

FOOD HYGIENE DELIVERY PROGRAMME UPDATE

Report by Andrew Rhodes, Director of Operations

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1 SUMMARY

- 1.1 This Paper provides an update on the progress to date in implementing the Food Hygiene Delivery Programme (FHDP). This is the programme of work established in 2009 following the publication in March 2009 of a report of the Public Inquiry into the 2005 outbreak of *E.coli* O157 in South Wales. The Paper also specifically reports on an evaluation of the FSA's Guidance '*E.coli* O157 - Control of Cross-Contamination' which was issued in February 2011 and is one of the key elements of the FHDP.
- 1.2 The outbreak, the second largest of its kind in the UK, resulted in 157 cases of foodborne illness, of which 118 were microbiologically confirmed as positive for *E.coli* O157. The majority of the cases were children from 44 schools in South Wales. Thirty-one people, again mostly children, were admitted to hospital, a number with serious and long-term health implications. Tragically, a five year old boy died.
- 1.3 The Board is asked to:
 - **Note** the progress made in implementing the FHDP and the future work programme;
 - **Note** the findings from the evaluation of the cross-contamination guidance and the proposed next steps.

2 INTRODUCTION

- 2.1 Following discussion at the April and July 2009 Board meetings, the FHDP was established as a matter of priority in response to the recommendations set out in the Inquiry Report. A number of work areas had been underway since immediately after the outbreak, but the Inquiry Report provided an opportunity to establish these within a more comprehensive Programme. The FHDP consists of nine distinct workstreams addressing the 17, out of a total of 24, recommendations within the Public Inquiry report where the FSA is considered to have a role in actioning the findings. The continuing investment of time and effort to effectively implement the Programme, reflects the seriousness with which we regard the Inquiry's findings. It also reflects our commitment to ensuring that the steps we have taken to fundamentally change many aspects of food law implementation and enforcement result in sustained improvements in the protection of public health.
- 2.2 The Board have previously considered papers updating on progress in

implementing the FHDP at their July 2010¹, September 2010², and September 2011³ meetings. In considering this update it should be noted that, whilst many aspects of the Programme may have been implemented as far as is practically achievable, we will continue to seek to identify opportunities for further improvements.

- 2.3 The Inquiry concluded that the outbreak had been caused by ready-to-eat foods becoming contaminated with *E.coli* O157. A key element of the FSA's response has, therefore, been the development and implementation of new guidance on controlling the risk of cross-contamination. The Guidance sets out the steps that businesses handling both raw and ready-to-eat foods should take to ensure that the risk of cross-contamination from *E.coli* O157, and other foodborne pathogens, is effectively controlled. A consultation on the principles on which the guidance should be based was carried out in autumn 2010 and a paper on the outcome of the consultation was considered by the Board at their December 2010⁴ meeting. The Board concluded that guidance based on the principles consulted upon should be issued and that officials should report back on an evaluation of the guidance at a subsequent meeting. The Guidance was issued on 15 February 2011.

3 STRATEGIC AIMS

- 3.1 The FHDP supports the FSA's strategic outcomes that:

- Food produced or sold in the UK is safe to eat;
- Regulation is effective, risk-based and proportionate, is clear about the responsibilities of food business operators and protects consumers and their interests from fraud and other risks; and
- Enforcement is efficient, consistent, risk based and proportionate and is focused on improving public health.

4 EVIDENCE

- 4.1 The updates on each strand of the programme highlight how evidence is supporting that work. Paragraphs 5.8 to 5.10 present evidence on evaluation of the cross-contamination guidance, primarily from commissioned research by the Policy Study Institute. This considered the views of LAs, businesses and representative bodies, and assessed awareness of the guidance and how it had influenced changes in enforcement and in business understanding and activity on control of cross-contamination from *E.coli* O157. This work was overseen by the FSA's Social Science Research Unit and complies with cross-Government standards for social research (further details are given in Annexe C).

¹ <http://www.food.gov.uk/multimedia/pdfs/board/fsa100707.pdf>

² <http://www.food.gov.uk/multimedia/pdfs/board/fsa100904.pdf>

³ <http://www.food.gov.uk/multimedia/pdfs/board/fsa110910.pdf>

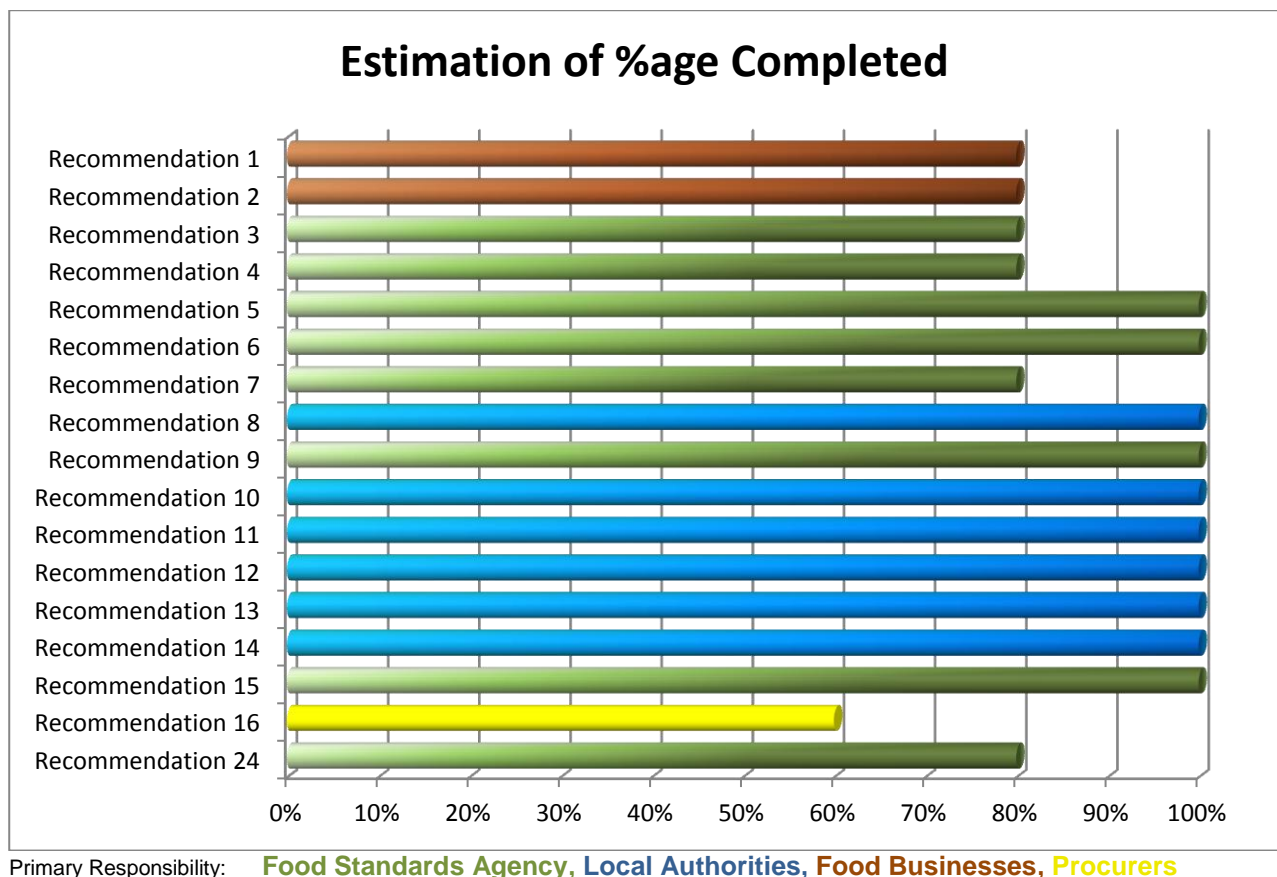
⁴ <http://www.food.gov.uk/multimedia/pdfs/board/fsa101205.pdf>

- 4.2 In considering evidence on the wider impact of the FHDP, it is difficult to draw direct conclusions. However, information on business compliance more generally is available through the LA Enforcement Monitoring System, the Food Hygiene Rating Scheme and the Cause for Concern Initiative (see paragraph 5.5). All of these indicate that business compliance is improving, with more businesses meeting a standard that reflects effective food safety management systems based on HACCP principles. This was one of the key elements of the Inquiry's findings, underpinning a number of the recommendations.

5 DISCUSSION

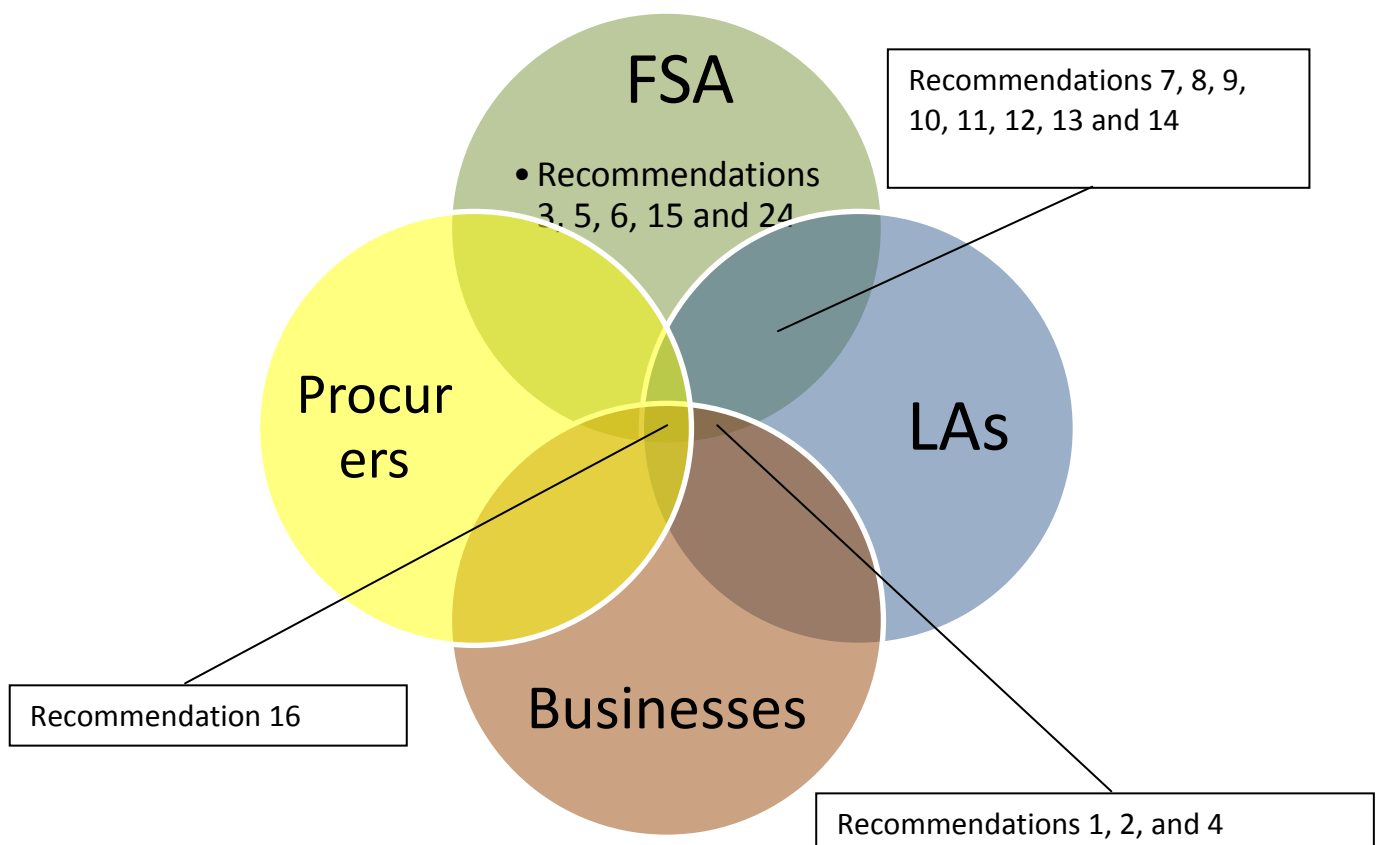
Progress in Implementing the Food Hygiene Delivery Programme

- 5.1 A table giving a detailed breakdown of the progress made to date in implementing the FHDP and any further action planned can be found at Annexe B. This is mapped against the 17 recommendations from the Inquiry Report which the FSA was considered to have a role in addressing.
- 5.2 The figures below provide a summary of estimated percentage completion of planned work against each of the recommendations and a diagram illustrating the split of responsibilities in addressing them. A list of the 17 recommendations can be found at Annexe A.



- 5.3 Recommendation 16 of the Inquiry Report suggests that businesses supply high-risk foods to public sector organisations should be subject to independent food hygiene audits. Whilst we are unable to require independent audits, we have taken action to better understand the current system of public sector food procurement and where we can have an impact. Progress in achieving this has been delayed, but we have taken the opportunity to link this to a separate piece of work looking at the prevalence of Listeria in care settings. A research project encompassing both of these aspects is underway and is due to report in November 2012. Once completed, the FSA will be using the findings to exert greater influence in ensuring that food safety is an integral part of the process of awarding and monitoring contracts.
- 5.4 It is important to note that where work against a recommendation is considered to be fully completed, the outputs from this work have been mainstreamed as business as usual. This reflects our ongoing commitment to ensuring that the lessons learnt from the Inquiry's findings are engrained within the way we work.

Share of Responsibility in Implementation



- 5.5 Some of the key aspects of the work to date (with the relevant Inquiry recommendation number (as in Annexe A) in brackets) are:

Business Support

- **Guidance for businesses and LAs on cross-contamination control (1,4,5,6,7)** – this is dealt with in greater detail below as part of the report on the evaluation of the Guidance. This concludes that the Guidance has been successful in achieving change in businesses, addressing issues highlighted by the Public Inquiry.
- **Support for businesses with developing HACCP based food safety management systems (2,3)** – Since 2005, we have carried out a programme of work designed to support small businesses in adopting food safety management systems based on the principles of HACCP. Initiatives such as Safer Food Better Business (SFBB), Cook**Safe** and Safe Catering have proved very successful, with approximately 1 million copies of the different packs being issued since 2005. We have supported the take up of these initiatives with grant funding for local authorities, training for LAs and businesses and the cost of the materials representing approximately £10m in expenditure. More recently, SFBB, Cook**Safe** and Safe Catering have all been updated to take account of the cross-contamination guidance.
- **Public sector food procurement (16)** – We are keen to understand what steps we can take to ensure that those responsible for public sector food procurement consider food safety as a key element of the process of awarding and monitoring contracts. We have, therefore, commissioned a research project to: map the current approaches; highlight examples of good practice; and identify existing mechanisms through which we can raise awareness. The research has been commissioned in conjunction with the FSA's Listeria Risk Management Programme, which is also considering procurement into care settings as one of its key themes. The research project is due to report in November 2012 and the FSA will act on the findings within three months of the completion of the report.

Review of Enforcement

- **Review of legal powers and extension of Remedial Action Notices (RANs) (2,7)** – In 2010, a research project was commissioned to review the adequacy of the legal powers available to LA enforcement officers. Following on from this, a public consultation was carried out in 2011 on a proposed extension of the use of RANs, which had historically only been available as an enforcement power in businesses subject to approval. The outcome of the consultation was considered by the Board at their September 2011 meeting, where it was agreed that the availability of RANs should be extended to include registered food businesses. In the spring of this year, legislation extending the availability of RANs came into effect in Scotland, Wales and Northern Ireland. Training for enforcement officers on the use of RANs is being developed. The

extension in England has been delayed as we have not yet been able to obtain clearance of the Impact Assessment from the Westminster Regulatory Policy Committee. The FSA will be gathering information on the use of RANs in registered establishments in Scotland, Wales and Northern Ireland in the first half of 2013. This information will be used to further enhance the evidence in the Impact Assessment to support the extension in England. Aside from the extension of RANs, we are reviewing the report of the research project on the adequacy of legal powers to identify any other priorities for action. Any proposals for change in this regard, whether this might be to propose additional legal powers or improvements to the way in which current powers are used, will be issued for public consultation in the first half of 2013.

- **Introduction of the ‘cause for concern’ initiative in FSA supervised plants (7)** – In October 2009, we introduced a system whereby approved meat premises across the UK that, based on their recent audit scores in hygiene and confidence in management, were considered to be a cause for concern would be subject to focussed action until they were able to achieve and sustain compliance. Failure to achieve compliance could result in withdrawal or suspension of their approval. Details of premises listed as ‘cause for concern’ are also published on the FSA’s website. Since this initiative was launched, we have seen marked improvements in overall compliance levels. Based on latest audits: 81.6% of businesses are in the broadly compliant category (scoring adequate or good for hygienic production, environmental hygiene and HACCP), up from 64% in October 2009; 15.2% are not broadly compliant, compared with 27% in October 2009; and 3.2% fall into the ‘cause for concern’ category, down from 9% when the initiative was first introduced.
- **Review of management structure and operational delivery for meat controls (8,12)** – In 2009, a new operational management structure for delivering meat official controls in FSA supervised premises was introduced. The new structure has a greater focus on front line veterinary expertise to ensure controls reflect the Public Inquiry’s findings. This includes assessments to ensure: confidence in HACCP in slaughterhouses; evidence based approach to audits by Official Veterinarians (OVs); and that OVs are escalating enforcement action appropriately. The line management structure was strengthened again in 2012, with improvements in the veterinary contracts and a greater focus on veterinary leadership and compliance standards.

Enforcement Support

- **Review and update of governance documents (7,8,10,11,12,13,14)** – The Food Law Code of Practice, through which we give direction to LAs on their food law enforcement responsibilities; the Manual of Official Controls, which is used by the FSA’s own staff carrying out meat controls; and an equivalent Manual used by officers in DARD in Northern Ireland, have all been reviewed and updated. This is to ensure that the issues arising from the Public Inquiry about enforcement approaches are

adequately reflected. This underpins the other steps taken to engrain the lessons learnt into the way that official controls are delivered.

- **Training for those delivering official controls (7,8,9,10,11,12,13,14)** – In late 2009, we initiated a programme of training for LA enforcement officers on 'Effective Evaluation of Food Safety Management Systems'. The programme, attended by over 1,500 officers, specifically addressed the issues highlighted by the Public Inquiry with a particular focus on an audit based approach to inspection to enable a thorough assessment of the adequacy of the controls in place within a food business. An evaluation report of the programme has been published⁵. This concluded that the training had been effective, with a number of LAs changing their working practices as a result or given confidence about their existing practices. A programme of training in HACCP compliance and enforcement was also delivered to all 1,150 GB official veterinarians and meat hygiene inspectors during 2010. The course was also cascaded to meat industry stakeholders. In Northern Ireland, all official veterinarians and a selection of official auxiliaries have undergone HACCP for Enforcers training.
- **Local authority audit (15)** – Following publication of the Inquiry Report, our local authority audit process was reviewed to address the issues highlighted. This has led to greater emphasis on outcomes, more checks of local authority activity, restructured interviews with enforcement officers and the inclusion of 'reality checks' to verify local authority activity in high risk businesses. A series of focused audit programmes, which consider various aspects of the Inquiry's findings, have also been carried out. The FSA's audit team has also published a guide for local authorities 'Making Every Inspection Count'⁶ based on audit findings. This specifically addressed the need for effective internal monitoring and includes references to the areas where the Inquiry concluded enforcement approaches needed to be improved.
- **A review of food safety culture in businesses (cross-cutting)** – Two research projects to review food safety culture have now been completed and reports have been published. The first of these 'Evidence Review on Regulation Cultures and Behaviours' was published in September 2010⁷ and the follow-up 'Interviews Exploring Regulation Cultures and Behaviours' was published in January 2012⁸. The findings from this work have been considered as part of a wider review of research in this area and will feed into evidence priorities for 2013/14. A further piece of work, to develop a tool to help local authority officers identify indicators associated with different types of food safety cultures that have implications for levels of compliance, has recently been completed. The aim is to develop a tool which will provide practical assistance to officers

⁵ <http://www.food.gov.uk/multimedia/pdfs/enforcement/eefsmsevaluation.pdf>

⁶ <http://www.food.gov.uk/multimedia/pdfs/inspection-tips.pdf>

⁷ <http://www.food.gov.uk/science/research/ssres/crosscutss/ssculturereview>

⁸ <http://www.food.gov.uk/science/research/ssres/crosscutss/regculture>

in identifying the potential for issues to arise, over and above the objective food safety assessment.

- **Delivering Safe Food Consultative Group (cross-cutting)** – In 2010, we established a new stakeholder Group to provide a forum for discussion on the Food Hygiene Delivery Programme and the Foodborne Disease Strategy. The Group meets twice a year and has met 5 times since it was established. The use of this Group for both work programmes reflects the common themes and opportunities for joint working.

Future Work Programme

- 5.6 Moving forward, we are keen to maintain the momentum generated through the implementation of the Programme. A number of the FHDP workstreams have reached a natural conclusion in terms of responding to the Inquiry's findings. However, where this is the case, we have ensured that new ways of working informed by the conclusions of the Inquiry are embedded within our system of official controls. Whilst these are considered 'mainstreamed' we will be continuing to monitor and review their influence to ensure they have an ongoing impact, particularly in relation to the commitment for a five-year post Inquiry Report review in March 2014.
- 5.7 In relation to those aspects of the FHDP where the Inquiry's recommendations have not yet been fully addressed, work is continuing to implement the necessary improvements by March 2014. This includes:
- **Recommendations 1 and 4** – As outlined below, a programme of work has been carried out to evaluate the implementation of the cross-contamination guidance. The findings from the evaluation, and discussion by the FSA Board, will inform the next steps in terms of reviewing the Guidance and considering any additional mechanisms for raising awareness and ensuring continued implementation, based on the underlying principles.
 - **Recommendations 2 and 3** – Building on the recent review of SFBB / CookSafe / Safe Catering, we will be commissioning a feasibility study to consider the options for online HACCP support for food businesses. A post implementation evaluation of the impact of SFBB and what it has achieved in terms of compliance is also planned.
 - **Recommendation 7** – We are continuing to work to extend the availability of Remedial Action Notices in England. To strengthen the case for this, we will be reviewing their use in Scotland, Wales and Northern Ireland as a means of securing compliance. The review of the implementation of the cross-contamination guidance will also provide an indication of how formal enforcement powers have been used to secure compliance in relation to key aspects of food safety management.
 - **Recommendation 16** – The research commissioned to explore public sector food procurement in greater depth is due to report in late 2012.

The objective of this work is to give us a better understanding of the very fragmented system in the UK. Once the final report of the project is delivered, we will be using the findings to: identify examples of good practice that can be shared more widely; deliver key messages on food safety through the existing mechanisms identified; develop a recognised national guidance tool that will prompt food procurers to include food safety as an integral part of the procurement process. We will be commissioning further research, focusing on specific sectors, such as schools, hospitals etc., where this is warranted. We are also working with colleagues in Value Wales to explore how the Buy4Wales on-line food procurement route planner might be made more widely accessible. Ultimately, we will use what we learn from the research to exert influence on those responsible for procuring food into the public sector to ensure that food safety is a priority consideration in the process.

- **Recommendation 24** – The report of the research workshop held in November 2011 titled ‘Understanding of the factors that lead to EHEC colonisation in cattle and the role of supershedding in the transmission and maintenance of infection’ was published in August⁹. We are now considering what research should be prioritised in this area for the FSA’s 2013/14 research programme. As the research areas highlighted do not only concern food safety interests, discussions have been initiated with Defra, The Scottish Government and the Biotechnology and Biological Sciences Research Council (BBSRC), to investigate the possibility of joint funding. The US Department of Agriculture (USDA) is also interested in providing funding for collaborations between US and UK research groups working in this area.

Evaluation of the FSA’s Guidance ‘*E.coli* O157 – Control of Cross-Contamination’

- 5.8 The aim of the evaluation was to assess the how the Guidance and associated support materials¹⁰ had been received, understood and acted on by LAs and food business operators (FBOs). The Guidance applies to food businesses of all sizes and types handling raw and ready-to-eat (RTE) foods. It explains how to comply with legal obligations, under Regulation (EC) 852/2004, to control cross-contamination where an *E.coli* O157 hazard needs to be considered. The key control measures outlined are separation of equipment, surfaces and staff; no dual use of complex equipment (such as vacuum packers, mincers and slicers); effective cleaning and disinfection and handwashing. The evaluation also sought to address concerns about the legal standing of the guidance and a number of court cases resulting from formal action taken in relation to non-compliance with the guidance, all of which were successful, were reviewed.

⁹ <http://www.food.gov.uk/news-updates/news/2012/aug/e.coli-workshop>

¹⁰ The supporting materials are a four-page Fact sheet, DVD for butchers, Decision Trees and a Q&A document which provides advice on queries raised regarding practical implementation of the guidance.

- 5.9 A range of feedback mechanisms were put in place. The key elements being the commissioning of a research project to canvass feedback from LAs and FBOs and a programme of fact finding visits to LAs in England by the FSA's LA Audit Branch. Feedback has also been received via the Delivering Safe Food Consultative Group, a stakeholder group established to provide input into the Food Hygiene Delivery Programme, a dedicated mailbox and through a programme of LA training on the Guidance. A detailed summary of the feedback received via the various mechanisms is at **Annexe C**.
- 5.10 The research project that forms the greatest element of the feedback was carried out on a UK-wide basis in the first half of 2012 by the Policy Study Institute. In the course of the research, 150 LAs and 2,051 businesses were contacted for their views on the Guidance and associated materials.

Key findings from the research, our conclusions and proposed actions are presented below (corresponding paragraphs in Annexe C referenced):

- **Dissemination of the Guidance** (paragraph 2.2.1)
 - Butchers and other food businesses offering both raw and ready-to-eat products were prioritised by LAs
 - The FSA Factsheet was the most widely disseminated material
 - LAs were at different stages of implementing the guidance, which was also viewed as an ongoing part of their inspection programme

This tells us that LAs focussed on higher risk businesses and by including the implementation of the guidance into their yearly inspection programme dissemination will continue.

- **Awareness of the Guidance by businesses** (paragraph 2.2.2)
 - Awareness was good (56%), in line with that for other FSA guidance¹¹ and highest amongst target groups. Small businesses and ethnic businesses were less aware.
 - The majority of businesses who were not aware had received a LA visit since the launch of the Guidance and some had introduced cross-contamination controls.

We conclude from this that further work needs to be done to continue to raise awareness, particularly in small and ethnic minority businesses. However, we also need to acknowledge the fact that LAs may well be

¹¹ The level of awareness of the *E.coli* guidance is not dissimilar from awareness for other FSA guidance following initial introduction e.g. Two years after the allergens guidance was issued 53% of food manufacturers were aware of either the full guidance or the leaflet.

working with the businesses to implement the steps set out in the Guidance without the FBO necessarily knowing about the Guidance itself.

In relation to ethnic minorities, only 10% of surveyed businesses did not have English as a first language and, of these, only 7% indicated the need for translated material. We will be considering the scope for developing a DVD for caterers as a more effective means of conveying key messages to a diverse audience.

We will look to raise awareness by promoting the Guidance to start-up businesses and working with Local Enterprise Partnerships. We will also work with industry bodies from relevant sectors and LAs to more effectively target key messages, particularly to small and ethnic minority businesses.

- **Views on the content and ease of understanding** (paragraph 2.2.3)
 - Most businesses believed the implementation of the Guidance was a legal requirement (86%) and that their awareness of cross-contamination risks was improved as a result of the guidance.
 - Most LAs and businesses found the main Guidance easy to understand. The DVD for butchers was most readily understood by businesses, followed by the FSA/LA factsheets and the Q&A.
 - Difficulties in understanding the main Guidance related to its length, the language used or its practical implementation.

We draw from this that there is merit in reviewing the main Guidance and supporting materials to consider improvements that could be made, whilst retaining the underlying principles. In particular, reviewing how we might incorporate some of the practical issues highlighted in the Q&A document. We consider that the establishment of a small stakeholder drafting group to inform the review would add value to this process. We will also be considering the scope for developing a DVD for caterers.

- **Scale and range of changes made by businesses** (paragraph 2.2.4)
 - A third of businesses had made changes, with the rest believing they already met the requirements of the Guidance in full. LAs reported lower levels of implementation.
 - The most common changes were the use of designated separate areas for ready-to-eat foods and separation in storage and display.

We conclude that the guidance has been successful in achieving change in businesses, addressing issues highlighted by the Public Inquiry. Further work is still required to align LA and business views on implementation and the proposed review of the guidance materials would support this.

- **Challenges in implementing the Guidance** (paragraph 2.2.5)

- Butchers and LAs found the introduction of separate complex equipment challenging and LAs also highlighted problems in getting businesses to change to British Standard (BS) disinfectants.
- The practicality of small businesses implementing the Guidance was highlighted, particularly in relation to separation.

We acknowledge that the requirement for separate complex equipment has been challenging for some businesses. However, this is a fundamental principle of the guidance and addresses one of the key findings of the Public Inquiry. Also, informal feedback suggests that many businesses were proactive in making this change following the Public Inquiry, in light of the risks highlighted.

The issue of use of BS disinfectants is likely to relate to knowing what products achieve this standard, as information has not always been easily accessible. To address this, we are continuing to engage with cleaning product suppliers to encourage them to make information on BS compliant products more readily available. In addition, LAs have been sharing lists of compliant products.

There are flexibilities in the Guidance which small businesses can utilise. We have concluded that this is an area where revised guidance, or additional advice for small businesses, would assist in raising awareness and understanding. Some of these flexibilities are covered in the Q&A document, but could be presented in a more accessible format.

- **Impact on business – financial costs and benefits** (paragraph 2.2.6)
 - A third of businesses incurred costs when making changes, with an estimated average cost of £802. For half the businesses the cost was thought to be less than £200. Over half of the butchers surveyed, reported costs in excess of £1000. This is likely to relate to the introduction of separate complex equipment.
 - Almost all businesses reported that there had been benefits associated with the change, including less health risk and better staff understanding.

We draw from this that despite variable costs to businesses, most consider the Guidance has added value to their business.

- **Enforcement approaches** (paragraph 2.2.7)
 - The most common change had been LAs making businesses aware of the Guidance, often resulting in longer inspection visits.
 - Despite LA concerns about the ability to enforce the Guidance, action had been taken where adequate controls were not in place.

- Most LAs indicated that informal action, such as advisory letters / informal written warnings, had resulted in necessary improvements being made by businesses. Formal action was taken by around a quarter of LAs.

The evaluation indicates that the Guidance has helped focus officer interventions and reiterated the importance of cross-contamination risks. Effective implementation of the Guidance is leading to improved business compliance in this area, leading to the conclusion that the Guidance is improving food safety standards.

The FSA is aware of a number of cases where the Guidance has been used to initiate the serving of Hygiene Emergency Prohibition Notices (HEPNs) in relation to the Guidance. In each case the notice has been upheld at court. In one particular case, the defendant was supported by an expert witness, who had also produced a report on behalf of the National Federation of Meat and Food Traders, questioning the FSA's position on dual use of vacuum packing machines. The judge found in favour of the FSA's Guidance. Information on LA experiences in relation to service of HEPNs is being shared with LAs as we consider this will support consistency in enforcement of the cross-contamination controls.

- **Improvements to the guidance materials** (paragraph 2.2.8 and 2.2.9)
 - Most businesses and LAs stated that no improvements to the Guidance were necessary. Where suggestions were made these were in line with the proposals we have set out to improve understanding.
 - LAs suggested seminars for businesses to assist them in understanding the Guidance. Some businesses suggested a DVD for caterers or dedicated website and materials for staff.
 - LAs requested more training to address inconsistencies regarding the interpretation and enforcement of the Guidance, which had also been identified as an issue by businesses.

We conclude from this that the Guidance has been a useful resource. However, there are opportunities to improve it and provide additional support to raise awareness and understanding.

A programme of LA training on the Guidance is now in place, with 50 courses (approximately 1,500 delegates) planned across the UK by end March 2013. Further training will be made available in 2013/14. In addition, the Q&A continues to be updated and reissued in the light of feedback and assists in ensuring consistent enforcement of the Guidance. Decision Trees providing examples of enforcement approaches when considering disinfectant and handwashing controls have also recently been published.

We will explore further opportunities for working with industry bodies to discuss effective ways of communicating key messages to staff,

reviewing links within the Guidance materials to relevant supporting information on the FSA's website and sector specific advice, including advice for small businesses. We will also consider the scope for producing a DVD for caterers, utilising and building on existing video materials, such as that produced for the Olympics and a handwashing DVD produced by FSA Scotland.

6 IMPACT

- 6.1 The Public Inquiry into the 2005 outbreak and the establishment of the FHDP have been key in informing the future direction of food safety and official control delivery in the UK. They have been the catalyst for a number of significant developments in FSA policy with the intention of lasting impact on public safety.

7 CONSULTATION

- 7.1 The Food Hygiene Delivery Programme and the FSA's cross-contamination guidance have been the subject of ongoing formal and informal consultation through a variety of routes. The Delivering Safe Food Consultative Group, which includes a range of stakeholders, was established to support the FSA in delivering the FHDP.

8 LEGAL IMPLICATIONS

- 8.1 The FHDP has resulted in legislative developments in terms of the extension of the availability of Remedial Action Notices in Scotland, Wales and Northern Ireland. The legislative basis for the cross-contamination guidance has been the subject of some discussion. The FSA's view is that the legal requirements of Regulation (EC) No 852/2004 as they apply to cross-contamination provide an appropriate legal basis for the controls set out in the Guidance.

9 RESOURCE IMPLICATIONS

- 9.1 Implementation of the FHDP has had resource implications, most notably in terms of the cross-contamination guidance. This was the subject of a Regulatory Impact Assessment as part of the public consultation exercise.

10 RISK IMPLICATIONS

The FHDP has had to address the risk of failing to learn the lessons from the 2005 outbreak and to implement a programme of work that adequately responds to the Inquiry's recommendations.

11 DEVOLUTION IMPLICATIONS

- 11.1 Colleagues across the FSA, including the devolved offices, have been involved in the development and implementation of the FHDP. This

update and the evaluation of the cross-contamination guidance reflects the position across the UK.

12 CONSUMER ENGAGEMENT

12.1 The Delivering Safe Food Consultative Group includes representation from consumer organisations. Consumers have also taken the opportunity to engage with the FHDP in relation to the public consultation on the principle on which the cross-contamination guidance is based. The FSA have also specifically engaged with Consumer Focus Wales in their work to report on action taken following the 2005 outbreak.

13 RECOMMENDATIONS

13.1 The Board is asked to:

- **Note** the progress made in implementing the FHDP and the future work programme;
- **Note** the findings from the evaluation of the cross-contamination guidance and the proposed next steps.