

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

## Summary of stakeholder responses

1 March 2021

### What was the background to the consultation?

Local authorities (LAs) are responsible for delivering official food controls in most food establishments in England including manufacturers, supermarkets, restaurants, pubs, hospitals and schools and other places where people buy and eat food. Port Health Authorities (PHAs), as well as inland LAs, carry out a range of official food controls on products of animal origin, and certain foods not of animal origin arriving into the UK.

The Food Law Code of Practice (England) - the Code - sets out instructions and criteria to which LAs and PHAs in England must have regard when discharging their duties in relation to the delivery of official food control activities (separate but parallel Codes are issued in each of the UK countries). The Code requires regular review and revision to ensure that it reflects current policy and legislative requirements so that LAs and PHAs delivery of food control activity remains effective, consistent, and proportionate.

The National Audit Office (NAO) in 2019 examined LA resources for delivering food control activities in England. The NAO report [‘Ensuring food safety and standards’](#), concluded that LA spending cuts have led to a reduction in the number of food control staff. In addition, LAs and PHAs are having difficulty recruiting suitably qualified staff. This has become acute during the COVID-19 pandemic.

This consultation sought views on proposed changes to the Code that are critical to addressing the urgent need for LAs and PHAs to be able to recruit, train and deploy additional officers so that they can deal with the increase in controls on imported food and certification of exported food required now that the transition period has ended. The changes will also help address reductions in food service resources resulting from the redeployment of staff, and staff absences during the COVID-19 pandemic.

Views were also sought on other changes that were proposed to ensure the Code reflects current priorities, policy, and legislative requirements.

This is the first in a series of planned reviews of the Codes over the next few years, to reform the regulatory delivery model, and deliver on the various aspects of the Food Standards Agency's (FSA's) modernisation programme.

## What did we consult on?

The key changes on which we sought views were:

- a) the modernisation of the qualification requirements to enable LAs and PHAs to fully recognise the potential of a wider cohort of environmental health and trading standards professionals to undertake food control activities providing they can demonstrate they are competent
- b) replacing the existing competency requirements with the FSA 'Knowledge and skills for the effective delivery of official food and feed controls and other activities' (the Competency Framework) that defines competency by activity rather than by role
- c) the introduction of 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
- d) revisions to reflect legislative changes such as the coming into effect of the Official Controls Regulation (EU) 2017/625 in December 2019, and EU exit implications
- e) simplification of the structure and format of the Code to promote consistency in its interpretation and implementation

The [full consultation package](#) is published on our website.

A separate but similar consultation took place in [Northern Ireland](#) at the same time, and consultation in [Wales](#) began on 18 December 2020 and closes on 25 March 2021.

## Who did we consult?

We completed an eight-week consultation exercise in two phases. This included:

- a series of stakeholder engagement events beginning in October 2020
- issuing the consultation package to 354 LAs and PHAs in England, and 167 other stakeholders with an interest in the proposals and publishing it on the FSA website from 13 November with a deadline for comments of 10 December 2020

We are very grateful for the 168 substantive responses that were received. These comprised responses from 73 individuals, 58 LAs and PHAs, 17 expert groups, seven industry stakeholders, four professional awarding bodies, three educational institutions, two training providers, two other respondents, an FSA delivery partner, and a private sector assurance body. A full list can be found at Annex A.

## **What did stakeholders say and what is our response to this?**

The tables that follow summarise the responses to the consultation in terms of the questions set out in the consultation package.

We have given very careful consideration to the comments provided and the views expressed and our response to these is also set out.

## Summary of substantive comments and FSA response

### Question 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?

What did stakeholders say?	What is the FSA's response?
<p>There was general agreement that the layout, presentation, and revised text had been improved in respect of clarity and readability.</p> <p>Stakeholders made several suggestions for improvement which included:</p> <ul style="list-style-type: none"><li>• creating a standard layout between the Code and the Practice Guidance, including a common order, and numbering to aid cross-referencing</li><li>• the insertion of navigable links to related text, each document and to external websites</li><li>• establishment of a channel to comment on the Code and the Practice Guidance beyond the consultation as issues are identified when applied in practice</li></ul>	<p>The suggested changes will be made to the Code and the Practice Guidance.</p> <p>We are exploring digital solutions to the hosting of the Code and the Practice Guidance via, for example, e-books which would enable linking between both documents, and external websites (including legislation). This will make navigation simpler and reduce unnecessary duplication in the Code and Practice Guidance.</p>

## Question 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)

What did stakeholders say?	What is the FSA's response?
<p>There were mixed views on this with some raising concerns that what was proposed would undermine the professional status of the food officer role.</p> <p>There was general agreement that the baseline qualification requirement should be retained for officers undertaking official food controls.</p> <p>Several stakeholders suggested that there is scope for further flexibilities with the qualification requirements in respect of interventions at lower risk establishments.</p> <p>It was also suggested that the list of 'suitable qualifications' should be expanded further to take into account other relevant qualifications for example those of an Official Veterinarian or competent professionals who may have gained their training and experience through non-traditional pathways as this is a common occurrence in the food sector.</p>	<p>We recognise the value that qualifications have in providing the knowledge and skills for individuals and that they are an excellent way for an individual to demonstrate competency.</p> <p>We have retained but extended the list of 'suitable qualifications' which are all assessed by an independent body.</p> <p>The removal of certain qualification restrictions also enables LAs and PHAs to deploy officers, recognising that competency can be demonstrated through a wider range of qualifications, training, and relevant experience.</p> <p>Before an officer can be authorised to deliver official food controls their competency must be assessed by the lead food officer (LFO) or other suitably qualified and competent officer who will support the LFO to assess against the competencies within the Competency Framework.</p> <p>We will explore further qualification flexibilities as part of the Code and the Practice Guidance review, consulting in Autumn 2021.</p>
<p>Respondents considered that a requirement for qualifications to be accredited should be included in the Code.</p>	<p>We consider that restricting qualifications to only those courses that are accredited reduces the choice LAs and PHAs have on which graduates they choose to employ.</p>

What did stakeholders say?	What is the FSA's response?
<p>There does not seem to be a requirement for qualifications to conduct food safety work at Border Control Posts (BCPs).</p>	<p>Officers undertaking official food controls or tasks related other official activities on food not of animal origin inland, or at BCPs must hold a 'suitable qualification', be able to demonstrate their competency for the activities they will be authorised to perform and be appropriately trained (see section 3.6 of the Code).</p> <p>Officers performing official food controls or certain tasks related to other official activities on products of animal origin at BCPs are not required to hold a 'suitable qualification' but must be able to demonstrate their competency for the activities they will be authorised to perform and be appropriately trained (see section 3.5 of the Code).</p> <p>Officers who are designated to undertake or assist with physical checks on products of animal origin must have completed a programme of training provided for in Article 3 of Commission Delegated Regulation (EU) 2019/1081.</p>

### Question 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 food controls?
- (c) the relevant competencies (knowledge and skills) for each activity and sub-activity?

What did stakeholders say?	What is the FSA's response?
Some stakeholders agreed that all relevant activities and competencies were included and welcomed how comprehensive it was, including activities for specialist areas, and the alignment of public and private sector competency.	Comments noted.
A private sector assurance body commented that many activities carried out by assurance schemes align closely with LA controls, for example, audits. There is less alignment, however, for other activities which the proposed framework does not cover in detail for example, root cause analysis and the identification of practical solutions to improve business compliance. The FSA should consider adding these additional competencies.	The scope of the formally recognised assurance activities is, at this stage, the audit activities undertaken by FSA approved assurance schemes. Based on feedback received an additional sub-activity B2.5: FSA approved assurance scheme audits, has been added. With regards to additional competencies for individuals undertaking assurance activities, in due course we will consider if any additional knowledge and skills need to be included, taking into account the assurance activities that are formally recognised at that time.

What did stakeholders say?	What is the FSA's response?
Some stakeholders commented that the Competency Framework was too detailed and complex, for example, Activity E9: Approval of businesses.	We acknowledge that the level of detail is greater than provided by the current Code, but the aim is to assist LFOs in determining officer competency. Activity E9: Approval of businesses, includes sub-activities covering the range of activities a business may be approved for. The competencies require officers to have the technical knowledge to assess whether a business should be granted approval or not, which aligns with the current FSA approvals guidance for LAs.
Others requested further details in relation to import controls.	With regards to import controls, the Competency Framework includes three relevant activities, to which additional details have been added.
Further details were requested in relation to auditing and inspection skills.	Auditing and inspection skills are covered in separate activities and sub-activities, but the concern was the Competency Framework did not refer to auditing principles. The applications of the auditing principles in practice are covered by competencies in the common competencies or the auditing activities.
Further details were requested in relation to identifying LFO competencies.	With regards to LFO competencies, the Practice Guidance details the activities within the Competency Framework a LFO must be able to demonstrate. Additional detail has been included in the Competency Framework to explain this.
Further details were requested in relation to specific food processes and products.	In relation to the level of detail included about food processes and products, specific specialist activities for the assessment of high-risk processes and products are included in section E: Specialist activities.



What did stakeholders say?	What is the FSA's response?
<p>Further details were requested in relation to knowledge of hazards, Hazard, Analysis, Critical Control Points (HACCP) principles and microbiology.</p>	<p>The Competency Framework has been designed so that some knowledge and skills are not referenced specifically as they are either covered implicitly or by other knowledge and skills statements within an activity. For example, to assess food safety management systems an officer would need to have knowledge of HACCP principles to be able to do this.</p>
<p>Further details were requested in relation to levels of knowledge for the activities and the scope being extended beyond food and feed.</p>	<p>In relation to the Competency Framework not including levels of knowledge for the activities, this is consistent with the approach in the current Code.</p> <p>The scope of the Competency Framework reflects the responsibilities of the FSA as a Central Competent Authority for food and feed and allows LA and PHA officers to be authorised for the type of interventions they are competent to undertake.</p>
<p>Further details were requested in relation to officers with a 'lower level of competence' being able to be deployed to deliver lower-risk interventions.</p>	<p>If an LA requires an officer to undertake inspections of low-risk premises, if the officer holds a 'suitable qualification', and can demonstrate they are competent for this activity, they could be authorised to only undertake these types of inspections in accordance with the LAs authorisation procedures, as is the case currently. As the officer gains experience, their authorisation could be extended as appropriate.</p>

#### Question 4

Do you agree that defining competency by activity rather than taking a role or profession-based approach provides LAs, PHAs and FSA delivery partners with greater flexibility in the utilisation of resources? If not, why not?

What did stakeholders say?	What is the FSA's response?
<p>Some respondents agreed that defining competency by activity would provide greater flexibility, commenting that the current system is too inflexible.</p> <p>It was also commented that the differences between LAs mean that some will be better able to take advantage of the proposed flexibilities than others.</p>	<p>Comments noted.</p>
<p>Some respondents commented that professionally qualified, holistic officers provide the greatest flexibility, as they can cover a wider remit and enable LAs to effectively adapt to changing circumstances.</p>	<p>The Competency Framework is an activity-based framework that provides flexibility by allowing officers to be authorised for the activities they are competent to undertake. However, we recognise that each LA is different and that officers enforce legislation beyond food and feed. It will be for each LA to determine the requirements for the officers they are looking to recruit.</p> <p>For example, if an officer is required to work across all areas of environmental health or trading standards, a LA may choose to recruit an individual with a qualification that includes these disciplines.</p> <p>Alternatively, if an officer is required to only undertake official food controls, a LA may recruit an officer with any of the 'suitable qualifications' listed in the Code and authorise them for the specific activities they are competent to undertake.</p>

What did stakeholders say?	What is the FSA's response?
<p>Respondents commented that flexibility could be increased further when using the Competency Framework, if relevant activities took into account the intervention type and risk rating, enabling some officers to be authorised for interventions at lower risk premises.</p>	<p>Where a LA requires an officer to undertake inspections of low-risk premises, if the officer holds a 'suitable qualification' and can demonstrate they are competent to inspect, as is the case currently, the officer's authorisation could be restricted to inspecting low-risk premises in accordance with the LAs authorisation procedures. As the officer gains experience, their authorisation could be extended, as appropriate, to include higher-risk premises.</p>
<p>Some respondents commented that the proposals were intended solely to allow private businesses to undertake assurance activities.</p>	<p>The Competency Framework has been developed to set a single and consistent standard that applies to all food and feed controls delivered by LAs and PHAs, the FSA and FSA delivery partners, as well as those working in the private sector who undertake assurance activities that are formally recognised to inform targeting and frequency of official food controls in England, Wales, and Northern Ireland.</p> <p>The scope of the assurance activities is at this time the audit activities undertaken by FSA approved assurance schemes, which currently inform the frequency of official food controls as part of earned recognition.</p>

What did stakeholders say?	What is the FSA's response?
<p>Other respondents commented that implementing an activity-based approach will require greater management, encourage silo working, and place an additional burden on qualified officers who will need to cover activities that other officers are not authorised to undertake.</p>	<p>The current qualification and competency requirements in the Code mean that in practice, officers working in the same LA or PHA may not all be authorised to undertake the same controls. For example, an officer with the Ordinary Certificate in Food Premises Inspection is not able to inspect A or B risk-rated food businesses, seize, or detain food or serve emergency prohibition notices, and would require assistance from other officers if these activities were required.</p> <p>The activity-based approach in the Competency Framework and the proposals in the Code regarding qualification means that if an officer can demonstrate they are competent they will be able to undertake a greater range of activities, reducing the burden on other officers.</p>
<p>Some respondents commented that the current Code already allows for a competency-based approach and the certificate of registration awarded by the Environmental Health Registration Board (EHRB) is activity-based.</p>	<p>It is acknowledged there are competencies within the current Code, these are role-based rather than activity-based and that qualifications such as EHRB also provide evidence of competency for specific activities.</p>
<p>Respondents commented that a detailed activity-based competency framework does not add value and the proposals undermine professional standards and public health protection.</p>	<p>We recognise the professionalism and expertise of those individuals delivering official food controls and other activities and the changes are not intended to undermine this.</p> <p>The proposals still require officers undertaking official food controls and other activities (except at points of entry), to hold a 'suitable qualification' before being authorised, to be able to demonstrate the competencies for the activities in the Competency Framework they will undertake.</p>

## Question 5

Do you agree that 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?

What did stakeholders say?	What is the FSA's response?
<p>Some respondents agreed that setting a standard will improve the quality and consistency across the public and private sector and may encourage individuals to move from the private sector. The prescriptive nature of the Competency Framework makes it clear what knowledge and skills are required and will enable the identification of training needs.</p>	<p>Comments noted.</p>
<p>Some respondents commented that a consistent standard of competency for all relevant individuals can only be achieved through recognised qualifications.</p>	<p>With regards to recognised qualifications, the amendments to the Code do not remove the requirement for officers to hold a 'suitable qualification' (except at points of entry), which will have been assessed by an independent organisation.</p> <p>It is recognised that full implementation of the Competency Framework is dependent on having a consistent approach to the assessment of competency. We have initiated work to consider the process for assessing competency, and plan to consult on options for this in autumn 2021.</p>
<p>Some respondents considered that as the Competency Framework is not complete, it is difficult to comment on the consistency of delivery between the public and private sector.</p>	<p>When the Competency Framework is implemented for LA and PHA food controls it will contain all the relevant competencies for food and feed controls.</p> <p>We will further develop the Competency Framework in due course in respect of official food controls and other activities undertaken by the FSA, FSA delivery partners and formally recognised private sector assurance activities, as necessary and consult on these.</p>

What did stakeholders say?	What is the FSA's response?
<p>Some respondents commented that whether the Competency Framework improves consistency will be dependent on how it is implemented, with concerns raised about LAs and PHAs assessing officer competency.</p> <p>Independent verification and national oversight are required to ensure consistency, and centrally provided training will be required to support the implementation.</p>	<p>The Competency Framework, when initially implemented for LA or PHA food controls, will use the existing methods of assessment set out in the relevant Practice Guidance, with LFOs determining the competency of officers.</p> <p>To support the implementation of the Competency Framework, we are providing a proforma competency assessment record for LAs and PHAs to use if they choose to and LFO training. We are also initially mapping the qualifications we anticipate being most commonly held by newly appointed officers against the Competency Framework, so it is clear how they align. We anticipate publishing this mapping alongside the Competency Framework.</p> <p>We recognise that the full implementation of the Competency Framework, which will apply to all individuals engaged in delivering front-line official food and feed controls and formally recognised private sector assurance activities, is dependent on having a consistent approach to the assessment of competency.</p> <p>We have initiated work to consider the process for assessing competency under the Competency Framework and authorising individuals as competent, and plan to consult on options for this in autumn 2021.</p>
<p>Other respondents commented that the competencies within the current Code already establish a standard, and no evidence has been provided as to what inconsistencies there are at present in the delivery of official food controls and formally recognised assurance activities.</p>	<p>The Competency Framework has been developed to set a single and consistent standard that applies to all food and feed controls delivered by LAs, PHAs, the FSA and FSA delivery partners, as well as those working in the private sector who undertake assurance activities that are formally recognised to inform targeting and frequency of official food controls in England, Wales, and Northern Ireland. This single standard of competency does not currently exist.</p>

What did stakeholders say?	What is the FSA's response?
<p>Respondents queried why formally recognised assurance scheme activities were within the scope of the Competency Framework, highlighting concerns that the nature of these activities meant it was not possible to align the competencies required with those for the public sector.</p>	<p>Formally recognised assurance activities have been included in the scope of the Competency Framework to ensure there is a consistent standard of competency for individuals undertaking official food and feed control activities and these assurance activities.</p> <p>It is recognised there are differences in the focus of official food controls and formally recognised assurance activities, such as FSA approved assurance scheme audits, however, the majority of the knowledge and skills required to undertake them are the same.</p> <p>Based on feedback received from the FSA approved assurance schemes an additional sub-activity B2.5: FSA approved assurance scheme audits has been added to the Competency Framework. This must be demonstrated in addition to A: Common competencies and B2: Audits, which all individuals within the scope of the Competency Framework undertaking audits must demonstrate.</p> <p>The scope of the assurance activities in the Competency Framework at this time is the audit activities undertaken by FSA approved assurance schemes, which currently inform the frequency of official food controls as part of earned recognition.</p>

### Question 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?

What did stakeholders say?	What is the FSA's response?
There was the recognition that the provision to allow the FSA to be more responsive in issuing instructions to LAs to depart from the Code, in limited circumstances, would be beneficial but the concern was raised about the legal basis for this.	We acknowledge the concerns raised and have amended the terminology used in the Code in line with the FSA's statutory functions to provide 'advice' to LAs rather than to require or instruct them.

### Question 7

Do you agree that the key aspects of the OCR that have applied since 14 December 2019 have been reflected, within the proposed Code and the Practice Guidance?

What did stakeholders say?	What is the FSA's response?
There was general agreement that the key aspects of the OCR have been reflected within the Code and the Practice Guidance and the Practice Guidance.	Noted.
Concerns were raised that the provisions relating to sampling, which plays a pivotal role in food standards work, have been moved from the Code to the Practice Guidance and that this may be viewed as a reduction in status for sampling and may result in a further reduction in sampling budgets.	A new Section 4.5 has been included in the Code reaffirming that food sampling and subsequent analysis, and examination performs an essential function, by providing intelligence and evidence on the safety and authenticity of food on the UK market, supporting enforcement action to protect consumers.
The Code requires more detail with regards to food controls at borders.	We have revised sections 3.5 and 3.6 of the Code, adding clarity to the roles, responsibilities, qualification, and competency requirements for staff undertaking import controls on animals and goods arriving at BCPs. Section 4.6 of the Code on the monitoring of consignments of animals and goods entering the UK via a BCP has been updated to include relevant footnote references to the OCR requirements.



## Question 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?

What did stakeholders say?	What is the FSA's response?
<p>Stakeholders generally considered the FSA had underestimated the time for LAs and PHAs to familiarise themselves with the revisions to the Code, the Practice Guidance, and the Competency Framework.</p>	<p>The familiarisation time was estimated in line with the Department for Business, Energy &amp; Industrial Strategy (BEIS) guidance on the appraisal of new <a href="#">guidance</a>, which is based on the average number of words a person can read per minute. This approach is consistent with that taken in other FSA consultations.</p> <p>We have, however, reviewed our assumptions and recalculated the familiarisation costs:</p> <ul style="list-style-type: none"> <li>• using the recently published 2019/20 LAEMS data</li> <li>• increasing the familiarisation time to take account of the additional amendments to the Competency Framework</li> <li>• applying the dissemination time to all food officers, and not just LFOs</li> <li>• adding the cost for the provision of training to all LFOs</li> </ul> <p>This resulted in the familiarisation costs rising from £55,368 to £96,806.</p> <p>Even with the revised estimate, a full regulatory impact assessment has not been produced for the updated Code as one is not required.</p> <p>The FSA has certified the impact as being below the required threshold of +/-£5m equivalent annual net direct cost to business.</p>

What did stakeholders say?	What is the FSA's response?
<p>Respondents commented on the time it takes to assess officer competency currently.</p> <p>At inland authorities, the time for newly appointed officers ranged from 6 hours to 2 years, and for support staff between 12 and 18 months. At BCPs it was 6 months. It is assumed that these refer to both the time taken to achieve and demonstrate competency, as well as the assessment of competency. Contractors undergo a condensed competency assessment.</p> <p>In relation to ongoing competency assessment, the time taken was shorter than for the initial assessment. Officers spend between 2 hours and 4 days a year providing evidence to demonstrate their competency and LFOs between 1 to 3 hours to review this.</p> <p>Assessing the ongoing competence of authorised, professionally qualified officers was considered relatively simple and carried out through continuing professional development, ongoing performance monitoring and an annual observed assessment, lasting between 1 and 2 hours.</p> <p>Some respondents commented that ongoing assessment of competency was not undertaken, as competency is demonstrated by the successful completion of a qualification.</p>	<p>The responses indicating the time it currently takes to assess officer competency are noted.</p> <p>With regards to ongoing assessment, the current Practice Guidance provides that competency should be assessed on an ongoing basis, for example as part of a LA's appraisal process.</p>

What did stakeholders say?	What is the FSA's response?
<p>Respondents commented on the anticipated time required to assess competency against the Competency Framework.</p> <p>Some respondents indicated the time would depend on an individual's level of knowledge and skills, the support they have and how long it will take to gain the evidence to demonstrate their competency.</p> <p>Others suggested that as the Competency Framework is more detailed than the current framework, the assessment will take longer for officers who undertake a wide range of activities, with 3 to 4 hours per officer proposed.</p> <p>Where officers hold a 'suitable qualification' that has been mapped against the Competency Framework, it was considered the competency assessment should not take a significant amount of time. However, without this, the time was likely to be significant.</p> <p>Comments also suggested the assessment of competence was being transferred from LFOs to an external body, and that the FSA should gather further evidence about competency assessment times via the food standards pilots.</p>	<p>We agree that the time it will take to assess competency against the Competency Framework will vary depending on individual circumstances.</p> <p>The Competency Framework is activity-based, and each activity is designed to stand alone, so an officer can be authorised to undertake one or multiple activities depending on their role. There is no expectation that an officer must be competent for all the activities within the framework.</p> <p>The proposals still require officers to hold a qualification (except at points of entry) and we are initially mapping those qualifications we anticipate being most commonly held by newly appointed officers against the Competency Framework, so it is clear how they align. We are anticipating publishing this mapping alongside the Competency Framework.</p> <p>We will also be providing a competency assessment record for LAs to use if they choose to. The record has been developed to enable the evidence for competency to be automatically logged against similar competencies in other activities, to reduce the time it takes to assess an officer's competency.</p> <p>With regards to the suggestion that the assessment of competence is transferring from LFOs to an external body, no decision has been made on how competency will be assessed when the Competency Framework is fully implemented. We anticipate consulting on this in autumn 2021.</p> <p>In relation to gathering further evidence about competency assessment times via the food standards pilots, we will consider this as part of the work developing the approach for assessing competency against the Competency Framework.</p>

What did stakeholders say?	What is the FSA's response?
<p>Some respondents provided details on the number of staff they appoint each year and whether they foresee any changes.</p> <p>There were low levels of recruitment by inland authorities, with one officer being recruited a year on average. Contractors are regularly used and where staff have been recruited, there have been issues with staff retention.</p> <p>In relation to future recruitment, inland authorities were not anticipating an increase, either due to financial restrictions or because candidates are not available.</p> <p>PHAs indicated they had recruited between 4 and 5 new officers last year and expected this to increase significantly in 2021, with the number ranging from 10 to 60.</p>	<p>The responses indicating the levels of current and expected recruitment are noted.</p>

## Question 9

Do you foresee any other impacts from the implementation of the main proposals 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).

What did stakeholders say?	What is the FSA's response?
<p>Respondents commented that the number of officers or new graduates required in LAs and PHAs was not quantified.</p> <p>It was also highlighted that an additional impact on LAs would be how long it would take to assess the competency of officers against the Competency Framework on an ongoing basis and that the proposals should be piloted first to enable the impact to be assessed.</p>	<p>To quantify the number of officers required by LAs and PHAs, questions were included in the consultation pack to gather this data.</p> <p>When the Competency Framework is initially implemented for LA and PHA food controls, the existing methods of assessment set out in the relevant Practice Guidance will be used, which minimises the impact of the proposals as they can continue to use their existing authorisation procedures. The difference is that the competencies to be assessed against are activity-based, rather than being described by role as in the current Code.</p> <p>To assist with implementing the Competency Framework we will be providing a competency assessment record for LAs and PHAs to use if they choose to.</p>

## Other comments received

What did stakeholders say?	What is the FSA's response?
<p>Some respondents questioned whether the Competency Reference Group contained sufficient environmental health representation and the scope of the Competency Framework did not cover other regulators such as PHAs, FSA, or the Department of Environment, Food and Rural Affairs (Defra).</p>	<p>The Competency Reference Group comprises representatives from LAs in England, Wales and Northern Ireland covering both environmental health and trading standards, professional bodies, private sector assurance bodies, FSA delivery partners, FSA Operations, and educational providers.</p> <p>The development of the Competency Framework was also informed by insights and input from a large number of experienced environmental health and trading standards professionals with LA backgrounds, working across the FSA.</p> <p>When fully implemented, the Competency Framework will apply to all those undertaking official food controls that are within the FSA's responsibility as a Central Competent Authority for food and feed, whether conducted by LAs, PHAs, the FSA or FSA delivery partners. It will also apply to those undertaking recognised private sector assurance activities.</p>
<p>Respondents commented on the provision of training, in particular, they considered that the FSA should focus on providing free or low-cost training that covers the activities in the Competency Framework, to enable officers to widen the range of activities they can undertake. It was also highlighted that online learning does not ensure competency.</p>	<p>The Practice Guidance provides a range of methods by which competency can be gained and demonstrated, for example by shadowing a competent officer, as well as successfully completing a training course.</p> <p>Completing a training course alone may not fully enable an officer to demonstrate all the competencies for a specific activity, for instance, an online course may provide the required knowledge, and the skills will then be acquired through another method.</p> <p>The FSA provides free e-learning courses for LAs and PHAs, as well as face to face training, where a need is identified. It is anticipated we will be developing a training strategy for LA training in future that it will be aligned to the Competency Framework.</p>

What did stakeholders say?	What is the FSA's response?
<p>Respondents commented that an appropriate system for assessing competence was required and suggested the following approaches to competency assessment that the FSA should consider:</p> <ul style="list-style-type: none"> <li>• use of web-based assessments which allow for self-assessment and LFO verification</li> <li>• linking assessment to existing appraisal procedures, include assessing professionalism and ensuring any process is not too onerous to complete</li> <li>• ability to transfer competency assessments between employers</li> <li>• including a time frame for the frequency of competency assessments, a simple well-structured logbook and guidance on undertaking assessments</li> <li>• LA competency assessments being undertaken by a professional body or an FSA accredited body to maintain consistency and offered to LAs for a fee</li> <li>• introducing external independent monitoring of competency assessment</li> <li>• a mechanism to appeal competency assessment decisions</li> </ul>	<p>Comments noted.</p> <p>Section 3.4.8 has been added to the Practice Guidance to cover 'Officers moving from one Competent Authority to another'.</p> <p>We recognise that the full implementation of the Competency Framework, which will apply to all individuals engaged in delivering front-line official food and feed controls and formally recognised private sector assurance activities, is dependent on having a consistent approach to the assessment of competency.</p> <p>We have initiated work to consider the process for assessing competency under the Competency Framework and authorising individuals as competent and plan to consult on options for this in autumn 2021. We will consider these suggestions as part of this work.</p>

What did stakeholders say?	What is the FSA's response?
<p>Respondents commented on the approach to competency assessment, with specific concerns about LAs undertaking this including that:</p> <ul style="list-style-type: none"> <li>• LAs do not have the experience or resources</li> <li>• the assessment is not independent which will result in inconsistencies</li> <li>• LFOs are not competent to undertake competency assessments</li> <li>• the assessment of competency against the Competency Framework appears to be a tick box exercise, with no scope for evidencing competency or LFO decisions</li> <li>• the Competency Framework does not include how competency should be demonstrated practically</li> <li>• clarification on whether the 20-hour CPD requirements need to be met in a calendar year or a rolling 12-month period should be provided</li> </ul>	<p>In relation to the approach to competency assessment, LFOs in LAs and PHAs are currently responsible for determining the competency of officers, including contractors.</p> <p>The Competency Framework will initially be implemented for LA and PHA food controls with the approach to assessing competency remaining the same as now, with competency being assessed against the Competency Framework rather than the Code. This means LAs and PHAs can continue to use existing procedures for assessing competency. Section 3.6.2 of the Practice Guidance on 'CDP requirements' has been clarified.</p> <p>LFO competency will also continue to be assessed as it is currently, with an appropriate manager or a LFO from another LA undertaking the assessment. The Practice Guidance also encourages LFOs to take part in inter-authority audits and peer reviews, to help ensure consistent approaches to competency assessment are developed.</p> <p>To support the implementation of the Competency Framework, we are initially mapping those 'suitable qualifications' we anticipate being most commonly held by newly appointed officers against the Competency Framework, so it is clear how they align. A competency assessment record has been made available for LAs and PHAs to use if they choose to. The record provides columns to evidence how competency has been demonstrated and for the LFO's decision. LFO training is also being provided on this.</p> <p>With regards to how competency should be demonstrated, the Practice Guidance includes a range of methods such as undertaking training and shadowing a competent officer, as is the case currently.</p> <p>When developing the Competency Framework, it was recognised that some competencies may be difficult to evidence practically, so were included as knowledge requirements rather than skills.</p>



What did stakeholders say?	What is the FSA's response?
<p>It was also commented that no timescales were provided for the implementation of the Competency Framework for FSA, FSA delivery partners or for private sector assurance activities or details of how their competency, or the competency of contractors, will be assessed.</p>	<p>The Competency Framework will be implemented for FSA, FSA delivery partners and private sector assurance activities when the approach to competency assessment has been determined.</p>
<p>Respondents commented that the FSA should work closely with professional awarding bodies and support the CIEH initiative to promote a career in environmental health.</p>	<p>We have worked closely with the professional awarding bodies, including CIEH and CTSI when developing the Competency Framework and will continue to do so when developing the approach to assessment.</p>
<p>The timing of the consultation with COVID-19 and EU exit pressures was raised. It was also considered that the proposals alone will not solve the current workforce crisis.</p>	<p>We recognise that this consultation came at a particularly difficult time. However, the changes are critical to addressing the urgent need for LAs and PHAs to be able to recruit, train and use additional officers.</p> <p>We recognise that these proposals do not in themselves resolve LA and PHA recruitment or funding issues. We are aware of these concerns and are currently involved in cross-Government discussions about both issues.</p>
<p>Respondents commented that the implementation of the Competency Framework should be delayed until the new approach to assessment is developed.</p>	<p>Having considered the feedback received we consider it appropriate to provide a transition period for the implementation of the Competency Framework.</p> <p>Existing authorised officers and regulatory support officers, whose authorisation is not extended to new activities, will not have to have their competency assessed against the Competency Framework until the new approach to assessment has been determined.</p> <p>This transition period is described in section 3.1 of the Code.</p>

<b>What did stakeholders say?</b>	<b>What is the FSA's response?</b>
<p>Respondents commented that the competencies in the Competency Framework should be used as the basis for qualifications.</p>	<p>CIEH has indicated that as far as possible, they will be aligning their new Advanced Professional Certificate in Food Hygiene and Standards Control (APC) qualification and the curriculum for the CIEH accredited degree courses, to the Competency Framework. CTSI has also indicated that they will be amending the Food Standards unit of their Trading Standards Practitioner Diploma to reflect the Competency Framework more closely.</p>

# Actions implemented

## The Competency Framework

We have:

- introduced a transition period for assessment of ongoing competency against the Competency Framework for existing authorised officers and regulatory support officers, whose authorisation is not extended for new activities
- improved clarity of specific wording
- added a sub-activity covering FSA approved assurance scheme audits to better reflect the difference between the roles and responsibilities of enforcement authorities and these schemes
- included additional details in the import control activities

## The Food Law Code of Practice (England)

We have:

- revised section 2.3 on 'Departure from the Code' amending 'instruction' to 'advice'
- revised sections 3.5 and 3.6 making clear the qualification and competency requirements for staff undertaking official food controls at BCPs
- added a new section – section 4.5 - on sampling, underpinning its importance, and directing LAs and PHAs to further detailed guidance in Chapters 2 and 4 of the Practice Guidance
- revised section 4.6 on monitoring of consignments of animals and goods entering the UK via a BCP, with inclusion of relevant footnote references to the OCR requirements

## The Food Law Practice Guidance (England)

We have:

- revised section 3.4.6 making clear that competent authorised officers in addition to the LFO may assess competency and make recommendations to the LFO. The decision to authorise remains solely that of the LFO
- added a new section - section 3.4.8 - providing advice on competency assessment of officers moving from one Competent Authority to another

## Annex A - List of respondents

1. Arun District Council
2. Babergh and Mid Suffolk District Councils
3. Basildon Borough Council
4. Bassett Simple Safety
5. Buckinghamshire County Council
6. Cambridgeshire and Peterborough Food Liaison Group
7. Canterbury City Council
8. Cardiff Metropolitan University
9. Carmarthenshire County Council
10. Castle Point Borough Council
11. Central Bedfordshire Council
12. Central England Environmental Health Management Board (CEEHMB)
13. Central England liaison Group - North
14. Central England Trading Standards Authorities (CEntSA)
15. Chartered Institute of Environmental Health (CIEH)
16. Chartered Trading Standards Institute (CTSI)
17. Cheshire West and Chester Council
18. Chichester District Council
19. Dartford and Sevenoaks Environmental Health Partnership
20. Derbyshire Chief Regulators Group
21. East Lindsey District Council
22. East of England Trading Standards Association
23. East Riding of Yorkshire Council
24. East Suffolk Council
25. Elmbridge Borough Council
26. Environmental Health Lancashire and the Lancashire Food Officer Group
27. Essex Food Liaison Group
28. Eville and Jones
29. Gloucester City Council
30. Government Chemist
31. Great Yarmouth Borough Council
32. Guildford Borough Council
33. Harborough District Council
34. Harlow Council
35. Hartlepool Borough Council
36. Herefordshire Council
37. Hinckley and Bosworth Borough Council
38. Hull City Council
39. Institute of Food Science & Technology (IFST)
40. Ipswich Borough Council
41. Isle of Wight Council
42. Leeds City Council
43. Leicester City Council
44. London Borough of Bromley
45. London Borough of Ealing
46. London Borough of Hackney
47. London Borough of Islington
48. London Borough of Southwark
49. London Borough of Sutton
50. London Food Coordinating Group
51. Machin and Toplass
52. Marston's
53. Middlesbrough Borough Council
54. Midlands Food Liaison Group
55. Moto Hospitality Ltd
56. Nando's
57. National Agricultural Panel
58. National Focus Group for Food Standards & Information
59. National Food Hygiene Focus Group
60. NE London Food Liaison Group
61. North East Public Protection Partnership
62. North Kesteven District Council
63. Northampton Borough Council
64. Nottingham City Council

65. Office for Product Safety and Standards
66. One Resolution
67. Public Health Company
68. Rotherham District Council
69. Royal Society for Public Health
70. Ryedale District Council
71. Shield Safety
72. Shropshire Council
73. Slough Borough Council
74. Somerset West and Taunton
75. South Lakeland District Council
76. Southend-on-Sea Borough Council
77. Stafford Borough Council
78. Stroud District Council
79. Suffolk Coastal Port Health Authority
80. Swindon Borough Council
81. Telford & Wrekin Council
82. Tendring District Council
83. Tewkesbury Borough Council
84. The Royal Environmental Health Institute of Scotland (REHIS)
85. Thurrock Council
86. Trading Standards North West (TSNW)
87. Trading Standards South East (TSSE)
88. Trading Standards South West (TSSW)
89. Transparency Data
90. UK Hospitality
91. University of Birmingham
92. University of the West of England
93. Wakefield Metropolitan District Council
94. Warwick District Council
95. West Berkshire Council
96. West of England Food Liaison Group
97. West Sussex County Council
98. Wiltshire Council
99. Worcestershire Regulatory Services