

# Food Incident Guide





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# Introduction

To build a successful business, all caterers need to serve safe food.

Many food businesses are using the [UKHospitality Industry Guide to Good Hygiene Practice](#) to obtain advice and guidance on how to comply with their legal obligations under Assimilated EU law Regulation (EC) No 852/2004 (as amended) on the hygiene of food stuffs and with Assimilated EU law Regulation (EC) No 178/2002 (as amended) on general food safety law.

However, even the safest and most successful food businesses will experience incidents. This guide outlines some of the most common food incidents and provides guidance on how to manage them, whilst complying with the law.

## About this guide

This guide has been developed by the food industry, for the food industry. It does not have the same standing as the Industry Guide to Good Hygiene Practice in that it does not come under Article 8 of Assimilated Regulation (EC) No. 852/2004. It is not formally recognised by Food Standards Agency and Food Standards Scotland under the Industry Guide initiative.

This guide deals only with requirements of Assimilated Regulation (EC) No. 852/2004 and the relevant parts of associated UK food hygiene regulations. There are many other regulations that govern the supply of food by caterers, including Assimilated EU Regulation 1169/2011 on the provision of food information to consumers.

### Primary Authority

UKHospitality is in a coordinated Primary Authority partnership with Cornwall Council. Officers from Cornwall Council have reviewed the Food Incident Guide and Primary Authority Advice has been issued

on part 2 of the Guide in England only. UKHospitality members who have opted into the Primary Authority partnership and who follow the advice in part 2 and can demonstrate this, can be confident that they are complying with the relevant legal requirements.

This guide does not represent legal advice.

## How to use this guide

The guidance is laid out in a format designed to allow caterers to determine the necessary action to mitigate incidents in the hospitality industry.

- **Guidance** – this outlines actions that can be taken to mitigate incidents in the hospitality industry. The lists of actions are not exhaustive, and other actions may be necessary depending on the circumstances.
- **Good practice/prevent future incidents** – this suggests measures that can be taken to help reduce the likelihood of a future occurrence of the food safety incident. Following a food safety incident, you should review your HACCP based procedures, with a view to capturing any learnings and preventing future incidents. These arrangements may go beyond the requirements of the law. If, after the incident, your review identifies an item shown as 'good practice' as a critical control, then it would be considered as part of your HACCP based procedures for the purpose of enforcement.
- **The law** – this quotes the specific legal requirements that apply to the food safety incident.

Other guidance is available from government agencies and other reliable sources. Many of these can be found in the annex.



## Legal compliance and due diligence

In the event of a food safety contravention, businesses may wish to use the due diligence defence. This defence can only be assessed by courts according to the facts of any case. It should be noted that examples used within this guide are not exhaustive, and other examples may be satisfactory.

### Food safety helpline (Food Alert)

Members of UKHospitality have exclusive access to a free dedicated helpline where you can receive instant professional advice from food safety professionals. The experts at Food Alert can advise on exactly what steps you need to take and give you a clear plan of action, no matter your issue.

You could ask about:

- Due diligence records
- How to pass enforcement inspections and improve your food hygiene rating
- What to do when you get a food complaint or allergic reaction
- How to stay on top of HACCP and food safety policies and procedures
- Safety and hygiene audits

The helpline is open 9am-5pm from Monday to Friday. An out of hours (emergency) service is available 7am-9am and 5pm-11pm. Members will be required to quote their membership number and the name of their business. Food Alert aims to answer all queries within one working day.

Just log in to the UKHospitality website to access this vital helpline.

[Food safety helpline - UKHospitality](#)

# Food Alert

# Food incidents

## Glass breakages in food preparation or storage areas

You have a legal obligation to protect food from contamination and to ensure that it is safe.

### Guidance

- Isolate the area where the breakage occurred immediately to prevent team members walking through the glass and inform the person in charge.
- Food production in the area must cease immediately and not restart until the breakage has been fully dealt with.
- All open food in the immediate vicinity of the breakage must be disposed of immediately.
- Remove, and check for further breakage, any plates, dishes, bowls, glasses, cups, or other containers that glass shards may have fallen into. Check they are free from visible glass fragments and put through the dishwasher.
- A designated dustpan and brush must be used to collect the broken glass from the floor which must be stored outside of the kitchen.
- Where handling of broken glass cannot be avoided, use appropriate gloves.
- Broken glass must be placed in clearly labelled, lidded and designated containers. Do not place broken glass in plastic bin bags. Dispose of glass gently into the glass recycling bin to avoid flying glass that might cause harm.

### Good practice/prevent future incidents

- Introduce a glass policy and try to minimise the amount of glass in the kitchen. Decant into plastic where possible.
- Store glass jars, bottles, or other glass items in a deep tub on the lowest shelves in the dry goods store and refrigerators. Store equipment such as bowls upside down whenever possible. Store sundae and liqueur glasses etc., away from open food preparation areas.
- Do not put glass into the freezer, including to chill dessert dishes, as it is likely to crack and break.
- Check regularly and discard any chipped or cracked glasses. Check inside bowls for fragments.
- Do not use glasses for dispensing ice.
- Maintenance on glass materials (e.g., light bulbs) should take place during kitchen closure times. If urgent maintenance is required, all open food must be removed from the vicinity and worktops covered and storage cupboards/fridges/freezer doors kept closed.
- Light bulbs should be of plastic materials or protected against breakage.

## Guidance

- Damp cloths should be used to wipe down all workbenches which must be disposed of after use.
- Vacuum clean the floor in the whole area.
- All shoes should be inspected to ensure they are not contaminated with glass.
- Do not re-use the area until the person in charge has checked it.

## Good practice/prevent future incidents

- Keep a glass breakage log to note any breakages and associated actions taken.

### The law

#### ASSIMILATED REGULATION (EC) NO 852/2004 ANNEX II CHAPTER IX

1 - Raw materials and all ingredients stored in a food business are to be kept in appropriate conditions designed to prevent harmful deterioration and protect them from contamination.

2 - At all stages of production, processing and distribution, food is to be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.

# Maintenance work is taking place in the kitchen

You have a legal obligation to protect food from contamination and to ensure that it is safe.

## Guidance

### BEFORE MAINTENANCE COMMENCES

Discuss with the contractor what the work will involve and how it may impact the food. This will inform any decisions about which precautions to take based on the type and likelihood of contamination. You must protect food from contamination and in some circumstances, it may be necessary to close the kitchen.

Isolate the area and stop food handling in the area where the work is taking place. Ensure all open food is covered and moved away from the area.

If minor but essential work is being carried out during trading hours and in food rooms, then contractors must wear clean overclothing.

### AFTER MAINTENANCE HAS TAKEN PLACE

- Check areas to ensure any tools, nails, wire etc. have not been left.
- Clean and disinfect any equipment or surfaces that may have become contaminated.
- Where maintenance may have involved high level work on overhead drains where there is potential for viral or bacterial spray into the air, thoroughly clean and sanitise all potentially contaminated surfaces.
- Keep the area out of use until it has been thoroughly cleaned and disinfected.
- Check that essential services are all working correctly, water, electric, gas etc.

## Good practice/prevent future incidents

Where possible, schedule maintenance to be completed outside of trading hours.

Contractors and visitors should be instructed through a signing in procedure not to enter the premises or to leave the premises immediately if they have the symptoms of:

- Respiratory infections
- Infected wounds
- A skin infection or sores
- Diarrhoea
- Stomach upsets
- Vomiting

## The law

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### ASSIMILATED REGULATION (EC) NO 853/2004 ANNEX II CHAPTER IX

3 - Raw materials and all ingredients stored in a food business are to be kept in appropriate conditions designed to prevent harmful deterioration and protect them from contamination.

4 - At all stages of production, processing and distribution, food is to be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.

# There is a loss of power

Foods likely to support the growth of pathogenic micro-organisms or the formation of toxins need to be kept out of the danger zone (8°C to 63°C) to ensure food safety.

## Guidance

### WHEN A POWER CUT OCCURS

#### FRIDGES AND FREEZERS

- Keep all refrigerator and freezer doors closed.
- If you are expecting a prolonged power outage, consider taping doors shut to ensure they are not opened accidentally.

#### ICE MACHINES

- Keep the door closed.

#### HOT HOLDING EQUIPMENT

- Food must be kept above 63°C to ensure safety. However, if the food does not maintain a temperature of above 63°C, it may be kept for a maximum of two hours, but you can only do this once.
- Place a probe thermometer into food in all hot holding equipment. Check and record the temperature when you discover the power has failed and then every two hours.
- If the temperature of the food falls below 63°C for more than two hours, discard all food.
- Keep records so that you can demonstrate that food has not fallen below 63°C for more than two hours.

### WHEN THE POWER IS RESTORED

#### FRIDGES AND FREEZERS

- Fridges – place a probe thermometer between

## Good practice/prevent future incidents

### IF POWER CUTS ARE PLANNED – GET READY

#### FRIDGES AND FREEZERS

- Make sure you have thermometers in your fridges and freezers.
- In case of a power cut, the thermometers will indicate the temperature in your fridges and freezers to help determine whether the food is safe.
- Stock your refrigerator or freezer with containers/bags of frozen water or freeze gel packs to help keep food cold longer in the event of a power cut.
- Group food together in the freezer. This helps to keep the food cold for longer.
- Freeze any refrigerated items that you do not need immediately.

#### ICE MACHINES

- Stock up on ice – you may want to use it to help keep food cold.

#### HOT HOLDING EQUIPMENT

- If you are aware that a power cut is possible you may want to avoid holding food hot.
- Implement a system of regular temperature checks which could include manual checking of foods, food substitutes or automated temperature monitoring.
- Implement a programme of planned preventative maintenance (PPM).

## Guidance

- two packs of food in all refrigerators, if the food is **above 8°C** and may have been for more than four hours, the food must be disposed of.
- Freezers – if **food** is at **-15°C or below** and still frozen solid, the food can be kept frozen once the power has returned.
- Freezers – if **food is above -15°C**, or has started to defrost, thoroughly defrost the food before use and do not re-freeze. If the food cannot be used after defrosting e.g., ice cream, or must be cooked from frozen, discard or use immediately.

### ICE MACHINES

- If the ice has started to melt, open the cover top to aid melting, and drain the water away.
- Clean and sanitise the machine following the manufacturer's instructions before further use.
- Pay particular attention to the top of the inside.

### HOT HOLDING EQUIPMENT

- Check the temperature of the food using a probe thermometer.
- If below 63°C, and you cannot demonstrate that it has been below 63°C for less than 2 hours, discard the food.

If in doubt, food should be thrown out.

## The law

ASSIMILATED REGULATION (EC) 852/2004 ANNEX II CHAPTER IX

5 - Raw materials, ingredients, intermediate products, and finished products likely to

support the reproduction of harmful micro-organisms or the formation of toxins are not to be kept at temperatures that might result in a risk to health. The cold chain is not to be interrupted. However, limited periods outside temperature control are permitted, to accommodate the practicalities of handling during preparation, transport, storage, display, and service of food, provided that it does not result in a risk to health. Food businesses manufacturing, handling, and wrapping processed foodstuffs are to have suitable rooms, large enough for the separate storage of raw materials from processed material and sufficient separate refrigerated storage.

6 - Where foodstuffs are to be held or served at chilled temperatures they are to be cooled as quickly as possible following the heat-processing stage, or final preparation stage if no heat process is applied, to a temperature which does not result in a risk to health.

THE FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013

THE FOOD HYGIENE REGULATIONS (NORTHERN IRELAND) 2006

THE FOOD HYGIENE (WALES) REGULATIONS 2006

#### SCHEDULE 4

Any person who in the course of the activities of a food business keeps at or in food premises at a temperature below 63°C any food which:

- (a) has been cooked or reheated
- (b) is for service or on display for sale and
- (c) needs to be kept at or above 63°C in order to control the growth of pathogenic micro-organisms or the formation of toxins, commits an offence.

# Food storage

## Cold food storage equipment is not maintaining temperature

Foods likely to support the growth of pathogenic micro-organisms or the formation of toxins need to be kept out of the danger zone (8°C to 63°C) to ensure food safety.

### Guidance

#### CHILLED

If the air temperature is above 5°C, leave for one hour and re-check. If the problem persists:

- Probe food to ensure it is at or below 8°C.
- If food is still within temperature, it should be monitored for one hour. If a problem persists, move food to another fridge.
- If the chilled food is above 8°C and may have been above 8°C for more than four hours, it must be disposed of to waste as unfit for use.

#### FROZEN

If the air temperature is above -18°C, leave for one hour and re-check. If the problem persists:

- Probe between packs to ensure it is at or below -18°C.
- If it is still within temperature, it should be monitored after one hour.

### Good practice/prevent future incidents

- Set fridges to operate at an air temperature of between 1°C and 5°C; this should allow for a margin of error and ensure the food is maintained below 8°C.
- Implement a system of regular temperature checks which could include manual checking of foods, food substitutes or automated temperature monitoring.
- Consider using a temperature decision tree - see example below.
- Implement a programme of planned preventative maintenance (PPM).

## Guidance

- If it is below -15°C and still frozen solid move the food to another freezer.
- If it is above -15°C, thoroughly defrost the food before use and do not re-freeze. Place a use by date on the food. If the food cannot be used after defrosting e.g., ice cream, or must be cooked from frozen, discard or use immediately.

### The law

THE FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013  
THE FOOD HYGIENE REGULATIONS (NORTHERN IRELAND) 2006  
THE FOOD HYGIENE (WALES) REGULATIONS 2006  
THE FOOD HYGIENE (SCOTLAND) REGULATIONS 2006 (AS AMENDED).

#### Schedule 4

Schedule 4 sets out temperature control requirements for food businesses except those subject to which Regulation (EC) 853/2004 applies.

Schedule 4 sets out a maximum temperature for chill holding of food, the exemptions, and defences against variations from the holding temperature.

Click below to access the appropriate national schedule:

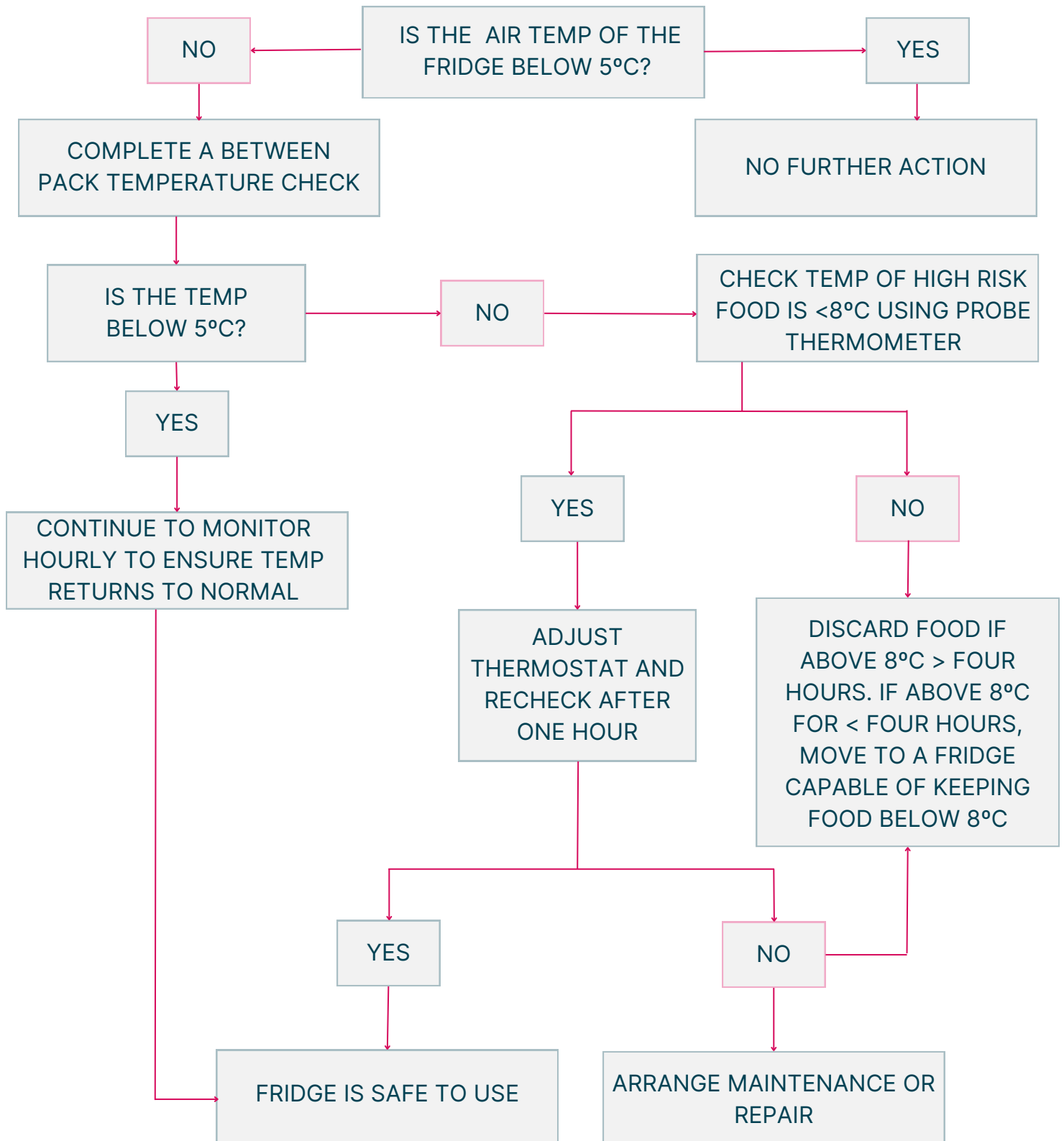
[England - The Food Safety and Hygiene \(England\) Regulations 2013](#)

[Northern Ireland - The Food Hygiene Regulations \(Northern Ireland\) 2006](#)

[Wales - The Food Hygiene \(Wales\) Regulations 2006](#)

[Scotland - The Food Hygiene \(Scotland\) Regulations 2006 \(as amended\)](#)

## Failure of refrigeration equipment decision tree



# Hot food storage equipment is not maintaining temperature

Foods likely to support the growth of pathogenic micro-organisms or the formation of toxins need to be kept out of the danger zone (8°C to 63°C) to ensure food safety.

## Guidance

### HOT FOOD

- Food must be kept above 63°C to ensure safety. However, if the food does not maintain a temperature of above 63°C, it may be kept for a maximum of two hours, but you can only do this once.
- Place a probe thermometer into food in all hot holding equipment. Check and record the temperature when you discover the power has failed and then every two hours.
- If the temperature of the food falls below 63°C for more than two hours, discard all food.
- Keep records so that you can demonstrate that food has not fallen below 63°C for more than two hours.

## Good practice/prevent future incidents

- Implement a system of regular temperature checks which could include manual checking of foods, food substitutes or automated temperature monitoring.
- Implement a programme of planned preventative maintenance (PPM).

## The law

THE FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013  
THE FOOD HYGIENE REGULATIONS (NORTHERN IRELAND) 2006  
THE FOOD HYGIENE (WALES) REGULATIONS 2006

### Schedule 4

6 - Any person who in the course of the activities of a food business keeps at or in food premises at a temperature below 63°C any food which -  
(a) has been cooked or reheated  
(b) is for service or on display for sale and  
(c) needs to be kept at or above 63°C in order to control the growth of pathogenic micro-organisms or the formation of toxins, commits an offence.

## ASSIMILATED REGULATION (EC) 852/2004 ANNEX II CHAPTER IX

5 - Raw materials, ingredients, intermediate products and finished products likely to support the reproduction of harmful micro-organisms or the formation of toxins are not to be kept at temperatures that might result in a risk to health...however, limited periods outside temperature control are permitted, to accommodate the practicalities of handling during preparation, transport, storage, display, and service of food, provided that it does not result in a risk to health.

## THE FOOD HYGIENE (SCOTLAND) REGULATIONS 2006 (AS AMENDED)

### HOT HOLDING

2.1 Subject to sub-paragraph (2), any person who keeps food with respect to which any commercial operation is being carried out at or in food premises otherwise than (b) at a temperature above 63°C, is guilty of an offence.

(2) Sub-paragraph (1) shall not apply to any food

(a) which is undergoing preparation for sale

(b) which is exposed for sale or has been sold to a consumer whether for immediate consumption or otherwise

(c) which, immediately following any process of cooking to which it is subjected or the final processing stage if no cooking process is applied, is being cooled under hygienic conditions as quickly as possible to a temperature which would not result in a risk to health

(d) which, in order that it may be conveniently available for sale on the premises to consumers, it is reasonable to keep otherwise than as referred to in sub-paragraph (1)

# Water supply failures

You must provide adequate facilities for hand washing and for the cleaning, disinfecting of working utensils and equipment. These facilities must have hot and cold running water.

## Hot water supply

### Guidance

- In the event of a failure of the hot water supply, there is a risk that food may be contaminated with harmful bacteria due to a lack of effective handwashing or washing of glassware, crockery, cutlery, utensils, and equipment.
- There is a secondary risk of the build-up of dirt on the structure (walls, floors etc.).
- In an emergency, and for a short period, e.g., loss of hot water during service, you should mitigate the risk by implementing contingency measures, whilst you are waiting for repairs to be made.

### Good practice/prevent future incidents

- Implement a programme of planned preventative maintenance (PPM).
- Have emergency contractors available on call.
- Consider the contingency measures you would use and plan accordingly.
- Some soaps are validated to be effective and activate in cold water thereby reducing risk further, consider using these soaps as standard.

### EMERGENCY CALL-OUT

- Place an immediate emergency call-out to your heating and plumbing engineer.

### HAND WASHING

- As a temporary measure, continue to wash hands with cold water using an anti-bacterial hand soap that has disinfectant properties conforming to the European standards BS EN 1499. This information should be available on the label of the product or can be obtained from the supplier / manufacturer. You should wash your hands for a longer period than you would normally.

## Guidance

- If the engineer cannot fix the problem on the first call (e.g., replacement parts are needed) the kitchen may continue to operate if a suitable contingency is provided, such as a free-standing self-contained hand wash unit or an electric water heater installed over one of the wash hand basins.
- A supply of cold water for mixing and a plug should be provided at the basin to ensure that the temperature is no more than 42°C.

### USE OF HAND SANITISERS

- Hand sanitiser, that contains at least 60% alcohol, can be used in an emergency alongside hand washing in cold water for a short period only. You should use a minimum 30 second contact time.

### EQUIPMENT CLEANING

- Providing your dishwasher/glasswasher has its own heating element, these can continue to be used. All equipment, utensils and glassware that can fit in these machines must be cleaned in the dishwasher/glasswasher.

### CLEANING OF STRUCTURE AND FIXED EQUIPMENT

- All food and hand contact surfaces should continue to be cleaned using a sanitiser cleaning solution diluted with cold water that meets the requirements BS EN 1276:2009 or BS EN 13697:2001.
- Utensils likely to come into contact with ready to eat food should be cleaned through the dishwasher.
- Floors can be cleaned using detergent diluted in cold water until the hot water supply is restored.

## Guidance

- Heating pans of water on the range or using tea urns to provide hot water for cleaning is not recommended due to increased risk of scalding to team members.

## Cold water supply

- If cold running water is not available, you must close the food operation.
- If there is no hot or cold water available, you must close the food operation.

### The law

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ASSIMILATED REGULATION (EC) NO 852/2004

ANNEX II CHAPTER I.

4 - An adequate number of wash basins is to be available, suitably located and designated for cleaning hands. Wash basins for cleaning hands are to be provided with hot and cold running water, materials for cleaning hands and for hygienic drying. Where necessary, the facilities for washing food are to be separate from the hand-washing facility.

ANNEX II CHAPTER II

2 - Adequate facilities are to be provided, where necessary, for the cleaning, disinfecting and storage of working utensils and equipment. These facilities are to be constructed of corrosion-resistant materials, be easy to clean and have an adequate supply of hot and cold water.

3 - Adequate provision is to be made, where necessary, for washing food. Every sink or other such facility provided for the washing of food is to have an adequate supply of hot and / or cold potable water and be kept clean and, where necessary, disinfected.

# Health incidents

A team member or a customer vomits in the kitchen or front of house area

*Please note: This procedure also applies to any major spillage of blood, faeces or urine*

*You have a legal obligation to protect food from contamination and to ensure that it is safe*

## Guidance

- The immediate cleaning and disinfection of areas where a team member or customer has vomited is critical in preventing a viral gastro-enteritis outbreak. Viruses are easily spread in the air, on food and between people. Remember it takes less than 10 norovirus particles to cause illness.
- Potentially all surfaces and foods in the room could be contaminated. Although raw foods may be cooked at a later stage prior to service, they can still cause a risk because of cross-contamination. The low infective dose means that extreme measures may need to be taken to eradicate the problem.
- If appropriate, remove the ill person to a more suitable area e.g., team member facilities. Call a first aider or team member to take care of the person. Any area will have to be cleaned and disinfected afterwards.
- Isolate the area where the incident occurred immediately. If the incident occurs in the bar area or the kitchen, this may require the closure of the operation. Re-seat customers if

## Good practice/prevention

- It is not possible to prevent incidents of vomiting, however you can prepare in advance for such an incident by:
  - Having a prepared plan / procedures in advance.
  - Ensure staff are adequately trained in these procedures.
  - Having stock of antiviral cleaning agents available.
  - Having a biohazard / bodily fluids kit on site ready for cleaning up.
  - In the event of a suspected Norovirus outbreak contact your environmental health department for advice.
  - Ensure the sanitiser in use is effective against bacteria BS EN 1276:2009 or BS EN 13697:2001 and viruses.
- Although not food safety, you should consider the infection control and public health risks of this incident. For example, a person vomiting in your business could spread norovirus, which is highly contagious, to many people. Also, look for unexplained sickness patterns in your workforce. Report any suspicious pattern of sickness to the environmental department of your local authority.

## Guidance

- necessary. Ventilate affected areas as much as possible. Open external doors and windows to improve air circulation.
- Remove and discard any open food and ice that may have been contaminated. Any bottled or canned foods must be dipped in a sanitising solution.
- Team members who are ill are to be sent home. It is a legal requirement to exclude staff with symptoms of sickness and diarrhoea from working with or around open food. Staff should be excluded for a further 48 hours from when symptoms stop naturally. Refer to Food Standards Agency guidance: [Food Handlers: Fitness to Work](#).
- Be extra diligent in monitoring sickness amongst employees.
- Any team members who may have been contaminated should remove their protective clothing, bag it up and label it as 'hazardous'. They should wash their hands and arms thoroughly.
- Where practical, use non-catering personnel to clean up the spillage and remove any contaminated food and crockery. Catering team members must not clean up or touch any contaminated items.
- The person carrying out the cleaning must wear personal protective equipment (PPE) e.g., gloves, disposable apron and mask (where available).
- Ensure the cleaning agent being used is effective against virus and that the correct contact time is applied.
- Normal sanitiser is not usually effective against Norovirus. Check the label and contact times. However, as a first response when someone has been ill, it should be used.
- An anti-viral agent should be used on cleanable surfaces or (check contact time) or use sodium hypochlorite (bleach) disinfectant. Beware that bleach could damage some surfaces or finishes.

## Guidance

- All potentially contaminated surfaces must be thoroughly cleaned and then disinfected with the anti-viral solution. This includes work surfaces, taps to hand wash basins (in guest and team member toilets as well as in kitchens and bars), taps to sinks, flushing handles and door locks in team member and guest toilets, liquid soap dispensers in kitchens, team member and guest toilets.
- Crockery, equipment, and cutlery must be sanitised away from the kitchen by non-catering team members and may be returned after sanitising to be put through the dishwasher.
- Keep the area out of use until it has been disinfected at least twice using a suitable anti-viral disinfectant on cleansable surfaces. Other liquid disinfectants and / or steam cleaning should be considered on soft furnishings and in some cases destroying the furniture may be the best way to eliminate organisms such as norovirus.

### The law

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#### ASSIMILATED REGULATION (EC) NO 852/2004 ANNEX II CHAPTER VIII

2 - No person suffering from or being a carrier of a disease likely to be transmitted through food or afflicted, for example, with infected wounds, skin infections, sores or diarrhoea is to be permitted to handle food or enter any food-handling area in any capacity if there is any likelihood of direct or indirect contamination.

# There is a pest infestation

You have a legal obligation to ensure adequate procedures are in place to control pests. You have a legal obligation to protect food from contamination and to ensure that it is safe.

## Guidance

This procedure should be followed if evidence of an active pest infestation is found in any of the food storage or handling areas.

Inform your pest control contractor or find a local one if you do not have one and request an emergency visit.

Follow the pest control contractors recommendations and find out when they will be returning for a follow up visit. Further visits should be carried out at least every five working days until there is no longer a pest infestation.

Implement the following until the pest control contractor confirms that there is no longer a pest infestation:

- Remove any food that shows sign of contamination by pests.
- Ensure all un-refrigerated foods are stored in pest proof containers e.g. tins, hard plastic containers. If food cannot be stored in pest proof containers it should be removed from the area.
- Check all areas of the food room / storage areas for signs of infestation and remove any droppings and clean and sanitise area. Check regularly throughout the day.
- Ensure all glasses, cups and empty food storage containers are stored upside down and cutlery trays covered with cling film.

## Good practice/prevention

Every effort must be made to pest proof the premises. An infestation may occur from time to time. These must be dealt with immediately to prevent risk to food.

- Train your staff to check and report signs of pest activity.
- Where baits are used, ensure they are clearly labelled and kept away from foodstuffs.
- Procedures which could be taken to control pests include:

- 1 - Using a reputable pest control contractor and ensure you undertake any remedial works which have been identified as soon as possible.
- 2 - Proofing of entrances and other access points.
- 3 - Insect screens.
- 4 - Adequate storage of dry goods.
- 5 - Keep all food areas clean and free from food debris, oil and grease ensure teams are completing clean as you go, at all times.
- 6 - Baiting with pesticides.
- 7 - Suitably located electronic fly killers. Fly killers should not be located where there is a risk of dead flies falling into food. For example, above work surfaces.
- 8 - Store all food off the floor.

## Guidance

- Sanitise all food contact surfaces (e.g., worktops, equipment, utensils, crockery, and cutlery) prior to opening each day as well as after use.
- Document and record the additional checks and actions put in place.

If a pest infestation is in a food room and additional controls cannot effectively remove the risk of contamination of food, then the Food Business Operator should reduce activity or close the food operation.

## Good practice/prevention

- 9 - Keep external refuse areas clean and dry and bins closed.
- 10 - Cut back vegetation close to the building which might provide harbourage.
- 11 - Do not tamper with or move bait boxes and if you have radar traps check for any activations.
- 12 - Keep dry opened food packages in sealed containers.
- 13 - Do not allow food waste bins to overflow.
- 14 - Keep external doors always closed.
- 15 - Check regularly for any structural or proofing defects.

## The law

### FOOD SAFETY ACT, SECTION 7

Any person who renders any food injurious to health ... shall be guilty of an offence.

### FOOD SAFETY ACT 1990, SECTION 14

Any person who sells to the purchaser's prejudice any food which is not of the nature or substance, or quality demanded by the purchaser shall be guilty of an offence.

### ASSIMILATED REGULATION (EC) NO 178/2002 ANNEX 2 CHAPTER 2

4 - Adequate procedures are to be in place to control pests.

### ASSIMILATED REGULATION (EC) NO 852/2004 ANNEX II CHAPTER I

2 - The layout, design, construction, siting, and size of food premises are to:

(c) permit good food hygiene practices, including protection against contamination and, in particular, pest control.

#### PREVENTION OF DAMAGE BY PESTS ACT 1949; SECTION 4

- For situations where the state of neighbouring land is the source of a pest problem, e.g., overgrown vegetation, or piles of rubbish the matter can be reported to the local authority reminding them of their power under section 4 of the Prevention of Damage by Pests Act 1949.
- This empowers a local authority to serve notice on the occupier and/or owner of land to take whatever steps the notice requires to keep the land free of pests such as clearing vegetation, removing accumulated rubbish or applying treatment. This can be an attractive option as the local authority can carry out the work themselves if the notice expires without resolution.
- The costs are recovered from the landowner / occupier by the local authority, if necessary, by placing a land registry charge on the property.

## An enforcement officer visits

Authorised officers from your local council will visit your premises to check if your business is complying with food law and producing food that is safe to eat

### Guidance

An enforcement officer may be an environmental health practitioner (EHP) – often known as an environmental health officer (EHO) – or a technical officer with additional skills in food safety. These officers of the council have the right of entry without giving notice.

In Scotland, businesses now receive an inspection based on both food hygiene and food standards issues.

You should cooperate with the officer and if a manager or supervisor is not present, consider calling them to let them know.

Remember, your EHO is there to provide advice. They want to see your business succeed and they only take enforcement action when advice, guidance or any other options have failed or when there is an imminent risk to public health and safety. Don't be afraid to ask them for advice.

If you are very busy and/or short staffed, you can ask for them to come back at a more convenient time. However, if they insist on carrying out the inspection, you must let them in.

Introduce yourself and check their identification card. Ask why they have visited, where / what they want to see and if there is any paperwork or documents you will need to show them.

They may ask to see the following information:

- Food Safety Policy or SFBB Safe Methods (Safer Food Better Business)

- CookSafe (Scotland) or Safe Catering (Northern Ireland)
- Food Safety Records or SFBB diary
- Allergy information
- Training records
- Pest control records

Show them the paperwork or documents they wish to see. It is a good idea to have all this ready. Do not be tempted to fill in any blanks in records or date label any food that is unlabelled.

Accompany the enforcement officer during the visit. Take a pen and paper as you might want to make notes about things pointed out to you. Do not be tempted to rush things and answer the questions they have.

At the end of the visit, ask them to summarise their findings. They may complete an inspection summary form and give you a copy.

It may be helpful to ask the enforcement officer what your Food Hygiene Rating will be. If the rating is not a 5, ask the officer why you have not achieved a 5 rating and what you need to do so.

Find out if they are going to come back – if so, when? Ask if they are going to take any other action – if so, what?

For more information, please see Food Alert advice [here](#), and Food Standards Agency advice [here](#).

## The law

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### FOOD SAFETY ACT 1990

#### 32 - Powers of entry

(1) An authorised officer of an enforcement authority shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours

(a) to enter any premises within the authority's area for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of this Act, or of regulations or orders made under it and

(b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of any of such provisions and

(c) in the case of an authorised officer of a food authority, to enter any premises for the purpose of the performance by the authority of their functions under this Act but admission to any premises used only as a private dwelling-house shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

#### 33 - Obstruction etc. of officers

(1) Any person who intentionally obstructs any person acting in the execution of this Act or without reasonable cause, fails to give to any person acting in the execution of this Act any assistance or information which that person may reasonably require of him for the performance of his functions under this Act, shall be guilty of an offence.

(2) Any person who in purported compliance with... any such requirement as is mentioned in subsection (1)(b) above furnishes information which he knows to be false or misleading in a material particular or recklessly furnishes information, which is false or misleading in a material particular, shall be guilty of an offence.

# An enforcement officer takes action

It is always better to respond quickly to EHO letters and notices

## Guidance

For all the sections below, please refer to the procedures outlined in what to do if a food enforcement officer visits.

### WHAT TO DO IF THE ENFORCEMENT OFFICER:

#### LEAVES A HANDWRITTEN REPORT / SENDS YOU A LETTER

- Action any items that they state are legal requirements as soon as possible and certainly within the timeframe given.
- Consider whether any recommendations are practical for the operation – action them if they are.

#### ASKS YOU TO DISPLAY A FOOD HYGIENE RATING CERTIFICATE OR STICKER

- The Food Hygiene Rating Scheme is operated by all local authorities in England, Wales and Northern Ireland, and the Food Hygiene Information Scheme in Scotland. Following an inspection, enforcement officers will score the operation. They will issue a certificate detailing the score and / or window sticker and publish this information on a website. It is not compulsory to display the certificate / window sticker in England or Scotland, but it is compulsory to display it in Wales or Northern Ireland.

#### VISITS BECAUSE OF A COMPLAINT

- If you wish to follow up the matter with the customer, ask whether they will release the complainant's details at the end of their investigation so that you can write to apologise if necessary.

- Ensure that you follow up any requirements and, if appropriate, recommendations made by the enforcement officer.

#### SERVES A HYGIENE IMPROVEMENT NOTICE (FORMAL NOTICE REQUIRING WORKS)

- Check that you understand what exactly needs to be done and by when.
- If you are able to complete any works prior to the expiry date, invite the officer in so that if they are not satisfied, you still have time to put it right.
- If you do not feel you will be able to complete the works on time, contact the officer to ask for an extension and ask them to put it in writing. This must be done before the expiry date.
- If you do not agree that the notice should be served, you can check the "rights of appeal" on the back and seek legal advice.

#### TAKES A FOOD SAMPLE (FOR SURVEY OR EVIDENCE)

- Ask the officer why they are taking the sample – is it a routine survey or do they have concerns.
- If the sample is for a routine survey, the officer is looking for your co-operation.
- If they are procuring food as evidence for possible legal proceedings, you must be informed of this by the officer.

- Ask the officer when you can expect to find out the outcome of the test. If it is a routine survey the results are usually for information only. If the officer has concerns, they may initiate formal food detention procedures.
- You may want to consider taking your own samples for testing.

#### **DETAINS FOOD (TO HAVE IT EXAMINED)**

- Where an officer is concerned that that food is unsafe and requires further examination, they may serve a 'detention of food notice'. The food remains your property but is under control of the local authority for up to 21 days. The authority will require it not to be sold. It must remain in place or taken only to where the notice specifies.
- If the notice expires the local authority must return the food to you and pay any compensation if it has deteriorated and lost value.

#### **OR**

- The local authority can seize the food, taking formal possession of it and taking it to a magistrate.

#### **SEIZES FOOD (TO HAVE IT CONDEMNED BY A MAGISTRATE)**

- Check that you understand why they have seized the food and what they intend to do with it. In some instances, the officer will divide the sample into three equal parts and offer you one of these to retain on site. If so, make sure that the sample is clearly labelled so that it is kept safely and not used or disposed of and ensure that it is stored appropriately e.g., for food items, these will usually need to be stored in a freezer to ensure they do not deteriorate.

- The officer is likely to take other formal actions and you may wish to seek legal advice.

#### **SERVES/INTENDS TO SERVE A HYGIENE EMERGENCY PROHIBITION NOTICE (CLOSURE)**

- Check that you understand what exactly you need to do before you can re-open.
- Contact the officer as soon as the work is complete so that they can re-visit.
- If you do not agree that there was an imminent risk to health, seek legal advice.

#### **CAUTIONS YOU OR A TEAM MEMBER**

- A caution is when an enforcement officer says "you do not have to say anything, but it may harm your defence if you do not mention something when questioned that you later rely on in court. Anything you do say may be given in evidence".
- Answer that you will be happy to answer any questions at a later date but would like to seek legal advice first. If it is the case, you can tell the officer that you are not authorised to speak on behalf of the company.

#### **INVITES YOU OR A TEAM MEMBER TO A FORMAL INTERVIEW**

- This is an interview under caution and your answers could be used in evidence in court. You should consider whether a single person will be able to answer all the likely questions in a formal in-person interview. It may be better to ask the officer to put their questions to you in writing so that you can consult all those who will be able to help you provide a full response in writing. If you feel that this would be a better way of dealing with the interview, say to the officer.

- If you do decide to proceed with a single person interview:

- 1 - Agree a suitable time to accept the invitation.
- 2 - Seek legal advice.
- 3 - It is a good idea to take your solicitor with you to the interview.
- 4 - You should consider calling the Food Safety Helpline operated by Food Alert.

## The law

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### FOOD SAFETY ACT 1990

#### 29 - Procurement of Samples

An authorised officer of an enforcement authority may:

(d) take a sample of any article or substance which is found by him on or in such premises and which he has reason to believe may be require as evidence in proceedings under any of the provisions of this act or of regulations or orders made under it.

#### 33 - Obstruction etc. of officers

(1) Any person who:

(c) Intentionally obstructs any person acting in the execution of this Act; or  
(d) Without reasonable cause, fails to give to any person acting in the execution of this Act any assistance or information which that person may reasonably require of him for the performance of his functions under this Act, shall be guilty of an offence.

(2) Any person who in purported compliance with... any such requirement as is mentioned in subsection (1)(b) above

(c) Furnishes information which he knows to be false or misleading in a material particular; or  
(d) recklessly furnishes information, which is false or misleading in a material particular, shall be guilty of an offence.

### THE FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013

### THE FOOD HYGIENE (SCOTLAND) REGULATIONS 2006 IMPROVEMENT NOTICES

6 - (1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a food business operator is failing to comply with the Hygiene Regulations, the officer may by a notice served on that person (in these Regulations referred to as a "hygiene improvement notice")

- (a) State the officer's grounds for believing that the food business operator is failing to comply with the Hygiene Regulations.
- (b) Specify the matters which constitute the food business operator's failure to comply.
- (c) Specify the measures which, in the officer's opinion, the food business operator must take in order to secure compliance; and
- (d) Require the food business operator to take those measures, or measures which are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.

(2) Any person who fails to comply with a hygiene improvement notice commits an offence

## THE FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013

### HYGIENE EMERGENCY PROHIBITION NOTICES AND ORDERS

8 - (1) If an authorised officer of an enforcement authority is satisfied that the health risk condition is fulfilled with respect to any food business, the officer may by a notice served on the relevant food business operator (in these Regulations referred to as a "hygiene emergency prohibition notice") impose the appropriate prohibition.

(2) If a magistrate's court is satisfied, on the application of such an officer, that the health risk condition is fulfilled with respect to any food business, the court shall, by an order (in these Regulations referred to as a "hygiene emergency prohibition order"), impose the appropriate prohibition.

# A customer makes a food safety complaint (alleged food poisoning, foreign body or allergic reaction)

As part of your food safety system, you should monitor, record, and act on all food safety complaints. You should review them periodically and use them to make improvements to your food safety system.

## Guidance

Food safety complaints may be either an alleged food poisoning, foreign body, or allergic reaction.

### ALL FOOD SAFETY COMPLAINTS

- Guests may communicate an alleged food safety complaint in several ways, including verbally, by e-mail, social media, text, or other means. The food businesses should be able to capture the complaint and direct it to an appropriate person.
- Alleged food safety complaints should be handled by a nominated person, preferably a supervisor or duty manager.
- Do not make any assumptions as to whether it is a valid food safety complaint or not, be apologetic and sympathetic to the guest's circumstances.
- Assure the guest that their complaint will be taken seriously, and a full investigation carried out. Inform the guest what will happen next, and when you will respond to them.
- If your food business has a guest care/customer relations team, ensure they are involved.
- Depending on the size of the food business it is good practice to use a template / checklist

- for recording information when a guest makes a food safety complaint. Always take personal circumstances into account.
- Request the guest's contact details and ask permission to contact them.
- If the guest offers any other information, record it in a brief description field on the form.
- The appropriate staff should be trained in managing alleged food safety complaints.
- The duty manager should ensure that the complaint is handled effectively.
- Continue to monitor social media.
- Depending on the severity, you may need to notify your insurer.

### FOOD POISONING ALLEGATION

#### INVESTIGATION

- Consider advising the guest to visit their GP. A stool sample is the only way to determine food poisoning.
- An investigation of the alleged food poisoning should be carried out using the information recorded as a starting point.

- The person carrying out the investigation should have sufficient food safety knowledge and specific knowledge of the food safety policies and record keeping in use.
- Interview the staff who handled the food at the time of the alleged incident and track the progress of the food from delivery to service.
- Check of your records for the day in question and satisfy yourself that the correct processes and procedures were followed by food handlers, including chilled and cooked temperatures.
- Observe food handling procedures and satisfy yourself that the risk of cross contamination is being avoided.
- Check that hand washing, and other personal hygiene requirements are being met and the required standards are being maintained.
- Check staff sickness and return to work procedures are being followed.
- Check staff training is in place.
- Check how many portions of the product were served on that day and if there were any other complaints.
- Consider the specific nature of the product and are there any product issues e.g., scombroid fish poisoning.
- Has the local EHO been in contact? Consider contacting them to make them aware of the allegation.
- If the local EHO visits the business because of a complaint refer to section 'an enforcement officer takes action' – 'visits because of a complaint'.

## OTHER CONSIDERATIONS

- Consider if there are any outbreaks of Norovirus or other gastroenteritis in the area.

- The lead time and type of symptoms may give an indication of the cause of the illness, but it is unusual to identify the cause with any degree of certainty. Many other illnesses have similar symptoms to food poisoning. In addition, food borne illness can have a long lead time, as the organisms take time to establish themselves before they can cause illness.
- Notify suppliers if multiple issue linked back to a supplier or product for them to investigate. Consider taking the product off sale.

## RESPONDING TO THE GUEST

- Always carry out the actions that you have promised to the guest and respond accordingly.
- Inform the guest of the actions you have taken.
- Generally, you should not offer any gestures of goodwill to the guest as this may be seen as an acceptance of liability.
- If you wish to offer a gesture of goodwill, you should state that this is "without prejudice".

## FOREIGN BODY COMPLAINT

- The priority is the safety and wellbeing of the guest who may have consumed the foreign body.
- When collecting details of the complaint, try to establish where they found the foreign body. Be as specific as possible, this is especially important for foods with several different components. Being able to narrow down where the foreign body was found exactly will aid the investigation.
- Obtain date and batch code information of the product involved.

## INVESTIGATION

- An investigation of the alleged foreign body complaint should be carried out using the information recorded as a starting point.

- The person carrying out the investigation should have sufficient food safety knowledge and specific knowledge of the food safety policies and record keeping in use.
- Where possible, obtain the foreign body from the guest. Keep any foreign bodies in a secure place and freeze if appropriate. Take photographs of the item.
- Undertake a preliminary investigation to establish the facts. If any of the food concerned is still on the premises, it should be quarantined and inspected for further contamination.
- Depending on the type of foreign body you may consider:
  - Pest infestations.
  - Damaged equipment utensils.
  - Broken / damaged glassware.
  - Personal hygiene.
- Interview the staff who handled the food at the time of the alleged incident and track the progress of the food from delivery to service.
- Check how many portions of the product were served on that day and if there were any other complaints.
- Generally, it is better not to send the foreign body to the supplier. Instead send photographs.
- If the local EHO visits the business because of a complaint refer to section 'an enforcement officer takes action' – 'visits because of a complaint'.

## OTHER CONSIDERATIONS

- The source of the foreign body may be from your kitchen, or the contamination may have occurred in the supply chain. On occasion the foreign body may have occurred as far back as on the farm.

- Alternatively, the contamination may have occurred front of house or even from the guest(s).

## ALLERGIC REACTION/NEAR MISS

- The first priority is the safety and wellbeing of the guest who may be having a serious reaction to the allergy.
- A guest who has experienced an allergic reaction in your business will seek reassurance and understanding. As with all food safety complaints, you should be apologetic and sympathetic to the guest's circumstances.

## INVESTIGATION

- An investigation of the alleged allergic reaction should be carried out using the information recorded as a starting point.
- Where appropriate and practical, retain a sample of the food.
- The person carrying out the investigation should have sufficient food safety knowledge and specific knowledge of the allergen management procedures and record keeping in use.
- Carry out an interview with each of the team members involved in serving the guest and preparing the food.
- Obtain a witness statement from each person involved in the allergy order, including preparation of the food.
- Establish what information was provided by the guest and what the guest was told about the allergens in the food.
- Was the guest asked about allergens and how did they respond?
- Establish what precautions were taken to ensure that safe food was prepared for the guest.

- Establish how the front and back of house communicated to ensure that the correct food was served to the allergic guest.
- Attempt to identify where there was a failure in delivering safe food to the customer.
- Has the local EHO been in contact? Consider contacting them to make them aware of the allegation.
- A guest who has had an allergic reaction will not be conducive to being offered a meal, as they need their trust to be restored.

## REVIEWING FOOD SAFETY COMPLAINTS

- You should periodically review food safety incidents including the findings of the investigations.
- Identify the most common type of incidents and introduce measure to mitigate the risks.
- Identify adverse trends and look to implement improvements to reverse them, include these in your periodic review and update of food safety policies and procedures.

## REPORTING FOOD SAFETY COMPLAINTS

- For each alleged incident, consider contacting the local authority to make them aware of the allegation.
- If you have a Primary Authority Partnership, consider sharing the findings of your investigations.

## ADDITIONAL INFORMATION

- Further information is available - [Food complaints: what do you need to know? - Food Alert](#)

# A customer has a severe allergic reaction

Anaphylaxis is a serious allergic reaction that requires immediate medical attention regardless of the availability of emergency medication on site

## Guidance

### ALLERGIC REACTION (ANAPHYLAXIS)

Anaphylaxis is an extreme and severe allergic reaction. The whole body may be affected, often within minutes of exposure to the allergen but sometimes after one or two hours. Common causes include insect stings, medication and foods such as peanuts, tree nuts (e.g., almonds, walnuts, cashews, Brazil's), sesame, fish, shellfish, milk, and eggs.

#### Symptoms may include:

- Generalised flushing of the skin.
- Nettle rash (hives) anywhere on the body.
- Difficulty in swallowing or speaking.
- Alterations in heart rate.
- Severe asthma.
- Abdominal pain, nausea, and vomiting.
- Sudden feeling of weakness (drop in blood pressure), faint or floppiness, collapse, and unconsciousness.

#### If you think the person is having an allergic reaction:

- Contact the first aider in the business (if applicable).
- Call 999 and ask for an ambulance straight away. Explain the person could have anaphylaxis.

- Do not move the person because this could make their symptoms worse.
- Encourage them to sit still and lie down with feet up if faint or floppy.
- Ask the person (or friends and family who they are with) if they have an Adrenaline Auto-Injector (AAI), e.g. [EpiPen](#), [Jext](#) on them. This could save their life.
- If the person has an auto injector, they may be able to administer it to themselves. If they need help, the correct procedure to follow can be found via the above links.
- Note: you should not prescribe using an Adrenaline Auto-Injector (AAI), unless you are qualified to do so.
- Send someone outside to wait for the ambulance.
- Have the full address of the venue readily available (e.g., on the wall by the phone), so that the correct address is given to emergency services.
- Stay with the person until help arrives.
- Ensure all team members are aware of this policy by delivering training as soon as they commence employment. Keep a record of all training.
- Be aware, and ensure your team understand the importance of providing correct menu allergen information.

## **RECORD THE INCIDENT**

- You should record the incident as part of your incident procedure. Incidents should be reviewed including the findings of the investigation. Any lessons learnt should be implemented and reviewed regularly.

# You suspect food crime in your food supply chain

Consumers must have confidence that their food is safe and what it says it is. Food crime includes any serious fraud and related criminality in food supply chains

## Guidance

- If there is a suspicion or concern that food crime is taking place in the supply chain, this should be reported to either The National Food Crime Unit (NFCU), covering England, Wales and Northern Ireland, or the Scottish Food Crime and Incidents Unit (SFCIU).

Use the following links:

- [Reporting food fraud in England, Wales, and Northern Ireland](#)
- [Reporting food fraud in Scotland](#)

Also report your concerns to your Local Authority Trading Standards Service.

There are seven techniques used in food crime:

## Good practice/prevent future incidents

- The following links can help food businesses check the approval codes on food to see if they are from approved food establishments.
- [Approved food establishments | Food Standards Agency](#)
- [Approved Establishments Register | Food Standards Scotland](#)

Crime technique	Definition
Theft	The dishonest appropriation of food, drink, or feed products from their lawful owner with an intention to benefit economically from their subsequent use or sale.
Unlawful processing	The slaughter, preparation, or processing of products of animal origin outside of the relevant regulatory framework.
Waste diversion	The unauthorised diversion of food, drink or feed intended for disposal back into relevant supply chains.

Crime technique	Definition
Adulteration	Reducing the quality of a food product through the inclusion of a foreign substance, with the intention either to make production costs lower, or apparent quality higher.
Substitution	Replacing a food product or ingredient with another substance of a similar but inferior kind.
Misrepresentation of origin, quality, provenance, or benefits	The marketing or labelling of a product so as to inaccurately portray its quality, safety, benefit, origin or freshness.
Document fraud	The use of false or misappropriated documents to sell, market or otherwise vouch for a fraudulent or substandard product.

## Additional information

Refer to the Food Alert Avoiding Food Fraud in Your Business  
– Checklist: [Avoiding food fraud in your business - Food Alert](#)

# A supplier informs you of a product withdrawal/recall

Responding quickly to any problems with food products you use, or sell is an important part of managing food safety in your business

## Guidance

### PRODUCT WITHDRAWAL

- When you should stop using or selling a product straight away.

### PRODUCT RECALL\*

- When customers are asked to return / destroy a product.

You may find out about a problem with a product from:

- The manufacturer
- Wholesaler
- Newspapers
- Local authority
- A trade association
- The Food Standards Agency

As soon as you hear about a problem with a product, you should stop selling / using it right away. You might also need to tell your customers.

### Typical problems that may occur include:

- The product contains harmful bacteria.
- It is physically contaminated (e.g., with glass or metal).
- It is wrongly labelled.

If a supplier or manufacturer has issued a product withdrawal or recall, make sure you know which product and which batches are affected.

- Remove the affected product from use or sale, label it clearly to show it should not be used / sold.
- Check if it has been used as an ingredient in any food that has been prepared and stored, e.g., in the freezer.
- Make sure your staff are aware of the problem.
- It is a legal requirement to keep a record of what food products you have bought, who you bought them from, the quantity and the date. You should keep this information so that an enforcement officer can check to see where the product came from.

\* If a business recalls a product, e.g., retail, you should notify the local authority / Food Standards Agency.

## The law

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ASSIMILATED REGULATION EC 178/2002

ARTICLE 14 FOOD SAFETY REQUIREMENTS

1 - Food shall not be placed on the market if it is unsafe.

2 - Food shall be deemed to be unsafe if it is considered to be

(a) Injurious to health

(b) Unfit for human consumption

ARTICLE 18 TRACEABILITY

2 - Food and feed business operators shall be able to identify any person from whom they have been supplied with a food, a feed, a food-producing animal, or any substance intended to be, or expected to be, incorporated into a food or feed.

# Other incidents

## A flooded cellar

When flooding occurs, your priority is to ensure the safety of your team and guests. You must dispose of food that may have been contaminated.

### Guidance

- Flood water can be contaminated with sewage, animal and other waste, from drains or the surrounding area. This means it may contain harmful bacteria, viruses, or chemicals.
- Any contaminants in the water are usually very diluted and so the risks of getting ill are low. Following simple hygiene practices will help you to avoid getting ill from flood water.
- **Casks:** where contacted by flood water, the contents must be discarded since the shive is porous and there is a risk that the contents could be contaminated.
- **Kegs:** unbroached the contents may be unaffected, but if contacted by flood water, should be returned to the brewery.

All containers affected by flood water should be clearly marked prior to uplift and return to the brewery.

### THE CELLAR

- In the event of flooding in the cellar, it will be necessary to undertake decontamination and a sanitising clean.
- It is the responsibility of the food business operator to ensure the cellar and contents are professionally decontaminated and sanitised. Documentary evidence that this has been carried out satisfactorily must be available upon request of any personnel (including dray crews) entering the cellar. Sanitisation of the cellar will include equipment, kegs, casks, and gas cylinders.

**Dispense lines/equipment:** your cellar technical services provider will need to carry out replacement of dispense equipment and beer lines that have been affected by flood water.

**Professional sanitising:** you should use a specialist sanitising company familiar with cleaning sewage-contaminated basements and cellars; the company must be available and able to respond quickly to emergency flooding situations.

### CELLAR CONTENTS

- **Electrical equipment:** the components and wiring in electrical equipment recovered from flooded pub cellars will be damaged and, in any case, should be treated as contaminated. The cellar service provider will recover the equipment for safe disposal / destruction.

### FOOD HYGIENE

- Safe food preparation and storage - to stop harmful bacteria that might be present in flood water spreading to your food, we advise that you:
  - 1 - Do not eat any food that has been touched or covered by floodwater or sewage.

2 - Clean and disinfect all work surfaces and kitchen equipment, utensils, tableware and glasses before using them with food – in a dishwasher if you can, or by using a suitable disinfectant.

3 - Throw away wooden chopping boards and wooden spoons if they have come into contact with flood water.

4 - Clean and disinfect the inside of your fridge and food cupboards if they have been touched by flood water.

5 - Do not use work surfaces or plates if they are badly chipped or damaged.

6 - If your tap water may be contaminated, boil and cool it before using it to wash food that won't be cooked, such as fruit or salad.

Do not eat/sell or offer for sale any food that has been touched or covered by flood water or sewage.

### NON-POTABLE WATER SUPPLIES

- Where the mains water supplied to an outlet (on a temporary basis) is non-potable, any plastic tubes and fittings on ice-making machines, post-mix equipment (for soft drinks) and glass washing machines should be subject to a rigorous cleaning regime once potable water supplies have resumed. It is advised that filters should be replaced.
- Line cleaning and glass washing should only be undertaken using potable water.

### DISPOSING OF FLOOD-DAMAGED FOOD

- Put flood-damaged food in black plastic refuse sacks, double bagged if possible. Then seal the sacks and put them out when your next refuse collection is due. Remember to check with insurers before disposal because food may be insured. Do not be tempted to try to salvage food. This includes tins as they may be damaged or contaminated.

### FRIDGES/FREEZERS

- If your power has been cut off, see the section on 'cold food storage equipment is not maintaining temperature'.
- Keep all refrigerator and freezer doors closed as much as possible.

### CHILLED

If the air temperature is above 5°C, leave for one hour and re-check. If the problem persists:

- 1 - Probe food to ensure it is at or below 8°C.
- 2 - If food is still within temperature, it should be monitored for one hour. If a problem persists, move food to another fridge.
- 3 - If the chilled food is above 8°C and may have been above 8°C for more than four hours, it must be disposed of to waste as unfit for use.

### FROZEN

If the air temperature is above -18°C, Leave for one hour and re-check. If the problem persists:

- 1 - Probe between packs to ensure it is at or below -18°C.
- 2 - If it is still within temperature, it should be monitored after one hour.
- 3 - If it is below -15°C and still frozen solid, move the food to another freezer.
- 4 - If it is above -15°C, thoroughly defrost the food before use and do not re-freeze. If the food cannot be used after defrosting e.g., Ice cream, or must be cooked from frozen, discard or use immediately.

If the food is above 8°C and may have been for more than four hours, it must be disposed of.

## ICE MACHINES

- Keep the cover closed.
- If the ice starts to melt, open the cover to aid melting and drain the ice away.
- Clean and sanitise the machine following the manufacturers' instructions before further use.

## ELECTRICAL WIRING

- After flooding you should request an electrical contractor to review / test the wiring.

## INSURANCE

- Report to your insurer immediately, you may be able to claim for business interruption (policy dependant).

## ADDITIONAL INFORMATION

- Food Standards Agency; Food Safety after a Flood available [here](#).
- PHE, "Flooding – Frequently asked Health Questions available [here](#).

## The law

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### FOOD SAFETY ACT, SECTION 7

Any person who renders any food injurious to health... shall be guilty of an offence.

### FOOD SAFETY ACT 1990, SECTION 14

Any person who sells to the purchaser's prejudice any food which is not of the nature or substance, or quality demanded by the purchaser shall be guilty of an offence.

### ASSIMILATED REGULATION (EC) NO 178/2002 ARTICLE 14 FOOD SAFETY REQUIREMENTS

1 - Food shall not be placed on the market if it is unsafe.

2 - Food shall be deemed to be unsafe if it is considered to be:

- (a) injurious to health
- (b) unfit for human consumption

### ASSIMILATED REGULATION (EC) NO 852/2004 ANNEX II CHAPTER IX

3 - Raw materials and all ingredients stored in a food business are to be kept in appropriate conditions designed to prevent harmful deterioration and protect them from contamination.

4 - At all stages of production, processing and distribution, food is to be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.

# Bedbug control

*Content approved by the British Pest Control Association*

## Guidance

### INTRODUCTION

- Bedbugs are small insects that often live on furniture or bedding. They feed on blood and their bites can be itchy, but do not usually cause other health problems. Bedbugs can hide in many places, including on bed frames, mattresses, clothing, furniture, behind pictures and under loose wallpaper.

### SIGNS OF BEDBUGS INCLUDE:

- Bites – often on areas exposed while sleeping, like the face, neck, and arms.
- Spots of blood on your bedding – from the bites or from squashing a bedbug.
- Small brown spots on bedding or furniture (bedbug faeces).

### BACKGROUND

- The bugs are usually transported in luggage, clothing, furniture, and bedding from one building to the next. This makes it easy for tourists and travellers to unknowingly spread bed bugs.
- Bedbugs can be found in mattress seams, the joints of a bed frame, behind wallpaper, pictures or in electrical sockets. They tend to prefer fabric or wood over plastic and metal, and often hide near to where you sleep – for example, under the mattress or along the headboard.

### HOW TO DETECT BED BUGS

- Monitoring programmes are essential when protecting against bed bug infestations and will alert you to any pest presence.
- Cleaners and housekeepers are a great first line of defence, as they will be carrying out work in the areas that bed bugs can be found. Provide training on the signs of infestations and the reporting process if they find anything.
- You should take all reports from guests seriously, call in your pest control contractor to survey the room (even if you've done a visual sweep and not spotted anything yourself) and be communicative with your guest on the process, including the findings.

**Cleaners and housekeepers should be trained to look out for the following:**

### DAILY CHECKS:

- Black spots on the mattress – this could be the bugs dried faeces.
- Mottled shells that bed bugs may have shed.
- Bedsheets with blood spots where guests roll over and squash a bug after it has fed.

### MONTHLY CHECKS:

- Inspect the crevices and joints of mattresses and furniture to spot bugs.

- Inspect plug sockets for bugs.
- Unpleasant, musty, or almond-like scent in rooms.
- Housekeepers must ensure mattresses are thoroughly vacuumed prior to rotating every three months.



Bedbug



Bedbug shell



Bedbug dried faeces

## TREATMENT OF AN INFESTATION

- Contact the pest control company as soon as an infestation is discovered.
- Take any rooms with an infestation, and the adjacent, off sale with your booking system.
- Ensure all housekeepers are trained to spot the signs of bedbugs.

### DO:

- Contact the pest control company – it's unlikely you'll be able to get rid of bedbugs yourself because they can be resistant to some insecticides.
- Leave the bedding in place or leave it in the room if already removed from the bed.
- Keep the room closed.
- Do not remove any furniture, bedding or other items from the affected room.
- If a vacuum has been used, leave it in the room.
- If bedding has been removed wash affected bedding and clothing – use a hot wash (60C) or tumble dry on a hot setting for at least 30 minutes.
- Clean and vacuum regularly – bedbugs are found in both clean and dirty places, but regular cleaning will help you spot them early.
- There is no need to dispose of anything, the heat treatment the pest contractor uses will kill any bugs or unhatched eggs and make everything safe.

### DO NOT:

- Do not keep clutter around beds.
- Do not bring second-hand furniture indoors without carefully checking it first.
- Do not take luggage or clothing indoors without checking it carefully if you have come from somewhere where you know there were bedbugs.

# Annex I

## Resources

The items referenced in this section are maintained and controlled independently of this guide. They point guide users to additional information relevant to those who control food safety management. The user is reminded to exercise discretion as to whether the detail represents compliance or good practice.

The Food Standards Agency has developed a simple toolkit 'safer food, better business' (SFBB) to help small businesses to comply with Article 5 of Assimilated Regulation (EC) No. 852/2004, which requires food businesses to put in place food safety management procedures based on the HACCP principles. An equivalent toolkit has been developed by Food Standards Scotland (FSS) and it is called CookSafe. Food business operators in Scotland should use this.

Safer food, better business and CookSafe can be used by small food businesses, including caterers, retailers, and care establishments in the UK, as an aid to compliance. Advice on using SFBB can be obtained from local authority environmental health departments.

Safer food, better business can be accessed at [safer food, better business](#) for caterers | Food Standards Agency and CookSafe can be accessed at [CookSafe Manual](#) | Food Standards Scotland.

## Allergens

### Allergen Management

England, Wales, and Northern Ireland

[Allergen guidance for food businesses](#) | [Food Standards Agency](#)

Scotland

[Food allergy advice](#) | [Food Standards Scotland](#) | [Food Standards Scotland](#)

### Allergen Training

England, Wales, and Northern Ireland

[Home](#) | [FSA Food Allergy Training](#) (module 5)

Scotland

[Online Allergy Training](#) | [Food Standards Scotland](#)

## Allergic Reactions

Adrenaline Auto-Injectors (AAI)

[Jext - How to use](#)

[EpiPen - How To Use: Administering Your EpiPen® | EpiPen®](#)

## Cold food storage

### Chilling

England, Wales, and Northern Ireland

[Safer food, better business for caterers | Food Standards Agency](#)

Scotland

[CookSafe](#)

## Flooding

[Food Standards Agency – food safety after a flood](#)

[PHE – flooding](#)

## HACCP

England, Wales, and Northern Ireland

[Hazard Analysis and Critical Control Point \(HACCP\) | Food Standards Agency](#)

Scotland

[CookSafe Manual | Food Standards Scotland](#)

## Hot food storage

### Hot Holding

England, Wales, and Northern Ireland

[Safer food better business for caterers](#)

[Scotland](#)

[CookSafe](#)

## Pest control

[The British Pest Control Association \(BPCA\)](#)

# Product withdrawal / recall

## Product Withdrawal

England, Wales, and Northern Ireland

[Safer food better business for caterers](#)

## Food safety inspections and enforcement

England, Wales, and Northern Ireland

[Food safety inspections and enforcement](#) | [Food Standards Agency](#)

## Food Traceability

England, Wales, Northern Ireland & Scotland

[Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry](#)

# Annex II

## List of abbreviations

BPCA

British Pest Control Association

EHO

Environmental health officer

EHP

Environmental health practitioner

EU

European Union

FBO

Food business operator

FSA

Food Standards Agency

FSS

Food Standards Scotland

HACCP

Hazard analysis and critical control  
points

HASWA

Health and Safety at Work Act

NFCU

National Food Crime Unit

PHE

Public Health England

PPE

Personal protective equipment

PPM

Planned preventative maintenance

SFBB

Safer food, better business

SFCIU

Scottish Food Crime and Incidents  
Unit

# Annex III

## Glossary

### AAI

Adrenaline auto-injectors (AAIs) (product names Epipen or Jext) deliver adrenaline by means of an auto-injector device for the emergency treatment of anaphylaxis, a life-threatening severe allergic reaction.

### Allergen

Under Annex II of Assimilated Regulation (EU) No 1169/2011, the 14 substances or products that cause allergies or intolerances, which must be identified and labelled, include cereals containing gluten (wheat, rye, barley, oats, spelt, kamut), crustaceans, egg, fish, peanuts, soybeans, milk, nuts (almonds, hazelnuts, walnuts, pecan nuts, Brazil nuts, pistachio nuts, macadamia or Queensland nuts), celery, mustard, sesame, sulphur dioxide and sulphites (at concentrations of >10mg/kg or 10mg/litre), lupin and molluscs; and the products thereof.

### BS EN 1499

Standard for products for hygienic hand cleansing for disinfection in medical situations like hospitals, clinics, and nursing homes, as well as for general use in the workplace and home.

### Cleaning

The removal of food residues, visible dirt, food particles and debris from surfaces, equipment and fittings using hot water, a detergent and energy (e.g., scrubbing).

### Disinfection

The process of using chemicals to reduce pathogenic microorganisms from surfaces or equipment to a safe level.

### Contamination

The presence or introduction of a hazard into food, including undesirable materials, microorganisms or any taint that may affect the safety or wholesomeness of food.

### Cross contact (allergens)

Allergen cross contact occurs when an allergen is unintentionally incorporated into another food that is not intended to contain that allergenic food.

## Cross contamination

Cross contamination is when bacteria is spread between food, surfaces, or equipment.

## Danger zone

This is the temperature range between 8°C and 63°C where bacteria multiply rapidly; the optimum temperature for bacterial growth is usually around 37°C.

## Detergent

Cleaning agent that does not have disinfectant properties; used for general cleaning, including the removal of grease and food residues.

## Disinfection

The process of using chemicals to reduce pathogenic microorganisms from surfaces or equipment to a safe level.

## Emergency Prohibition Notice

The Food Safety and Hygiene (England) Regulations 2013 ('the 2013 Regulations') Regulation 8 gives an Officer the authority to serve a Hygiene Emergency Prohibition Notice ('notice') on a food business operator to address hygiene concerns that pose an imminent risk of injury to public health. The notice is a serious step which prohibits certain operations of a food business; it can be tailored to a particular process or, as is often the case, may mean the immediate closure of the premises.

If a magistrates' court is satisfied, on the application of such an officer, that the health risk condition is fulfilled with respect to any food business, i.e., the conditions pose an imminent risk of injury to public health, the court shall, by an order (in these Regulations referred to as a "hygiene emergency prohibition order"), impose the appropriate prohibition.

## Enforcement officer

A person employed by local authority who enforces food safety (and sometimes food composition legislation). They are often as environmental health officers. Specific roles and titles vary across the UK.

## Food

Any substance or product, whether processed, partially processed, or unprocessed, intended to be or reasonably expected to be ingested by humans (including drinks and ice).

## Food business

Any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food.

## Food business operator

The natural or legal person(s) responsible for ensuring that the requirements of food law are met within the food business under their control.

## Infective dose

The minimum number of microorganisms required for an infection to proceed.

## Improvement notice

A written notice that instructs a person to fix a breach or the risk of a breach of a law within a specified time frame.

## Pest

Any unwanted animal, insect or bird that enters and may live in the premises or foodstuff.

## Pesticide

A chemical substance used to kill harmful insects, small animals, wild plants, and other unwanted organisms.

## Norovirus

A common virus that causes diarrhoea and vomiting. Norovirus can be transmitted by food handlers from person to person or via food.

## Planned preventative maintenance

Planned preventative maintenance (PPM), also commonly referred to as planned or scheduled maintenance. It is essentially a scheduled maintenance routine, set out to ensure machinery, services and equipment are all maintained at regular intervals.

## Sanitiser

A chemical for disinfecting equipment and work surfaces, hands, vegetables, and salad items. Some sanitisers have detergents that aid cleaning.

## Without prejudice

Confidential interactions (both written and verbal) between parties that are making genuine attempts to resolve a dispute are often marked "without prejudice" (WP).

# About UKHospitality

UKHospitality is the authoritative voice for over 740 companies operating around 130,000 venues in a sector that employs 3.5 million people.



Hospitality is at the heart of the UK's culture, society and communities. As the lead trade body for the industry, we represent every corner of the sector. Member focused and community driven, we're the collective voice campaigning for positive change: for people, for businesses, and for the future of hospitality.

Representing hundreds of members across the UK, we lobby government, influence policy, shape debate and empower an environment for hospitality to thrive.

This Food Incident Guide has been developed by our UKHospitality Food Experts Group, as an accompaniment to the Industry Guide to Good Hygiene Practice, to help hospitality businesses manage food incidents and minimise their impacts. This is just one of several ways that we are continuing to support UKHospitality members, with dedicated work also ongoing across nutrition, allergens and the wider food safety agenda.

For further information, including how to become a member of UKHospitality, please phone 020 7404 7744 or email [membership@ukhospitality.org.uk](mailto:membership@ukhospitality.org.uk)

We would like to extend our gratitude to Food Alert for their support in developing the guide, along with members for their invaluable contributions.

# Food Alert

## About Food Alert

For over 30 years, Food Alert has been the trusted partner for foodservice and hospitality businesses across the UK, from independent cafes to global brands like Nando's and Starbucks.



Food Alert simplifies food safety and health and safety with 360° support, including advanced software, expert consultancy, microbiological testing, and a 24/7 advice line.

Their passion for driving excellence means the tailored solutions protect and grow your reputation, helping you scale with confidence. With real-time visibility and compliance across all sites, we ensure smooth, safe operations, no matter your size or sector.

At Food Alert, they don't just safeguard your business, they help it thrive. They will be with you every step of the way, from everyday support to crisis management. Food Alert is here to provide the simple, effective solutions you need today and tomorrow.

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