Food complaint investigations can be lengthy. It can take several months to obtain all the necessary technical information which shows whether a food business has a due diligence defence. We need this information to conclude the investigation and decide whether any necessary enforcement action needs to be taken. When we have finished our investigation, we will write to you to explain our actions and conclusions.

If a food complaint investigation has been completed and resolved informally, the retailer or manufacturer concerned normally asks us for the name and address of the customer who complained, so that they can apologise and may recompense them. We will only release this information after we have obtained your permission, so please let us know if you are unhappy about your details being released.
You have made a complaint to the Environmental Health Section about the condition of food you have bought. This leaflet is intended to give you more information about what we will be doing about your complaint and how the procedures work.

How We Investigate Food Complaints

When we receive a food complaint:

- We advise you of the name and telephone number of the officer who will carry out the investigation.
- We ask you to sign a food complaint agreement form. This confirms that you want us to:
  ~ investigate the problem, that we may keep the food and the receipt,
  ~ and whether you are willing to act as witness for the Council if we decide that legal action is needed.

We do not divulge details of who lodged the complaint with us until the end of the investigation, and even then this would only be if you are in agreement.

As part of the investigation we may send details of your food complaint to the:
- Manufacturer or importer of the food
- Retailer where you bought the food, it's head office, the restaurant or business where you may have eaten.
- Local Authority where the manufacturer or importer is based.

We ask for their comments on what caused the problem and the precautions normally taken, or which will be taken in the future, to prevent this re-occurring. We ask the producer's or importer's local council to provide information on hygiene conditions at the production plant, the precautions taken and how well they usually comply with legal standards.

It is very important to note that our investigations in no way relate to involvement with compensation levels or matters.

How long does an investigation take?

The time taken to investigate a complaint will vary, ranging from a few days to many months. Cases that result in a formal caution or prosecution will take longer to complete.

Possible Enforcement Action

If we are satisfied that an offence has been committed, further action will be taken in accordance with our enforcement policy. This may range from warning letters to a formal caution or a prosecution.

The current legislation contains a legal defence known as 'due diligence'. This is where a business is able to show they have taken all reasonable precaution and may be able to rely on this as a legal defence. In such circumstances we may decide not to prosecute.

Further Help We May need From You

If we think a prosecution in the Magistrates Court or a formal caution is appropriate, we will ask if you are willing to provide a witness statement and possibly attend court as a witness. If you are unhappy about doing this it is very important that you tell us as soon as possible because it will significantly affect the way in which the case can be dealt with.