



Chartered
Institute of
Environmental
Health

The Food Law Code of Practice Review

Response to the FSA consultation document

September 2013

The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish guidance notes and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,000 members.

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A Review of the Food Law Code of Practice

General

The Chartered Institute of Environmental Health (CIEH) believes that a review of the Food Law Code of Practice (FLCOP) is required to ensure that it remains “fit for purpose”. Recent times have brought significant change and recent events such as the Horsemeat incident and severe budget cuts at Local Authority level have made the review essential.

In particular there is a need to consider:

- Better use of intelligence for targeting interventions
- The risk based approach taken, its links to intelligence and outcomes e.g. impacts on foodborne illness and its implications in terms of public protection and public risk acceptance
- The ability of local authorities to meet the requirements of the FLCOP in times of severe budget restraint
- The tension between national and local requirements, where budget cuts may result in different priorities being identified
- The level of flexibility LAs may use in targeting their resources
- The consistent maintenance of a suitably qualified, skilled and competent workforce
- The role of the private sector

The majority of these points are not addressed in the Review, although it is understood that they are likely to be considered at a later stage. Change however is rapid and the FSA appears to have missed an opportunity to better address the significant current challenges to delivery and public protection. To overcome the challenges enhanced partnership working will be essential. The CIEH has worked to support both the FSA and LA colleagues in the past to ensure that high standards are achieved and maintained. The CIEH remains ready to assist in addressing current challenges, not least as a critical friend.

Consultation questions

Questions: Updating and clarifying the text in relation to food establishment intervention rating scheme for hygiene

Q1: Do you think that the proposed amendments to the descriptors will affect the consistency of scoring of food businesses by LA officers?

Local Authority Environmental Health practitioners are best placed to respond to this question. However for any scoring system to be consistently applied good and consistent training is required. FSA will need to provide mechanisms for this to take place.

Q2: Do you think additional clarification should be added to the descriptors in Annex 5, and if so which factor needs additional material and why?

The CIEH has no specific comments to make here.

Q3: Do you consider that the content and presentation is clear and easily understood, if not, how and where should this information be presented to improve this?

The presentation appears clear.

Questions: Redistribute the type of establishments allocated to different risk categories for hygiene.

Q4: Do you agree with the proposal to redistribute the risk categories to focus on high risk establishments and will this help local authorities identify those businesses that need more regulatory activity, please provide evidence to support your views?

A focus on higher risk premises is supported. However there must be mechanisms in place to ensure that risks do not rise significantly in businesses moved from category C to category D, without enforcing authority knowledge. This is a particular concern as there is much evidence that businesses in the catering sector can change rapidly e.g. as a result of new management, new ownership, diversification etc. A move to Category D could mean that there would be no inspection or audit for a period of 4 years. Any official control carried out at the 2 year mark would need to ensure change or warning indicators would be spotted. Key to this will be robust intervention planning and the use of skilled and competent enforcement officers. Checklists and poorly skilled officers with low levels of food hygiene and food safety knowledge are unlikely to be able to provide robust analysis of business risks.

Q5: Do you foresee any positive or negative effects arising from this change?

The level of change proposed does not suggest that it will greatly assist LAs in managing their workloads, in light of increasing reductions in resources. Risks are likely to increase due to business churn and change. A more radical review of activity, alongside a broader review of what can be done and how best it might be done is required. Ultimately difficult decisions are needed and a transparent acknowledgement of what can and what can't be done with the resources available is required.

Q6: Would you support further revisions to the Code to increase the frequency of intervention at higher risk establishments and reduce the frequency at lower risk establishments and how would you like to see this achieved?

Further revisions of the Code are urgently needed. A thorough review to deliver better targeted approaches is essential. This will need to include consideration of the points previously made at the start of this response, in the general comments.

Q7: At figure 8 within the impact assessment at Annex B we have estimated an average time to undertake an inspection at business type. Do you agree with the estimations given?

(Can any alternative estimations submitted please state whether they include time spent pre and post the inspection)

This is a question for Local Authority Environmental Health teams.

Q8: We have estimated that each officer involved in implementing Annex 5 will now need to spend an additional hour familiarising themselves with the changes, do you agree with this estimation?

This is a question for Local Authority Environmental Health teams.

Questions: Division of enforcement responsibilities in co-located meat establishments in Great Britain.

Q9: Do you consider that the increased flexibility will make it easier for businesses and LAs?

This is a question for Local Authority Environmental Health teams and businesses.

Q10: Will this increased flexibility provide benefits for business in reducing the time spent dealing with dual official control activity?

This is a question for businesses.

Q11: The Agency would welcome any evidence submitted on the amounts of time saved from the introduction of this flexibility.

This is a question for Local Authority Environmental Health teams and businesses.

Q12: Will there be any additional considerations necessary by the competent authorities when transferring responsibility from one body to another?

This is a question for Local Authority Environmental Health teams.