



Review of the Food Law Code of Practice, Food Law Practice Guidance, and implementation of the Competency Framework

Launch date: 13 November 2020

Respond by: 10 December 2020

This consultation will be of most interest to

Competent Authorities - Local Authorities (LAs) and Port Health Authorities (PHAs) - in England. Food Standards Agency (FSA) approved assurance schemes, private sector assurance bodies, professional awarding bodies and FSA delivery partners will also have an interest. Trade Unions and Expert Groups may also have an interest.

Consultation subject/purpose

To seek stakeholder views on the FSA proposals to update and simplify the Food Law Code of Practice (England) (the Code) and the Food Law Practice Guidance (England) (the Practice Guidance). Key proposals include:

- Modernisation of the baseline knowledge, skills, and experience requirements to enable a wider cohort of LA and PHA professionals to undertake official food controls and other official activities, which the current Code restricts;
- Replacing existing competency requirements with the FSA Knowledge and skills for the effective delivery of official food and feed controls and other activities (Competency Framework), that defines competency by activity rather than by role;
- Introducing a provision to enable the FSA to be more responsive in issuing instructions, whereby LAs and PHAs may legitimately depart from the Code, in limited circumstances; and
- Updating the Code to reflect the Official Control Regulation (EU) 2017/625 (the OCR), and EU exit implications, where the negotiated position is known.

How to respond

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Details of consultation

Introduction

1. In England, LAs and PHAs are the Competent Authorities responsible for the verification of compliance with food law in food business establishments, and at points of entry. The Food Standards Agency (FSA) is responsible for setting out direction and guidance on the approach that LAs and PHAs should take in the Code. This is complemented by the Practice Guidance.
2. The Code sets out instructions and criteria to which LAs and PHAs must have regard when discharging their duties in relation to the delivery of official food control activities¹. The FSA, as the Central Competent Authority, is responsible for ensuring food safety and food hygiene in England, Wales, and Northern Ireland.
3. The FSA is required to consult on amendments to the Code prior to implementation². The Code requires regular review and revision to ensure that it reflects current priorities, policy, and legislative requirements so that LA and PHA delivery of food control activities remain effective, consistent, and proportionate.
4. The purpose of this consultation is to provide stakeholders with an opportunity to comment on the main proposals outlined at paragraph 13. The consultation has been prepared in coordination with Northern Ireland. The changes to the Northern Ireland Code, and their Practice Guidance are subject to a separate but similar consultation.

Background

5. The National Audit Office (NAO) reviewed the food safety and standards regulatory system in 2019, which examined LA resources for delivering food control activities, in England. The report, [Ensuring Food Safety and Standards](#), concluded that LA budgets for food regulation have reduced substantially since their last report on food regulation in 2013. Between 2012-13 and 2017-18, LA expenditure data shows that their spending on food hygiene controls fell by an estimated 19% from £125 million to £101 million³.
6. LA spending cuts have led to a reduction in the number of food control staff. Prioritisation of services has led to food hygiene staff numbers declining by an estimated 13% between 2012-13 and 2017-18, and food standards staff falling by an

¹ Official controls and other official activities have the meanings as defined in Article 2(1) and Article 2(2) of Regulation (EU) 2017/625

² Food Standards Act 1999, Schedule 3 and Section 40(2) of the Food Safety Act 1990

³ Source: National Audit Office analysis of local authority revenue expenditure and financing England outturn data, 2012-13 to 2017-18

estimated 45% (per 1,000 food businesses)⁴. In addition, LAs stated that they faced difficulties recruiting and retaining suitably qualified staff.

7. To ensure that LAs and PHAs use resources efficiently and to maximise the effectiveness of consumer protection provided by their controls, the Code requires LAs and PHAs to take a risk-based approach to delivering food control activities, targeting their resources at the food businesses that represent the highest risk to consumers. To do this, LAs and PHAs are obliged to ensure they have, or have access to, a sufficient number of suitably qualified and experienced staff so that food control activities can be performed efficiently and effectively⁵.
8. In January 2020, the FSA Board considered the status of the Regulating Our Future (ROF) programme and proposed next steps for the refreshed second phase of work the Achieving Business Compliance Programme (the ABC Programme)⁶.
9. In line with the FSA ambition 'to be an excellent, accountable modern regulator' the Board agreed on a refreshed programme of work that focuses around four key priorities. One of these relates to Skills for the job: Altering expectations around professional skill levels so that LAs and PHAs can deploy skills and resources effectively in undertaking controls on food businesses and offer appropriate assurance.
10. Our objective through this work is to develop a Competency Framework for all individuals engaged in delivering front-line food and feed law-related activities, whether carried out by the LAs, PHAs, FSA or FSA delivery partners⁷. The Competency Framework when fully implemented will also apply to those working in the private sector who undertake assurance activities that are formally recognised to inform targeting/frequency of LA, PHA and FSA official controls, such as FSA approved assurance schemes⁸. The framework will describe the competencies required for specific activities rather than take a role-based or profession-based approach.
11. Due to the difficulties that LAs are having in recruiting staff and the nearing of the end of the UK's transition period, we have brought forward the timescales for consulting and implementing the Competency Framework for LA and PHA food control activities through this revision of the Code and the Practice Guidance.

⁴ Source: National Audit Office analysis of Local Authority Enforcement Monitoring System (LAEMS) data, 2012-13 to 2017-18

⁵ Article 5(e) of Regulation (EU) 2017/625

⁶ [Modernising Regulation – Progress Update and Forward Plan](#). (FSA 20-01-07),

⁷ Includes those contracted by the FSA for delivery of official controls in approved meat and dairy establishments in England and Wales and the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland

⁸ [Earned Recognition – approved assurance schemes](#)

12. This work when fully implemented will deliver:

- an activity-based model which will enable LAs and PHAs to use resources efficiently and to maximise the effectiveness of consumer protection;
- a clearly defined set of competencies required to deliver front-line official food and feed controls, other official activities and other activities related to these; and
- a Competency Framework that will improve quality and consistency by setting a standard applicable to all individuals working in the private sector in England, Wales, and Northern Ireland who undertake assurance activities that are formally recognised.

Main proposals

13. The main proposals are:

- 1) Modernisation of the baseline knowledge, skills, and experience requirements to enable LAs and PHAs to fully recognise the potential of a wider cohort of professionals to undertake, food control activities, which the Code restricts;
- 2) Replacing the existing competency requirements with a Competency Framework that defines competency by activity rather than by role, which will be initially implemented for LA and PHA food controls;
- 3) Introducing a provision to enable the FSA to be more responsive in issuing instructions, whereby LAs and PHAs may legitimately depart from the Code, in limited circumstances;
- 4) Updating the Code to reflect the OCR, and EU exit implications, where the negotiated position is known;
- 5) Simplification, clarification and alignment of the Code and the Practice Guidance with those of Northern Ireland, to promote consistency in the interpretation and implementation of food control activities. This includes the removal and relocation of sections of the Code to the Practice Guidance; and
- 6) Inclusion of other minor amendments to keep pace with current practices.

Policy objectives

14. The proposed policy changes are intended to enable:

- LAs and PHAs to efficiently target training resource at clearly defined competence requirements that reflect the activities being undertaken, and drive an improvement in the quality and consistency of the delivery of food control activities;
- LAs and PHAs to deploy current resources efficiently and to maximise the effectiveness of consumer protection by enabling a wider cohort of professionals to undertake certain activities, which the current Code restricts; and
- the FSA to be more responsive in issuing instructions whereby LAs and PHAs may legitimately depart from the Interventions Programme that is based on the intervention ratings schemes in the Code (including the type and frequency of intervention), in the following limited circumstances:
 - in response to a public health emergency;
 - in response to a state of emergency; or

- to accommodate the work of FSA approved feasibility studies, pilots, or pathfinder projects.

Detailed Proposals

Proposal 1: A modernised approach to knowledge, skills, and experience

15. We have taken a considered approach to modernise requirements and better recognise the validity of available knowledge, skills and experience without undermining food safety and standards, or consumer protection. The proposed changes to the Code include amending the baseline qualification requirements, broadening the list of 'suitable' qualifications to enable a wider cohort of professionals to undertake certain official food controls, which the Code restricts, providing they can demonstrate they are competent.
16. The modernisation of the knowledge, skills and experience requirements in the Code includes:
- broadening the list of suitable qualifications for the delivery of official food control activities;
 - removing unnecessary restrictions for Category A and B food hygiene and Category A food standards interventions;
 - enabling LAs and PHAs to extend the authorisations of officers holding qualifications with current restrictions, for example, an officer with the Ordinary Certificate in Food Premises Inspection could be authorised to seize and detain food providing they can demonstrate the relevant competencies;
 - allowing those holding qualifications to be authorised in relation to allergens in non-prepacked and prepacked for direct sale foods, providing they can demonstrate their competency; and
 - expanding the range of activities that Regulatory Support Officers (RSOs) can undertake to include shellfish environmental monitoring⁹.

Authorisation requirements for officers holding a suitable qualification

17. The following case studies describe the practical implications of the proposed changes to an officer's authorisation, for newly appointed and existing staff, and those officers whose qualifications have restrictions.

Case Study 1: – Baseline Qualification

This case study applies to an authorised officer who has a baseline qualification, for example, the Higher Certificate in Food Control, Certificate of Registration issued by the

⁹ The collection of shellfish and water official control samples from designated sampling points as part of the Shellfish Official Control Monitoring Programmes, in accordance with Article 57 and Chapter II of Title V of Commission Implementing Regulation (EU) 2019/627

Environmental Health Registration Board (EHRB) or Diploma in Consumer Affairs and Trading Standards (DCATS) with Food Standards service delivery module.

1. Can they be authorised under the current **Code**? **Yes**, if competent.
2. Are there any restrictions? **No**.
3. Can they be authorised under the **proposed Code**? **Yes**, if competent.
4. Are there any restrictions? **No**.

Under the requirements of the proposed Code, this officer would be able to undertake all official food controls, with no restrictions, if they were competent.

The proposed Code includes these qualifications in the list of 'suitable' qualifications, so there is no change.

Case Study 2 – Qualification with known restriction

This case study applies to an authorised officer who has a qualification with a known restriction, for example, the Higher Certificate in Food Premises Inspection, the Ordinary Certificate in Food Premises Inspection or Certificate of Competence in Food Standards service delivery module.

1. Can they be authorised under the current **Code**? **Yes**, if competent.
2. Are there any restrictions? **Yes**, restricted by the current Practice Guidance.
3. Can they be authorised under the **proposed Code**? **Yes**, if competent.
4. Are there any restrictions? **No**.

Under the requirements of the proposed Code, this officer could be authorised to deliver official food control activities, if competent. Regardless of their level of experience or demonstration of competency, their authorisation of duties would be restricted based on the qualification they hold. For example, they may not be able to seize or detain food or undertake inspections of high-risk businesses.

The amended Code proposes to include these qualifications in the list of 'suitable' qualifications, meaning as long as the officer can demonstrate they are competent, they can be authorised to undertake all official food control activities, relevant to their role.

Case Study 3 – Environmental Health Degree

This case study applies to a recent Environmental Health degree graduate, who has not obtained a Certificate of Registration or completed the Competency Development Portfolio (CDP).

1. Can they be authorised under the current **Code**? **No**.
2. Are there any restrictions? **N/A**.
3. Can they be authorised under the **proposed Code**? **Yes**, if competent.
4. Are there any restrictions? **No**.

Under the requirements of the current Code, this officer would not have a baseline qualification or equivalent, nor a qualification with known restrictions, so they could not be authorised to undertake any official food controls. However, they could be authorised as a RSO.

The proposed Code will expand the list of qualifications deemed 'suitable' to include the Environmental Health degree (without EHRB), meaning as long as the officer can demonstrate they are competent, they can be authorised to undertake official food control activities, with no restrictions.

Case Study 4 – Regulatory Support Officer

This case study applies to a RSO who does not have a suitable qualification and is an existing officer.

1. Can they be authorised under the current **Code**? **Yes**, if competent.
2. Are there any restrictions? **Yes**, restricted by the current Code – cannot undertake official controls.
3. Can they be authorised under the **proposed Code**? **Yes**, if competent.
4. Are there any restrictions? **Yes**, restricted by the proposed Code – can undertake shellfish environmental monitoring.

Under the requirements of the current Code, this officer is not able to undertake any official controls, but if competent would have been able to carry out alternative interventions; education, advice, and coaching; and information gathering.

The proposed Code will expand the range of activities they can undertake to include shellfish environmental monitoring. This activity is an official control and the RSO will need to demonstrate they are competent and be supervised.

Proposal 2: Implementation of the Competency Framework

18. The development of the Competency Framework is part of the ABC Programme and our overall aim is to develop a single framework for individuals undertaking official food and feed controls and other assurance activities.
19. The Competency Framework has been developed in collaboration with a Competency Reference Group. The Group comprises representatives from LAs and PHAs in England, Wales, and Northern Ireland, as well as professional qualification awarding bodies (the Chartered Institute for Environmental Health (CIEH), the Chartered Trading Standards Institute and the Institute for Food and Technology), private sector assurance bodies, FSA delivery partners, FSA Operations, and educational providers.
20. The Competency Framework when fully implemented will:
 - set out the competencies (knowledge and skills) required for individuals engaged in delivering food and feed law related activities in England, by LAs, the FSA, FSA delivery partners and private sector assurance bodies;
 - improve consistency by setting a standard applicable to all individuals undertaking food law related activities;
 - facilitate the transfer and movement of individuals across the public and private sectors and from other countries to England, by allowing the competencies for specific activities to be demonstrated through a wider range of methods; and
 - increase transparency by establishing a clear and accessible framework to demonstrate the competency required for individuals carrying out these activities.

21. The Competency Framework defines competency by activity rather than taking a role-based or profession-based approach, each activity stands alone, which means an individual can be authorised to undertake one or multiple activities within the framework depending on their role. The activities in the Competency Framework provide more detail for the same competencies that are included in the current Code. In addition, there are new competencies for the activities of E4: Assessing industry assurance of compliance and E5: Supporting and contributing to external audits.
22. The Competency Framework will initially only apply to LAs and PHAs who undertake official food controls and other activities and will be implemented through the amended Code and Practice Guidance.
23. We will further develop and implement the Competency Framework in due course in respect of official controls and other activities undertaken by the FSA, FSA delivery partners, and by LAs and PHAs in England and Wales for feed controls. Please note that whilst feed control activities have been included in the Competency Framework for consultation purposes they will be implemented separately to the LA and PHA food official control activities.
24. We will also further develop the framework to cover formally recognised private sector assurance activities, for example, FSA approved assurance schemes, which inform the targeting and frequency of LA, PHA or FSA food control activities. For this reason, we welcome views on the Competency Framework at this stage, although it will be implemented separately to the food control activities for formally recognised private sector assurance activities.
25. We are also working with the professional bodies, as we recognise that alignment of the requirements for professional status with the requirements of the Competency Framework, would be beneficial for current and future members of the professional bodies. In addition, CIEH has advised that they will be aligning the syllabus of their Advanced Professional Certificate in Food Hygiene and Standards Control qualification to the Competency Framework.
26. The existing methods of competency assessment set out in the Code, and the Practice Guidance remain unchanged. Lead Food Officers (LFOs) will be responsible for assessing the competency of officers against the Competency Framework.
27. We recognise that the full and effective implementation of the Competency Framework is dependent on having a consistent approach to the assessment of competency. We are researching how other regulators (both nationally and internationally) and other organisations assess and authorise competency. This will help to identify potential options for assessing competency and help inform decisions on the approach that we will take in the future.
28. We anticipate consulting on the options for assessment of competency in April 2021.

Assessment requirements for authorised officers holding a suitable qualification

29. The following case studies describe the practical implications of the proposed changes on officer assessment, for newly appointed and existing officers, and those officers whose qualifications have current restrictions.

Case Study 5 – Baseline Qualification

This case study applies to a newly appointed officer or an existing authorised officer who has a baseline qualification.

1. When the revised competency requirements are implemented, will a **newly appointed officer** require an initial assessment against the Competency Framework by the LFO? **Yes**, as currently – only required for specific activities undertaken.
2. When the revised competency requirements are implemented, will an **existing authorised officer** require an initial assessment against the Competency Framework by the LFO? **No**, unless undertaking new activities not covered by their current authorisation.
3. Will ongoing assessment against the revised competency requirements be the same process as it is now? **Yes**, to be assessed by the LFO in accordance with the Practice Guidance. This is an interim measure as we have initiated work to consider the process for assessing competency under the framework.

As currently, for new officers joining a LA or PHA, their competency will need to be assessed for the specific activities and sub-activities within the Competency Framework they are required to undertake. Their authorisations are required to be restricted if they are unable to demonstrate all required competencies for an activity.

For existing authorised officers, an initial assessment against the Competency Framework is not required, which means if they were competent to undertake specific activities previously, they will continue to be competent to do so.

If there are any new activities within the Competency Framework which the authorised officer has not undertaken before, they would need to demonstrate their competency before being authorised to undertake that activity. For example, if they were to start supporting and contributing to external audits, they would need to demonstrate the competencies for activity E5: Supporting and contributing to external audits.

As currently, if competencies cannot be demonstrated then the officer can gain these through the methods outlined in the Practice Guidance, which include attending training, e-learning, receiving coaching from other competent officers or shadowing other competent individuals.

With regards to ongoing assessment, the authorised officer's competency would be assessed against the Competency Framework on an ongoing basis in accordance with the Practice Guidance, for example, as part of a yearly appraisal.

Case Study 6 – Qualification with known restriction

This case study applies to a newly appointed officer or an existing authorised officer who has a qualification with a known restriction.

1. When the revised competency requirements are implemented, will a **newly appointed officer** require an initial assessment against the Competency Framework by the LFO? **Yes**, as currently – only required for specific activities undertaken.

2. When the revised competency requirements are implemented, will an **existing authorised officer** require an initial assessment against the Competency Framework by the LFO? **No**, unless undertaking new activities that were previously restricted.
3. Will ongoing assessment against the revised competency requirements be the same process as it is now? **Yes**, assessed by the LFO in accordance with the Practice Guidance. This is an interim measure as we have initiated work to consider the process for assessing competency under the framework.

As currently, for new officers joining a LA or PHA, their competency will need to be assessed for the specific activities and sub-activities within the Competency Framework they are required to undertake. Their authorisations are required to be restricted if they are unable to demonstrate all required competencies for an activity.

For existing authorised officers, an initial assessment against the Competency Framework is not required, which means if they were competent to undertake specific activities previously, then they will continue to be competent to do so.

If the LA or PHA determines the officer should undertake additional activities and sub-activities listed in the Competency Framework, the LFO would assess whether the officer can demonstrate the relevant competencies.

Based on their previous experience, the officer may not be able to demonstrate the competencies for the activities they were previously restricted from undertaking, for example seizing or detaining food.

If this is the case, as currently, the officer can gain the competencies through the methods outlined in the Practice Guidance which include attending training, e-learning, receiving coaching from other competent officers or shadowing other competent individuals.

When the officer has demonstrated all the competencies to the LFO for the relevant additional activities, they can be authorised to undertake them.

With regards to ongoing assessment, the officer's competency would be assessed against the Competency Framework on an ongoing basis in accordance with the Practice Guidance, for example, as part of a yearly appraisal.

Case Study 7 – Environmental Health Degree

This case study applies to a newly appointed officer or an existing officer who is an Environmental Health degree graduate but has not obtained a Certificate of Registration or completed the Competency Development Portfolio (CDP).

1. When the revised competency requirements are implemented, will a **newly appointed officer** require an initial assessment against the Competency Framework by the LFO? **Yes**, only required for specific activities undertaken.
2. When the revised competency requirements are implemented, will an **existing authorised officer** require an initial assessment against the Competency Framework by the LFO? **Yes**, as not previously able to be authorised for official controls.

3. Will ongoing assessment against the revised competency requirements be the same process as it is now? **Yes**, assessed by the LFO in accordance with the Practice Guidance. This is an interim measure as we have initiated work to consider the process for assessing competency under the framework.

Officers with an Environmental Health degree may not currently be authorised to undertake official controls, so an assessment against the Competency Framework is required for newly appointed officers. It would also be required for existing officers with this qualification who could have been authorised as RSOs.

The LA or PHA would need to determine which specific activities and sub-activities listed in the Competency Framework the officer would be required to undertake and then the LFO would assess whether they can demonstrate the relevant competencies.

Based on their background, it is likely that the officer will meet most of the relevant knowledge competencies but may not be able to demonstrate all the applicable competencies.

If this is the case, the officer can gain the competencies through the methods outlined in the Practice Guidance which include attending training, e-learning, receiving coaching from other competent officers or shadowing other competent individuals.

When the officer has demonstrated all the competencies to the LFO for the relevant activities, they can be authorised to undertake them.

As the officer gains more experience, they may then be able to demonstrate competencies for additional activities, at which point they could be authorised for these.

With regards to ongoing assessment, the officer's competency would be assessed against the Competency Framework on an ongoing basis in accordance with the Practice Guidance, for example, as part of a yearly appraisal.

Case Study 8 – No suitable qualification

This case study applies to a newly appointed RSO or an existing RSO who does not have a suitable qualification.

1. When the revised competency requirements are implemented, will a **newly appointed officer** require an initial assessment against the Competency Framework by the LFO? **Yes**, only required for specific activities undertaken.
2. When the revised competency requirements are implemented, will an **existing authorised officer** require an initial assessment against the Competency Framework by the LFO? **No**, unless undertaking shellfish environmental monitoring.
3. Will ongoing assessment against the revised competency requirements be the same process as it is now? **Yes**, assessed by the LFO in accordance with the Practice Guidance. This is an interim measure as we have initiated work to consider the process for assessing competency under the framework.

As currently, for new officers joining a LA or PHA, their competency will need to be assessed for the specific activities within the Competency Framework they are required to undertake. Their authorisations are required to be restricted if they are unable to demonstrate all required competencies for an activity.

For existing RSOs, an initial assessment against the Competency Framework is not required, which means if they were competent to undertake the activities listed in the Code, they will continue to be competent to do so.

If the LA or PHA determines the officer should undertake the additional activity of shellfish environmental monitoring listed in the proposed Code, the LFO would assess whether the officer can demonstrate the relevant competencies

Based on their previous experience, the officer may not be able to demonstrate the competencies for the activities they were previously restricted from undertaking.

As is currently the case, the officer can gain the competencies through the methods outlined in the Practice Guidance which include attending training, e-learning, receiving coaching from other competent officers or shadowing other competent individuals.

When the officer has demonstrated all the competencies to the LFO for the relevant additional activities, they can be authorised to undertake them.

With regards to ongoing assessment, the officer's competency would be assessed against the Competency Framework on an ongoing basis in accordance with the Practice Guidance, for example, as part of a yearly appraisal.

Proposal 3: Departure from the Code

30. The FSA is proposing to introduce a provision¹⁰ to enable the FSA to be more responsive in issuing instructions allowing LAs and PHAs to legitimately depart from the Competent Authorities Interventions Programme that is based on the intervention ratings schemes in the Code (including the type and frequency of intervention) upon instruction from the FSA, in the following limited circumstances:

- in response to a public health emergency, for example, a pandemic;
- in response to a state of emergency, for example, regional flooding; or
- to accommodate the work of FSA approved feasibility studies, pilots, or pathfinder projects.

31. This will enable the FSA to respond in an agile way, without necessitating agreement from the Minister, especially in a crisis.

Proposal 4: Implementation of the OCR & EU Exit implications

32. The update to the Code will also include the necessary changes brought about by the OCR, which were subject to a 6-week formal consultation in August 2019¹¹.

33. The 'basic act' of the OCR, made changes across several policy areas. However, these changes created relatively few impacts on LAs. The editorial changes are highlighted in **yellow** in the proposed Code and Practice Guidance. For the purposes of meeting accessibility requirements, we have produced accessible versions of the

¹⁰ See sections 2.3 of the proposed Code and the Practice Guidance (England)

¹¹ [Consultation on the implementation of the official controls regulations](#) (August 2019)

Code and the Practice Guidance for use with a screen reader. Changes in respect the Official Control Regulation (EU) 2017/625, are readable as <OCR change start>, and <OCR change end>.

34. The UK has left the European Union (EU). The European Union (Withdrawal) Act 2018 (the EUWA) provides that, from 1 January 2021, certain directly applicable legislation of the EU will be converted into UK law. Converted law is referred to in the proposed Code and Practice Guidance as ‘retained EU law’.
35. Any necessary changes to reflect the UK’s withdrawal from the EU are highlighted in **green** throughout the proposed Code and the Practice Guidance. For the purposes of meeting accessibility requirements, we have produced accessible versions of the Code and the Practice Guidance for use with a screen reader. Changes in respect of EU Exit, are readable as <EU Exit change start>, and <EU Exit change end>.

Proposal 5: Revised Code and Practice Guidance

36. Central government intervention is necessary to ensure there is consistency in the interpretation and implementation of the Code and the Practice Guidance with those of devolved nations, to promote consistency in the implementation of food control activities.
37. The Code and Practice Guidance has a revised structure and format to present clear, concise information to improve readability and promote consistency in the interpretation and implementation of food control activities, including:
- clarification of text where necessary to facilitate consistent interpretation and approach by authorised officers and RSOs;
 - a dedicated chapter for food incidents, alerts, and food crime; and
 - clearer links to the requirements of the OCR, and the [Framework Agreement on Official Feed and Food Controls by Local Authorities](#).

Proposal 6: Other minor amendments to keep pace with current practices

38. There have been some minor changes to the Code not brought about by the changes listed above. These are ‘minor’ contextual amendments to reflect current practices in certain areas. For example:
- the ‘serious localised food hazard’ definition has been expanded to include ‘undeclared allergens, a serious anaphylaxis reaction requiring medical intervention as a result of exposure to allergens in food, or hospitalisation or death as a result of exposure to allergens in food’; and
 - we have moved the model forms from the Code and provided links within the Practice Guidance where these are available on the FSA Smarter Communications Platform, to facilitate easier use by LAs and PHAs, and updating by the FSA.
39. Annex B and C to this consultation document provide an overview of the changes including where requirements have been moved from the Code to the Practice Guidance and vice versa. All new requirements or amendments, other than EU Exit or

OCR changes, are highlighted in **turquoise** in the proposed Code and the Practice Guidance. For the purposes of meeting accessibility requirements, we have produced accessible versions of the Code and the Practice Guidance for use with a screen reader. Amendments other than EU Exit or OCR changes, are readable as <Amendment start>, and <Amendment end>.

Impacts

Costs

Costs to Local Authorities

Revisions to the Code, and the Practice Guidance and implementation of the Competency Framework

40. The current landscape and the general performance of official controls and other official activities under the OCR remains substantially the same¹².
41. LAs, as Competent Authorities, which deliver official regulatory controls across food and feed will have to familiarise themselves with the Competency Framework and the changes to the Code and Practice Guidance. Similarly, PHAs, as Competent Authorities, for the delivery of official regulatory controls with regards to imports of Products of Animal Origin and high-risk Food Not of Animal Origin, will be affected by amendments.
42. In line with BEIS guidance on the appraisal of new guidance¹³, we have estimated the one-off familiarisation time by multiplying the average number of words a person can read per minute with the documents wordcount.
43. We assume that one Environmental Health Officer (EHO) and one Trading Standards Officers (TSO) per LA will need to familiarise themselves with the revisions to the Code, the Practice Guidance, and the Competency Framework. In England, 27 County Councils are responsible for food standards only, 201 District Councils for food hygiene only, while the remaining of 126 LAs were responsible for both¹⁴. Therefore, we anticipate that 327 EHOs and 153 TSOs, will spend 3 hours to read and familiarise themselves with the new changes, and two hours to prepare and disseminate the information to staff, via the appropriate channels.
44. For Unitary Councils, London Boroughs and Metropolitan Borough Councils the number of officers represents an over estimation as we have assumed an EHO and TSO from each of the 126 LAs will familiarise themselves with the changes, and cascade others. Some LAs, depending on how their food teams are organised and structured only one EHO or TSO may familiarise themselves, and cascade to others.

¹² [Consultation on the implementation of the official controls regulations](#) (August 2019)

¹³ [Business impact target – Appraisal of guidance](#)

¹⁴ [Annual report on local authority food law enforcement for England, Northern Ireland and Wales](#) 1 April 2018 to 31 March 2019

45. We also assume that one manager at each of the 17 PHA, in England¹⁵, will spend three hours familiarising themselves with the revisions to the Code, the Practice Guidance and the Competency Framework, and spend two hours disseminating this information to staff via the appropriate channels.

Competency Framework

46. While the proposed changes to the amended Code and Practice Guidance provide LAs and PHAs with greater scope to maximise the effectiveness of the resources, LAs and PHAs remain responsible for assessing the competency of their authorised officers and authorising them accordingly. As officers' competencies currently need to be re-assessed on an on-going basis, no significant additional burden is introduced. However, the ongoing assessment of competencies under the proposed changes might take longer than currently, due to the additional details of how competency is demonstrated in the Competency Framework. There might also be additional one-off costs to LAs and PHAs to implement the Competency Framework into their existing systems. We would welcome views and evidence from stakeholders on the likely associated costs.

47. We are currently developing additional materials to assist LFOs in assessing and recording the competency of their officers (new and existing), including a Summary of Officers Competency Table, and also a Competency Assessment Record, which LFOs and officers can use to assess competency. We are aiming to have these available for the implementation of the Competency Framework for LA and PHAs food control activities in February 2021. Drafts of the materials developed so far are included with consultation package.

Costs to FSA approved assurance schemes, private sector assurance bodies and FSA delivery partners

48. The Competency Framework when fully implemented will also apply to those working in the private sector who undertake assurance activities that are formally recognised, and those official control activities undertaken by FSA delivery partners. The Code only applies to LA and PHA activities. Private sector bodies, recognised by the FSA to provide industry assurance, are therefore not required to have regard to the Code. As such, we do not foresee any impacts on these stakeholders as a result of the proposed changes to the Code within this consultation. Timescales for fully implementing the Competency Framework will be confirmed in due course.

49. We anticipate consulting on options for the assessment of competency in spring 2021 and that this may have an impact on these stakeholders as it will relate to the implementation of the Competency Framework. We will assess the impact of these proposed changes as part of the consultation process for implementation and seek stakeholders' views accordingly. In the meantime, we would welcome any initial views on the associated impacts.

¹⁵ [UK border control posts: animal and animal product imports](#)

Benefits

Benefits to consumers

50. The modernisation of the baseline knowledge, skills and experience requirements and introduction of the Competency Framework will improve the quality and consistency of food control activities meaning consumers will benefit from enhanced consumer protection through more efficient allocation of resources, maximising the effectiveness of consumer protection provided by these controls.

Benefits to local authorities

51. The amendments to the Code will enable LAs and PHAs to recruit from a wider range of officers and use their resources more efficiently to maximise the effectiveness of consumer protection provided by their controls. This will be particularly useful where a specific type of officer operates predominantly, such as at points of entry for imported food.

52. The modernisation of the current qualification requirements in the Code and the implementation of an activity-based Competency Framework provides the flexibility for officers with a wider range of qualifications and experience to be authorised for the activities they are required to undertake, providing they can demonstrate their competency.

53. A full regulatory impact assessment has not been produced for the updated Code. The FSA has certified the impact as being below the de minimis threshold of +/- £5m equivalent annual net direct cost to business.

Engagement and Consultation Process

54. The FSA is conscious of the time and resource burdens currently imposed on stakeholders.

55. Informal stakeholder engagement began on 7 September 2020 for eight weeks when we presented information on our proposals at virtual meetings and events.

56. We have sought views from a wide range of stakeholders, through informal engagement events about the main proposals prior to this public consultation, including:

- LAs and PHAs;
- The Competency Reference Group (see paragraph 19 for membership);
- Trade Unions;
- Association of Chief Trading Standards Officers (ACTSO);
- Food Standards and Labelling Focus Group;
- The National Food Hygiene Focus Group;
- The National Agriculture Panel (NAP); and
- The National Animal Feed Ports Panel.

57. The Competency Framework has been developed in collaboration with the Competency Reference Group and engagement with this group began in January 2019. We will continue to engage with the Competency Reference Group as we research how other regulators (both nationally and internationally) and other organisations assess and authorise competency.
58. We are undertaking a formal four-week written consultation, which we consider to be proportionate to the changes proposed and in consideration of the extent of informal consultation through our recent engagement events.
59. Information gathered from this consultation will be considered when preparing a finalised version of the Code for submission to the Secretary of State for approval. Information supplied by consultees will also inform any assessment of the impact these revisions will have.
60. At the end of the consultation period, the FSA will analyse the responses, make any relevant amendments to the Code, the Practice Guidance and Competency Framework and within three months of the consultation ending we aim to publish a summary of responses received and provide a link to it on our website.

Questions asked in this consultation

61. So that we fully understand your responses, and adequately take account of them, please explain, and where possible evidence, any answers that contradict the assumptions we have made in this consultation.

Consultation Questions:

1. Does the layout/presentation and clarified text of the proposed Code and the Practice Guidance make the documents easier to use, improve readability, and facilitate consistent interpretation? If not, how could they be improved?
2. Do you agree that the proposed suitable qualification requirements provide LAs and PHAs with the ability to deploy current resources more efficiently by, allowing a wider cohort of professionals to undertake food control activities, which the Code restricts? If not, why not? (Please specify any additional flexibility you would wish to see, and why).
3. Does the Competency Framework include:
 - a. all the relevant activities for the delivery of front-line official food and feed controls, other official activities and other activities related to these, whether carried out by LAs, PHAs and FSA delivery partners?
 - b. all the relevant activities for those working in the private sector who undertake assurance activities that are formally recognised to inform targeting/frequency of official controls?
 - c. the relevant competencies (knowledge and skills) for each activity and sub-activity?If not, what changes would you wish to see, and why?
4. Do you agree that by defining competency by activity rather than taking a role or profession-based approach this provides LAs, PHAs and FSA delivery partners with greater flexibility in the utilisation of resources? If not, why not?
5. Do you agree that by setting a standard that will apply to all individuals undertaking food and feed control activities, including assurance activities that are formally recognised, will improve the quality and consistency of delivery across the public and private sector? If not, why not?
6. Do you foresee any problems with the provision to allow the FSA to be more responsive in issuing instructions, whereby LAs and PHAs may legitimately depart from the Code, in limited circumstances? If yes, what, if any safeguards or conflicts should we consider?

Consultation Questions continued:

7. Do you agree that the key aspects of the OCR that have applied since the 14th December 2019 have been reflected, within the proposed Code and the Practice Guidance?
8. Do you agree with our assessment of the impacts on LAs and PHAs, FSA approved assurance schemes, private sector assurance bodies, FSA delivery partners, and consumers, resulting from the proposed changes to the Code, the Practice Guidance, and implementation of the Competency Framework? Do you have any additional evidence to better understand the identified impacts? In particular, please indicate:
 - a. if you agree with our assumptions on familiarisation and dissemination time?
 - b. how long it currently takes to assess the competency of a newly appointed member of staff and the ongoing assessment of a member of staff already in post?
 - c. whether you foresee any changes in the assessment time, from the implementation of the Competency Framework?
 - d. how many new members of staff do you appoint every year?
 - e. whether you foresee changes to the number of new staff that need to be appointed every year?
9. Do you foresee any other impacts from the implementation of the main proposals detailed in paragraph 13 beyond what we have identified? Where possible, please explain your views and provide quantifiable evidence (for example, costs associated with updating existing templates, the benefits of greater flexibility to allocate staff to activities).

Relevant documents

- 1) Draft Food Law Code of Practice, England
- 2) Draft Food Law Code of Practice (England) – Accessible screen reader version
- 3) Draft Food Law Practice Guidance, England
- 4) Draft Food Law Practice Guidance (England) – Accessible screen reader version
- 5) Draft FSA Knowledge and skills for the effective delivery of official food and feed controls and other activities (Competency Framework)
- 6) Draft Competency Assessment Record
- 7) Draft Summary of Officers Competency Table
- 8) [Regulation \(EU\) 2017/625 on official controls and other official activities](#)
- 9) [Consultation on the implementation of the OCR](#)

Responses

62. Responses are required by **midnight on 10 December 2020**. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents). All comments and views should be sent to:
CodeReviewResponses@food.gov.uk.

63. Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours,

Julie Benson

Regulatory Compliance Division

Annex A: Standard Consultation Information

Disclosure of the information you provide

Information provided in response to this consultation may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

Any automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

The Food Standards Agency will be what is known as the 'Controller' of the personal data provided to us.

Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

The Data Protection Act 2018 states that, as a government department, the Food Standards Agency may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

What we do with it

All the personal data we process is located on servers within the European Union. Our cloud-based services have been procured through the government framework agreements and these services have been assessed against the national cyber security centre cloud security principles.

No third parties have access to your personal data unless the law allows them to do so. The Food Standards Agency will sometimes share data with other government

departments, public bodies, and organisations which perform public functions to assist them in the performance of their statutory duties or when it is in the public interest.

What are your rights?

You have a right to see the information we hold on you by making a request in writing to the email address below. If at any point you believe the information, we process on you is incorrect you can request to have it corrected. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the [Information Commissioner's Office \(ICO\)](#) online or by telephone 0303 123 1113.

Our Data Protection Officer in the FSA is the Information Management and Security Team Leader who can be contacted at the following email address: informationmanagement@food.gov.uk.

Further information

If you require a more accessible format of this document, please send details to the named contact for responses to this consultation and your request will be considered.

This consultation has been prepared in accordance with [HM Government consultation principles](#).

Annex B: Summary of Changes to the Food Law Code of Practice and Practice Guidance

Reference	Record of changes to the Code	Revised Code	Current Code
COP1	Chapter 1 Introduction updated with information regarding the status of the Code in relation to EU exit	Chapter 1	Chapter 1
COP2	Chapter 2 amended to include administration, liaison, and coordination, which includes some parts of Chapter 2 and 3 of the current code. New general section added at section 2.2	Chapter 2 Section 2.2	Chapters 2 and 3
COP3	New section on departure from the Code	Chapter 2 Section 2.3	N/A
COP4	Requirements relating to documented control procedures, policies, plans, and programmes added to Chapter 2, which bring together all requirements for these documents. These documents were required under the Code and Framework agreement, but they were provided for throughout the Code. This amendment brings them altogether	Chapter 2 Section 2.4	Throughout the Code
COP5	New designation of Competent Authorities section	Chapter 2 Section 2.5	N/A
COP6	New section on liaison between FSA and Local Authorities in FSA approved establishments	Chapter 2 Section 2.6.2	N/A
COP7	New paragraph on allergens in respect of 'Joint responsibility'	Chapter 2 Section 2.6.6.3	N/A

Reference	Record of changes to the Code	Revised Code	Current Code
COP8	Revised section on Primary Authority	Chapter 2 Section 2.7.1	Chapter 2 Section 2.1.3.1
COP9	New section on provision of discretionary services which includes some requirements from the conflict of interest section of the current Code	Chapter 2 Section 2.8	Chapter 3 Section 3.1.1.1
COP10	New section on Appointment of a Public Analyst	Chapter 2 Section 2.9	N/A
COP11	New section on Facilities and Equipment	Chapter 2 Section 2.10	N/A
COP12	Section on enforcement email addresses updated	Chapter 2 Section 2.11	Chapter 2 Sections 2.2.2.3 and 2.4.1.8
COP13	Section on Retention of Records expand and clarified	Chapter 2 Section 2.14	Chapter 3 Section 3.5.2
COP14	Completely revised Chapter 4 of the current Code on qualifications and competency now Chapter 3 which also includes authorisation of officers (see main proposals in the consultation package for changes)	Chapter 3	Chapter 4
COP15	New chapter 5 created to consolidate all advice on Incidents, alerts, and food crime	Chapter 5	Multiple Sections of Chapter 2

Reference	Record of changes to the Code	Revised Code	Current Code
COP16	Updated definition of non-hazardous incidents	Chapter 5 Section 5.2.1	Chapter 2 Section 2.2.1.1
COP17	Updated criteria for serious localised food hazard	Section 5.2.2	Chapter 2 Section 2.2.1.3
COP18	New section on Competent Authority response to pre-incident contact by the FSA	Section 5.3.1	N/A
COP19	Updated advice on food hazards assessment to appropriately categorise food hazards and seek advice of the FSA if in doubt about food hazards and now includes the likely effectiveness of any consumer recall' in the assessment	Chapter 5 Section 5.3.3.1	Chapter 2 Section 2.2.1.6
COP20	Action on receiving food alerts to include documenting the Competent Authority response to the outcome of each food alert updated	Chapter 5 Section 5.4.3	Chapter 2 Section 2.2.2.4
COP21	Addressing Food Criminality updated and moved to new Chapter 5 covering Incidents and Alerts, Tackling Food Criminality.	Chapter 5 Section 5.5.1 and 5.5.2	Chapter 2 Section 2.3
COP22	Minor updates on Reporting suspicions of food crime to the NFCU with some content moved to the Practice Guidance	Chapter 5 Section 5.5.3	Chapter 2 Section 2.3.3
COP23	Section on Out of Hours Service moved to Chapter 5 covering incidents and alerts	Chapter 5 Section 5.7	Chapter 2 Section 2.4.1.7

Reference	Record of changes to the Code	Revised Code	Current Code
COP24	Removal of the incidents flow diagram	N/A	Annex 2
COP25	Removal of Food Incident Report Form	N/A	Annex 3
COP26	Removal of model food business registration form	N/A	Annex 5

Reference	Record of changes in the Practice Guidance	Revised Practice Guidance	Current Practice Guidance
PG1	Chapter 1 Introduction updated with information regarding the status of the Code in relation to EU exit	Chapter 1	N/A
PG2	Chapter 2 changes from 'Communications' to 'Administration, Liaison and Co-ordination' which merges parts of Chapter 2 and 3 of current Practice Guidance and reflected in introduction	Chapter 2	Chapter 2
PG3	New section added on relevant dataset lists	Section 2.2	N/A
PG4	New section on Departure from the Code added to provide further guidance on the new section to the Code	Section 2.3	N/A
PG5	New sections added covering requirements relating to documented control procedures, policies, plans and programmes, to add further details to the new sections added to Chapter 2 of the Code. These sections consolidate the requirements included across the Code and Practice Guidance. Section 2.6.1 includes the requirements for a service plan from the Framework Agreement.	Chapter 2 Sections 2.4 to 2.5, 2.6.1.1 and 2.6.2, 2.7.1 to 2.7.3	Throughout the Practice Guidance
PG6	New section added on allergens and agreements relating to enforcement in two-tier areas	Chapter 2 Section 2.8.3.1	N/A
PG7	New section on Primary Authorities added	Chapter 2 Section 2.9	N/A
PG8	New section on Facilities and Equipment added	Chapter 2 Section 2.10	N/A

Reference	Record of changes in the Practice Guidance	Revised Practice Guidance	Current Practice Guidance
PG9	New section on enforcement email addresses added to include the details of how these details should be provided to the FSA	Chapter 2 Section 2.11	N/A
PG11	New section on escalating technical queries to the FSA or other Government Agency added	Chapter 2 Section 2.15	N/A
PG12	Authorisations, competence, and qualifications - Introduction section maintained and updated	Chapter 3 Section 3.1	Chapter 4 Section 4.1
PG13	Known qualifications with restrictions amended to enable holders of the specified qualifications to be authorised to undertake restricted activities proved they can demonstrate their competence	Chapter 3 Section 3.3.1	Chapter 4 Section 4.5
PG14	Section on equivalency of qualifications retained but now includes details that were previously within the Code	Chapter 3 Section 3.3.2	Chapter 4 Section 4.6
PG15	Section on Competency framework now called, "Competency Requirements", the detail has been retained but with some updated content, for example, a new example of allergens has been referenced in the competency for authorised officers. The guidance has been moved and updated in the Competency Framework Document	Chapter 3 Section 3.4	Chapter 4 Section 4.7
PG16	Section on training updated and formatting amended	Chapter 3 Section 3.5	Chapter 4 Sections 4.8.4 and 4.8.8

Reference	Record of changes in the Practice Guidance	Revised Practice Guidance	Current Practice Guidance
PG17	Section on CPD requirements retained but formatting amended and includes the "Core" CPD requirements	Chapter 3 Section 3.6	Chapter 4 Sections 4.8.1, 4.8.2, 4.8.3, 4.8.5, 4.8.6 and 4.8.7
PG18	New Education and advisory work wording added	Chapter 4 Section 4.2.7	N/A
PG19	Updated to direct LAs to ensure their management information systems (databases) are updated as soon as practicable	Chapter 4 Section 4.3.4	N/A
PG20	Removed intervention types for hygiene and standards	Removed	Chapter 5 Sections 5.2.1.1 and 5.2.1.2
PG21	Various terms updated for imports under new regulations: Border Inspection Posts now referred to as Border Control Posts. CED, and CVEDs now CHED	Chapter 4 Section 4.5	N/A
PG22	Updated charges section title to Fees and updated wording in line with the OCR	Chapter 4 Section 4.5.11	Chapter 5 Section 5.5.15
PG23	Sampling: New paragraph on Sampling of goods attained via distance communication added in line with the OCR	Chapter 4 Section 4.6.22	N/A
PG24	Sampling: Right to second opinion paragraph added in line with the OCR, links added to guidance	Chapter 4 Section 4.6.23	N/A

Reference	Record of changes in the Practice Guidance	Revised Practice Guidance	Current Practice Guidance
PG25	Inspection of ships and aircraft	Chapter 4 Section 4.7	Chapter 5 Section 5.4
PG26	New section on action by the Competent Authority - responses to pre-incident contact by FSA	Chapter 5 Section 5.2.2	N/A
PG27	Additional guidance on responding to the FSA in relation to food incident notifications to the FSA	Chapter 5 Section 5.2.3	N/A
PG28	New advice added on Food Business Operator Root Cause Analysis when food is recalled or withdrawn	Chapter 5 Section 5.2.5	N/A
PG29	Liaison with other countries has been updated and to note that this area is under review and will be updated as necessary	Chapter 5 Section 5.4	Chapter 2 Section 2.3
PG30	Food hygiene and food standards notices sections have been restructured and largely amalgamated to remove duplicated text	Chapter 6	Chapter 7
PG31	Introduction has been amended so that it reflects the content of the chapter	Chapter 6 Section 6.1	Chapter 7 Section 7.1.1
PG32	FSA's Food Law Prosecution Outcomes Database section has been amended to include links to the correct spreadsheets and updated email address to be used	Chapter 6 Section 6.4.3	Chapter 7 Section 7.1.5

Reference	Record of changes in the Practice Guidance	Revised Practice Guidance	Current Practice Guidance
PG33	Section on Powers of Entry moved, as more closely related to enforcement. Section now entitled "Investigating Offences" and includes a new section on "Powers in Relation to Vehicles"	Chapter 6 Section 6.5	Chapter 3 Section 3.1.2
PG34	Prohibition Procedures section has been amended to include relevant details from the Code	Chapter 6 Section 6.7 to 6.11	Chapter 7 Section 7.2.4 Practice Guidance
PG35	Seizure and Detention section has been amended to include relevant details from the Code	Chapter 6 Section 6.12	Chapter 7 7.2.5 Practice Guidance
PG36	Table on marine biotoxin methods updated	Chapter 7 Section 7.1.11	Chapter 8 Section 8.1.11
PG34	Advice updated in relation to Live Bivalve Molluscs and other shellfish which fail to satisfy requirements	Chapter 7 Section 7.1.14	Chapter 8 Section 8.1.14
PG35	Matters relating to meat section includes updated links	Chapter 7 Section 7.3	Chapter 8 Section 8.3
PG36	Matters relating to egg products and liquid egg - further clarification on identification marking in relation to liquid egg	Chapter 7 Section 7.6.6	Chapter 8 Section 8.6.6
PG37	Food for specific groups - some sections updated and under review and will be updated as necessary	Chapter 7 Section 7.7	Chapter 8 Section 8.7

Reference	Record of changes in the Practice Guidance	Revised Practice Guidance	Current Practice Guidance
PG38	Bottled water - advice, legislative references, and links to guidance updated	Chapter 7 Section 7.9	Chapter 8 Section 8.9
PG39	New section added on Animal feed – former foodstuffs and co-products, animal by-product controls, and catering waste	Chapter 7 Section 7.10.4 to 7.10.6	N/A

Annex C: Summary of record of movement from the Food Law Code of Practice and Practice Guidance

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
MOV1	Details on the requirements on the content of documented procedures	Chapter 2 Practice Guidance	Throughout the Code
MOV2	Authorisations section split, with authorisation procedure requirements moved to Chapter 2 of the Code, appointment of authorised officers moved to Chapter 3 of the Code, and other details included in the Practice Guidance	Chapter 2 Section 2.4.1 and Chapter Section 3 3.3 Code and 3.2 Practice Guidance	Chapter 4 Section 4.2 Code
MOV3	Monitoring of interventions procedure (control verification procedure)	Chapter 2 Section 2.4.1 Code	Chapter 3 Section 3.5.6.1 Code
MOV4	Requirement for a written enforcement policy	Chapter 2 Section 2.4.2 Code	Chapter 7 Section 7.1.2 Code
MOV5	Sampling policy and sampling programme	Chapter 2 Section 2.4.2 Code	Chapter 6 Section 6.11 Code
MOV6	Requirement for a written service plan	Chapter 2 Section 2.4.3 Code	Chapter 5 Section 5.11 Code
MOV7	Alternative Enforcement Strategy	Chapter 2 Section 2.4.3 Code	Chapter 5 Section 5.6.1 Code

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
MOV8	Monitoring system requirements (control verification system requirements)	Chapter 2 Section 2.4.4 Practice Guidance	Chapter 5 Section 3.5.6.2 Code
MOV9	Service to Consumers now broadly covered in Liaison in two tier Competent Authority areas in the Code	Chapter 2 Section 2.6.3 Code	Chapter 2 Section 2.8.3 Practice Guidance
MOV10	Regional and Local Liaison Groups	Chapter 2 Section 2.6.4 Code	Chapter 2 Section 2.1.5 Practice Guidance
MOV11	Competent Authority's Management Information Systems	Chapter 2 Section 2.10 Code	Chapter 3 Section 3.6.1 Code
MOV12	Details of how enforcement email addresses details should be provided to the FSA	Chapter 2 Section 2.11 Practice Guidance	Chapter 2 Section 2.2.2.3 and 2.4.1.8 Code
MOV13	Registration of Food Business Establishments - details about registration of establishments moved, leaving only direction for Competent Authorities	Chapter 2 Section 2.12 Practice Guidance	Chapter 3 Section 3.2 Code, Chapter 3 Section 3.2 Practice Guidance
MOV14	Approval of Food Establishments - details about approval of establishments moved to the Practice Guidance, leaving only directions to Competent Authorities in the Code	Chapter 2 Section 2.13 Practice Guidance	Section 3.3 Code and 3.3 Practice Guidance

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
MOV15	Retention of Establishment Record Files	Chapter 2 Section 2.14 Code	Section 3.5.2 Practice Guidance
MOV16	Information in establishment record files	Chapter 2 Section 2.14.3 Practice Guidance	Chapter 3 Section 3.5.1 Code
MOV17	Information supplied to the FSA in relation to supply of approved establishment details	Chapter 2 Section 2.13.9 Practice Guidance	Chapter 2 Section 2.3.1 Practice Guidance
MOV19	Non-compliance with legislation in Member States has been moved	Chapter 5 Section 5.4.3 Practice Guidance	Chapter 2 Section 2.3.2.8 Practice Guidance
MOV20	Data Protection and Freedom of Information	Chapter 2 Section 2.14.2 Practice Guidance	Chapter 3 Section 3.4.1 Practice Guidance
MOV21	Section on Information Requirement has been retained under the title of "retention of HACCP plans"	Chapter 2 Section 2.14.3.1 Practice Guidance	Chapter 3 Section 3.5.1.1 Practice Guidance
MOV22	Guidance issued to Competent Authorities section moved to sit with other details about enforcement policies	Chapter 2 Section 2.5.2 Practice Guidance	7.1.4 Practice Guidance

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
MOV23	Primary Authority Role section has been moved to avoid duplication of information, as there was already a section on Primary Authority included	Chapter 2 Section 2.9.2 Practice Guidance	Chapter 7 Section 7.1.6 Practice Guidance
MOV24	Delegation of official controls moved to Chapter 3 as relates to authorisation	Chapter 3 Section 3.3 Code	Chapter 2 Section 2.4.1.10 Code
MOV25	Delivery of Interventions	Chapter 4 Practice Guidance	Chapter 5 Practice Guidance
MOV26	Single-tier Competent Authorities now covered under interventions	Chapter 4 Section 4.2 Practice Guidance	2.1.2 Practice Guidance
MOV27	Section on BTSF removed	N/A	4.8.4.1 Practice Guidance
MOV28	Planning and Notification of Interventions	Chapter 4 Section 4.2.1 Code	Chapter 5 Section 5.2.3 Code
MOV29	Description of intervention types	Chapter 4 Section 4.2.1 Practice Guidance	Chapter 5 Section 5.2 Code
MOV30	Official controls and non-official controls	Chapter 4 Section 4.2.1 Practice Guidance	Chapter 5 Section 5.2.1 Code

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
MOV31	Inspections and Audit	Chapter 4 Section 4.2.2 Practice Guidance	Chapter 5 Section 5.2.2.1 Code
MOV32	Food Hygiene Inspections	Chapter 4 Section 4.3.3.1 Practice Guidance	Chapter 5 Section 5.2.2.2 code
MOV34	Food Standards Inspections	Chapter 4 Section 4.3.3.3 Practice Guidance	Chapter 5 Section 5.2.2.3 Code
MOV35	Reports following Official Controls	Chapter 4 Section 4.3.4 Practice Guidance	Chapter 3 Section 3.5 Code
MOV37	Nominated officer for imported food	Chapter 4 Section 4.5.1 Code	Chapter 2 Section 2.4.1.6 Code
MOV38	Retention of import documentation	Chapter 4 Section 4.5.12 Practice Guidance	Chapter 3 Section 3.5.3 Code
MOV39	Sampling	Chapter 4 Section 4.6.2 Practice Guidance	Chapter 6 Section 6.1.5 Code

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
MOV40	Managing Incidents and Alerts	Chapter 5 Section 5.2 Practice Guidance	Chapter 2 Section 2.2 Practice Guidance
MOV41	Information Supplied to the FSA covering incidents and alerts, as it relates to food hazards	Chapter 5 Section 5.2 Practice Guidance	Chapter 2 Section 2.4.1 Code
MOV42	Enforcement action and revisits – food hygiene and food standards	Chapter 6 Practice Guidance	Chapter 5 Section 5.2.4 Practice Guidance
MOV43	Prosecutions section has been removed, but some of the details from this section have been included in Chapter 6 of the Code	Chapter 6 Section 6.2 Code	Chapter 7 Section 7.2.3 Practice Guidance
MOV44	Voluntary Procedures section created which includes details moved from the Code covering voluntary prohibitions and voluntary surrender as well as a general requirements section being added	Chapter 6 Section 6.13 Practice Guidance	Chapter 7 Sections 7.2.5.11 Practice Guidance, Chapter 7 Sections 7.2.5, 7.2.8 and 7.2.10.7 Code
MOV45	Remedial Action Notices and Detention Notices section has been included in a new section on enforcement in establishments subject to approval, which includes details moved from Chapter 3 of the Code covering other enforcement options	Chapter 6 Section 6.14.6 Practice Guidance	Chapter 7 Section 7.2.6 Practice Guidance, Chapter 3 Section 3.3.18 Code

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
MOV46	Enforcement of Imported Food section moved from Code to be consistent with approach taken to other enforcement powers	Chapter 6 Section 6.15 Practice Guidance	Chapter 7 Section 7.2.11 Code
MOV47	Enforcement in approved establishments moved as relates to practical enforcement	Chapter 6 Section 6.14 Practice Guidance	Chapter 2 Sections 3.3.18, 3.3.19, 3.3.20, 3.3.21 and 3.3.22 Code
MOV48	Crown Establishments	Chapter 6 Section 6.16 Practice Guidance	Chapter 3 Section 3.1.3 Practice Guidance, Chapter 3 Section 3.1.2.8 Code
MOV49	Powers to carry out Official Controls section moved from the Code as more closely related to enforcement	Chapter 6 Section 6.2 Practice Guidance	Chapter 3 Section 3.1.2 Code
MOV50	Section on Food Complaints moved, as more closely related to enforcement action	Chapter 6 Section 6.3 Practice Guidance	Chapter 2 Section 2.2.1.2 Practice Guidance
MOV51	The enforcement approach section	Chapter 6 Section 6.4.1 Practice Guidance	Chapter 7 Section 7.1.2 Practice Guidance
MOV52	Enforcement Information section	Chapter 6 Section 6.4.2 Practice Guidance	Chapter 7 Section 7.1.3 Practice Guidance

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
MOV53	Powers of entry as it relates to practical enforcement	Chapter 6 Section 6.5.1 Practice Guidance	Chapter 3 Section 3.1.2 Code
MOV54	Hygiene Improvement Notices and Improvement Notices section now merged with section on Food Information Regulation Improvement Notices, and includes details that have been moved from the Code	Chapter 6 Section 6.6 Practice Guidance	Chapter 7 Sections 7.2.1 to 7.2.2 Practice Guidance
MOV55	Managing Incidents and Alerts moved to new Chapter 5 covering Incidents and Alerts	Chapter 5 Code	Chapter 2 Sections 2.2 and 2.4.1.4 Code
MOV56	Previous content on incidents moved to a new Chapter 5 Food Incidents, Alerts and Food Crime which consolidates all incident related content	Chapter 5 Practice Guidance	Chapter 2 Section 2.2 Practice Guidance
MOV57	Quality of Bivalve Mollusc Production Areas requirements moved to Chapter 7 on Bivalve Mollusc	Chapter 7 Section 7.3.5 Code	Chapter 2 Section 2.4.1.9 Code
MOV58	Access to Information	Chapter 5 Section 5.3.7 Code	Chapter 3 Section 3.4 Code
MOV59	Section on Enforcement within Competent Authority-run establishments moved as related to enforcement policy	Chapter 2 Section 2.5.2 Practice Guidance	Chapter 3 Section 3.1.1.2

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
MOV60	Food establishment intervention rating schemes	Annex 1 Code	Chapter 5 Section 5.6 Code
MOV61	Revisits	Chapter 6 Section 6.5 Code	Chapter 5 Section 5.2.4 Code
MOV62	Inspections of ships and aircraft	Chapter 4 Section 4.7 Practice Guidance	Chapter 5 Section 5.5 Code
MOV63	Section on operating in another Competent Authorities area moved to Chapter 6 on enforcement as it relates to enforcement rather than administration	Chapter 6 Section 6.6 Code	Chapter 3 Section 3.1.2.5 Code
MOV64	Practical aspects of enforcement for example, service of notices, destruction and disposal of food, seizure and detention and voluntary procedures	Chapter 6 Practice Guidance	Chapter 7 Code
MOV65	Matters relating to Live Bivalve Molluscs (LBMs)	Chapter 7 Section 7.1 Practice Guidance	Chapter 8 Section 8.1 Practice Guidance
MOV66	Model registration form, temporary closure notice and Q&A on LBMs replaced with links to the forms on Smarter Comms	Smarter Comms with reference at Chapter 7 Section 7.1.19 Practice Guidance	Chapter 8 Section 8.1.19.1, 8.1.19.2, Annex 1 Practice Guidance
MOV67	Fishing vessel check lists and Q&A on fishery products replaced with links to Smarter Comms	Smarter Comms with reference at Chapter 7	Chapter 8 Section 8.2.7.1 to 8.2.7.3,

Reference	Record of movement of text from the Code and Practice Guidance	Where relocated	Where located previously
		Section 7.2.7 Practice Guidance	Annex 1 Practice Guidance
MOV68	Halal food requirements transferred to Smarter Comms	Smarter Comms with reference at Chapter 7 Section 7.3.9 Practice Guidance	Annex 2 Practice Guidance
MOV69	Documentation section covering the template forms which can be used by authorised officers	Smarter Comms with reference at relevant locations in Chapter 6	Chapter 7 Section 7.3 Practice Guidance
MOV70	Requirement for LAs to notify the FSA for LBM purification centre details i.e. the bullet 'where a live bivalve mollusc purification centre or modification to an existing centre is proposed	Chapter 7 Section 7.3.4 Code	Chapter 2 Section 2.4.1.2 Code
MOV71	Food business establishment/food premises intervention report	Chapter 4 Section 4.3.4 Practice Guidance	Annex 4 Code

Annex C: List of interested parties

Acoura
Agricultural Industries Confederation (AIC)
Animal and Plant Health Agency (APHA)
Animal Health Distributors Association (AHDA)
APHEYA Animal Nutrition
Association of Chief Trading Standards Officers (ACTSO)
Association of Convenience Stores
Association of Independent Meat Suppliers
Association of Meat Inspectors (AMI)
Association of Port Health Authorities
Association of Public Analysts
Assured Food Standards
Bed and Breakfast Association
Better Regulation Executive
Brewing, Food & Beverage Industry Association
British Association of Feed Supplement and Additive Manufacturers
British Beer and Pub Association
British Egg Industry Council
British Equestrian Trade Association
British Frozen Food Federation
British Institute of Cleaning Science
British Institute of Inn keeping
British Meat Processors Association
British Poultry Council
British Retail Consortium
British Sandwich and Food to Go Association
British Soft Drinks Association Ltd
British Veterinary Association
Campden BRI
Centre for Food Policy, City University
Centre of Environment, Fisheries and Aquaculture Science (CEFAS)
Chartered Trading Standards Institute (CTSI)
Chartered Institute of Environmental Health (CIEH)
Cheshire and Merseyside Food Liaison Group
Chilled Food Association Ltd
City of London Corporation
City of London Port Health Authority
Consumers for Health Choice
Dairy UK
Department for Business, Energy & Industrial Strategy (BEIS)
Department for Environment, Food and Rural Affairs (DEFRA)
Department for International Trade (DIT)
Department of Health and Social Care
Devon and Cornwall Food Liaison Group
East of England Trading Standards Association (EETSA)
Elas Group
Essex Food Liaison Group
Eville and Jones
FDQ Ltd
Federation of Bakers

Federation of Oils, Seeds and Fats Association Ltd
Federation of Small Businesses
FERA Science Ltd
Food Additives and Ingredients Association
Food Alert
Food and Drink Federation
Food Safety and Training Services Ltd
Food Safety Assist
Food Safety Management Ltd
Food Standards and Information Focus Group
Food Standards Scotland (FSS)
Foodchain and Biomass Renewables Association (FABRA UK)
Forum of Private Business
Fresh Produce Consortium
GMB (Trade union)
Grain and Feed Trade Association
Greater London Forum for Older People
Guild of Bangladeshi Restaurateurs
Hampshire and Isle of Wight Food Advisory Committee
Health and Safety Executive
Health Protection Agency
Herts and Beds Food Liaison Group
High Speed Training
Highfield Qualifications
Horticultural Trades Association
Howarth Food Safety Ltd
Humber Authorities Food Liaison Group
Institute for Grocery Distribution
Institute of Food Science and Technology
Institute of Hospitality
Institute of Public Health
International Meat Traders Association
Jurassic Coast Food Safety
Kent Food Technical Group
Kiwa Agri Food
Laboratory of the Government Chemist
Lancashire Food Officer Group
Leatherhead Food Research
Leicestershire Food Liaison Group
Lincolnshire Food Liaison Group
Lloyds Register
Local Authority Caterers Association
Local Government Association
London Food Coordinating Group
London North East sector
London North West sector
London Retail Meat Traders Association
Meat Training Council
Ministries of Housing, Communities & Local Government (MHCLG)
National Agricultural Panel
National Animal Feed Ports Panel
National Association of Agricultural Contractors

National Association of British and Irish Millers
National Association of British Market Authorities
National Association of Catering Butchers
National Association of Master Bakers
National Beef Association
National Consumer Federation
National Farmers Retail and Markets Association
National Farmers Union
National Federation of Fishmongers Ltd
National Federation of Meat and Food Traders
National Food Hygiene Focus Group
National Halal Food Group
National Market Traders Federation
National Office of Animal Health (NOAH)
National Pig Association
National Sheep Association
National Trading Standards (NTS)
Nationwide Caterers Association
Navitas (formerly the European Safety Bureau)
Norfolk Food Liaison Group
North Yorkshire Food Liaison Group
Northamptonshire Food Liaison Group
Northern Food Liaison Group
Nottinghamshire Food Liaison Group
NSF International
Office for Product Safety and Standards (OPSS)
Osborne Richardson
Pet Food Manufacturers Association
Provision Trade Federation
Public Analyst Scientific Services (PASS)
Reading Scientific Services
Red Tractor Assured Food Standards
Royal Association of British Dairy Farmers
Royal College of Veterinary Surgeons (RCVS)
Royal Environmental Health Institute of Scotland (REHIS)
Royal Society for Public Health
Safe and Local Supplier Approval (SALSA)
SAI Global
Scottish Food Safety Officers Registration Board (SFSORB)
Seafish
Seahaven Food Safety
Shield Safety
Shropshire and Staffordshire Food Liaison Group
Smithfield Market Tenants' Association
Snacks, Nut and Crisp Association
Southern Shellfish Liaison Group
Suffolk Food Liaison Group
Surrey Food Liaison & General Health Promotion Study Group
Sussex Food Group
Sustain: the alliance for better food and farming
The Quadram Institute
The Seed Crushers and Oil Processors Association

Trading Standards South West
UK Food Safety
UK Former Foodstuffs Processing Association (UKFFPA)
UK Hospitality
Unison
United Kingdom Accreditation Service (UKAS)
Vegetarian Society of the United Kingdom
Veterinary Medicines Directorate (VMD)
Warwickshire and Coventry Food Liaison Group
West Midlands Food Liaison Group
West of England Food Liaison Group
West Yorkshire Food Liaison Group
Which?