

Summary of Responses: Consultation on proposed amendments to the Food Law Code of Practice and Practice Guidance (England)

This consultation, which was published on 24th February 2025 and closed on 19th May 2025, sought stakeholder views on proposed amendments to the Food Law Code of Practice (England) (the Code) and Practice Guidance.

Introduction

The Food Standards Agency (FSA) is grateful to stakeholders who responded to this [consultation](#) on the following proposals:

1. an updated risk-based approach to the prioritisation and timescales for undertaking initial food hygiene official controls of new food establishments
2. enabling, in certain circumstances, an establishments food hygiene intervention risk rating to be amended following a wider range of official control methods and techniques, including those undertaken remotely
3. extending the activities that officers, who do not hold an 'appropriate qualification' for food hygiene or food standards can, if competent, undertake
4. a clarification in approach to interventions at food business establishments that fall into risk category E for food hygiene
5. removal of a prescriptive number of hours required for continuing professional development (CPD)
6. other amendments which do not amend policy, to provide clarity, improve consistency and keep pace with current practices

Similar consultations were also held in [Wales](#) and [Northern Ireland](#).

The purpose of the consultation was to understand how the proposed amendments would affect key stakeholders and gather feedback, suggestions, and potential alternative approaches from interested parties.

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 (LAs), professional bodies, awarding bodies, education providers, industry bodies, trade unions and other Government departments.

A full list of stakeholders that responded to the consultation can be found in Annex A.

Summary of comments received

The paragraphs below summarise the responses received to the questions contained in the consultation package.

Careful consideration has been given to the comments provided and the views expressed. Our responses to the feedback received are included in the tables. In the summary of responses, we have indicated an intention to progress or not progress with specific proposals, this will be used to inform the Minister. Following Ministerial approval, we will publish the Code, and a summary of the changes made.

Note: a summary of the comments is also available for [Wales](#) and [Northern Ireland](#).

Proposal 1: An updated risk-based approach to the prioritisation and timescales for undertaking initial food hygiene official controls of new food establishments

Question 1a: Do you consider that the approach will provide Competent Authorities with the ability to deploy current resources more effectively? If not, why not? (Please specify any aspects of the proposal which requires further consideration, and why).

What did stakeholders say?

Stakeholders provided mixed views on the proposed updated approach to initial official controls. However, there was general agreement in principle with the concept of triaging official controls for new food businesses.

Several LAs welcomed the increased flexibility and the ability to prioritise high-risk premises, noting that the proposal formalises practices already in place. However, others expressed concerns about the potential for increased administrative burden and highlighted challenges related to recording the new approach within their management information systems (MIS).

Some LAs, industry, and one awarding body raised concerns about the length of time low-risk businesses may wait for an initial official control, suggesting this could present a risk.

There was broad agreement among LAs that, should the proposal be implemented, the FSA's Register a Food Business (RAFB) service should be enhanced. Specifically, recommending the collection of more detailed information from food business operators at the point of registration to support effective triaging.

What is the FSA's response?

We acknowledge the feedback received, and intend to amend this proposal to incorporate more flexibility, giving LAs the option to conduct an initial desktop assessment to determine the risk of the establishment or undertake an initial official control within 28 days of registration. In addition, we intend to refine the criteria outlining the types of establishments that can utilise other methods and techniques for initial official controls, to ensure that certain establishments still receive a physical initial inspection.

We acknowledge the concerns raised, particularly those relating to Management Information Systems (MIS). While we recognise the challenges, we believe the revised approach would deliver meaningful benefits to LAs. We are committed to investigating the MIS-related impacts and would work closely with MIS providers, to identify the most effective and efficient implementation pathway. Ongoing engagement with LAs remains a priority to ensure clear and timely communication throughout any implementation process.

We remain committed to continuously improving the RAFB service to ensure it evolves in line with emerging needs and remains fit for purpose. Feedback received will be carefully considered as part of any future development.

Question 1b: It is proposed that, for food hygiene, timescales are provided for initial official controls of all establishments. For food standards, timescales are currently only provided for the highest risk establishments in the Code, with timescales for lower risk establishments provided in separate guidance. Would you agree or disagree with moving the food standards timescales into the Code in the future, so all timescales are in one document? Please describe the main reasons for your answer.

What did stakeholders say?

The majority of stakeholders expressed support for the proposal to incorporate food standards timescales into the Code. They welcomed the change as a means to improve clarity, ensure consistency, and facilitate easier reference and alignment between food hygiene and food standards requirements.

However, some LAs raised concerns that embedding these timescales into the Code could reduce operational flexibility. They noted that future changes to the Code may be more difficult to implement compared to existing arrangements.

Some stakeholders suggested that the FSA consider the feasibility of conducting a single initial official control that encompasses both Food Hygiene and Food Standards.

What is the FSA's response?

We acknowledge the feedback received and intend to progress with this proposal.

In the current practice guidance, LAs that are responsible for undertaking official controls for food hygiene and food standards may, where appropriate, cover both areas during a single visit to a food establishment, even if an official control is not due under the relevant planned official control programme.

We have amended the proposed triaging approach for food standards, which reflects this flexibility. The revised approach enables an LA who is undertaking an initial official control for food hygiene to also undertake an initial official control for food standards during the same visit, where appropriate.

Question 1c: Proposal 1 relates to the timescales for initial official controls. No changes to the timescales for due official controls are proposed as part of this consultation, these will remain, as currently, at 28 days for all establishments. However, to assist us in planning future policy in relation to the timescales for due official controls, do you agree or disagree with keeping the timescales at 28 days? Please describe the main reasons for your answer.

What did stakeholders say?

Stakeholder responses to the current 28 day timescale for due official controls were mixed. While there was general agreement from LAs and professional and awarding bodies that 28 days is

appropriate for high-risk premises, many stakeholders including LAs and an awarding body emphasised the need for greater flexibility when dealing with low-risk businesses and when LAs need to divert resources.

Several LAs highlighted the challenges of applying a fixed timescale to seasonal or hard-to-access premises, suggesting that a more adaptable approach would be beneficial.

Some stakeholders proposed a tiered system with differentiated timelines for low, medium, and high-risk premises, noting that a uniform 28 day requirement may not be practical in all cases.

Concerns were also raised about the potential consequences of delays in conducting official controls. Some LAs highlighted that extended wait times could lead to increased non-compliance and undermine the Food Hygiene Rating Scheme (FHRS), as ratings would not be updated promptly—potentially affecting public perception and consumer confidence.

Some stakeholders including LAs and an awarding body suggested a more robust solution, such as the introduction of a permit-to-trade system.

What is the FSA's response?

We acknowledge the feedback received and will take this into account as we consider future policy development in this area.

Proposal 2: Enabling, in certain circumstances, an establishment's food hygiene intervention risk rating to be amended following a wider range of official control methods and techniques, including those undertaken remotely

Question 2a: Do you consider that the proposal will enable Competent Authorities to deploy current resources more effectively? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

Stakeholder responses provided a mixed view regarding the use of wider methods and techniques, including remote official controls to amend the food hygiene intervention risk rating.

Some LAs, industry and a professional body welcomed the use of wider methods and techniques. They agreed that such approaches could support more effective deployment of resources and enhance flexibility in delivering official controls.

Other stakeholders, including LAs, industry, and an awarding body also welcomed the flexibility but felt that the use of remote official controls should be limited to specific circumstances. These included low-risk premises and re-visits.

A number of LA stakeholders expressed reservations about remote official controls, preferring physical official controls to ensure sufficient verification of compliance and to support the FHRS.

LAs highlighted that FHRS ratings cannot be updated without a physical inspection. As a result, the flexibility offered by wider methods cannot be applied to the majority of premises due for an official control. Furthermore, if intervention ratings were changed using alternative methods, the FHRS date would remain unchanged, potentially affecting public confidence in the scheme. Additional feedback from LAs indicated that premises rated as category C and D may not be

suitable for remote or alternative methods. Delaying physical inspections for these categories could risk a decline in compliance levels.

Stakeholders, including LAs and professional and awarding bodies, emphasised that if this proposal is implemented, comprehensive guidance and training on remote official controls and non-official controls would be essential to ensure consistency and effectiveness.

What is the FSA's response?

We acknowledge the feedback received and, after careful consideration, intend to progress with this proposal with an amended approach.

To alleviate the concerns raised, we intend to refine the proposed approach by limiting the use of remote official controls to amend food hygiene intervention risk ratings to E-rated establishments (and continuing to exclude those establishments which are subject to approval and/or within scope of FHRS). However, the feedback received will inform work to fully explore the use of remote official controls more broadly in future.

We note the feedback requesting additional guidance on the use of remote official controls. This will be taken into account as we continue to consider how best to support the implementation of wider methods and techniques.

Question 2b: If responding on behalf of a Competent Authority, would you, if implemented, utilise the flexibility to undertake some methods and techniques remotely? If not, why not?

What did stakeholders say?

A number of LA stakeholders indicated that they would utilise the proposed flexibility to use a wider range of official control methods and techniques, including remote, to amend intervention ratings. However, this support was generally conditional, with stakeholders noting that such methods and techniques would only be appropriate in specific circumstances—particularly for low-risk or domestic premises, or premises that are difficult to access.

What is the FSA's response?

We acknowledge the feedback received from stakeholders.

Proposal 3: Extending the activities that officers, who do not hold an 'appropriate qualification' for food hygiene or food standards, can, if competent, undertake

Question 3a: Do you consider that the flexibilities will enable Competent Authorities to deploy resources more effectively? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

Most respondents which included LAs, awarding bodies, and industry agreed that the proposal to extend the flexibilities as to who can undertake official controls, and other official activities will enable LAs to deploy resources more effectively.

Some LAs noted that they already use or plan to use officers who do not hold an 'appropriate qualification' for low-risk activities, adding that the flexibility could free up qualified officers to focus on higher-risk premises.

While many LAs welcomed the proposal, some indicated that it may be of limited benefit as not all LAs have the resource available in-house, nor have the budget to recruit, and existing staff may not have the capacity to undertake additional activities.

Some stakeholders welcomed the opportunity to utilise officers who do not hold an 'appropriate qualification', if deemed competent, to undertake official controls at broadly compliant category D and category E establishments. However, a small number of responses expressed concerns about such officers undertaking official controls at category D establishments, as while considered lower risk, they can quickly escalate to higher risk; and that there is a risk that officers without an 'appropriate qualification' are not able to deal with unforeseen situations and may miss critical issues and hazards.

Some LAs and awarding bodies also expressed concern that the proposed flexibility could lead to potential inefficiency due to duplication of effort (for example, where a qualified officer may need to revisit the premises to verify findings or take formal action) and increase burdens on business. Some LA responses also expressed concerns about the burden on lead officers to assess and supervise competency.

Some LAs requested additional clarification on the reference to sampling and whether this includes formal sampling. While a number of LAs agreed with extending the activities to include sampling, some LAs and an awarding body emphasised that formal sampling (for example, used for enforcement or legal action, or at Border Control Posts, especially for high-risk foods not of animal origin) should only be conducted by qualified officers due to the complexity and potential legal implications.

Many stakeholders emphasised the importance of maintaining a robust and clearly defined competency framework. LAs, an awarding body and a professional body expressed concern that without standardised qualifications, standardised baseline training requirements, and competency benchmarks, enforcement consistency could be compromised as LAs may vary in their authorisation approaches. Some responses highlighted the need for structured training pathways, such as apprenticeships or short-format certifications, to ensure officers are adequately prepared for their roles. Concerns were also raised regarding the potential risk from diluting professional standards; de-skilling the workforce; and reduced LA resilience as experienced professionals could be replaced with lower-cost staff due to budgets.

Some stakeholders queried why the proposal only applies to England and not Northern Ireland and Wales, adding that there should be alignment between the three nations.

What is the FSA's response?

We acknowledge the feedback received and intend to progress with this proposal.

While we note the concerns raised about allowing officers who do not hold an 'appropriate qualification' to undertake due official controls at category D premises, sampling and the potential duplication of effort from re-inspection, we consider that LAs would still be able to benefit from having the choice to utilise the flexibility to authorise such officers, if deemed competent.

Subject to publication of the revised Code and Practice Guidance in the Autumn, we would plan to publish a revised Competency Framework. This would be renamed the 'Competency Standard' and is being revised by a joint FSA and LA working group. It would also incorporate feedback received during engagement events with local authorities.

We acknowledge the concerns raised regarding the dilution of professional standards and recognise the professionalism and expertise of those individuals delivering official food controls and other activities. The proposed approach is not intended to undermine this and would allow LAs to deploy a wider cohort of officers and enable more effective use of resources. Officers not holding an 'appropriate qualification' need to demonstrate they are competent before being authorised to undertake the activities listed in the Code.

All three nations consulted on the same proposal, to extend the activities that officers who do not hold an 'appropriate qualification' for food hygiene or food standards, can, if competent, undertake.

Question 3b: If responding on behalf of a Competent Authority, would you, if implemented, utilise this flexibility and authorise officers, if competent, to undertake additional activities, and if so, how many officers would you anticipate authorising? If not, why not?

What did stakeholders say?

Nearly half of LA responses indicated they would consider using the flexibility, particularly for environmental health students, apprentices and support officers already in training or with relevant experience. The number of officers they anticipated authorising ranged from 1-5 officers (mostly 1 – 2), with one response noting that they would be able to utilise 15 officers across three LAs.

Some respondents said they didn't anticipate authorising any officers. Common reasons included the lack of capacity; currently having no apprentices, additional staff, or budget to recruit or train new officers; disagreement to using such officers for certain activities, for example, category D establishments or formal sampling. One LA noted they would prefer to use officers that have suitable qualifications.

What is the FSA's response?

We acknowledge the feedback received.

Proposal 4: Clarification in approach to interventions at food business establishments that fall into risk category E for food hygiene

Question 4: Do you consider that the proposed approach will provide clarity and consistency in the frequency of official controls at these establishments? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

Stakeholder responses were mixed regarding the clarification in approach to interventions at category E establishments. Some responses from LAs, an awarding body, industry and a professional body agreed that the proposed approach would provide clarity and consistency in the frequency of official controls at these establishments.

Some LAs commented that they already alternate or have a similar structured approach in place; the proposal was a minor change; they did not find the current way of dealing with category E premises confusing; or that they disagreed with the proposal and raised concerns that additional burdens would be introduced. These concerns included that this proposal could draw resources away from the highest risk establishments in order to ensure inspections at category E premises are carried out; require additional resources and time as the proposal would introduce additional official controls/on-site interventions as category E premises are not routinely inspected; insufficient resource to introduce the approach; could introduce greater administrative burdens; require further monitoring and systems to be put in place to ensure that E rated premises receive the appropriate frequency; and returns to the FSA could be more difficult.

Some LA responses commented that additional guidance, such as for official controls and non-official controls, and standardised templates would be welcomed.

Some LA responses commented that a form of transition arrangement may be required as alternative enforcement strategies (AES) may currently be undertaken at pre-determined times, which could see concentrated periods of required interventions, or that a structured approach during the early implementation period would be required to prevent unsustainable workload increases.

Alternative approaches were also suggested, such as exempting very low risk businesses from having to register or removing them from official control programmes.

What is the FSA's response?

We acknowledge the feedback received and intend to progress this proposal.

Article 9 of assimilated Regulation (EU) 2017/625, and the current Code, provides that Competent Authorities shall perform official controls on all operators regularly, on a risk basis and with appropriate frequency. This proposal clarifies that an establishment is subject to an official control at least every six years.

Both the current and proposed Code provide that official controls at higher risk and/or non-compliant businesses, or those that are likely to be high-risk, take priority over official controls at those which are lower risk and/or compliant. Therefore, as currently, Competent Authority resources would continue to be focused towards the highest risk and/or non-compliant establishments. LAs would, through their official control programmes, be able to plan for official controls at category E rated establishments, to avoid undertaking them at the same time and overwhelming resources.

Comments requesting additional guidance will be taken into account as we continue to consider how best to support the implementation of these Code changes, and any future reviews of the Practice Guidance.

We acknowledge the alternative approaches that have been suggested and will take these into consideration in any future review of the food hygiene delivery model.

Proposal 5: Removal of a prescriptive number of hours required for continuing professional development (CPD)

Question 5: Do you consider that the approach will provide Competent Authorities with greater flexibility to determine appropriate levels of CPD and training that officers undertake? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

Stakeholders appreciated the increased flexibility and broadly supported the principle of prioritising the quality of training over the quantity.

However, a significant number of LAs, along with two awarding bodies and a professional body, expressed concerns about the proposal. They stated that removing the prescribed number of CPD hours could jeopardise training budgets, as it would be more difficult to justify the need for training without a minimum requirement outlined in the Code. They also highlighted that, without a clear benchmark, it could place a greater burden on lead food officers to assess individual training needs, potentially leading to inconsistencies across LAs and a decline in officer competency if CPD is not consistently undertaken.

Several LAs also called on the FSA to improve access to high-quality, low-cost or free training, and to review the competency framework to help ensure consistency in officer performance.

What is the FSA's response?

We acknowledge the feedback received and after careful consideration have decided not to progress with this proposal.

We acknowledge the feedback in relation to training. The FSA has successfully delivered live online Hazard Analysis and Critical Control Points (HACCP) and Enforcement Sanctions training courses for LA officers recently. We have also created a page on [FSA LINK](#) which includes recordings of training provided to LAs. LAs will be notified of any future training being provided by the FSA through FSA LINK.

Subject to publication of the revised Code and Practice Guidance in the Autumn, we would plan to publish a revised Competency Framework. This would be renamed the 'Competency Standard' and is being revised by a joint FSA and LA working group. It would also incorporate feedback received during engagement events with local authorities.

Proposal 6: Other amendments to provide clarity, improve consistency and keep pace with current practices

Question 6a: Do you consider that the examples of where the additional score of 22 for vulnerable risk groups would not be used, provides further clarity and will improve consistency in the application of the score? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

Stakeholder responses were generally supportive of the proposal with many welcoming the additional clarification and highlighting that the examples provided will support consistency.

Some responses from LAs highlighted that they would welcome additional examples such as private hospitals (for example, elective procedures) and other types of caring/support facilities, or examples of when to use the additional score.

Some responses from LAs indicated that the current guidance is suitable; the proposed changes were minor clarifications with minimal impact or no noticeable clarity; that they didn't agree with the school or soft play centre examples; or that preference would be for guidance to be in the Code rather than the Practice Guidance, or in one document.

A small number of alternative suggestions regarding the additional score for vulnerable groups were also provided such as removing the additional scoring for well managed premises after a number of inspections or removing the additional scoring element completely.

What is the FSA's response?

We acknowledge the feedback received and intend to progress this proposal.

This will be taken into account as we continue to consider how best to support the implementation of these Code changes, and any future reviews of the Practice Guidance.

We acknowledge the alternative approaches that have been suggested and will take these into consideration in any future review of the food hygiene delivery model.

Question 6b: Do you consider that the clarification within the food hygiene intervention rating scheme about how allergen cross-contamination is taken into account will improve consistency? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

There were mixed views on the allergen cross-contamination element. Some responses from LAs, awarding bodies, industry, a professional body and consumer agreed that the clarification would improve consistency. Some responses from LAs commented that further guidance would be welcomed, such as the inclusion of practical examples and scenarios.

Some LAs did not think clarification had been increased, with some commenting that the description is the same as that in the current Practice Guidance, and that general poor allergen management should be taken into account, not just for those preparing food for customers with an allergy.

Some LAs commented that there remains a potential overlap or double scoring with the Food Standards Delivery Model; that allergen cross-contamination should also be scored in food hygiene and safety procedures as well as confidence in management/control procedures; or suggested alternative methods for the consideration of allergen cross-contaminations, such as inclusion within the food hygiene intervention rating additional scoring for significant risk.

An industry response, while supporting the proposal, commented that it could result in a dramatic increase in high-risk businesses.

What is the FSA's response?

We acknowledge the feedback received and intend to progress this proposal.

The proposal does not change current policy on this matter but would clarify the current guidance to reduce inconsistency.

We will further consider the requests for additional guidance and clarification regarding allergen cross-contamination.

We acknowledge the alternative approaches for considering allergen cross-contamination and will take these into consideration in any future review of the food hygiene delivery model.

Question 6c: Do you consider that moving the guidance on parts two and three of the food hygiene intervention rating scheme from the FHRS Brand Standard to the Practice Guidance will improve clarity as to where the guidance can be found? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

Stakeholder responses were mixed regarding moving the guidance from the FHRS Brand Standard to the Practice Guidance. Responses from some LAs, industry, an awarding body and a profession body agreed that the proposal could improve clarity and consistency as to where guidance can be found.

However, other responses from LAs did not agree with the proposal and highlighted that clarity would not be improved. Some responses commented that the two guidance documents should remain separate due to the different status of the guidance and FHRS being a voluntary scheme. It was also commented that officers are familiar with where the FHRS guidance sits and are accustomed to referring to the FHRS Brand Standard, often carrying a copy for quick access, whilst not normally carrying the Practice Guidance, highlighting that the Practice Guidance is already a long document.

Some responses suggested consolidating all guidance regarding the intervention risk rating into a single document, such as the Code, to limit the number of documents officers need to reference or including the guidance in both the Practice Guidance and the FHRS Brand Standard.

What is the FSA's response?

We acknowledge the feedback received and intend to progress with this proposal.

This proposal looked to move the 'description of the standards' tables from section 3 of the FHRS Brand Standard to the Practice Guidance, with only minimal terminology changes. Therefore, current LA materials are likely to remain suitable.

Subject to publication of the revised Code and Practice Guidance in the Autumn, we plan to publish a revised FHRS Brand Standard, to ensure the tables are only contained in the Practice Guidance.

Question 6d: Do you have any objections to the inclusion of the qualifications, specified in the consultation, within the Code? If you do have any objections, please provide reasons for these. (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

No objections to the inclusion of the qualifications were received from stakeholders.

Some responses indicated that there is expectation that the FSA or awarding bodies have reviewed course content to ensure their suitability, with other responses highlighting that the courses should be recognised by the relevant professional bodies.

An awarding body and an industry stakeholder commented that the list of qualifications could be further expanded, such as including a Level 4 Regulatory Compliance Officer qualification or qualifications from outside of the UK.

What is the FSA's response?

We acknowledge the feedback received and intend to progress this proposal.

We have engaged an external working group to develop a qualifications governance procedure that we are currently testing, which would ensure that course content is reviewed and assessed against the competency framework and the Higher Certificate in Food Control as the 'benchmark' qualification.

Following feedback regarding the addition of alternative qualifications, we intend to assess the Level 4 Regulatory Compliance Officer qualification against the qualifications governance procedure and will provide an update in due course.

Consideration of equivalent qualifications from countries outside of the UK will not be considered during this Code review. However, as highlighted in section 3.2.3.6 of the proposed Code, where a new qualification is recognised by the FSA, we will notify Competent Authorities and explain how the qualification should be considered. Section 3.2.3.5 of the proposed Code provides that where an officer holds a qualification that is not listed within the Code, Competent Authorities should ensure that the qualification is equivalent to the relevant appropriate qualifications listed in the Code.

Question 6e: Do you consider that the amendments to the terminology in the Code and Practice Guidance has improved clarity and consistency between the documents? If not, why not? (Please specify which sections and any aspects of the proposal that require further consideration, and why).

What did stakeholders say?

Of the stakeholders who provided a response to this question, there was general agreement that the amendments to the terminology in the Code and Practice Guidance had improved clarity and consistency between the documents, with some responses welcoming the clearer use of 'must' and 'should'.

However, some LA responses commented that they found the documents difficult to navigate, had concerns regarding their accessibility, and suggested that more visual aids, such as flow charts, would be helpful.

Some LA responses indicated that they had not had time to fully review the terminology changes as this was a time-consuming task.

What is the FSA's response?

We acknowledge the feedback received and intend to progress this proposal.

Both the current and proposed Code and Practice Guidance do utilise tables and/or flow charts to present information. An additional flow chart is also included in the proposed Practice Guidance regarding methods and techniques of official controls that are effective and appropriate based on the risk rating of an establishment. However, this will be taken into account as we continue to consider how best to support the implementation of these Code changes, and future reviews of the Practice Guidance.

Question 6f: Do you agree or disagree with the proposal to remove references to the Competency Framework from the Code but retain references to it in the Practice Guidance to enable the revised approach to competency assessment as set out in the draft Code. Please describe the main reasons for your answer. (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

There were mixed responses to this proposal. Some LAs, industry and an awarding body agreed with the proposal to remove references to the Competency Framework from the Code but retain reference to it in the Practice Guidance. Some comments highlighted this change would support more agile updates to the Competency Framework. Some comments agreed with the proposal so long as consultation and engagement on any changes to the Competency Framework took place.

However, some LAs and an awarding body disagreed with the proposal, commenting that this change could dilute the importance of having competent officers, undermine the legal status of the Competency Framework if it is no longer referred to in the Code, or the framework may not be used. Some responses highlighted that having officer competency contained within the Code enables LAs to evidence what qualification officers must hold, together with what competency they must demonstrate. It was also commented that the removal could see food services losing resources, such as training and development.

What is the FSA's response?

We acknowledge the feedback received and intend to progress this proposal.

While the proposal intends to remove direct reference to the in the Code, it would continue to make reference to competency assessments being undertaken against a defined, comprehensive and documented competency standard. Therefore assessment of competency would still be a requirement in the Code and the FSA would plan to publish a revised and recognised competency standard and assessment procedure to support LAs in evidencing this.

Subject to publication of the revised Code and Practice Guidance in the Autumn, we would plan to publish a revised Competency Framework. This would be renamed the 'Competency Standard' and would have an associate assessment procedure. It is being revised by a joint FSA and LA working group. It would also incorporate feedback received during engagement events with LAs.

Question 6g: Do you agree or disagree with the removal of references to the Practice Guidance and Framework Agreement from the Code? Please describe the main reasons for your answer. (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

There were mixed views as to the removal of references to the Practice Guidance and Framework Agreement from the Code. Some responses from LAs and industry agreed with the proposal, with comments highlighting that it will make updates easier to undertake, and in an agile manner. Some LAs and an awarding body agreed with the removal of references of the Framework Agreement as appropriate provisions are included within the Code or Practice Guidance and would reduce confusion regarding location of guidance.

Some LA responses disagreed with the proposal, commenting that the legal standing of these documents would be affected or there would be no obligation to comply with either the Practice Guidance or Framework Agreement if it is not referenced in the Code. Some LA responses suggested that the removal of references to the Practice Guidance and the Framework Agreement could see food services losing resources, with other responses commenting that service planning, credibility and the legal standing of food services could be affected with the removal of the Framework Agreement. Some responses from LAs and an awarding body disagreed with the removal of references to the Practice Guidance, as they make it clear that further guidance is available.

What is the FSA's response?

We acknowledge the feedback received and intend to progress this proposal.

The Code sets out legal requirements and statutory guidance to LAs. All relevant parts of the Framework Agreement are included in the Code, such as provisions relating to service plans.

The Practice Guidance complements the statutory Code by providing best practice advice on the approach to enforcement of the law and can include guidance which is outside the 'enabling legislation' of the Code. Although references to the Practice Guidance are intended to be removed from the Code, the guidance it contains would remain an important source of information for LAs. This would allow the Practice Guidance to be responsive to evolving practices and enable more agile updates to guidance. Appropriate engagement with relevant stakeholders would also take place when amending the Practice Guidance.

Where appropriate, the section numbering in the proposed Code and Practice Guidance have been aligned to support cross referencing and identification of relevant guidance.

Impacts

Question 7a: Do you agree or disagree with our assessment of the impacts on Competent Authorities and our assumptions on familiarisation and training resulting from the proposed changes to the Code? Please describe the main reasons for your answer.

What did stakeholders say?

There were mixed views as to the assessment of the impacts and assumptions on familiarisation and training resulting from the proposed changes to the Code. Some LAs, industry and an awarding body agreed, highlighting that the proposed changes to the Code would not impose a significant burden in terms of training or familiarisation. Some believed that the changes were relatively minor and could be absorbed within existing processes and resources. Some responses acknowledged that while training would be necessary, it would be manageable and not overly time-consuming.

However, other LAs and an awarding body disagreed, commenting that the assessment significantly underestimated time, effort and resources required to implement the changes. Comments also included the inadequacy of the proposed time for training and familiarisation given the complexity of the changes and the need for officers to interpret changes, determine practical implications, and adjust practices accordingly. Some stakeholders considered the methodology used to calculate familiarisation was too simplistic.

Some stakeholder responses noted that beyond basic cascade training, more time is required to collate changes, develop material to train staff, and disseminate information, adding that officers with less familiarity are likely to require more supervision and structured training than experienced officers. It was also commented that all officers, not just lead officers, should receive direct training from the FSA, and some considered the cascade training model as inefficient and burdensome.

Additional comments from those who disagreed included the need for updates to MIS, procedural documentation, and service plans—which some considered weren't fully accounted for in the assessment.

What is the FSA's response?

We acknowledge the feedback received and will take this into account as we consider our assessment of impacts and training provision resulting from the proposed changes.

Question 7b: Do you agree or disagree with our assessment of the impacts on Competent Authorities in relation to changes to procedures? Please describe the main reasons for your answer.

What did stakeholders say?

Mixed responses were received, with the majority not being able to comment or noting no strong views. Some responses commented that the consultation had not included estimates of the procedural impacts on LAs as no such analysis had been conducted; or that it was hard to assess how long this will take, adding that the changes to the food standards delivery model had taken a lot longer than anticipated to get the changes through and embedded.

What is the FSA's response?

We acknowledge the feedback received and will take this into account as we consider our assessment of the impacts.

Question 7c: If responding on behalf of a Competent Authority, how long would you estimate that it will take to update local policies and procedures if the proposals were implemented? If providing an estimate, please explain which proposal (or proposals) it relates to.

What did stakeholders say?

Mixed responses were received from stakeholders regarding estimated times to update local policies and procedures if the proposals were implemented. Many responses couldn't provide estimates, noting that it was difficult as it would depend on the proposals being taken forward.

Of those that did provide estimates, values varied widely. Some considered there was minimal impact, noting that updating procedures is part of routine operations and could be absorbed, with other estimates ranging from a few hours, several months, to a couple of years, dependent upon the scope of changes being adopted and LA size.

Many responses highlighted that the extent of MIS changes required would also impact on the time required and considered that this would need significantly more time.

Some LAs anticipated longer timelines due to local government reforms and the need to align procedures across merging LAs.

What is the FSA's response?

We acknowledge the feedback received and will take this into account as we consider our assessment of the impacts.

Question 7d: Do you foresee any other impacts from the implementation of the main proposals detailed beyond those we have identified? Where possible, please explain your views, which proposal (or proposals) they relate to, and provide quantifiable evidence (for example, costs associated with updating your administration systems, existing procedures, the benefits of greater flexibility to allocate staff to activities).

What did stakeholders say?

There were mixed responses from stakeholders in relation to other impacts. Some considered there were no other additional impacts. Of those stakeholders that responded to this question, common impacts included:

- Potential loss of training budgets due to reduced CPD requirements.
- Potential for cost-cutting pressures to drive hiring of less qualified staff.
- Increased burden on lead officers to supervise and verify work of less qualified staff.
- Fear of de-skilling the profession and reduced public confidence due to increased use of staff without an 'appropriate qualification'.
- Use of officers without an 'appropriate qualification' for inspections, especially for category D premises.

- Costs and technical challenges in updating MIS to accommodate new triage and inspection models.
- Potential changes to LA Key Performance Indicator (KPI) reporting.
- Risk of inconsistent application of new flexibilities across LAs.
- Businesses may retain outdated ratings longer and reduced public confidence in FHRS.

What is the FSA's response?

We acknowledge the feedback received and will take this into account as we consider our assessment of the impacts.

Other comments

What did stakeholders say?

A small number of responses to the consultation, and a small number of queries received post-consultation, highlighted concerns as to the removal of the reference to simple cautions.

What is the FSA's response?

The term 'simple caution' is only used in the glossary of the current Code. The Practice Guidance contains one reference to simple caution within the body of the document (relating to requirements relating to documented policies), with other references in the glossary.

The legal power to issue the Code does not include providing guidance on simple cautions. This is the reason why removal of the references was proposed.

Removal of the reference to simple cautions does not suggest that LAs do, or do not, have a legal power to give a simple caution. We recognise that LAs have broad enforcement powers, which extend beyond the scope of the Code. If clarity is required on the legal power regarding simple cautions, LAs are advised to check with their own legal advisors.

Potential future developments

Question I: Do you consider that moving the list of FSA endorsed qualifications to the Practice Guidance could provide flexibility to recognise new qualifications more expediently without reducing the professional standards subject to an agreed and published governance procedure being in place? If not, please provide your reasons and evidence of the impact you think this will have.

Question II: What do you perceive to be the advantages, disadvantages and impacts if we move the list of qualifications from the Code to the Practice Guidance?

Question III: Is there an alternative way that we could more expediently update the list of FSA endorsed qualifications from the one presented?

What did stakeholders say?

Stakeholder responses to question I were mixed regarding moving the list of FSA endorsed qualifications to the Practice Guidance to provide flexibility to recognise new qualifications more expediently without reducing the professional standards subject to an agreed and published governance procedure being in place.

Some stakeholders from LAs and an awarding body agreed with the approach, commenting that this could provide more flexibility and enable quicker updates. Some responses which supported this approach also commented that the Code should refer to the list of qualifications if moved and should continue to have the same level of scrutiny and consultation.

Some responses from LAs and an awarding body did not agree with the approach, commenting that the list should remain in the Code; it could reduce professional standards; and could lead to inconsistencies.

Other comments from LAs highlighted there would not be support if the requirement to hold a suitable qualification was removed.

Stakeholder responses for question II provided a range of perceived advantages, disadvantages and impacts if the list of qualifications is moved from the Code to the Practice Guidance. Comments included that more flexible, agile and timely amendments can occur, whilst some responses expressed concerns regarding the potential for inconsistency between LAs to be introduced; the difference in legal status of the Code and the Practice Guidance; or reduction in professional standards.

Stakeholder responses for question III provided a number of alternative approaches to more expediently update the list of FSA endorsed qualifications from the one presented, such as maintaining an online list of qualifications and the implementation of a more streamlined governance and consultation process.

What is the FSA's response?

We acknowledge the feedback received and will take this into account as we consider future potential development in this area.

Conclusions and next steps

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

There were mixed views on some elements of the proposals, whilst others received broad support. We will use this summary of responses to inform the Minister of proposed changes to the Code. Following Ministerial approval, we will publish the Code, and a summary of the changes made.

Subject to ministerial approval, we intend to publish the revised Code and Practice Guidance in Autumn 2025.

Annex A - List of respondents

- ACS (Association of Convenience Stores)
- Basildon Council
- Borough Council of King's Lynn and West Norfolk
- Braintree District Council
- Breckland Council
- British Retail Consortium
- Central England South Food Liaison Group
- Chartered Institute of Environmental Health (CIEH)
- Chartered Trading Standards Institute (CTSI)
- Chelmsford City Council
- Cherwell District Council
- Cheshire and Merseyside Food Subgroup
- City of Lincoln Council
- Colchester City Council
- Cornwall Council
- Dacorum Borough Council
- Derbyshire Food Liaison Group
- Dorset Council
- Dover District Council
- East of England Trading Standards Authorities
- East Yorkshire of Riding Council
- Essex Food Liaison Group
- Exeter City Council
- Great Yarmouth Borough Council
- Guildford Borough Council
- Health Protection Team, Chichester District Council
- Huntingdonshire District Council
- Hyndburn Borough Council
- Individual
- Individual
- Institute of Food Science and Technology
- Jurassic Coast Food Safety (RSPH Accredited Training Centre)
- Leicester City Council
- Lincolnshire Regional Food Group
- London Borough of Hammersmith and Fulham Council
- London Food Coordinating Group
- Luton Borough Council
- Manchester City Council
- Marston's
- Mid Kent Environmental Group
- Ministry of Defence - Defence Food Safety Working Group
- National Food Hygiene Focus Group
- Newcastle City Council
- North Yorkshire Council
- Reigate and Banstead Borough Council
- Sandwell Metropolitan District Council
- Sevenoaks District Council

- Shield Safety
- Slough Borough Council
- South Hams District Council and West Devon Borough Council
- South Oxfordshire and Vale of White Horse District Councils
- St Albans City and District Council
- Staffordshire & Shropshire Food Liaison Group
- Suffolk Coastal Port Health Authority
- Suffolk Food Liaison Group
- Surrey Food Liaison Group
- Sussex Food Liaison Group
- Swindon Borough Council
- SW Sector Food Liaison Group (London)
- Telford and Wrekin Council
- Test Valley Borough Council
- Thanet District Council
- Torbay Council
- Trading Standards South East
- UKHospitality
- Wakefield Council
- Watford Borough Council
- West Northamptonshire Council
- West Yorkshire Food Lead Officer Group
- Worcestershire Regulatory Services