



Chartered Institute of
Environmental
Health

Sefydliad Siartredig
Iechyd yr
Amgylchedd

E coli Inquiry

Response to the Note of Emerging Issues

July 2008

Sefydliad Siartredig Iechyd yr Amgylchedd

Fel **corff proffesiynol**, rydym yn gosod safonau ac yn achredu cyrsiau a chymwysterau ar gyfer addysg ein haelodau proffesiynol ac ymarferwyr iechyd yr amgylchedd eraill.

Fel **canolfan wybodaeth**, rydym yn darparu gwybodaeth, tystiolaeth a chyngor ar bolisiau i lywodraethau lleol a chenedlaethol, ymarferwyr iechyd yr amgylchedd ac iechyd y cyhoedd, diwydiant a rhanddeiliaid eraill. Rydym yn cyhoeddi llyfrau a chylchgronau, yn cynnal digwyddiadau addysgol ac yn comisiynu ymchwil.

Fel **corff dyfarnu**, rydym yn darparu cymwysterau, digwyddiadau a deunyddiau cefnogol i hyfforddwyr ac ymgeiswyr am bynciau sy'n berthnasol i iechyd, lles a diogelwch er mwyn datblygu arfer gorau a sgiliau yn y gweithle ar gyfer gwirfoddolwyr, gweithwyr, rheolwyr busnesau a pherchnogion busnesau.

Fel **mudiad ymgyrchu**, rydym yn gweithio i wthio iechyd yr amgylchedd yn uwch ar yr agenda cyhoeddus a hyrwyddo gwelliannau mewn polisi iechyd yr amgylchedd ac iechyd y cyhoedd.

Rydym yn **elusen gofrestrdig** gyda dros 10,500 o aelodau ledled Cymru, Lloegr a Gogledd Iwerddon.

The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

Dylid cyfeirio ymholiadau am yr ymateb hwn at:

Julie Barratt

Cyfarwyddwraig yng Nghymru
Sefydliad Siartredig Iechyd yr Amgylchedd

Ffôn symudol 07919 212664

E-bost j.barratt@cieh.org

Tŷ Penfro Llwybr Tŷ Coch

Llantarnam Parkway Cwmbran NP44 3AU

Ffôn 01633 865533 **Ffacs** 01633 485193

www.cieh-cymruwales.org

Any enquiries about this response should be directed to:

Julie Barratt

Director of CIEH Wales
Chartered Institute of Environmental Health

Mobile 07919 212664

Email j.barratt@cieh.org

Pembroke House

Ty Coch Lane

Llantarnam Park Way Cwmbran NP44 3AU

Telephone 01633 865533 **Fax** 01633 485 193

www.cieh-cymruwales.org

The Chartered Institute of Environmental Health (CIEH) as the professional body voice of environmental health did not play an active part in the investigation of the E coli outbreak of September 2005. The role of the organisation was in providing professional comment and analysis to the media during the investigation of the outbreak and subsequently.

A number of the issues raised in the Note of Emerging Issues are outside the remit of the CIEH and therefore we offer no comment in respect of them. The comments relate to the relevant numbered paragraphs within the Note.

Question 5.6.1. What guidance is given about the structure of, and approach to be adopted by inspectors towards inspections? Is the guidance that is now given sufficiently detailed and clear to provide practical working guidance?

Comment : Outside the need to require compliance with the legislation the CIEH feels that it is inappropriate to prescribe the approach to be adopted by inspectors during inspections. The approach to be adopted will be a matter best left to the professional discretion of the inspector carrying out the inspections, that approach to be determined having regard to the risk posed by the operation carried on at the premises, previous dealings with the premises and its operator, the conditions that present on the day, the attitude of the operator on the day, any information, intelligence or evidence regarding the premises or the operator that may have come to the attention of the inspector and any and all other relevant considerations. There is no 'one size fits' all structure or approach to inspections that will be a satisfactory fit, each inspection will have to be tailored to the premises and the operator being inspected and each officer will have their suite of approaches and inspection styles, based on their experience, that they will use as circumstances require. We would strongly oppose and prescription of structure or approach to inspections of premises since all of them are different and require a different approach, and any attempt to fetter the discretion of the inspector to conduct an inspection in the way he or she considers most appropriate in the circumstances would be to risk rendering the inspection less effective than it could be.

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Question 5.6. (b)best chance of discovering... cases in which records are being falsified?

Comment: It is hard to see what steps can be put in place to determine whether records are being falsified, or indeed any other form of criminal or quasi-criminal activity is taking place. By its very nature such activity is covert, and the fact that it is taking place may not be known to those working at the premises who have far closer engagement with the practices and procedures than the visiting inspector. The training of food inspectors does not include training in forensic examination skills that will facilitate detection of fraud or identify criminal activity and we would suggest even if such training were to exist operators such as the one at the centre of the inquiry conduct their business in such a way as to hide evidence of their criminal activity making detection highly unlikely. It is further the case that such operators are very rare and to skill all food inspectors to the level that would be necessary to detect such offending behaviour would not be an effective use of resources.

Question 5.6.4. More generally, is an audit style approach operated – if so, what does it entail; if not, why not?

Comment: We suggest that it is inappropriate for officers to carry out audit style inspections. They are inspectors and are required to inspect the premises to ensure compliance with the relevant food hygiene legislation. They are not auditors and are not trained as such.

Question 6.1 What steps are taken by inspectors to validate a food business operator's HACCP plan – i.e. to ensure that it is effective as a plan?

Comment: Following on to our comments in respect of Question 5.6.4 above we repeat that it is not the job of food inspectors to validate the HACCP plans of food business operators. It is a requirement that a food business should have a HACCP plan, that being an obligation that must be discharged by the operator of the food business. There is no requirement in law that the food inspector should validate the HACCP plan, and in the view of the CIEH it is not appropriate that an inspector should undertake this role. We are concerned that validation of a HACCP plan would be to all intents and purposes either writing or re-writing of the plan where the plan does not exist or is not considered to be satisfactory. This is clearly outside the role of the inspector. If it is considered that local authorities should be engaged in the validation of HACCP plans there must be clear delineation between those officers advising on the content of the HACCP plan and those inspecting the premises. There would be a clear conflict of interest were the plan to be audited by the same inspector as had responsibility for inspection of the premises.

Question 6.4 What training is in place to ensure that inspectors properly and clearly understand both HACCP and how effectively to check that HACCP is being operated properly with a butchers premises such as Tudors?

Comment: HACCP training has been provided by a number of training providers and at a number of levels, both for enforcement officers and for those who are required to produce HACCP plans. We make no comment about this, but would point to the mechanism that accompanied the introduction of the Housing Health and Safety Rating Scheme, that required any officer engaged in housing inspections to undertake a training course the content of which was agreed centrally as being appropriate for the needs of the emerging legislation. At the conclusion of the training there was a tested piece of work, being a house inspection to ensure that the officers undertaking the training had a complete understanding of the new system. The benefits of such an approach were that training is consistent across the UK and that a record is maintained of all officers who have undertaken it, to ensure competency. HACCP training was not introduced in this way, it being matter for each local authority to determine what training, if any, they accessed for their officers, and from which training provider that training was sourced. Managers cannot determine the effectiveness of such training since its defects only become clear at point of failure, at which time it is too late.

Question 8.1 Is it appropriate ever to use a single machine to pack both raw and cooked meat in view of the obvious risks of cross contamination?

Comment: Whilst a number of views on this issue have been expressed during the Inquiry the fact remains that the position at present is that the legislation does not require separate machines to pack raw and cooked meats, and an inspector could not lawfully require the provision of the same. A good HACCP regime would identify single use of such a piece of equipment as a potential risk, and would put in place stringent steps to ensure that the risk was addressed. Even so the risk that cross contamination could occur cannot be precluded completely. That having been said it is also the case that product can be cross contaminated even if there were separate machines if practices are not good or cleaning is not effective. The issue is not machines and their provision or not, but proper practices.

Question 8.2 (a) If it is appropriate to do so in what circumstances?

Comment: Subject to proper procedures being in place to avoid the risk of cross contamination there is no reason for dual use of any machine not to be appropriate. The issue is whether the inspector can be satisfied that the operator understands the risk that is posed and can properly address the risk.

Question 8.2 (b) what sort of safeguards would need to be put in place to ensure microbiological cleanliness and to avoid risk of cross-contamination?

Comment: The safeguards would be the same as those applied to any piece of equipment used for both raw and cooked food, being proper ordering, cooked before raw and thorough and effective cleaning.

Question 8.2.(c) how could such safeguards be effectively checked during the course of an inspection?

Comment: The safeguards can be checked, but we would question whether the checking can be fully effective. An inspector can assess the HACCP plan and could watch the cleaning process, but it should be noted that unless the monitoring is covert there is no guarantee that what an inspector was seeing would be normal practice. Microbiological testing is not a practical option since it can only give a limited snap shot of conditions and the instant of testing, there is a long lag phase between the taking of the swabs/ samples and the receiving of the result during which time food would have to be retained, and unless testing was continuous there would always be a window during which an episode of contamination could occur. The issue is that food producers should be aware of the need to prevent risk of contamination and should build it as a fundamental element into their processes rather than rely on a culture of inspection to identify and remediate.

Question 9 ...The Inquiry is interested in current or planned developments relevant to the enforcement of food safety/food hygiene standards and significant initiatives that have been shown to improve food hygiene practice.

Comment: There are proposals emerging from the Local Better Regulation Office for regulators to do joined up inspection of premises, where the inspection would cover all aspects of regulation, but would be carried out by the enforcement agency that considers the premises in question poses the highest rated enforcement risk. This is in response to the governments desire to reduce the perceived burdens on business of being inspected by a number of different enforcing agencies.

In a case such as the premise at the centre of this inquiry the inspection would be carried out by an Environmental Health Officer due to the nature of the risk presented, but that officer would also be required to consider Health and Safety enforcement issues, Trading Standards Issues and potentially fire safety and compliance issues. There is, in our view, a very real danger that such generic inspections could dilute the impact of the 'main' inspection, being the food hygiene and safety inspection. This is particularly the case if the inspections are to audit style, using pre- predetermined questions that leave little or no scope for the inspector to follow up issues that would be apparent in a less rigidly structured inspection.

We are also concerned that the use of audit style inspections using pre-determined questions will lead to a dilution in expertise, as the inspector will not be required to have a detailed

understanding of food hygiene issues, such as risk of contamination etc, but will be required only to understand what actions or behaviours are necessary to satisfy the question to be answered. They will not be in a position to give appropriate professional advice or to hazard spot outside the remit of the audit in the way that an Environmental Health Officer carrying out a full inspection of a food business is able to do.

Question 39 Is comprehensive training and guidance given to caretaking staff and/or cleaning staff within the schools affected by the outbreak or only those who contact with the authorities' contractors?

Comment: We are generally concerned about the training given to teaching, caretaking and cleaning staff about preventing the spread of infections within the school environment. It is clear that cleaning up behind sick children is regarded by caretakers as a mechanical process and not one related to outbreak control, and further that this extends to cleaning of school toilets which again is more to do with aesthetics than preventing and controlling spread of infection.

Comment: The CIEH has welcomed this inquiry and is keen to see that any recommendations it makes are implemented to improve the safety of food prepared for human consumption. We are however concerned that the E coli outbreak of September 2005 should be seen in context. This was an outbreak of food poisoning that was caused by an individual who was acting in a wholly criminal way, and has been convicted on his own plea of doing so. He took steps to cover his tracks knowing the risk his behaviour posed to public health and intending to deceive the inspector and his customers. We would question whether any inspection carried out under Food Safety legislation can reasonably be expected to identify such behaviour.

