

PUBLIC CONSULTATION ON THE GUIDELINES FOR THE DEVELOPMENT OF NATIONAL VOLUNTARY GUIDES TO GOOD HYGIENE PRACTICE AND THE APPLICATION OF HACCP PRINCIPLES:

SUMMARY OF RESPONSES

Consultation reference: GFH 168
Consultation issued: 16 December 2004
Consultation ended: 18 March 2005

We are grateful for all the comments received in response to the above consultation. The consultation letter invited comments on the issues listed below and comments are summarised according to the subject on which they were made. A list of respondents is attached at Annex A. The final version of the Guidelines are now available on the Food Standards Agency website.

Questions:

- 1) Do the guidelines set out an acceptable framework for the development, assessment and recognition of national voluntary guides to good practice
- 2) Is the advice on the scope, content and structure of guides adequate and appropriate.

Statistics:

| | Number | Percentage |
|------------------------------|---------------|-------------------|
| Consumers | 3 | 9.4 |
| Trade Associations | 13 | 40.6 |
| Other Organisations | 1 | 3.1 |
| Other Food Businesses | 0 | 0 |
| Enforcement Bodies | 11 | 34.4 |
| Other Government Departments | 4 | 12.5 |
| TOTAL | 32 | 100 |

| No. | Name / Organisation / Business etc | Summary of Comments | FSA Comments |
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| <p>1. Do the guidelines set out an acceptable framework for the development, assessment and recognition of national voluntary guides to good practice</p> | | | |
| <p>The majority of responses considered the Guidelines set out an acceptable framework for the development, assessment and recognition of national voluntary guides to good practice. A number of specific comments that suggested changes in the template or methodology were received. The following is a summary of those specific comments and the FSA response.</p> | | | |
| 1 | David Clarke | <p>Notification of interim consultations through <i>adverts in the trade press</i> should be removed from the guidelines, because it creates a general expectation that could have cost implications for trade bodies.</p> <p>Would welcome more information on the remit and procedures of the Assessment Panel.</p> <p>Care needed to distinguish between 'guidance' and 'standard' if BSI involved.</p> <p>Paragraph 13 should include a statement that the FSA is willing to give advice on suitable consumer organisations to be consulted.</p> <p>If a respondent indicated that comments should not be publicly available, will they be accessible to the FSA and Assessment Panel.</p> | <p>Accepted.</p> <p>The FSA is taking forward establishment of the Assessment Panel in a separate exercise.</p> <p>Noted</p> <p>Accepted</p> <p>Such comments should generally be available to the FSA and Assessment Panel where necessary to inform the assessment process.</p> |
| 2 | Napier University | <p>The education sectors have a significant and well-established role to play in partnership with the food industry and the enforcement bodies and should be invited to contribute to the development of guides.</p> | <p>The process provides for relevant stakeholders, including training bodies, to contribute to the development</p> |

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| | | | of Guides. |
| 3 | Bridgend County Borough Council | With the possible removal of Butchers' Licensing and variance of food hygiene within the food industry, it would be more appropriate for the FSA to lead on the development and introduction of good practice guides. The FSA should determine what Guides are required and ensure their development. | EU Regulation 852/2004 specifically states that food business sectors shall take the lead on developing and disseminating the guides. There is no legal basis for the Agency to act in the way suggested. |
| 4 | The Scotch Whisky Association | Guidelines appear extremely complex and will be time-consuming for all involved. | The Agency believes it is important that Guides are developed in a way that encourages 'buy-in' from the widest possible range of interested stakeholders. The Guidelines set out a clear and accessible framework to facilitate this. |
| 5 | Highfield.co.uk limited | It would be useful for the FSA website to identify which associations or organisations intend to produce guides, details of contacts on working parties and if possible details of progress including relevant draft copies. There should be a procedure for interested parties to seek clarification or amendments to Industry Guides, for example, through the FSA or a named contact from the Working Party. | The FSA will provide appropriate information on guides under development. The Guidelines have been amended to permit this. |
| 6 | The Society of Food Hygiene Technology | It is important that the approval process should ensure consistency with legislation, avoid as much as possible duplication and contradiction whilst recognising that sector specific guidance can be more detailed than generic guidance. Production and approval of these guides should be undertaken efficiently, to hopefully be in place before the new regulations are enforced. | These points are broadly consistent with the objectives of the process set out in the Guidelines. The Guidelines are intended to facilitate an efficient process. The production of guides is primarily in the hands of industry working groups. The |

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| | | <p>A generic guide for all sectors should be considered to avoid the need to reproduce common generic guidance in all of the guides.</p> <p>The status of existing guides needs to be clarified.</p> <p>Consideration should be given to the renewal of the guides on a 3-year basis.</p> | <p>legislation does not specify a deadline by which voluntary guides should be in place.</p> <p>Discussions with industry representatives to date indicate that they prefer a sector-by-sector approach.</p> <p>The EC hygiene Regulations allow industry guides drawn up under Council Directive 93/43/EEC to remain in place provided they are compatible with the new legal requirements. The Agency will clarify its position on these guides before January 1, 2006.</p> <p>The timing of reviews is not stipulated to allow working groups the flexibility to respond to changing circumstances.</p> |
| 7 | LACORS | <p>Because the new EU hygiene regulations cover primary production, a simple generic guide might also be needed to apply across the whole of the food distribution chain so that all parties involved have an idea of how they can relate to each other. From this point of view, some reference should be made in all guides to the need to have traceability arrangements in place.</p> | <p>See response to 6 above. However, a joined up approach is to be encouraged where appropriate, and this is signalled in the Guidelines (paragraph 23). Traceability requirements are subject to separate legislation outside the scope of these guides. Separate EU guidance on traceability has been issued but is subject to review.</p> |

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| | | <p>The need to involve enforcement bodies in working groups is welcomed. However, the involvement of local authorities and their representatives in the production and use of these guides is key to making them unique and powerful tools for co-ordination and consistency. It is felt therefore that this should be much more clearly stated at paragraph 6.</p> <p>We support the messages in paragraphs 7 and 13 that smaller businesses must also be part of the process, this is particularly important in view of the applicability of the guide to all businesses within a sector. Previous experience indicates that working groups often do not represent the smaller premises.</p> <p>It is hoped that the introduction of industry guides that are widely consulted on and broadly agreed will help maintain common standards and communication where different enforcement bodies enforce in similar premises.</p> <p>Guides should be widely and freely available on the Agency's website to aid distribution.</p> <p>It is suggested that summaries of key points or worked examples could be copied from the guides and circulated at no charge for use by small businesses. This could dramatically increase the audience for these guides, particularly if the extracts were available in other languages.</p> | <p>The Guidelines do, in fact, signal an important role for enforcement bodies in the development of guides (paragraph 6), consultation (paragraph 13) and their use (paragraph 22).</p> <p>The Guidelines stress the importance of involving small business representatives in the development of guides. The extent to which guides reflect the needs of small businesses will be an important factor in the assessment process.</p> <p>It is accepted that guides could facilitate consistency in such circumstances.</p> <p>Decisions about publication, including whether to make guides freely available, are primarily matters for industry working groups.</p> <p>Industry working groups will be invited to consider this suggestion, as they will own the main guides.</p> |
| 8 | National Farmers' Union | Geographical scope should be as wide as possible, with advice in the guides based on risk and not simply on what can be achieved in an ideal world. | Agree. |

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| 9 | Seafish | <p>The working group has an important role in the development process as it allows for an exchange of views and agreement on the scope and interpretation of legal requirements. FSA should participate in all working groups as it has been directly involved in the development of the new legislation.</p> <p>As consumer interests are covered during the public consultation, it is not clear why they need to be involved in the development of guides (paragraph 5).</p> <p>With regard to guides that may not be published by 1 January 2006, the Agency should consider granting interim approval to any such guides going through the final approval stage so that industry can have the benefit of the guidance as soon as possible.</p> <p>The suggestion that guides requiring review should have to follow the detailed procedures again appears extremely onerous.</p> | <p>The Agency intends to be closely involved in the development of all guides either as a member of the working group or in other ways.</p> <p>Initiatives supporting industry compliance with public health legislation have a direct bearing on consumer interests. It is therefore appropriate that their involvement in the development of guides be considered. The text will be changed to refer to "consumer groups" for greater clarity.</p> <p>The Agency is willing to consider each case on its merits.</p> <p>Paragraph 45 of the Guidelines indicates that it should be possible to agree minor or straightforward amendments within a shorter time scale. It would be appropriate, however, to subject more fundamental changes to thorough review.</p> |
| 10 | Dairy UK | Advice should be given by the FSA on suitable organisations to include on working groups to cover ethnic and consumer interests. | Agree. Paragraphs 7 and 13 of the Guidelines have been altered to reflect this. |
| 11 | National Association of | Believes the Agency should take responsibility for negotiating and | Decisions on the publication of |

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| | Master Bakers | <p>overseeing the publishing/printing arrangements for all of the guides.</p> <p>The possible effects of revisions will need to be taken into account when arranging for the publication of the new guides.</p> | <p>guides are primarily matters for each industry working group. The Agency is willing to work with industry groups on publication matters.</p> <p>We agree that this would be sensible.</p> |
| 12 | Chartered Institute of Environmental Health | <p>While new guides are being developed, clarification will need to be given about the status of existing industry guides to avoid creating a gap in support, especially for small businesses.</p> <p>Availability and ease of access to the guides must be a key priority. As a consequence, it is suggested that any future publications should be within a similar price range as now (i.e. £3.60).</p> | <p>See response to number 6 above.</p> <p>The Guidelines suggest that guides should be reasonably priced to promote wide dissemination. However, pricing of guides is a matter for industry.</p> |
| 13 | Welsh Food Advisory Committee | <p>The Agency should value the contribution of existing industry codes and guides and encourage industry to pursue formal recognition.</p> <p>For UK Guides adequate consultation should be undertaken in all countries to reflect particular concerns and legal requirements.</p> <p>Industry should be encouraged to develop these guides in 'a range of appropriate languages'.</p> | <p>The Agency is willing to discuss the question of recognition of existing codes and guides with any industry sector wishing to explore that option.</p> <p>It is understood that this will happen in respect of UK guides.</p> <p>Decisions about translation will be a matter for industry working groups, in discussion with representatives of businesses within their sector.</p> |
| 14 | Food and Drink Federation | <p>It is not necessary for all food sectors to have a recognised Good Practice Guide. Many sectors have already established their own</p> | <p>See response to comments 13.</p> |

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| | | <p>codes of practice and will wish to retain them.</p> <p>The emphasis on developing national guidance may have a negative impact on food manufacturers who operate on a cross border basis, i.e. guides developed for the UK may give contradictory advice or statements to advice developed within another Member State. FSA should consider the development of a mechanism to co-ordinate the advice given in UK guidance with guidance developed in other member countries.</p> | <p>A food sector may propose development of a Community Guide where it considers this necessary to aid cross-border consistency. Paragraph 46 describes the responsibilities for producing Community Guides.</p> |
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2. Is the advice on the scope, content and structure of guides is adequate and appropriate.

The majority of responses considered the scope, content and structure of guides is adequate and appropriate. A number of specific comments were received. The following is a summary of comments and the FSA response.

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| 15 | David Clarke | <p>Paragraph 27 suggests that other community hygiene measures might be included in the guide beyond the basic guidance to the general food hygiene requirements. It may be appropriate to suggest some boundaries on the type of information to be included.</p> <p><i>Community guides:</i> There should be clearer guidance on situations where community guidance might be more appropriate than a National guide.</p> <p>The different approaches to HACCP in food service being developed in different regions of the UK must be regarded as equally valid options for use anywhere in the UK and all should be cross-referenced in a single consolidated Guide.</p> <p>Paragraph 30: It would be helpful if the FSA could supply a standard paragraph on the role of Guides in relation to food law enforcement.</p> | <p>The reference to other measures in paragraph 27 relates to other Community legislation that is directly relevant to achievement of the objectives in the hygiene legislation. The inclusion of advice on other Community measures will be considered on a case by case basis as appropriate.</p> <p>The European Commission is currently developing guidance on the production of Community Guides.</p> <p>The Agency regards the various HACCP approaches it has developed for the food service sector as equally valid and they all may be cross-referenced in the relevant Guide.</p> <p>The Agency will consider this suggestion.</p> |
| 16 | Napier University | <p>Training and supervision are key to the effective application of HACCP principles. Bolt-on <i>ad hoc</i> training by third party trainers primarily to satisfy enforcement criteria is not enough. It is essential to</p> | <p>The Agency considers that relevant advice on compliance with the training-related</p> |

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| | | <p>set out and develop the key skills of both effective training and supervision and the importance of this is such that a stand-alone guide to training and supervision is merited.</p> <p>The language in which the guides are written must be unambiguous and easy to understand. Appropriate standards such as the Plain English Campaign Crystal Mark should be a requirement for all guides.</p> <p>Guides in languages other than English should be actively encouraged and should be developed by the target sectors so that they are most effective and relevant. They should not be just direct translations of existing guides.</p> <p>On-line and CD-ROM guides, incorporating appropriate and user-friendly multimedia tools and presentations, should also be actively encouraged together with support mechanisms.</p> | <p>requirement is best set out in the Guides, which can cross-refer to other training material and advice as appropriate.</p> <p>Paragraph 41 of the Guidelines stipulates that information should be set out in a clear and accessible way and this will be part of the assessment considerations.</p> <p>Industry working groups are best placed to consider these issues in consultation with representatives of the sector they cover.</p> <p>As above.</p> |
| 17 | West Lothian Council | It is essential that the guides be written in plain English, although consideration should be given for providing translated version of the guidance. | See response to comments 13 and 16. |
| 18 | Highfield.co.uk limited | The FSA must ensure consistency of all Guides and, in particular, the use of standard definitions. Country specific guides should be kept to a minimum and should not offer conflicting advice. | Consistency will be looked for in all guides at the drafting, consultation and assessment stages. |
| 19 | The Society of Food Hygiene Technology | Guides should make clear the differences between legal requirements and best practice to avoid the risk of gold plating. Consideration should be given to more clearly define the term 'good practice'. It is extremely important that 'failure to engage in good practice' should not necessarily be used as an enforcement tool to merely achieve subjective improvements beyond compliance or compliance itself. | Agree. Guides should not be used to gold plate the legislation. The Guidelines (paragraph 28) state that there should be a clear distinction between legal obligations and good practice. |

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| | | <p>Consider that standards for style and structure are essential to avoid superfluous activity. Guides should be in a simple format and plain English.</p> <p>Believe the proposed timetable in Annex A is too long.</p> <p>Would welcome further clarification for the rationale behind the frequency of refresher training mentioned in Annex B.</p> | <p>There is no basis in the hygiene legislation for the Agency to prescribe the layout and presentation of guides. We believe it is important to give working groups the flexibility to present information in the way that best suits the needs of their sector. Also see response to comment 16 above and 20 below regarding paragraph 41 of the guidelines.</p> <p>Annex A makes it clear that the timetable is indicative and for general guidance only.</p> <p>The frequency of refresher training is a matter for individual food businesses to determine in light of their particular needs and circumstances.</p> |
| 20 | LACORS | <p>To encourage wide dissemination and use of guides, simple non-technical language should be used and summaries of key points or worked examples could be included. These suggestions should be flagged up in the Guidelines.</p> <p>Structure and style of guides should be consistent to aid enforcement and to provide 'farm to fork' coverage – layout and presentation templates should be established centrally to apply to all new guides.</p> | <p>The Guidelines (paragraph 41) stipulate that information should be set out in a clear and accessible way, and encourages the use of worked examples where appropriate.</p> <p>See response to number 19.</p> |
| 22 | National Association of Master Bakers | <p>With regard to guidance on HACCP procedures, there is some potential for overlap between Guides, particularly if generic examples are to be included, e.g. the production of sandwiches or meat</p> | <p>We agree that this would be sensible and will encourage working groups to co-operate</p> |

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| | | <p>products. It would seem sensible to use the same generic examples where possible.</p> <p>Concerned that the reference to “refresher training” in paragraph 9 of Annex B of the Guidelines appears to “gold plate” the legal requirements.</p> | <p>where appropriate.</p> <p>We do not agree that the Guidelines “gold plate” the regulations. The training-related requirements imply that staff should have ongoing competence in food hygiene matters commensurate with their food handling responsibilities. It is therefore appropriate that food businesses consider the need for refresher training where necessary to ensure competence levels are maintained.</p> |
| 23 | Chartered Institute of Environmental Health | The practice of identifying food hazards in the guides should be continued as this approach has been particularly helpful for small businesses. Guides should also refer to nationally supported tools for the implementation of food safety management systems. Food businesses must ensure that any training that is provided is of adequate scope, level and standard. | These remarks are consistent with the advice in the Guidelines. |
| 24 | Welsh Food Advisory Committee | The term “generic” is used in relation to identifying typical common hazards and controls in SMEs. Mechanisms should be provided whereby each business is enabled to think about processes and procedures relevant to them. The importance of focusing on manager and supervisory training needs to be emphasised. | Paragraph 37 of the Guidelines states that guides should include advice by which a food business operator may go about identifying relevant hazards and establishing appropriate controls in their own premises. The importance of providing adequate training in the application of HACCP principles relevant to the food business is emphasised in |

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| | | | Annex B. |
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LIST OF RESPONDENTS

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| David Clarke |
| Napier University |
| Bridgend County Borough Council |
| SEPA |
| Welsh Consumer Council |
| West Lothian Council |
| Ceredigion County Council |
| The Highland Council |
| East Dunbartonshire Council |
| The Scotch Whisky Association |
| CEFAS, Weymouth |
| Highfields |
| Kirklees Environmental Services |
| Deer Commission for Scotland |
| The Society of Food Hygiene Technology |
| LACORS |
| National Farmers' Union |
| Seafish |
| Dairy UK |
| National Association of British Market Authorities |
| National Association of Master Bakers |
| Scottish Association of Meat Wholesalers |
| Forth Valley NHS Board |
| Scottish Consumer Council |
| Moray Council |
| British Retail Consortium |
| East Ayrshire Council |
| Lothian NHS Board |
| Chartered Institute of Environmental Health |
| Welsh Food Advisory Committee |
| Meat and Livestock Commission |
| Food and Drink Federation |