



Consultation on the Food Law Code of Practice and Practice Guidance (Wales)

Summary of stakeholder responses

11 August 2025

Introduction

This [consultation](#), which ran for twelve weeks, was published on 24 February 2025 and closed on 19 May 2025, sought stakeholders' views on amendments to the Food Law Code of Practice (Wales) (the Code) and Practice Guidance.

The Food Standards Agency (FSA) is grateful to stakeholders who responded to this consultation, which proposed the following amendments to the Code and Practice Guidance:

1. an updated risk-based approach to the prioritisation and timescales for undertaking initial food hygiene and food standards official controls of new food establishments and undertaking 'due' official controls
2. introducing the flexibility to undertake official food hygiene controls remotely in specific circumstances
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 specific number of hours required for continuing professional development (CPD)
6. the introduction of a new food standards intervention rating scheme that local authority (LA) officers will use to evaluate the risk posed by a food business

7. the introduction of a new decision matrix to determine the frequency at which food standards official controls should be delivered in line with the outcome of the risk assessment
8. other amendments which do not amend policy, to provide clarity and improve consistency and keep pace with current practices

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

A range of relevant stakeholders were contacted to make them aware of the consultation and provide them with an opportunity to submit their comments. These included local authorities (LAs), professional 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 tables below summarise the responses received.

Careful consideration has been given to the comments provided and the views expressed, and our feedback is included in the tables. In the summary of responses, we have indicated whether or not we intend to progress with specific proposals. As this is a Ministerial Code, we will seek Ministerial approval of these changes. Following Ministerial approval, we will publish the Code, and a summary of the changes made.

Next steps are set out in the [Conclusion](#) section.

A summary of the comments is also available for [England](#) and [Northern Ireland](#).

Proposal 1: An updated risk-based approach to the prioritisation and timescales for undertaking initial food hygiene and food standards 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?	What is the FSA's response?
<p>The majority of responses including LAs and stakeholders supported the risk-based approach noting that the proposal formalises practices already in place. They agreed to the move away from the 28-day inspection requirement but noted that the revised approach still mandates an 'assessment' within 28 days, which may not offer the intended flexibility.</p> <p>Several LAs raised concerns that the current registration process does not capture sufficient information to support a meaningful desktop assessment.</p> <p>Two LAs welcomed the potential to use officers without formal food qualifications but emphasised the need for clear guidance on what constitutes competence.</p> <p>An industry stakeholder expressed concern that the proposed changes could lead to an increase in the number of unsafe food businesses operating while awaiting inspection.</p>	<p>Noting the feedback received, we 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. We intend to advise the Minister that we should progress with this proposal.</p> <p>We believe the revised approach will deliver meaningful benefits to LAs. We are committed to investigating the Management Information System (MIS)-related impacts and will work closely with MIS providers once the Code has been published 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.</p> <p>We also note the feedback regarding the need to review registration information. This is being considered as part of the ongoing work on enhanced registration in Wales.</p>

Question 1b: If responding on behalf of a CA, how long would you estimate it would take, from a food hygiene perspective to desktop assess a new food business establishment?

What did stakeholders say?	What is the FSA's response?
<p>Feedback on the proposed assessment timescales varied, with several respondents highlighting that the time required would depend heavily on the completeness and accuracy of the information provided at registration.</p> <p>A number of estimations were presented by LAs which ranged from a matter of minutes to half an hour. These timeframes range due to varying conditions and respondents noted that joint hygiene and standards assessments, or cases involving unregistered businesses, could significantly extend the time needed, while adding that incomplete or missing registration data would complicate the process.</p> <p>Concerns were raised about the potential for the proposed approach to become more burdensome and time-consuming, particularly in complex cases. One LA proposed a self-assessment-based registration model to streamline the process. Industry responses were mixed, with one organisation finding the proposed timescale logical, while another questioned the appropriateness of aligning all food standards timescales with the Code.</p>	<p>Stakeholder comments have been noted and will be used to inform the Impact Assessment.</p>

Question 1c: Would you agree or disagree with the approach that is being proposed for timescales provided for initial controls of all food establishments?

What did stakeholders say?	What is the FSA's response?
<p>There was broad recognition of the need for greater flexibility in applying timescales, particularly to enable LAs to focus resources on businesses posing the highest public health risks. LAs proposed the introduction of an additional adjustment score and better alignment with food standards timescales. They also noted that the current proposal does not adequately address the issue of unregistered businesses.</p> <p>While some stakeholders, including a professional body, supported the proposed timescales, industry responses were mixed. One organisation endorsed the approach, while another urged the FSA to retain the existing 28-day registration period.</p>	<p>Stakeholder comments have been noted. We also note the feedback regarding the issue of unregistered businesses. This is being considered as part of the ongoing work on enhanced registration in Wales.</p>

Question 1d: Timescales for due official controls will remain, as currently, at 28 days, for all establishments. Do you agree or disagree with keeping the timescales for undertaking due official controls at 28 days? If not, why not?

What did stakeholders say?	What is the FSA's response?
<p>Stakeholder feedback on the proposed retention of timescales highlighted both support and calls for greater flexibility. LAs acknowledged the value of the current approach but cautioned against its blanket application, suggesting it is overly prescriptive particularly for lower-risk establishments and recommend the removal of the term "alternative enforcement,". They stressed the need</p>	<p>Stakeholder comments have been noted. We intend to advise the Minister that we should progress with this proposal on the removal of the term "alternative enforcement", please see further information in question 4.</p>

for timescales that better reflect the legislative context in Wales, including the Food Hygiene Rating Scheme (FHRS).	
Some stakeholders, including a professional body and an industry representative strongly support retaining the existing timescale.	

Proposal 2: Introducing flexibility to undertake official food controls remotely in specific circumstances

Question 2a: Do you consider that the flexibilities 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?	What is the FSA's response?
<p>Stakeholders provided a broad range of views on the use of wider methods and techniques, including remote official controls.</p> <p>Some LAs, industry representatives, 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 enhanced flexibility in delivering official controls.</p> <p>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</p>	<p>We acknowledge the concerns raised by some respondents and the comments in relation to the use of this flexibility to support more effective deployment of resources. These have been taken into account in how we intend to progress this proposal.</p> <p>The amended approach will enable LAs to only use remote assessments at Category E premises that do not fall within the scope of the food hygiene rating scheme. We intend to advise the Minister that we should progress with this amended proposal.</p>

<p>circumstances. These included low-risk premises and re-visits.</p> <p>A number of LAs expressed reservations about remote official controls, emphasising their limited utility within the legislative framework in Wales, preferring physical official controls to ensure sufficient verification of compliance and to support the Food Hygiene Rating Scheme (FHRS). They also highlighted potential unintended consequences for other service areas where Environmental Health Officers (EHOs) perform multiple functions, such as health and safety. LAs supported the use of remote interventions where there is a history of ongoing compliance but stressed the need to consider the impact on any linked services.</p> <p>Stakeholders acknowledged the value of remote methods for certain follow-up activities. One LA recognised their limited application in low-risk premises and for follow-up visits, another LA welcomed the flexibility remote interventions offer, albeit with concerns about reduced opportunities to identify broader regulatory issues.</p> <p>Industry stakeholders agree that the FSA should consider introducing flexibility, but recognised the variability in impact and challenges, such as food businesses access to technology and missed opportunities for broader intelligence gathering.</p>	<p>The FSA will consider the proposal further with regards to the wider use of methods and techniques and engage with LAs to work through this.</p>
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Question 2b: If responding on behalf of a Competent Authority, would you, if implemented, utilise this flexibility and authorise officers, if competent, to undertake additional activities? If not, why not?

What did stakeholders say?	What is the FSA's response?
<p>Several LAs expressed concerns on the proposed use of Regulatory Support Officers (RSOs) and remote interventions. The response from the awarding body emphasised that any perceived time savings do not justify the time required to adequately assess officer competence, and they believe the use of RSOs does not support the need for fully competent officers capable of operating across all levels. One LA specifically opposed remote interventions, arguing that reviewing documentation off-site effectively constitutes a pre-announced visit, thereby undermining the integrity of the current regulatory framework.</p> <p>Another LA highlighted the importance of maintaining a workforce of fully competent officers to ensure operational flexibility, efficiency, and resilience. While one authority acknowledged the potential benefits of increased flexibility, they noted that the limited scope of RSOs diminishes their usefulness.</p> <p>Industry stakeholders have shown support for remote inspections, particularly to leverage emerging technologies—though they also recognise that such approaches are only effective when the technology functions reliably.</p>	<p>Stakeholder comments have been noted. See question 3a for further information.</p>

Question 2c: It is proposed that intervention risk scores can be changed using official controls other than inspection or audit. Do you consider that the FHRS rating could also be updated based on a wider range of methods and techniques, as long as sufficient evidence was gathered to justify the revision? If not, why not?

Question 2d: If responding on behalf of a Competent Authority, would the proposed widening of the methods and techniques that can be used to update an intervention risk score impact on how data is uploaded from your MIS to the FHRS portal? If so, please provide details of the potential impact.

What did stakeholders say?	What is the FSA's response?
<p>Stakeholder responses were generally supportive of this proposal with many welcoming that the intervention risk scores and the Food Hygiene Rating Scheme (FHRS) rating should be capable of being updated following other types of official controls other than inspection or audit.</p> <p>Respondents stated that the proposed approach such as undertaking monitoring or surveillance visits would better reflect the range of meaningful regulatory activity undertaken by LAs and contribute to a more accurate representation of activities undertaken by Competent Authorities.</p> <p>LAs do not support extending this ability to conduct remote assessments for food hygiene interventions at A - D rated premises.</p>	<p>Stakeholder comments have been noted. The approach to be taken by LAs is contained within the Food Hygiene Rating (Wales) Act 2013 and we will engage with Welsh Government on the feedback received.</p>

As the public facing food hygiene ratings website only details the date of the last inspection for a food business, LAs felt that any regulatory activity should be detailed as the information currently presented to the public does not reflect these interventions, potentially undermining confidence in the FHRS. Consumers may wrongly assume that no form of intervention has taken place when, in fact, official controls have been conducted.

An industry body agreed with this proposal and were of the view that expanding the range of official control methods, including remote assessment, would enable Competent Authorities to use their resources more effectively. However, they added the impact will vary depending on the area's geography and the risks linked to remote evaluation.

Industry also noted the use of remote audits may reduce travel time, associated expenses, and environmental impact, and would logically provide the greatest benefit to authorities covering large, dispersed geographic areas. However, for LAs operating in areas with a high density of food businesses, in-person visits may remain more efficient, as multiple premises can often be visited in a single day without the administrative burden of scheduling remote appointments.

Respondents generally agreed with this proposal and providing that any changes were based on evidence, and a risk-based approach adopted then this would be supported.

<p>In relation to question 2 (d), all responses received advised that this should be a straightforward coding adjustment for MIS providers and the Food Hygiene Rating Scheme (FHRS) portal. Respondents stated that it was unlikely to be burdensome and implementing any change should be minimal.</p> <p>Stakeholders suggested that MIS providers should be consulted in advance of any change and that any costs be absorbed centrally. In addition, clear guidance needed to be provided to LAs if any change is implemented to ensure that this is consistently applied across Wales when uploading data to both systems.</p>	
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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?	What is the FSA's response?
Most respondents, including LAs, professional bodies, and an industry representative agreed that the proposal to extend the flexibilities as to who can undertake official controls, and other official activities, would enable	We note the feedback received from stakeholders on this proposal. We intend to advise the Minister that we should progress with this proposal.

<p>Competent Authorities to deploy resources more effectively.</p> <p>While many LAs welcomed the proposal, some indicated that it may be of limited benefit as not all LAs have RSOs or trainees. Many may also not have the budget to recruit, and existing staff may not have the capacity to undertake additional activities.</p> <p>Some stakeholders welcomed the opportunity to utilise officers who do not hold a 'suitable qualification,' if deemed competent, to undertake official controls at broadly compliant category D risk rated establishments and category E risk rated establishments. However, respondents expressed that when escalation is required, there may not be enough suitably qualified staff available, resulting in delays and increased risk.</p> <p>Concerns were also raised regarding the wording 'as soon as practicable,' and that this needed to be more prescriptive if during an official control, the compliance level changes, and the premises no longer meets the criteria for being assessed by a less-qualified officer.</p> <p>The need for supervision and re-inspection was seen as a potential inefficiency that could undermine the intended benefits of the proposal and increase the burden on LAs and food businesses.</p> <p>A number of respondents requested additional clarification on the reference to sampling and that this</p>	<p>We note some stakeholders welcomed the opportunity to allow officers who do not hold a 'suitable qualification' to undertake due official food hygiene controls at broadly compliant category D risk rated establishments and category E risk rated establishments but there may not be enough suitably qualified staff when escalation is required.</p> <p>We consider that Competent Authorities will still be able to benefit from having the choice to utilise this flexibility to authorise such officers, if deemed competent, to undertake official controls at low-risk establishments that do not use higher risk processes.</p> <p>While we note the concerns raised about extending the activities that such officers can undertake to include sampling, in particular samples used for enforcement or legal action, officers would still need to be able to demonstrate they are competent before being authorised to undertake any additional activities.</p> <p>We acknowledge the concerns raised regarding the dilution of professional standards. We recognise the professionalism and expertise of those individuals delivering official food controls and other activities and the proposal is not intended to undermine this. In all cases, Competent Authorities would still need to ensure all officers are competent and authorised in accordance with their authorisation procedure.</p> <p>The proposed approach will allow Competent Authorities to deploy a wider cohort of officers and enable more effective use of resources. Officers not holding a 'suitable qualification' need</p>
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<p>should stipulate ‘informal sampling’ only. As formal sampling may be used to take legal action, if necessary, it was emphasised that these should only be taken by suitably qualified officers.</p> <p>Many LAs support the principle of extending flexibility in who can carry out official controls, however they did not agree with lessening the level of qualification. Several respondents felt that the proposal risked diluting professional standards and deskilling the workforce. They expressed concern that this could reduce LA resilience, as cost-cutting pressures might lead to replacing experienced professionals with lower-cost staff.</p> <p>Some respondents strongly advocated continued investment in training and professional development to maintain current qualification standards, rather than relying on less-qualified staff to fill gaps.</p>	<p>to demonstrate they are competent before being authorised to undertake the activities listed in the Code.</p>
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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?	What is the FSA’s response?
<p>Of the stakeholders that responded to this proposal, four LAs confirmed that they would utilise this flexibility and authorise officers, if competent, to undertake additional activities.</p>	<p>We note the comments received from CAs on whether this flexibility will be utilised, should it be taken forward. This has supported our proposed approach with this proposal, as noted in question 3a.</p>

Another four LAs said that they would not currently utilise this flexibility, however that they would consider this in future if required, providing a suitable competency assessment had been carried out and that the staff were closely monitored and supervised.

Two LAs responded they do not currently employ RSOs and would not be able to use the proposed flexibility.

In terms of the four LAs that expressed they would utilise this flexibility, one advised that they could potentially utilise two technical assistants to undertake sampling activities and one business administration officer to undertake desk top risk ratings. Of the other three LAs, one stated they could utilise two current officers, the other could utilise one and four officers in another LA were identified as potentially being used in this capacity.

Some respondents stated that this flexibility would not be used as there was no budget to recruit and train new officers, whilst others stated that it was part of their structure to only employ qualified officers in order to maintain professional standards and allow for the maximum flexibility in relation to providing resilience.

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?	What is the FSA's response?
<p>LAs generally support the proposed removal of references to the Alternative Enforcement Strategy from the Code of Practice and Practice Guidance and agree it would provide greater clarity and promote a more consistent approach across LAs.</p> <p>One LA raised concern regarding official controls being carried out every six years and highlighted the seasonal nature of some low-risk premises.</p> <p>The main concern of Industry was a mandatory in-person visit once every six years was too infrequent. Businesses that benefit from funded support or regular third-party audits are routinely visited by food industry professionals who help maintain standards and provide feedback. In contrast, businesses without such support or audits may go extended periods without any form of intervention, increasing the risk that food safety standards could unintentionally decline over time.</p>	<p>We note stakeholder comments. We intend to advise the Minister that we should progress with this proposal.</p> <p>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.</p> <p>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 will continue to be focused on the highest risk and/or non-compliant establishments.</p> <p>Competent Authorities will, through their official control programmes, be able to plan for official controls at category E</p>

	rated establishments, to avoid undertaking them at the same time and overwhelming resources.
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Proposal 5: A change in approach to continuing professional development (CPD)

Question 5: In relation to the proposed changes to the amount of training and CPD that officers undertake on an annual basis, 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?	What is the FSA's response?
<p>Stakeholders appreciated the greater flexibility for LAs and support the inclusions of RSO's within the framework as to enable further development.</p> <p>However, a significant number of LAs, along with two industry bodies, expressed concerns. 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. Inclusion of CPD in the Code supports strategic planning within some LAs.</p> <p>Stakeholders highlighted that, without a clear benchmark, it could place a greater burden on lead food officers to assess individual training needs, potentially</p>	<p>Having considered the stakeholder feedback received, we intend to advise the Minister to maintain the status quo.</p> <p>This is due to the stakeholder concerns raised, particularly around the impact that such a change could have on strategic planning and training budgets, which would make it more difficult to justify the need for ongoing professional development.</p>

leading to inconsistencies across LAs and a decline in officer competency if CPD is not consistently undertaken.	
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Proposal 6: New Food Standards Intervention Rating Scheme

Question 6: Do you agree that the proposed changes to the food standards intervention rating scheme will provide LAs with the ability to deploy current resources more effectively by improving the way in which the levels of risk and compliance associated with a food business are assessed? If not, why not? (Please specify any aspects of the new model which require further consideration, and why).

What did stakeholders say?	What is the FSA's response?
<p>There was agreement from stakeholders that the Food Standards Risk Rating Scheme required modernising.</p> <p>Several LAs raised concerns about consistent implementation of the Food Standards Delivery Model and interpretation of the terminology and definitions within the associated guidance.</p> <p>One professional body and one LA did consider that the change to the scheme would provide LAs with the ability to deploy current resources more effectively. One LA welcomed the flexibility but did not believe the new scheme would improve the effective deployment of resources.</p>	<p>We acknowledge the feedback received from stakeholders that the current risk rating scheme requires modernisation. We intend to advise the Minister that we should progress with this proposal.</p> <p>By considering compliance of the business more evenly alongside the inherent risk posed by the activities undertaken, the new risk assessment provides a more balanced appraisal of the food standards risk posed by a business. This will prevent businesses being regarded as high-risk by default as authorised officers utilise their professional judgement to assess the level of compliance they observe. This will result in resources being deployed where risks are the greatest.</p> <p>Stakeholder views highlighted the need for clarity of terminology to ensure consistent implementation. To reflect this feedback</p>

	should the new risk assessment be implemented, guidance and training will be provided, including case studies to aid familiarity with the risk assessment.
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Question 7: Following the outcome of the consultation, if the food standards delivery model is to be included in the Code, the FSA will be in a position to provide support in the same way that has been provided during the rollout in England and Northern Ireland. There is an intention to include a transition period for Welsh LAs. Bearing in mind the works to MIS providers have been undertaken for LAs in England and Northern Ireland do you feel with training and support from the FSA a 6-month transition is sufficient?

What did stakeholders say?	What is the FSA's response?
All respondents indicated that 6-months was insufficient to transition from the existing model to the proposed new food standards delivery model and suggested that a period of 12-months would be more appropriate.	Having considered feedback we intend to advise the Minister that a 12-month transition period should be provided.

Proposal 7: Decision Matrix

Question 8: Do you agree that the proposed frequencies for official controls, specified in the decision matrix, within the new food standards intervention rating scheme are appropriate based on the levels of risk and compliance associated with the food business? If not, please identify any concerns you have with the proposed frequencies.

What did stakeholders say?	What is the FSA's response?
<p>Several LAs agreed with the proposed frequencies specified in the decision matrix, although concerns were raised about the 14% increase in inspections reported within the Wales pilot evaluation report.</p> <p>One LA raised concerns that the proposed frequencies in the 1-, 3- and 6-months range will have significant resource implications for LAs in comparison to the existing scheme.</p> <p>A professional body agreed with the proposed frequencies but raised concerns regarding the 120-month gap between official controls.</p>	<p>We acknowledge the feedback received regarding the frequencies specified in the proposed Decision Matrix. We intend to advise the Minister that we should progress with this proposal.</p> <p>The quantitative data from the FSDM pilot identified that the overall number of interventions due within a 12-month period may increase by 14% and that those interventions encompassed the range of frequencies detailed in the Decision Matrix. If, for example, one business had a 3-month intervention frequency, it would fall due four times within that 12-months. If that business was found compliant on the first intervention and, following a new risk assessment, the frequency increased, the remaining three interventions would not be required. The evaluation report indicated that 35% of businesses would be due more frequently, 25% stayed the same and 40% would be due less frequently.</p> <p>Businesses subject to the most intensive frequencies of one, three and six months, are those that pose a high inherent risk and demonstrate low levels of compliance. The model may initially increase the frequency of interventions for some businesses as it targets resource to where it is most needed. The intention of the model is that those intensive interventions will drive an improvement in compliance levels, leading to an extension of the frequency between interventions.</p>

	We note the concern raised regarding the 120-month intervention frequency. The frequency specified in the Decision Matrix is the maximum time between interventions and the Code enables LAs to bring forward an intervention if deemed necessary by the LA. By utilising the existing Alternative Enforcement Strategy (AES) flexibility, the current Code permits 120-months between inspections for low-risk, category C premises.
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Proposal 8: Other amendments to provide clarity, improve consistency and keep pace with current practices

Question 9a: 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?	What is the FSA's response?
Stakeholder responses were generally supportive of the proposal with many welcoming the additional clarification and highlighting that the examples provided will support consistency.	Having considered all the feedback received, we intend to advise the Minister that we should progress with this proposal.

Question 9b: Do you consider that moving the guidance on parts two and three of the food hygiene intervention rating scheme from the Statutory Guidance to the PG 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?	What is the FSA's response?
<p>Stakeholder responses were mixed regarding moving the guidance from the FHRS Statutory Guidance to the Practice Guidance. Responses from some LAs, industry, and a professional body agreed that the proposal could improve clarity and consistency as to where guidance can be found.</p> <p>However, other responses from LAs stated that insufficient detail had been provided in the proposal to make an informed decision.</p> <p>As the FHRS Statutory Guidance is issued under section 23 of the Food Hygiene Rating (Wales) Act 2013, which empowers the Welsh Ministers to issue guidance, stakeholders suggested that any transfer of content to the Practice Guidance should be approached with caution.</p>	<p>We acknowledge the feedback received from stakeholders regarding the duplication of guidance on parts two and three of the food hygiene intervention rating scheme from the FHRS Statutory Guidance to the Practice Guidance.</p> <p>This proposal looked to duplicate the scoring description tables from section 4 of the FHRS Statutory Guidance to the Practice Guidance and would not amend any of the examples currently used.</p> <p>Having considered the stakeholder feedback received, we intend to advise the Minister to maintain the status quo.</p>

Question 9c: Do you have any objections to the inclusion of the following qualifications, specified in the consultation, within the Code?

What did stakeholders say?	What is the FSA's response?
<p>No objections to the inclusion of the qualifications were received from stakeholders.</p>	<p>We intend to advise the Minister to progress with this proposal.</p>

<p>Some responses indicated that there is an expectation that the FSA or professional bodies have reviewed course content to ensure their suitability, with other responses highlighting that the courses should be recognised by the relevant professional bodies.</p> <p>An industry representative welcomed the inclusion of qualifications awarded by bodies in the Republic of Ireland, however expressed the need for these to be kept up to date in the Code.</p>	
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Question 10: 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?	What is the FSA's response?
No comments/objections were received from any stakeholders on this proposal.	Not applicable.

Question 11: Do you consider that the amendments to the terminology in the Code and PG 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?	What is the FSA's response?
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	We note stakeholder comments, and we intend to advise the Minister to progress with this proposal.

<p>Guidance had improved clarity and consistency between the documents.</p> <p>The change in terminology from Food Authority in the existing Code to Competent Authority in the proposed code was noted, however stakeholders commented that this was not used consistently throughout Chapter 5.</p> <p>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.</p> <p>Some LA responses indicated that they had not had time to fully review the terminology changes as this was a time-consuming task.</p>	<p>Chapter 5 of the Code will be updated to ensure that Competent Authority is consistently used throughout the Code.</p> <p>Both the current and proposed Code and Practice Guidance do use tables and flow charts to present information. An additional flow chart is 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. We will consider additional visual representation of information, such as flow charts, diagrams, and tables during future reviews of the Practice Guidance.</p>
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Question 12: 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 PG 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?	What is the FSA's response?
<p>Most LAs, and an industry representative 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.</p>	<p>We note stakeholder comments and that there were some mixed opinions regarding the detail of this proposal. We intend to advise the Minister to progress with this proposal.</p> <p>Although reference to the Competency Framework has been removed, the proposed Code would continue to require officers</p>

<p>Stakeholders agreed with the proposal, however, highlighted the importance that any future revisions are subject to the same level of scrutiny, consultation, and rigour as would be required if it were retained within the Code.</p> <p>However, a professional body disagreed with the proposal, commenting that this change could dilute the importance of having competent officers and undermine the legal status of the Competency Framework if it is no longer referred to in the Code. It was also disagreed with the removal of Practice Guidance references from the Code as it encourages officers to consult both the Code and the Practice Guidance.</p>	<p>to be competent and for competency assessments to be undertaken against a defined, comprehensive, and documented competency standard. The proposed Code also clarifies the guidance on appropriate competency assessments. Therefore, the Competency Framework will continue to be an important tool for LAs to support evidencing officer competency.</p>
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Question 13: Do you agree or disagree with the removal of references to the PG 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?	What is the FSA's response?
<p>All responses from LAs, industry and a professional body agreed with the proposal as the relevant provisions are included within the Code or Practice Guidance.</p> <p>Most responses from LAs agreed with the removal of reference to the Practice Guidance in the Code as it has been indicated that the Practice Guidance is non</p>	<p>We acknowledge the feedback received from stakeholders regarding the proposal to remove references to the Practice Guidance and Framework Agreement from the Code. While there were some mixed opinions regarding the detail of this proposal, we intend to advise the Minister to progress with this proposal.</p>

<p>statutory guidance for LAs. They note any further proposed changes to the Practice Guidance are to be consulted with appropriate stakeholders. However, a professional body disagreed with the removal of references to the Practice Guidance, as they make it clear that further guidance is available.</p>	<p>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.</p> <p>The Practice Guidance complements the statutory Code by providing general advice on approach to enforcement of the law and can include guidance which is outside the ‘enabling legislation’ of the Code. Although we are proposing references to the Practice Guidance are removed from the Code, the guidance it contains will remain an important source of information for LAs. This will allow the Practice Guidance to be responsive to evolving practices and enable more agile updates to guidance. Appropriate engagement and consultation with relevant stakeholders will take place when amending the Practice Guidance.</p>
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Question 14: Does the layout/presentation of the proposed revisions to the Code facilitate consistent interpretation? If not, how could they be improved?

What did stakeholders say?	What is the FSA's response?
<p>Stakeholders’ responses supported the layout as it remains similar to the existing Code. This would offer a degree of familiarity to LAs. Some responses indicated that the presentation of the proposed Code should aid consistency and permit ease of reference and interpretation.</p>	<p>Stakeholder comments have been noted.</p> <p>We will review the guidance for the implementation of the food standards delivery model based on feedback to provide clarity and training will be provided to assist officers to familiarise themselves with the new risk assessment.</p>

<p>Some LAs highlighted that they were unable to state whether this would be consistently interpreted by all LAs as the Food Standards Delivery Model is yet to be implemented. It was cited that interpretation of the terminology used in the risk rating, highlighted in the evaluation report of the Food Standards Delivery Model pilot would need to be reviewed to ensure consistent interpretation.</p> <p>An industry representative welcomed the proposed layout and presentation of the revised Code, expressing that it would facilitate consistency.</p>	<p>In reviewing the guidance, we will ensure that a balance is struck between providing clarity and not being overly restrictive, preventing qualified, competent, authorised officers using their professional judgment to determine the most appropriate risk category for the business they are assessing.</p>
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Impacts:

Question 15a: Do you agree or disagree with our assessment of the impacts on CAs 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?	What is the FSA's response?
<p>LAs agree with the assumptions regarding the need for familiarisation and training to the Food Standards Delivery Model. Additional training in relation to risk rating may be required as concerns have been noted with interpretation of the wording, they also considered the impact on familiarisations for LA MIS officers.</p>	<p>We acknowledge the feedback received. Should the new risk assessment be implemented, guidance and training will be provided.</p> <p>A training module on the data recording aspects of the Food Standards Delivery Model has been developed for LAs in England and Northern Ireland to aid the roll out of the model</p>

Industry stakeholders commented that the current assessment only accounts for the training costs of officers within Competent Authorities. They highlight that Environmental Health Practitioners operating in the private sector will likewise require training to effectively implement the proposed updates to the Food Law Code of Practice.	<p>in those Nations. Should the model be implemented, this training can be amended to assist LAs in Wales.</p> <p>Similarly, case studies have been developed to assist officers with familiarisation of the new FSDM risk assessment - these will form part of the training to be provided should the decision be made to implement the model. It is the intention to develop further case studies.</p>
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Question 15b: Do you agree or disagree with our assessment of the impacts on CAs in relation to changes to procedures? Please describe the main reasons for your answer.

What did stakeholders say?	What is the FSA's response?
<p>Mixed responses were received, with the majority not being able to comment or no strong views. It was noted that the consultation had not included estimates of the procedural impacts on CAs as no such analysis had been conducted.</p> <p>Several LAs responded if the FSDM is implemented in Wales then LAs will need to update their administration systems, procedures, and paperwork.</p> <p>Industry noted that little information was provided regarding the costs associated with updating existing procedures, making it difficult to agree or disagree.</p>	Stakeholder comments have been noted.

Question 15c: If responding on behalf of a CA, 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?	What is the FSA's response?
<p>LAs are expecting the timeframe to be significant due to the new model proposing the intervention at ten frequencies. In addition, the completion of a Service Plan on an annual basis will be very complex as the requirement is for it to contain details on establishment profile and planned official controls.</p>	<p>Stakeholder comments have been noted and will be used to inform the Impact Assessment</p>

Question 15d: 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?	What is the FSA's response?
<p>Most stakeholders do not foresee any other impacts.</p> <p>However, as previously mentioned by an LA there are data limitations within the Welsh pilot having limited representativeness due to LA characteristics, types of</p>	<p>Stakeholder comments have been noted.</p>

premises, and the short duration of the pilot hindered robust statistical analysis and prevented observation of compliance changes. There are further concerns that there does not appear to be any cost analysis or implications for any potential contingency arrangements following the England pilot.	
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Question 15e: Do you foresee any challenges with the implementation of the proposals under consultation? If yes, please outline what these challenges are and what, if any, solutions we should consider?

What did stakeholders say?	What is the FSA's response?
<p>Stakeholders believe the main challenges will be with the FSDM; it is not clear what the impact on premises databases will be for priority interventions and continuous compliance will be. They noted concern of Service Planning becoming more complex. They believe an extended transition period should be applied to ensure consistent application. Clear guidance on risk rating will be required.</p> <p>An individual LA noted some resource concerns as the proposed 1, 3, and 6-month intervention frequencies will significantly strain LAs, especially those offering dual services. An increased workload as FSA data shows a 14% rise in interventions due within 12 months, a 1% increase in 6-month interventions, and a 35% rise for takeaways—mainly due to allergen non-compliance. The 6-month</p>	<p>We acknowledge the feedback received from stakeholders. Please refer to the response provided at questions 6 and questions 6 and 7 above for further information regarding the concerns raised around the potential increase in interventions.</p>

<p>pilot in Wales was too short to fully assess the impact of the new model.</p> <p>A different LA stated the new model will directly impact the capacity of LAs to manage other public health responsibilities. Broader organisational pressures, including local and external resource constraints, should be considered.</p> <p>One professional body does not foresee any challenges with the implementation of the proposals under consultation.</p>	
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Conclusion 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 of Practice (Wales). Following Ministerial approval, we will publish the Code, and a summary of the changes made.

We intend to publish the revised Code and Practice Guidance in Autumn 2025.

Summary of changes

Proposal	Proposed amendments
Proposal 1 – an updated risk-based approach to the prioritisation and timescales for undertaking initial food hygiene official controls of new food establishments	We intend to advise the Minister that we should progress with this proposal.
Proposal 2 - Introducing flexibility to undertake official food controls remotely in specific circumstances	We intend to advise the Minister that we should progress with this amended proposal.
Proposal 3 - Extending the activities that officers, who do not hold a 'suitable qualification' for food	We intend to advise the Minister that we should progress with this proposal.

Proposal	Proposed amendments
hygiene or food standards, can, if competent, undertake	
Proposal 4 - Clarification in approach to interventions at food business establishments that fall into risk category E for food hygiene	We intend to advise the Minister that we should progress with this proposal.
Proposal 5: A change in approach to continuing professional development (CPD)	Having considered the stakeholder feedback received, we intend to advise the Minister to maintain the status quo.
Proposal 6: the introduction of a new food standards intervention rating scheme that LA officers will used to evaluate the risk posed by a food business	We intend to advise the Minister that we should progress with this proposal.
Proposal 7: the introduction of a new decision matrix to determine the frequency at which food standards official controls should be delivered in line with the outcome of the risk assessment	We intend to advise the Minister that we should progress with this proposal.
Proposal 8: Other amendments to provide clarity, improve consistency and keep pace with current practices	We intend to advise the Minister that we should progress with proposal questions 9a), 9c), 11, 12, 13 and 14. We intend to advise the Minister to maintain the status quo on proposal question 9b).

Annex A - List of respondents

- Caerphilly County Borough Council
- Carmarthenshire County Council
- Chartered Trading Standards Institute (CTSI)
- Conwy County Borough Council
- Denbighshire County Council
- Flintshire County Council
- Environmental Health Wales
- Merthyr Tydfil County Borough Council
- Neath Port Talbot County Borough Council
- Newport City Council
- Shield Safety Group
- Trading Standards Wales
- Wrexham County Borough Council
- ZERO2FIVE, Food Industry Centre