

# Summary of stakeholder responses: Consultation on developing a modernised food hygiene delivery model in Northern Ireland

This consultation, which was published on 3 April 2023 and closed on 30 June 2023, sought stakeholder views on modernising the Food Hygiene Delivery Model.

## Introduction

The Food Standards Agency (FSA) is grateful to stakeholders who responded to this consultation on the following proposed developments to the food hygiene delivery model:

- a modernised food hygiene intervention rating scheme, including a decision matrix to determine the appropriate frequency of these controls based on the risk posed by a food business establishment
- an updated risk-based approach to the timescales (where not prescribed in legislation) for initial official controls of new food establishments, and undertaking due official controls
- increased flexibility as to the methods and techniques of official controls that can be used to risk rate an establishment, including the use of remote official controls
- extending the activities that officers, such as Regulatory Support Officers, who do not hold a 'suitable qualification' for food hygiene can, if competent, undertake.

The purpose of the consultation was to understand how the proposed developments would affect key stakeholders and gather feedback, suggestions, and potential alternative approaches from interested parties before progressing further with this project.

We contacted a range of relevant stakeholders to make them aware of the consultation and provided them with an opportunity to submit their comments. These included local authorities (district councils in Northern Ireland), professional bodies, education providers and local authority management information system (MIS) suppliers. Alongside the consultation, we also held a series of local authority engagement events.

A full [list of respondents can be found at Annex A](#).

The proposed developments were also consulted on in Wales and England:

- [consultation on developing a modernised food hygiene delivery model in England](#)
- [consultation on developing a modernised food hygiene delivery model in Wales](#)

## Summary of comments received

The below summarise the responses received to the questions contained in the consultation package and the feedback from the local authority engagement events.

Careful consideration has been given to the comments provided and the views expressed. Our responses to the feedback received are included following the stakeholder comments

A summary of proposed changes to the original proposed developments resulting from stakeholder feedback is set out in the [Conclusion and next steps section](#).

**Note:** A summary of the comments is also available for [Wales](#) and [England](#).

## **Proposed development 1: Modernised intervention rating scheme**

### **Question 1**

What are your views on the proposed development for a modernised food hygiene intervention rating scheme, including the frequencies for official controls?

### **Question 2**

What are your views on the identified benefits and impacts for a modernised intervention rating scheme? Are there any further benefits and/or impacts that the proposed development could have? If yes, please outline what these are.

### **Question 3**

Do you foresee any challenges if the proposed development for a modernised food hygiene intervention rating scheme were to be implemented? If yes, please outline what these challenges are and what, if any, solutions we should consider?

### **What did stakeholders say?**

Respondents generally welcomed the review of the FHDM which aims to assist district councils (DCs) in targeting their resources effectively and providing flexibility to adapt to future safety risks.

Specific elements which were supported and comments included:

- the importance to build on the current system which is sound and generally effective
- focusing DC resources more on non-compliant businesses would encourage more businesses to strive for compliance
- the introduction of an additional confidence in management score, equivalent to a score of 15 in the current model
- the inclusion of 'allergens (cross-contamination)' compliance elements, albeit allergen controls are already assessed, as appropriate, by officers in NI
- measurement of food safety culture

Respondents raised concerns about the following:

- the reduced frequency of official controls for lower risk businesses being too long with subsequent potential decline in standards and changes to businesses remaining unknown to DCs for an extended timeframe.
- compliant businesses, with a high level of inherent risk may still receive more frequent official controls than is, arguably, necessary

- potential impact on the Food Hygiene Rating Scheme (FHRS):
  - the proposed frequency of official controls at lower risk businesses could decrease consumer confidence
  - the proposed increase in frequencies for the highest risk and non-compliant establishments would result in poorer performing businesses having their FHRS ratings updated sooner, while better performing businesses, would either have to pay or wait longer to receive a re-rating
- impact that the intensive frequencies of official controls for higher risk businesses could have on DC resources and service planning
- the proposed safeguards which limit an establishments overall compliance and confidence score could mean businesses have less incentive to be fully compliant, as their score would be limited anyway
- challenges and resources to map the current risk profiles to the new model
- significant updates required to MIS Systems, and the associated costs

Respondents generally agreed that the proposed developments should be piloted. It was suggested that one year duration would be the minimum required to enable sufficient opportunity to identify challenges or improvements.

Additional suggestions included:

- clarification required of how imports are considered
- significant risk score could refer to E. coli
- an opportunity for more use to be made of intelligence
- effective communication of the amendments to relevant stakeholders and the provision of guidance, training and consistency exercises for officers
- non-compliant food businesses should be subject to more enforcement action as opposed to more intensive official controls

### **FSA's response**

We acknowledge the feedback received from stakeholders, particularly the elements which were highlighted as key areas of improvement for the existing food hygiene model. We also acknowledge the concerns raised by several stakeholders around the proposed new scoring system and the frequencies of planned official controls.

Having considered the responses received, the proposed intervention scoring and planned official control frequencies (decision matrix approach) will not be progressed.

We will explore the potential development and viability of the other elements of this proposal.

Further details can be found in the [Conclusion and next steps section](#).

## **Proposed Development 2: Risk-based approach to initial and due official controls**

### **Question 4**

What are your views on the proposed development for an updated risk-based approach to the timescales for initial and due official controls, including the proposed frequencies?

### **Question 5**

What are your views on the identified benefits and impacts for an updated risk based approach to the timescales for initial and due official controls? Are there any further benefits and/or impacts that the proposed development could have? If yes, please outline what these are.

## **Question 6**

Do you foresee any challenges if the proposed development for an updated risk based approach to the timescales for initial and due official controls were to be implemented? If yes, please outline what these challenges are and what, if any, solutions we should consider?

### **What did stakeholders say?**

Respondents generally agreed with the ability to prioritise official controls of higher risk food businesses and the proposed frequencies. However two respondents disagreed with the timeframes, stating that a delay in initial official controls may be problematic for food businesses needing a Food Hygiene Rating to operate commercially and consumer expectations for official controls of new food businesses.

DC officers raised the following concerns:

- requirement for adaptation of MIS systems to accommodate recording and potential reporting
- all of the necessary information not captured by the Register a Food Business (RAFB) Scheme

A professional body stated that the proposals do not reduce the volume of registrations, or the amount of initial official controls that take place

DC officers requested clarification and guidance on:

- practicalities of triaging including determining inherent risk
- food businesses which are registered but do not start operating by the date intended
- how triaging should be recorded and whether it will need reported on for performance management purposes

### **FSA's response**

While there were some mixed opinions regarding the detail of this proposal, on balance, the ability to triage and prioritise official controls according to risk was welcomed.

Having considered all the feedback received, we intend to progress with elements of this proposed development but with an amended approach.

Further details as to the actions being considered for development and/or exploration can be found in the [Conclusion and next steps section](#).

## **Proposed development 3: Flexibility as to methods and techniques of official controls**

### **Question 7**

What are your views on the proposed development for introducing flexibilities as to the methods and techniques of official controls and the use of remote official controls, including factors to consider?

## Question 8

What are your views on the identified benefits and impacts for introducing flexibilities as to the methods and techniques of official controls and the use of remote official controls? Are there any further benefits and/or impacts that the proposed development could have? If yes, please outline what these are.

## Question 9

Do you foresee any challenges if the proposed development for introducing flexibilities as to the methods and techniques of official controls, including the use of remote official controls were to be implemented? If yes, please outline what these challenges are and what, if any, solutions we should consider?

### What did stakeholders say?

Respondents generally considered the proposed increase in flexibility as to the methods and techniques of official controls to be useful and acknowledged the benefits including potential efficiencies to be made. However all respondents outlined concerns and limitations.

DC officers in particular raised the following issues:

- potential inconsistency in application of the flexibilities
- use of remote assessments, having previously been found to be largely unsuccessful and inappropriate for adequately risk rating some food businesses. Although officers did acknowledge the usefulness of remote assessments to 'assist' physical official controls
- use of remote assessments limited due to the requirements of the FHRs and consumer confidence in the scheme
- limitations due to EU and export certification requirements
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An education establishment suggested that inspectors should continue onsite visits in low risk food businesses with some degree of frequency as some aspects of inspection cannot be conducted correctly remotely.

A professional institute and a food safety consultancy firm also responded by:

- advising that the use of remote assessment for rating food businesses would not be appropriate as it is not possible to adequately assess the premises or be carried out unannounced
- highlighting dependency on the availability of reliable technology
- concerns about consistency and potential over reliance of some authorities on remote assessment with subsequent loss of intelligence from in-person visits

Additional comments and suggestions made included:

- further clarification sought including for example on use of Alternative Enforcement Strategies, particularly self-assessment questionnaires, for low risk food businesses and explicit clarification on what remote assessments could and should be used for
- officer training and consistency exercises needing to be incorporated into any delivery plan
- review of Competency Framework to include remote assessments specifically

### FSA's response

While there were some mixed opinions regarding the detail of this proposal, on balance, the flexibility of methods and techniques of official controls, in suitable circumstances, was welcomed.

Having considered all the feedback received, we intend to progress with elements of this proposed development but with an amended approach to address some of the concerns raised and limitations suggested by stakeholders.

Further details as to the actions being considered for development and/or exploration can be found in the [Conclusion and next steps section](#).

## **Proposed development 4: Flexibility as to who can undertake official controls**

### **Question 10**

What are your views on the proposed development for introducing flexibilities as to who can undertake official controls and other official activities?

### **Question 11**

What are your views on the identified benefits and impacts for introducing flexibilities as to who can undertake official controls and other official activities? Are there any further benefits and/or impacts that the proposed development could have? If yes, please outline what these are.

### **Question 12**

Do you foresee any challenges if the proposed development for introducing flexibilities as to who can undertake official controls and other official activities were to be implemented? If yes, please outline what these challenges are and what, if any, solutions we should consider?

### **What did stakeholders say?**

Respondents generally welcomed the flexibilities as to who can undertake official controls and other official activities. However concerns were highlighted and caveats specified.

Respondents highlighted a range of challenges which included:

- for low risk food businesses, it is not appropriate to only consider inherent risk, the type of business and their level of compliance should also be considered
- formal sampling may not be appropriate
- limited ability for officers not holding a 'suitable qualification' to triage and undertake initial official controls, as it is not known what the business is doing, and specialist advice may be required
- officers without a suitable qualification may miss important aspects and therefore food safety standards may be reduced
- it could dilute the environmental health profession and negatively impact on recruitment of qualified officers
- potential impacts on FHRS and confidence in the scheme
- DC resources to train, assess and monitor staff without a suitable qualification
- if a business is found to no longer be low risk, and a qualified officer needs to attend, it would be a duplication of resources
- DCs do not have staff that could be utilised for the proposed additional activities, so benefits would be limited

- the proposals could create tensions between officers who do hold a 'suitable qualification' and those who do not

The following suggestions were made:

- official controls of low risk, highly compliant food businesses may be conducted by officers on a pathway to achieving a suitable qualification
- it would enable trainees to gain experience and increase DC resilience
- officers not holding a 'suitable qualification' could, if competent, undertake triaging of new establishments
- changes to MIS systems to align with the flexibilities would be required so that it was possible to identify businesses that would be suitable to allocate to an officer not holding a 'suitable qualification'

## **FSA's response**

Flexibility as to who can undertake official controls and other official activities was generally welcomed. However, we acknowledge the challenges and concerns raised by stakeholders.

Having considered all the feedback received, we will refine the proposal to address the challenges and concerns raised.

Further details as to the actions being considered for development and/or exploration can be found in the [Conclusion and next steps section](#).

## **General questions**

### **Question 13**

If the proposed developments were to be implemented, what guidance and/or examples would be useful to assist with understanding and consistent implementation?

#### **What did stakeholders say?**

Respondents generally welcomed the offer of guidance on the proposed developments, including intervention risk scoring on inherent risk, confidence in management, assessment of food safety culture, allergens (cross-contamination), and updated FHRS statutory guidance.

Respondents also suggested other areas that guidance should be provided on, including:

- triaging new food business registrations
- recording of rationale and reporting of data
- imports and exports scoring
- service planning and prioritisation of official controls
- determining appropriate and effective methods and techniques
- use of remote methods and techniques
- the use of officers not holding a 'suitable qualification'.

Additionally, it was commented that training and consistency exercises should be provided, along with pro-forma documents, and that the changes should be clearly communicated to industry.

## **FSA's response**

The FSA notes consultation feedback regarding the need for guidance, training and consistency exercises. These will be considered and implemented in combination with the elements of the proposals which are to be progressed

## **Question 14**

Are there alternative approaches that could be considered for a modernised FHDM? If yes, please outline what these are.

### **What did stakeholders say?**

Respondents commented that there were a range of alternative approaches that could be considered for a modernised FHDM.

Local authority stakeholders in England, Wales and Northern Ireland suggestions focused on the following:

- enhanced registration/licensing/Permit to Trade
- local authority resources/increasing the number of EHOs in the profession
- charge for official controls or a 'fee for fault' approach
- broader enforcement powers for local authorities including fixed penalty notices
- risk assessment of primary production establishments in England and Wales

Respondents from a professional body and a food safety consultancy firm also commented that there should be greater recognition of assurance scheme membership.

### **FSA's response**

The FSA notes the consultation feedback regarding alternative approaches to modernising the food hygiene delivery model.

The broader FSA Achieving Business Compliance (ABC) Programme is looking at modernisation of the food regulatory system which may consider longer-term reforms in some of these areas. This would be done in collaboration with stakeholders, through defined forums and existing governance structures.

## **Conclusion and next steps**

We have carefully considered all the consultation responses and feedback provided.

There were mixed views on some elements of our proposals, but there were others which had broad support. We therefore intend to progress with substantive elements of the proposed developments, which were supported by the consultation, but in a more efficient and effective way. These elements are set out in the Next steps section below. We will refine and develop these elements taking the consultation feedback into account and will further consult with stakeholders in due course.

Elements of the proposed developments which would require piloting, or significant management information system (MIS) changes, will not be progressed. This includes the proposed food hygiene intervention scoring and planned official control frequencies (decision matrix approach) as the costs and timescales required would outweigh the potential benefits.

The next milestone of this project was to pilot the proposed developments. In light of the consultation feedback, and our subsequent revised approach, the planned pilot will not be going ahead.



Feedback from the consultation also highlighted alternative approaches to enhance the existing food hygiene delivery model. The broader Achieving Business Compliance (ABC) Programme is looking at modernisation of the food regulatory system which may consider longer-term reforms in some of these areas. This would be done in collaboration with stakeholders.

## Next steps

The proposed amended approach for each proposal has been outlined below:

**Proposed development 1** – A modernised food hygiene intervention rating scheme including a decision matrix to determine the appropriate frequency of these controls based on the risk posed by a food business establishment.

**Proposed action** - There was a mixed response to proposed development 1. A number of concerns were raised regarding the proposed food hygiene intervention scoring and planned official control frequencies (decision matrix approach). Therefore, we have decided not to progress development of these elements of this proposal. However, we will explore further the potential development and viability of the following amendments, including the provision of clarification and guidance on:

- the scoring of the provision of food to vulnerable risk groups under the current intervention rating scheme
- a score of 15 for confidence in management
- assessment of allergens by DCs during inspections
- the assessment of Food Safety Culture (where appropriate)

We will consider what changes are needed to the Food Law Code of Practice (Code) and Food Law Practice Guidance (Practice Guidance) to achieve these amendments. If MIS changes are required that are not covered under current MIS contracts, we will assess the costs of introducing these amendments and consider the approach ahead of any consultation on potential Code amendments.

**Proposed development 2** - An updated risk-based approach to the timescales (where not prescribed in legislation) for initial official controls of new food establishments and undertaking due official controls.

**Proposed action** - There were mixed opinions on the detail of this proposal. However, there was broad support for the triaging and prioritisation of new food businesses and due official controls.

We will consider what changes are needed to the Code and Practice Guidance to achieve this. Feedback from the consultation will be considered when developing and refining this proposal. If MIS changes are required that are not covered under current MIS contracts, we will assess the costs of introducing this proposal and consider the approach ahead of any consultation on potential Code amendments.

Feedback from the consultation indicated the need to develop the FSA's online Register a Food Business (RAFB) system to support the collection of more data to assist local authorities with triaging newly registered businesses. Following the review of the Code and Practice Guidance consideration will be given to any future development to support the changes to the Code.

**Proposed development 3** - Increased flexibility as to the methods and techniques of official controls that can be used to risk rate an establishment, including the appropriate use of remote official controls.

**Proposed action** - There was a mixed response regarding increased flexibility as to the methods and techniques of official controls. On balance, the introduction of these flexibilities was

welcomed, including the use of remote assessment in suitable circumstances. Further work will be undertaken to develop and refine this proposal to address some of the concerns raised and limitations suggested by stakeholders.

We will consider what changes are needed to the Code and Practice Guidance to introduce appropriate flexibilities ahead of any consultation on potential Code amendments.

**Proposed development 4** - Extending the activities that officers, such as Regulatory Support Officers (RSOs), who do not hold a 'suitable qualification' for food hygiene can, if competent, undertake.

**Proposed action** - Flexibility as to who can undertake official controls and other official activities was generally welcomed. Further consideration will be given to the extent and any additional limitations, controls and training required in order to mitigate the concerns raised as the proposal is considered further.

A review of the Code, Practice Guidance and Competency Framework will be undertaken ahead of any consultation on potential Code amendments.

## **Annex A - List of respondents**

### Officers from Northern Ireland District Council Environmental Health Services

- Environmental Health Northern Ireland (EHNI)
- Ards and North Down Borough Council
- Armagh City, Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council
- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh City Council
- Mid Ulster District Council
- Newry, Mourne and Down District Council

### Professional Bodies

- Chartered Institute of Environmental Health (CIEH)

### Education Establishment

- Ulster University

### Food Safety Consultancy Firm

- Safe to Trade

In addition to the above respondents, officers from the following District Councils attended a face-to-face engagement event, where they provided feedback on the proposed developments:

- Antrim and Newtownabbey Borough Council
- Ards and North Down Borough Council
- Armagh City, Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council
- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh City Council

- Mid and East Antrim Borough Council
- Mid Ulster District Council
- Newry, Mourne and Down District Council