

# November 2020 Board Meeting - Questions



## Question 1

I would like to Thank Mark Davis, Head of Delivery Support Unit, Regulatory Compliance Division, Food Standards Agency, for the zoom meeting in support of the home baking business and the enormous growth this sector is seeing and opportunities and potential risks associated with more people coming online and working a food business from home.- I think we all felt a lot was achieved from this meeting across the board.

In a recent search for cake ( UK)) and many bakers don't use the word cake in their company name there showed 38,355 businesses with this name- we are unable to search a particular category as different EHO register them differently – even within the same office.- can this be reviewed?

There was discussion about the 'whistle blower' -non registered / working from home – making it easier to report- and wondered whether this has been moved forward in light of the increases we are seeing- if more are registering- there will be a large number not doing so too!

Paula Wilkinson, Director

[www.MumsBakeCakes.co.uk](http://www.MumsBakeCakes.co.uk)

## Our response to Question 1 was:

On the question about the search of our Food Hygiene Rating Scheme (FHRS) database, the search will return both exact and close matches. This allows for common spelling mistakes. Exact matches will be returned first. That being the case, searching on the word 'cake' returns not only all businesses with the word cake somewhere in their business name, but also with words similar to cake. This includes words such as 'bake' and 'café' and the results would also include businesses with these words in their name. The best way to search for a specific business would be to search on a more unique word within the business name or to use the 'more search' function to specify other search criteria. To note, searching on the word 'cake' wouldn't return results for all home-bakers as it would not include businesses without the word cake in their business name.

On the issue of making it easier to report suspected unregistered home-based businesses operating online, work to explore the options for this is progressing. This includes a specific project to consider an appropriate route for such concerns to be raised and how they can be subsequently dealt with effectively. In the meantime, wherever possible we would encourage you or your members to notify the relevant local authority, where this is known, of any suspected unregistered businesses.

## **Question 2**

Keith Warriner

@kwarrine

Why dont the FSA promote the use of meat thermometers for verifying cooking of products such as burgers and nuggets?

<https://twitter.com/kwarrine/status/1328361675116965891>

Our response to Question 2 was:

We don't usually actively promote the use of food probes/ thermometers to consumers. We want to ensure our advice doesn't require specific equipment where possible, so it can be followed by all.

Cooking food at the right temperature and for the correct length of time will ensure that any harmful bacteria are killed. Always check the advice on food packaging and follow the cooking instructions provided. You can make sure meat is cooked thoroughly by checking it is steaming hot and cooked all the way through.

Thermometers must be calibrated regularly and used correctly to ensure they give an accurate reading. Food probes/ thermometers may also be a source of cross-contamination if they are not disinfected between each use.

We have previously given advice to consumers who choose to use cooking thermometers as part of our "Seasons Eatings" Christmas communications activity.

The FSA provides some guidance to caterers on the use of probe thermometers, which can be found at <https://www.food.gov.uk/sites/default/files/media/document/sfbb-caterers-pack.pdf>

## **Question 3**

HeidiBearKaye

@HeidiBearKaye1

Does the Food Standards Agency have inspectors who visit factory farms...without warning?

<https://twitter.com/HeidiBearKaye1/status/1328349063742447622>

Our response to Question 3 was:

The Animal and Plant Health Agency (APHA) are responsible for animal welfare standards on farms however we do have FSA inspectors that visit farms for dairy hygiene inspections which are usually unannounced (except that at present due to Covid-19 controls we are

making farms aware of these visits in advance). The frequency of these inspections is dictated by the risk associated with the products involved, for example, whether it is pasteurised or raw drinking milk, the level of historic compliance and whether the dairy farm concerned is a member of the Red Tractor Assurance Scheme.

#### **Question 4**

My experience and evidence suggests our increasing reliance on auditing (BRC, GFSI, SALSA) as the single measure of the capability of food producers to demonstrate food safety, has shifted our internal technical capabilities from risk assessment to audit prep & response, increasing the likelihood of mistakes at 'design' and 'change' points.

Is this a recognised concern for the FSA as we prepare for life outside the EU?

Denis Treacy

40 years of food supply chains

<https://www.culturecompassltd.co.uk/meet-our-founder>

Our response to Question 4 was:

Dear Denis

Thank you for taking the time to submit a question ahead of the FSA Board meeting earlier this month.

Please find below our response to your question, 'My experience and evidence suggests our increasing reliance on auditing (BRC, GFSI, SALSA) as the single measure of the capability of food producers to demonstrate food safety, has shifted our internal technical capabilities from risk assessment to audit prep & response, increasing the likelihood of mistakes at 'design' and 'change' points. Is this a recognised concern for the FSA as we prepare for life outside the EU?'

Food business operators, such as food manufacturers, use external 3<sup>rd</sup> party assurance to supplement internal quality control procedures rather than replace in-house checks. It is essential that they have access to the technical skills required to put in place and maintain an appropriate food safety management system based on Hazard Analysis and Critical Control Point (HACCP) principles.

Local Authority interventions, such as inspections, primarily focus on the examination of the businesses' food safety management system, the procedures and controls in place to ensure that food is produced safely. This ensures that the business retains a focus on risk assessment and management of hazards in their food activities.

For these reasons we are not concerned about the use of auditing by food businesses. Although we recognise that they do need to be committed to doing the right thing and to

effectively manage their food safety processes, not just focussing on the completion of documentation that will be examined at an audit.

In-house checks and 3<sup>rd</sup> party assurance audits are food safety assurance systems that complement each other and provide protection for consumers. The best results for businesses and consumers are gained by local authorities taking account of 3<sup>rd</sup> party assurance findings and vice versa, to inform the interventions.

## **Question 5**

Dear FSA Team,

please find few outlined questions- which I feel could be taken in consideration for current or future discussions

Sampling:

OCR EC 625/2017 along with IMSOC regulations do define frequencies and extend of sampling from third countries. Since there is going to be a change of check regime and relationship between EU and UK – there is likely to expect inflow of products- which would not be acceptable for EU market- coming from EU.

What measures are planned to protect UK consumers from exposure to substandard or unsafe food (Sampling, additional documentation etc. )? How will be enforcement deployed, funded, organised, monitored and most importantly – ensured to be done as and where relevant and appropriate?

Influx of attempt to introduce substandard food will be likely to happen from very early part of UK/EU split-

How will FSA support BCPs etc. – knowledge, capacity, funds, resources etc.- when these aspects already subject to concerns?

What means of public protection is planned by FSA in regards of sufficient adequately trained Port Health officers – when new CoP proposed by FSA actually intend to “water down” the qualification- removing standards of consistency from the process. Imported food checks require further knowledge above and beyond inland legislation- IMSOC and OCR EC 625/2017 are substantial legislative instruments- Isn't FSA worried of wrong application of law – if potentially authorisable is anyone who walks from the street?

RASFF – is retention of RASFF part of any kind of negotiations (as these would be mutually beneficial to UK and EU) and if not- how is FSA planning to protect UK consumer- when exposures to substandard r unsafe food caused by intelligence and communications delays could be substantial?

What additional support is prepared for LA from FSA for period in between 1/1/2021 and new COP implementation time – interim period when more food officers will be needed and they will simply be not available ( 2<sup>nd</sup> lockdown now and various tiers placements are slowing down completion of any technical logbooks/CDPs etc.) Is FSA planning to help LA?

Could LA perhaps work with CIEH to help graduates to get quicker on EHRB (yes, this mean reopen it so they can join their LA help them through the post transition stress combined with Covid (instead of worrying about meeting post qualification status- make this optional for those who want)? ...)- Surely more work needs to be done as a matter of urgency- considering present and near future pressures- with accrediting body- alternatively- FSA could authorise officers or alternative to CIEH could rise? I feel its bit disappointing that two major crisis are squeezing country simultaneously, there are major issues only a foot ahead and there is no substantial shared contingency plan rolled out and actioned already. Its only **45days left...**

Will FSA launch training platforms or zoom/team training for officers- so candidates can attend these- instead drawing on resources of already stretched LA?

In similar with implementation of EC 625/2017 OCR and IMSOC- there was a call for proformas, forms etc. set up by FSA for ports to be able to download and use – to ensure nationwide uniformity and assist ports. This didn't quite happen. Considering that it's likely that there will be a major call on LA resources- will there be a united free to use platform for LA to draw from- is the project in place already ?

Will FSA publish updated imported food pack again?

**Thank you for consideration of questions above. I would be interested to take part on imported food projects- if there would be the opportunity. I would be more than happy to discuss any of outlined points.**

Thank you

Kind regards

**Diana Tumova MSc MCIEH**

**Environmental Health Practitioner**  
Crawley Borough Council

Our response to Question 5 was:

***OCR EC 625/2017 along with IMSOC regulations do define frequencies and extend of sampling from third countries. Since there is going to be a change of check regime and relationship between EU and UK – there is likely to expect inflow of products- which would not be acceptable for EU market- coming from EU.***

When the Transition Period finishes on 31 December 2020, EU law will become retained UK law. Therefore, requirements relating to the importation of high-risk food and feed from third countries and the frequency at which documentary, identity and physical checks are undertaken, will not change post Transition. The arrangements that are currently in place for the importation of high-risk food and feed from third countries will continue post Transition and will mirror EU requirements.

Regarding access to EU systems, unfortunately when the Transition Period expires, the FSA in GB will lose access to EU systems, such as TRACES NT and IMSOC. In

preparation for this, Defra have developed IPAFFS and this system will replace TRACES NT for the notification of imported high risk food and feed into GB.

IPAFFS also incorporates the means to deliver intensified official controls (IOCs) and the provision to disseminate this information to GB ports. The system for delivering IOCs will be based on GB checks alone and will not take account of checks carried out by the EU 27.

Through the RASAFF third country module and INFOSAN, the FSA will continue to monitor issues that arise worldwide with the international supply of food and feed.

Any exports Post Transition Period from GB to the EU will have to be compliant with EU requirements. The FSA is working with Defra to ensure UK businesses are prepared for the end of the Transition Period and understand requirements to export high risk food and feed from GB to the EU.

***What measures are planned to protect UK consumers from exposure to substandard or unsafe food (Sampling, additional documentation etc. )? How will be enforcement deployed, funded, organised, monitored and most importantly – ensured to be done as and where relevant and appropriate?***

When the UK leaves the Transition Period, EU law will become retained UK law and there will be no change in requirements for imported high risk food and feed from third countries. The controls that are currently applied to imported high risk food and feed by Port Health Authorities (PHAs) will not change post Transition.

The Official Controls Regulation EU 2017/625 provides the legal basis for PHAs to recover costs associated with the delivery of Official Controls, such as those checks carried out on imported food and feed. The FSA is not aware of any plans to change the ability of PHAs to charge for these checks.

The FSA, together with Defra have been working with UK ports and PHAs to ensure they are prepared to meet the challenges presented by the end of the Transition Period, in terms of assessing future capacity and infrastructure needs. The FSA has made available funding to support PHAs for this purpose. The phased introduction of checks on EU imported high risk food and feed, from January to July 2021 will allow GB ports to grow with demand. The FSA will continue to closely monitor the delivery of Official Controls by PHAs during this period to ensure UK consumers continue to have access to safe imported food.

***Influx of attempt to introduce substandard food will be likely to happen from very early part of UK/EU split-***

***How will FSA support BCPs etc. – knowledge, capacity, funds, resources etc.- when these aspects already subject to concerns?***

The FSA continues to support PHAs with training, through the development and roll out of the Fish Inspection and the Imported High Risk Food Not of Animal Origin courses. The FSA has also made available funding to PHAs to help develop resource and capacity in preparation for the post Transition environment.

The controls that are currently applied to imported high-risk food and feed, will continue post Transition. Information supplied by IPAFFS, will enable the FSA to monitor the delivery of imported food and feed checks by PHAs and the ability to intervene if necessary.

Whilst the FSA has no evidence to suggest there will be an influx of attempts to introduce substandard food at the end of the Transition Period, the controls that PHAs have in place, such as food sampling, documentary, identity and physical checks will ensure imported food is rigorously checked.

***What means of public protection is planned by FSA in regards of sufficient adequately trained Port Health officers – when new CoP proposed by FSA actually intend to “water down” the qualification- removing standards of consistency from the process. Imported food checks require further knowledge above and beyond inland legislation- IMSOC and OCR EC 625/2017 are substantial legislative instruments- Isn’t FSA worried of wrong application of law – if potentially authorisable is anyone who walks from the street?***

We have taken a considered approach to modernising the qualification requirements in the proposed Food Law Code of Practice which 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. An activity-based model to assess competency will also enable local authorities and port health authorities to use resources efficiently and to maximise the effectiveness of consumer protection.

The Competency Framework also details specific competencies in respect of import of food at points of entry, export and inland official food controls. The current and proposed Code requires officers to demonstrate prior to being authorised to undertake such activities that they are competent to do so.

The proposed Code requires Lead Officers to assess the competence of officers against the Competency Framework by using the existing robust methods of assessment set out in the Food Law Code of Practice and Practice Guidance. The proposed Food Law Practice Guidance also provides that, lead food officers are encouraged to participate in inter-authority audit and peer review, which will help with the development of consistent approaches to competency assessment.

We are also mapping the current qualifications against the competencies in the framework, so it is clear how they align. We are also looking to provide Lead Officer training to support the implementation of the Competency Framework.

We fully acknowledge that full implementation of the Competency Framework will depend on having a consistent process in place for the assessment and authorisation of individuals as competent. We are currently undertaking research into how other regulators (both nationally and internationally) and other organisations assess and authorise competency,



which will inform our approach to assessment. We anticipate consulting on the proposed approach to assessment in mid-2021.

A competency assessment record has also been developed to assist local authority Lead Officers assess the competency of their officers against the Competency Framework, the use of which is voluntary. We are exploring what additional support materials could assist Lead Officers in assessing the competency of their officers against the Competency Framework.

Furthermore, the current Code and proposed Code requires authorised officers to receive 20 hours appropriate training based on the principles of continuing professional development and reviewed on an annual basis. Competency should also be reviewed on an ongoing basis, for example as part of a Local Authority's appraisal process.

The changes and flexibilities we are proposing to the Food Law Codes of Practice and the introduction of the Competency Framework are critical to addressing the urgent need for local authorities to be able to recruit additional officers to deal with the anticipated increase in food controls on imported and exported food that will be required at the end of the Transition Period.

They are also important in terms of, and to, addressing reductions in food service resources resulting from redeployment of staff during the unprecedented circumstances created by the COVID-19 pandemic.

We firmly believe the proposed changes and introduction of the Competency Framework, underpinned by the currently established robust method of assessment of competency, ongoing monitoring in respect of officer development and training will not undermine food safety and standards or consumer protection

***RASFF – is retention of RASFF part of any kind of negotiations (as these would be mutually beneficial to UK and EU) and if not- how is FSA planning to protect UK consumer- when exposures to substandard r unsafe food caused by intelligence and communications delays could be substantial?***

It is thought that UK full access to RASFF is unlikely, even though it is still subject to negotiations. The FSA has put in place measures to mitigate potential loss of full access to EU systems. These include strengthening of FSA capabilities to detect, respond to and prevent food safety incidents and ensure that as UK adjusts after exiting the EU, we remain 'ahead of the curve' in maintaining the UK's world class incident management reputation. Improvements in FSA detection, receipt and management capability for incidents impacting the UK have been made, including monitoring of key data sources and use of the FSA's Strategic Surveillance Programme data algorithms to identify risks impacting the UK. These mechanisms are operational and already proving effective for early identification of food safety issues affecting the UK. The new staff resource recruited and trained has increased the size of the FSA's Incident and Resilience Unit by around 30%.

The FSA is also increasing its' engagement with the International Network of Food Safety Authorities (INFOSAN), of which we are already a member. The use of INFOSAN for



strengthening engagement with other trading countries will provide the UK with an extensive 'reach' for communicating information on food safety issues. INFOSAN's membership includes over 180 countries, including QUAD countries (USA, Canada, Australia and New Zealand) who are all key users and advocates of the system. The FSA has invested in INFOSAN, funding an FSA secondee posting to INFOSAN Secretariat in Geneva. This investment has already increased the UK's links to our international counterparts and ensured mechanisms are in place for future engagement of food safety incidents.

Even if we don't secure continued access to RASFF the UK as an EU third country will be notified of any RASFF impacting on the UK. And as part of this, Local Authorities will be expected to respond to requests from the FSA relating to incidents involving EU countries.

***What additional support is prepared for LA from FSA for period in between 1/1/2021 and new COP implementation time – interim period when more food officers will be needed and they will simply be not available ( 2<sup>nd</sup> lockdown now and various tiers placements are slowing down completion of any technical logbooks/CDPs etc.) Is FSA planning to help LA? Could LA perhaps work with CIEH to help graduates to get quicker on EHRB (yes, this mean reopen it so they can join their LA help them through the post transition stress combined with Covid (instead of worrying about meeting post qualification status- make this optional for those who want)? ...)- Surely more work needs to be done as a matter of urgency- considering present and near future pressures- with accrediting body- alternatively- FSA could authorise officers or alternative to CIEH could rise? I feel its bit disappointing that two major crisis are squeezing country simultaneously, there are major issues only a foot ahead and there is no substantial shared contingency plan rolled out and actioned already. Its only 45days left...***

The proposed amendments to the Codes, the Practice Guidance and the implementation of the Competency Framework which we are currently consulting on, broaden the list of 'suitable' qualifications to enable a wider cohort of environmental health and trading standards professionals to undertake certain official food controls, which the Code restricts, providing they can demonstrate they are competent.

Subject to the outcome of the consultation exercise, and review of stakeholder responses, these proposals are planned to be implemented in early February 2021.

The expanded list of qualifications deemed 'suitable' includes having an 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, but it is for each Local Authority to determine the requirements for the officers they are looking to recruit.

We engage on a regular basis with the professional awarding bodies. The Competency Framework has been developed in collaboration with a Competency Reference Group. The Group comprises representatives from local authorities and port health authorities 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.

The controls that are applied to the importation of high-risk food and feed from non-EU countries during and after the Transition Period will not change and therefore there will be no additional impact on PHA responsibilities. What will change is the requirement to undertake official controls on imported high risk food and feed for commodities from the EU. Both Defra and the FSA have working with PHAs in England and Wales to access resource requirements and indeed facilitates to cope with this demand. To help PHAs, there will be a phased introduction to controls applied to imported high risk food and feed commodities from the EU, beginning in April with the need to undertake documentary checks and from July onwards physical and identity checks.

***Will FSA launch training platforms or zoom/team training for officers- so candidates can attend these- instead drawing on resources of already stretched LA?***

We are aware that the Covid-19 pandemic has placed additional burdens on Local Authorities and our training courses for Fish Inspection and Imported High Risk Food Not of Animal Origin are already available online. The FSA continues to make full use of online platforms to host external meetings, to maintain social distancing during these difficult times.

***In similar with implementation of EC 625/2017 OCR and IMSOC- there was a call for proformas, forms etc. set up by FSA for ports to be able to download and use – to ensure nationwide uniformity and assist ports. This didn't quite happen. Considering that it's likely that there will be a major call on LA resources- will there be a united free to use platform for LA to draw from- is the project in place already ?***

The Animal Plant Health Agency (APHA) are the Central Competent Authority for export health certification and we understand that they have provided guidance to Local Authorities on the certification process. In addition, Defra have provided guidance to Local Authorities regarding the certification of fish, fish products and eggs products.

***Will FSA publish updated imported food pack again?***

Yes, we are reviewing and updating our guidance to ensure it reflects the post Transition environment. Our guidance will cover imported food and feed for NI and GB.

## **Question 6**

Dear FSA team.

I would like to submit following question

With assumed deviation from alignment with EU regulations- are there plans in place to review meat inspections qualification framework and make it accessible as a top up course for eh?

It would help bcps and make import controls more efficient and productive.

Thank you  
Kind regards  
Diana Tumova

Our response to Question 6 was:

Good morning

We are currently consulting on proposed amendments to the Food Law Code of Practice and the implementation of the Competency Framework. The proposals being consulted on include amendments to the qualification and competency requirements for officers delivering official controls, including at points of entry. Further information on the consultation, which ends on the 10 December, can be found on the FSA [website](#) and we would welcome your feedback on these proposals.

There are no current plans to review the meat inspections qualification framework as a direct result of any assumed deviation from EU Regs. However, FSA is undertaking a programme of transformational change focused on the delivery of Official Controls within the meat sector, and this may lead to future reviews.