FOOD COMPLAINTS PROCEDURE

The Authority shall set up and implement a documented policy and procedures in relation to food complaints that originate within the UK, and those food complaints originating from other EU Member States, or from third countries.

During a complaint investigation, the Authority shall liaise with the home and/or originating Authorities regarding matters which are, or may be, associated with the company’s centrally defined policies or procedures.

The Authority shall take appropriate action on complaints received in accordance with the Authority's policy and procedures.

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FOOD COMPLAINTS PROCEDURE

(Having regard to Food Law Code of Practice (England) 2008)

INITIAL ACTION

1.1 Complaints will be made by telephone or in person at Reception.

1.2 The staff member receiving the complaint initially will ascertain whether the complaint relates to foreign body contamination or bacterial/mould/keeping quality.

1.3 Localised food hazards will be dealt with by the relevant food authority.

1.4 Serious and non-localised food hazards should be notified by the food authority to the Food Standards Agency and other relevant agencies at the earliest opportunity. Appropriate forms and procedures for liaison with the Food Standards Agency regarding a Food Incident are contained within the Food Safety Incident Procedure (K; Food and Hygiene/ Procedures(food)).
2. Complaints requiring referral to another Authority

2.1 It may be that the complaint should actually be dealt with by either the Trading Standards Department or another Local Authority Environmental Health Department.

2.2 If the initial complaint is by telephone, and if the staff member dealing with the complaint is qualified to make the appropriate decision, it may be more convenient to advise the complainant to contact directly the Trading Standards Department at Leicestershire County Council or the appropriate Environmental Health Department. If the staff member is not so qualified, the complainant's details should be taken and passed to an Environmental Health Officer (EHO) or other authorised officer, who will then contact the complainant and advise accordingly.

2.3 If the complainant has actually visited the Department and brought the contaminated foodstuff, all details will be taken in accordance with paragraphs 3.3. and 3.4 below.

2.4 The EHO or other authorised officer will then contact the relevant Environmental Health Department or Trading Standards Department to arrange transfer of details and food as soon as possible, using the appropriate chain of evidence forms (see Appendix 1).

(The Trading Standards Department have agreed to collect all complaints. Usually, Environmental Health Departments will collect, but this may be subject to agreement between the two Environmental Health Departments)

2.3 If the complainant has actually visited The Council Offices and brought the contaminated foodstuff, all details will be taken in accordance with paragraphs 3.4 and 3.5 below.

2.4 The EHO or other authorised officer will then contact the relevant Environmental Health Department or Trading Standards Department to arrange transfer of details and food as soon as possible. To ensure the chain of evidence is maintained form COE 1 must be completed.

(This may involve visiting the relevant Local Authority / Trading Standards Department or sending through the post recorded delivery.)

3.0 Foreign Body Contamination

3.1 If the complaint is received by telephone and it relates to foreign object contamination, the following details are to be taken,

- Name,
- address,
- telephone number,
- type of foodstuff,
- nature of complaint,
- where purchased.
3.2 The details should then be entered onto the Service Request Flare data-base and a food complaint form produced. (See Appendix 2. Flare generated Food Complaint form)

3.3 Complainant is to be asked if he/she can bring the foodstuff into the office. If yes, the complainant is to be asked to bring all remaining food, the foreign object, and all associated packaging material.

3.4 When complainant arrives, the food complaint form is to be filled in as far as possible by whichever staff member deals with the complaint, and the complainant will be asked to sign at the bottom of the form.

3.5 If reception staff receive the complaint and food item(s) they are to bag and tag the items prior to releasing them to the relevant officer.

3.6 The complainant is to be advised that release of the food article to the Local Authority will be regarded as voluntary surrender, and agreement to disposal in such a manner as the Local Authority may determine.

3.7 Also, the complainant must be willing to abide by the Local Authority's decision in this matter, and be aware that any compensation will be a matter for discussion between the complainant and the food vendor/manufacturer/importer.

3.8 The form and all food items will be handed to the relevant officer. If the foodstuff was purchased outside the borough, all items will be passed to the enforcing authority where the food was purchased.

3.9 If the complainant cannot bring in the food items, etc., the details will be passed to the relevant officer and that officer will then visit the complainant as soon as possible to collect all items and fill in the form as detailed at paragraph 3.4 above.

3.10 If the appropriate relevant officer is available at the time the complainant arrives at Reception, then that officer is to receive the complaint and take action according to paragraphs 3.4 and 3.5 above. Following initial inspection the foodstuff and associated material are to be bagged and tagged.

3.11 Foreign Body Contamination - Subsequent Action

3.11.1 This will depend on the type of complaint. It may be that the relevant officer will decide that the complaint does not warrant investigation, e.g. "struvite" in canned salmon, or foreign body contamination, which is actually an ingredient of the food. In this case the relevant officer will inform the complainant accordingly and take no further action other than informing the vendor/manufacturer of the occurrence should it be felt necessary to do so.

3.11.2 Depending on the circumstances, the relevant officer may need to inspect the domestic premises of the complainant, particularly where there is evidence of an active insect infestation in the foodstuff. This will be determined in each individual case.
3.11.3 In the event of actual foreign body contamination, the relevant officer will initially contact the vendor, either by telephone or in writing, informing him of the occurrence and inviting him to visit the Department to inspect the contaminated foodstuff. If the vendor is not the manufacturer of the foodstuff, then either the relevant officer or the vendor will contact the manufacturer. This will normally be the EHO, but may be subject to negotiation.

3.11.4 If the suspected source is point of sale, the relevant officer should carry out an inspection of the premises at the earliest opportunity, with particular reference to the type of contaminant found.

3.11.5 If suspected source of contaminant is point of manufacture, the relevant officer should contact the originating authority and/or home authority Environmental Health Department giving full details of the case and asking for their observations. It would not normally be the case that the relevant officer would visit and inspect the premises. The observations of the originating/home authority will normally be able to satisfy this requirement, but this will not preclude an inspection by the relevant officer if considered necessary.

3.11.6 In the event that the foodstuff was manufactured in another EU Member State, it may be appropriate to involve the FSA. All Single Liaison Body related queries should be directed to the Food Standards Agency, using the form contained in the Food Law Practice Guidance.

3.11.7 Following completion of the investigation, the case will be concluded either informally or legal proceedings may be considered. Regard will be had to the Local Authority's Enforcement Policy, and the decision-making process will be followed. If concluded informally, complainant's details will be passed to vendor and/or manufacture, if permitted by complainant, and home/originating authority can be notified.

4.0 Bacterial/Mould/Keeping Quality

4.1 In this case, more urgent action is required.

4.2 If the complaint is received by telephone, action is to be taken in accordance with paragraph 3.1-3.3 above. If complainant can bring the foodstuff and associated packaging into the office it must be emphasised that this should be done as soon as possible, and that the foodstuff is to be kept refrigerated up to the point of leaving home for delivery to Environmental Health Department.

4.3 On arrival at the Reception, action should be taken according to paragraphs 3.4 and 3.5, but the foodstuff is to be immediately refrigerated if the relevant officer is not available.

4.4 If complainant cannot deliver the foodstuff an EHO must be informed as soon as possible and same day collection of the item will be carried out, if possible, by the responsible officer, or first thing the following work day, and the form will be filled in as per paragraph 3.4 above. The officer should ensure that the
temperature control chain is not broken by using cool boxes and ice packs as appropriate to transport any items.

**N.B.** The complainant must keep food item covered and refrigerated prior to collection.

4.5 After initial inspection by the relevant officer, the foodstuff will be bagged and tagged and then placed in the freezer pending further inspection. Details of complaint will be logged into the Flare database.

4.6 If passed to Analyst/Food Examiner, the relevant chain of evidence forms must be completed, see attached at appendix 1. It is important that the procedure for taking formal food samples is followed when delivering food to the examiner to ensure continuity of evidence and temperature control.

4.7 **Bacterial/Mould/Keeping Quality – subsequent action**

4.7.1 In the event of bacterial/mould/keeping quality complaints, the relevant officer will make telephone contact to the vendor and/or manufacturer. An explanation of the complaint circumstances shall be given and the relevant officer should invite them in at the earliest opportunity to inspect the product at their earliest opportunity.

4.7.2 Action will be taken in accordance with paragraphs 3.11.1, 3.11.2 and 3.11.3. If product is to be inspected by vendor/manufacturer it must be removed from the freezer prior to their visit so it is defrosted adequately for them to inspect it thoroughly.

4.7.3 If a representative from the vendor/manufacturer/importer wishes to inspect the food complaint, the representative shall be given the opportunity to remove the complaint from the sealed bag to view and comment as appropriate. After the interview the complaint shall again be bagged and tagged in the presence of the representative. This shall then be placed in the most appropriate location, (i.e. freezer, safe storage place).

4.7.4 At the commencement of the interview the representatives shall be asked if they can comment on behalf of the company. If the answer is yes, and a prosecution is likely, the officer shall issue the formal caution in accordance with PACE at the appropriate time during the interview. The officer shall then make contemporaneous notes of the interview.

4.7.5 If considered necessary action may be taken in accordance with paragraph 3.11.5.

4.7.6 Following completion of the investigation, action will be taken in accordance with paragraph 3.11.7.

4.7.7 If at any time complaint foodstuffs have been refrigerated, a daily refrigerator temperature log is to be maintained.

4.7.8 If further samples are taken and have to be refrigerated overnight, they must be held in an approved refrigerator, with temperature log being maintained.
4.7.9 Sampling information is to be provided in accordance with Food Law Code of Practice (England) 2008.

5.0 CONCLUSION

5.1 Upon conclusion of the investigation the result and associated actions must be recorded on the Civica system and relevant premises / food complaint file as appropriate.

5.2 On completion of the investigation, all documentation will be placed within the relevant premises file.

Appendix 1
Chain of Evidence Forms

Form 1 – Delivery of Goods to Analyst

Form 2 Possession of Goods by Analyst etc

Form 3 Request For Analysis
To: ........................................................................................................

........................................................................................................

........................................................................................................

........................................................................................................


CHAIN OF EVIDENCE - DELIVERY OF GOODS TO ANALYST ETC.

This statement consisting of one page signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I.................................................................of.................................................................

........................................................................................................

certify that I received .................................................................(the article)

addressed to ...................................................................................

........................................................................................................

From .................................................. of ..........................................................

.............................................................................................................. on ...........................

and did deliver the article to .................................................... at ............................

.............................................................................................................. on ............................

and that the said article was not opened by me at any time whilst in my possession.

Signed .................................................................................................. Date .........................
To: .................................................................

.................................................................

.................................................................

.................................................................

CHAIN OF EVIDENCE - POSSESSION OF GOODS BY ANALYST/PHLS ETC.

This statement consisting of one page signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I ................................................................. of .................................................................

.................................................................

certify that I received .................................................................(the article)

marked as ................................................................. from .................................................................

of .................................................................

on ................................................................. sealed by seal number .................................................................

Whilst the article was in my possession I carried out the following actions upon the article and stored the article as described, being:

(By Public Analyst)

The article was then placed in a container marked as ................................................................. and sealed by seal number ................................................................. The article was passed into the possession of ................................................................. for delivery to yourselves.

(By PHLS)

A report was then issued to .................................................................
The sample is then retained frozen in our laboratory for 12 months.

Signed ................................................................. Date ................................ Designation .................................................................
CHAIN OF EVIDENCE - REQUEST FOR ANALYSIS

This statement consisting of one page signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Enclosed is ............................................................ (the article)
* found in ............................................................
* which is the subject of a food complaint being investigated under *
  * Section 7/
* Section 8/* Section 14 of the Food Safety Act 1990,
* which is a sample procured under Section 29 of the Food Safety Act 1990,

and which is delivered to you in a container marked ...........................................
sealed by seal number ............................................................
* received from/taken from ............................................................
* ............................................................
on ............................................................
Prior to delivery to you it was stored ............................................................

Please carry out the following analysis being:

Signed ........................................ Date .................... Designation .............
* Delete as necessary
Appendix 2

Flare generated Food Complaint Form

WSGC/2.1
ENQUIRY WORKSHEET
2012

PRINTED ON: 25 July

SECTION: Food Hygiene And Safety

OFFICER: «investoff»

TARGET DATE: «targetdate»

Nature of Enquiry:

FOOD COMPLAINT

Name & Address of Customer:
Name: «clientname»
Address: «clientadd1», «clientadd2»
«clientadd3», «clientadd4»
«clientadd5»
Telephone: (Home) «clienttel»

Name & Address of Retailer:
Name: «occname»
Address: «premadd1»
«premadd2»
«premadd3», «premadd4»
«premadd5»
Telephone: (Home) «premtel»

Enquiry Details:
PARTS 1, 2 AND 5 MUST BE COMPLETED WHEN THE FOOD COMPLAINT IS RECEIVED.
1. COMPLAINT DETAILS
a) Nature of Complaint: «complaintcat»
b) Code/Durability Date/Size/Weight:
c) Packaging when received in Department:
d) Date and Time problem found:
e) Person finding problem:
f) Any effects of eating food:
g) How was food stored/treated/handled at home prior to discovery of problem:
h) Is there any control article available:

2. **SALES DETAILS**
   a) Date/time/price of purchase:
   b) Purchaser (if different):
   c) How was the food stored/packaged at time of sale?

d) How was the food stored in transit & How long did it take to reach home?

e) Has retailer/manufacturer been notified?
   YES/NO
f) Any connection with retailer/manufacturer
   YES/NO

3. **RETAILER**
   a) Date/Time delivered to retailer:
   b) Storage by retailer:

c) Any similar articles in possession?

4. **MANUFACTURER/IMPORTER**
   a) Name:
   b) Address:

c) Telephone:
   d) Contact:

e) Home/Originating Authority:
   f) Telephone:
   g) Contact EHO:

5. **DECLARATION (To be read and signed by Complainant)**
   a) I agree to surrender the food to the Borough of Charnwood

   b) I understand that the action taken will not include any negotiation regarding financial compensation

   c) I understand that any formal action taken which requires a witness statement and/or court attendance by me will be carried out only with my agreement

   d) I am/am not willing for my name and address to be released to the manufacturer/supplier

   e) I understand that the level of investigation required will be determined by the Environmental Health Department and abide by their decision.

   Signature of Complainant:       Date:
Officers report

Date responded to:一日/…/… Officer:

Date Flare System Updated:一日/…/…