

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

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

Northern Ireland

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Introduction

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

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 establishment's 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 a 'suitable 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 the prescriptive number of hours required for continuing professional development (CPD)
6. other amendments to reflect legislative change, provide clarity, improve consistency and keep pace with current practices

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

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 district councils, professional awarding bodies, education providers, industry bodies and trade unions.

A full list of stakeholders that responded to the consultation can be found in [Annex A](#).

Summary of comments received

The tables 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. Where 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 [England](#) and [Wales](#).

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 require further consideration, and why).

What did stakeholders say?

Respondents agreed that the proposed flexibility to enable the initial food hygiene official control (OC), of low-risk establishments, to be carried out within 3 months of registration instead of the current 28 days, would enable district councils (DCs) to prioritise higher risk establishments. However, concern was expressed that delayed initial OCs could increase the risk to food safety and be contrary to public perception.

Respondents agreed that the initial food hygiene OC carried out, on low-risk establishments which are out of scope of the Food Hygiene Rating Scheme (FHRS) (and those not subject to approval), could utilise other methods and techniques and not always entail a physical inspection. This would be limited to a relatively small number of business types. The examples provided would typically be E-rated and those out of scope of FHRS.

It was highlighted that the proposal would potentially require adaptations to both DCs MIS systems and the RaFB site, to record the necessary information. Clarification was sought on what constitutes relevant information, and it was also suggested that a permit to trade system would be more effective.

Respondents stated that staff without a suitable qualification can gather information, however the risk score must be calculated by an officer with a suitable qualification.

What is the FSA's response?

We acknowledge the feedback received and intend to amend this proposal to incorporate more flexibility. This amendment would give DCs 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, in which DCs can utilise other methods and techniques for initial official controls, to ensure that certain establishments still receive a physical initial inspection.

We believe the revised approach would deliver meaningful benefits to DCs. We are committed to investigating Management Information System (MIS) related impacts and would work closely with

MIS providers, to identify the most effective and efficient implementation pathway. Ongoing engagement with DCs 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.

FSA is also considering potential longer-term reforms to the regulatory system which would be done in collaboration with stakeholders.

We intend to progress by including the choice for DCs to enable officers, who do not have a 'suitable qualification' to determine the initial desktop assessment.

We will also consider the potential to add any additional information or clarification on what constitutes 'relevant information'.

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?

Respondents did not support the future movement of the timescales for food standards OCs for lower-risk establishments into the Code. They stated that retaining the timescales in the Practice Guidance, would allow DCs the flexibility to manage their inspection programmes efficiently by conducting food standards OCs for lower risk establishments at the same time as due food hygiene OCs.

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.

Question 1c: Proposal 1 relates to the timescales for initial food hygiene 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?

Most respondents agreed that 28 days should be retained for higher-risk establishments (i.e. A, B and non-compliant C 's) but that a timescale of three months should be introduced for broadly compliant C, D and E risk rated establishments. It was stated that this flexibility would assist DCs to address in year reactive work but still meet the requirements of the Code and ensure the integrity of FHRS and consumer confidence in the scheme.

A small number of respondents considered that the introduction of an additional time frame would add complications and be difficult to monitor and it would not change the risk-based approach to inspection planning.

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?

In general respondents acknowledged the benefits of expanding the range of OC methods and techniques, especially in DCs covering large geographical areas. Respondents agreed with using remote OCs to complement a physical OC and to verify works completed following a physical OC. They also agreed with the proposed approach for E-rated establishments (which excluded those subject to approval and/or within scope of FHRS).

However, they expressed concerns with the potential for planned/due OCs being carried out remotely in C and D rated establishments. The following reasons were provided:

- it may compromise food safety and is not compatible with FHRS and consumers expectations
 - a lack of physical inspections during the Covid 19 pandemic resulted in a decline in food safety standards
 - it is not possible to carry out an accurate assessment
 - there is no time saving in setting up and conducting a remote OC compared to a physical OC
- and one respondent quoted the outcome of research which allegedly indicated that reviewing data remotely is more time consuming compared to examining documents physically.

What is the FSA's response?

We acknowledge the feedback received and after careful consideration have decided to progress with this proposal but with an amended approach.

To alleviate concerns raised, we intend to limit the use of remote OCs (when amending food hygiene intervention risk ratings) further to E-rated establishments only (and continuing to exclude those establishments which are subject to approval and/or within scope of FHRS).

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?

Respondents stated that in person visits remain the most effective means by which to undertake an OC and would only consider using remote methods for E-rated establishments (which are not within scope of FHRS) or for the verification of work carried out by a business following a physical inspection.

The reasons provided are summarised in the responses to Q2a.

What is the FSA's response?

Noted

Proposal 3: Extending the activities that officers, who do not hold a 'suitable 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?

Respondents disagreed with the proposal for officers, who do not hold a 'suitable qualification', undertaking OCs in low-risk establishments.

Some respondents warned that while they had benefited from the involvement of staff, who do not hold a 'suitable qualification', in certain food-related tasks, this approach also presented challenges which might have been avoided had the qualification requirements set out in the Code been followed. One respondent stated that while it is reasonable to assume that lowering the competency threshold will increase the pool of individuals available, they were concerned that permitting officers who do not hold a 'suitable qualification' may compromise food safety standards.

There was also concern that the oversight and supervision required would negate any perceived advantage. Some respondents stated that small businesses benefit from a single council contact for various legal requirements and for a holistic approach to be taken. Also, it is not currently possible to extract data from MIS systems, which would distinguish which D-rated establishments have a low inherent risk score (i.e. 5 or 10 for type of food/method of handling).

One respondent stated that the combination of remote OCs and who can undertake OCs may lead to a "race to the bottom" where the cost and duration of interventions are reduced at the expense of food safety and suggested a more holistic approach to tackling resourcing issues. It was suggested that utilising support staff appropriately would enable qualified officers to spend more time carrying out OCs and enforcement actions. It was suggested that appropriate tasks for support staff could include admin duties, informal sampling and low risk service requests.

What is the FSA's response?

We acknowledge the feedback received and after careful consideration have decided not to progress with this proposal. We will consider the additional tasks suggested for support staff.

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?

Respondents on behalf of DCs, stated that they would not utilise this flexibility as it would not meet the operational needs of the Environmental Health service. Environmental Health Officers are employed with suitable qualifications that enables them to be flexible and responsive to undertake other Environmental Health duties.

Student Environmental Health Officers are allocated duties currently listed as Regulatory Support Officer duties within the current Code and there is no intention to extend these.

It was stated that where there are support staff employed, they already have a full range of duties and there is no capacity for them to undertake any additional duties.

What is the FSA's response?

Noted

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?

Respondents unanimously agreed that the proposed approach would provide clarity and consistency in the frequency of OCs in E-rated establishments.

What is the FSA's response?

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

Proposal 5: Removal of the 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?

Respondents unanimously disagreed with this proposal and stated that professionally qualified officers need to maintain their competency and keep up to date with evolving food legislation and technology. Ongoing investment in training is essential to maintain high standards of food safety and uphold public confidence in the regulatory system.

There was concern that training budgets would be compromised if the number of CPD hours were removed from the Code.

What is the FSA's response?

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

Proposal 6: Other amendments to reflect legislative change, 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?

Respondents unanimously agreed.

What is the FSA's response?

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

Question 6b: Do you agree that the inclusion of additional descriptors, regarding food safety culture, in part 3 of the food hygiene intervention rating scheme, will provide clarification in the assessment of food safety culture? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).

What did stakeholders say?

Respondents unanimously agreed.

What is the FSA's response?

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

Question 6c: 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?

Respondents unanimously agreed.

What is the FSA's response?

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

Question 6d: Do you consider that moving the guidance on parts two and three of the food hygiene intervention rating scheme from the FHRs Statutory Guidance 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?

Respondents unanimously agreed.

What is the FSA's response?

We acknowledge the feedback received and intend to progress with this proposal to relocate the guidance on parts two and three of the food hygiene intervention rating scheme from the FHRs Statutory Guidance to the Practice Guidance. The guidance would subsequently be removed from the FHRs Statutory Guidance during the next review.

Question 6e: Do you have any objections to the qualifications, specified in the consultation, being included 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?

Respondents unanimously agreed.

What is the FSA's response?

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

Question 6f: 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?

Respondents unanimously agreed.

What is the FSA's response?

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

Question 6g: 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?

Respondents unanimously agreed.

What is the FSA's response?

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

While the proposal is to remove direct reference to the Competency Framework from the Code, it would continue to make reference to competency assessments being undertaken against a defined, comprehensive and documented competency standard.

Question 6h: 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?

Respondents unanimously agreed.

What is the FSA's response?

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

Additional comments and suggestions

Question 7: Do you have any additional relevant comments or suggestions regarding the draft Code and Practice Guidance?

What did stakeholders say?

Respondents sought clarification on some of the food standards delivery model risk assessment descriptors including allergen risk scoring.

It was highlighted that laboratory accreditation standards are often stricter than legal requirements and suggested that more detail may be required on sampling.

There was no specific feedback in the consultation responses regarding the proposal to remove references to simple cautions.

What is the FSA's response?

We acknowledge the feedback received regarding food standards risk assessment descriptors and will consider and provide clarification in due course.

We acknowledge the feedback received regarding accreditation standards and will consider the potential to add any additional information or clarification.

The consultation included the proposal to remove references to simple cautions. While no specific feedback was received as part of this consultation, we have taken the opportunity to provide further explanation for this proposed amendment. 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. Currently, the term 'simple caution' is only used in the glossary of the current Code and similarly very limited references are made in the Practice Guidance. Removal of the references does not suggest that DCs do, or do not, have a legal power to give a simple caution and if DCs require clarity on the legal power regarding simple cautions, they are advised to check with their own legal advisors.

Impacts

Question 8a: 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?

No respondents disagreed.

What is the FSA's response?

Noted

Question 8b: 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?

No respondents disagreed.

What is the FSA's response?

Noted

Question 8c: 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?

Some respondents suggested it would take one hour while others suggested one week. However, the most common estimation provided was one day.

What is the FSA's response?

Noted

Question 8d: 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?

One additional impact which respondents sought clarification on is regarding cost recovery for any changes necessary to the Councils MIS systems.

What is the FSA's response?

We acknowledge the concerns raised relating to MIS related impacts and are committed to investigating these and would work closely with providers to identify the most effective and efficient implementation pathway.

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.

What did stakeholders say?

Respondents strongly opposed this future potential development. Examples of the reasons provided include:

- would downgrade the status of the list of qualifications to an optional list
- the Practice Guidance does not have the same authoritative standard as the Code meaning that deviations can be made which could risk public safety and food security
- the list in Code provides a consistent benchmark for officer training and maintains a high, consistent standard of competence throughout the profession. The high level of food safety compliance is due to the quality of the officers who are responsible for legal enforcement to protect food and public safety, including in emergency, pressurised and volatile situations and potentially high-profile public health incidents
- qualifications and competence should be regarded at the highest level due to its national and public health significance. It also provides assurance to government, industry and the public
- qualifications provide a recognised, independent level for consistency
- moving the list would place additional burden on Councils to assess officers
- to date officer competence has never been raised as a concern
- existing flexibilities in Code to recognise equivalent qualifications renders the approach unnecessary
- the rationale that HR teams would not provide permission to employ a person with alternative qualifications is an internal organisational matter and not a fault of the Code
- potential conflict and legal challenges to job evaluations and salary disparity between officers with a suitable qualification and those without

- potential pathway for independent or private companies to provide training courses which are not accredited

Respondents stated that this is not the solution to resource issues. It was suggested that rather than move the qualifications to an optional list, it would be better to implement some of the other flexibilities suggested in this consultation and assess their effectiveness first. It was also suggested that other potential solutions are progressed which may improve efficiency, resources and time management including permit to trade, widening scope of fixed penalty notices and promoting the environmental health profession.

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.

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?

What did stakeholders say?

Respondents referred to the comprehensive response provided to question I.

What is the FSA's response?

Noted

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?

Respondents stated that while changes to the list of suitable qualifications are infrequent, the potential impact of such changes on DCs is significant. Even minor amendments require careful consideration to ensure that operational capacity and regulatory compliance are not compromised. Unlike the Code, the Practice Guidance is not subject to a statutory consultation process and removing qualifications from the Code could result in changes being made without formal stakeholder engagement. This lack of consultation could have unintended consequences. For example, if qualifications are amended or removed, current staff who were previously deemed competent may no longer meet the revised criteria.

Respondents suggested a shorter consultation for any amendments to the endorsed list in the Code and stated that developing alternative or equivalent qualifications is infrequent and takes time which would provide the opportunity for consultation.

One respondent also reiterated the current flexibilities within the Code to recognise equivalent qualifications. They also suggested there could be work done to facilitate people expediently gaining qualifications.

What is the FSA's response?

Noted

Conclusions

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

The responses were clear and consistent on the elements of the proposals which were supported and those which were not. 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, the revised Code and Practice Guidance will be published in Autumn 2025.

Annex A

List of respondents

Northern Ireland district councils:

- Antrim and Newtownabbey Borough Council
- Ards and North Down Borough Council
- Armagh City, Banbridge and Craigavon Borough Council
- Causeway Coast and Glens Borough Council
- Derry City and Strabane District Council
- Lisburn and Castlereagh City Council
- Mid Ulster District Council
- Newry, Mourne and Down District Council

Officers from Northern Ireland district council Environmental Health services:

- Belfast City Council
- Fermanagh and Omagh District Council
- Mid and East Antrim Borough Council

BSc EH Course Director at Ulster University

Food Safety Consultancy Firm

- Shield Safety Group