controlling any risk to public health. These samples are likely to be taken formally. In the event of an outbreak of food-borne disease, relevant samples will be identified in consultation with the Consultant in Communicable Disease Control employed by the UK Health Security Agency (UKHSA).

#### **4.9 - Samples not in accordance with the Practice Guidance**

Samples that are undertaken outside of the Practice Guidance will be discussed with UKHSA FW&E labs or the Public Analyst.

### **5) RESOURCES**

#### **5.1 -Staffing Allocation and Competency**

Approximately 1 day per month will be allocated towards carrying out proactive sampling in line with the Sampling Programme set for the year. Reactive sampling which includes samples taken as a part of an food poisoning outbreak will be carried out as necessary.

Authorised Officers who have received training in sampling and maintained their competency will undertake food and environmental sampling.

Quarterly reviews will be conducted to check on the sampling programme. The Food Lead will check training matrices in that staff have maintained their competency in sampling. Once every three years, an internal audit on sampling based on a FSA sampling audit checklist.

#### **5.2 - Sampling Budget**

Currently there is no sampling procurement budget for purchasing food for sampling. It is estimated that the cost will not exceed £150 annually for routine sampling. Sampling analysis and courier cost is allocated by a fund held by UKHSA, which in 2023-2024 was £17,904. The sampling allocation is for all sampling activities in Public Health & Regulation. The routine sampling programme will account for half of the credit allocation for samples with 3-8 and over 8 tests from the UKHSA for food and environmental sampling analysis.

### **6) SAMPLING POLICY REVIEW**

The Sampling Policy will be reviewed after conducting the internal sampling audit and or changes to guidance and legislation. The Public Analysts appointments will be checked during the review.