

# The Food Law Code of Practice (England) Review 2016/17

Status: Closed

Date launched: 12 December 2016

Closing date: 22 February 2017

## About this consultation Consultation target audience

Local authorities.

### Subject of this consultation

A review of the Food Law Code of Practice for England. Direction and guidance on the approach that local authority food law regulatory services should take is given in a statutory Code of Practice (Code). The Code sets out instructions and criteria to which food authorities must have regard. The Code requires periodic revision to ensure that it reflects current enforcement practices and supports delivery by local authorities of their official control obligations. It aims to ensure that enforcement is effective, consistent, risk-based and proportionate.

### Purpose of this consultation

We welcome views on its proposals to amend the Code, in particular: a) clarifications and updates on the intervention rating scheme including the descriptors, to improve consistency on how authorised officers allocate risk rate scoring at food establishments; b) updates and new guidance on food incidents and addressing food criminality; and c) clarification of text where necessary to facilitate consistent interpretation and approach by authorised officers.

## Consultation pack

PDF

[View Consultation pack - code of practice as PDF\(Open in a new window\)](#) (224.56 KB)

### England

PDF

[View Food Law draft Code of Practice for England 2016/17 as PDF\(Open in a new window\)](#) (1.89 MB)

### England

PDF

## Detail of consultation

In the UK, local authorities (LAs) are responsible for the verification of compliance with food law in food establishments. Direction and guidance on the approach that LAs should take is provided in the statutory Food Law Code of Practice (Code). This Code sets out instructions and criteria which LAs must have regard when discharging their official control duties on food law. The Code requires periodic revisions to ensure that it reflects current food law policies and practices so that official controls and enforcement action taken by officers remain effective, consistent and proportionate.

The Food Standards Agency (FSA) has identified improvements to the Code that can be undertaken now and other changes that would be considered through the FSAs Regulating our Future Programme (RoF). The RoF Programme aims to develop a sustainable regulatory model by undertaking a fundamental rethink of current approaches to official controls, and how the FSA gains assurance that businesses are producing and selling food that is safe and what it says it is.

The proposed amendments on which we are now consulting, therefore, covers those areas that the FSA consider to be important to implement now to improve LA operational efficacy in the delivery of official controls.

FSA Wales and FSA Northern Ireland will consider relevant amendments to their Codes of Practice, in the light of the amendments to the Code for England.

The Code is supplemented by the Food Law Practice Guidance, which complements the Code and provides general advice on approach to enforcement of the law where its intention might need further clarification. Amendments will be made later in 2017 to the Practice Guidance pending amendments to the Code.

## Proposals

The overall objective for this initiative is improving consistency of approach to enforcement and reducing the regulatory burden, while maintaining a high level of public health protection. The specific objectives are:

1. To streamline the Code, updating references to legislation, terminology, links etc
2. To provide additional guidance on communication of incidents and advice on food criminality
- ?3. To provide updates to qualification and competency requirements since the implementation of the previous Code revision
4. To enhance consistency of approach by authorised officers in delivering official controls. In particular the risk rating by updating advice and revising and clarifying the risk descriptors used to assign risk scores.

## Proposed amendments

1. Overall the Code is being restructured and revised to improve readability. References have also been updated where appropriate, which includes minor updates of referencing or clarification.

2. New sections have been incorporated into Chapter 2 to provide further guidance on communication of incidents and dealing with food criminality. Additional amendments and guidance have also been incorporated into Chapter 4, Qualification and Experience to reflect updates since the 2015 Code revision.

3. The Code includes food establishment intervention rating schemes for determining the frequency of interventions at food establishments using risk assessment criteria. These criteria include: the potential hazard or potential risk; the level of (current) compliance by the establishments and, the confidence in management and control systems. These individual criteria are “scored” and the collective total is used to assign a risk category to an establishment, which then determines the minimum intervention frequency it should receive.

The FSA has identified inconsistencies in the application of intervention ratings in Chapter 5, in that establishments presenting similar risks may be subjected to different intervention frequencies, depending on how LAs interpret the current intervention rating scheme. These clarifications aim to improve the harmonised interpretation of existing definitions, and mitigate the level of inconsistencies in the scoring.

## **Publication of response summary**

Within three months of a consultation ending we aim to publish a summary of responses received and provide a link to it from this page.

In accordance with the FSA principle of openness we shall keep a copy of the completed consultation and responses, to be made available to the public on request. The summary of responses may include personal data, such as your full name. Disclosure of any other personal data would be made only upon request for the full consultation responses. If you do not want this information to be released, please complete and return the Publication of Personal Data Form. Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.

### **England, Northern Ireland and Wales**

PDF

[View Data protection form as PDF\(Open in a new window\)](#) (28.59 KB)

### **England, Northern Ireland and Wales**

WORD

[View Data protection form as Word\(Open in a new window\)](#) (98.5 KB)

## **Summary of responses**

PDF

[View Food Law Code of Practice - summary of responses as PDF\(Open in a new window\)](#) (410.72 KB)

## **Further information**

This consultation has been prepared in accordance with [HM Government Consultation Principles](#). If an Impact Assessment has been produced, this is included in the consultation documents. If no Impact Assessment has been provided, the reason will be given in the consultation document.

## **Publication of response summary**

Within three months of a consultation ending we aim to publish a summary of responses received and provide a link to it from this page.

You can find information on how we handle data provided in response to consultations in our [Consultations privacy notice](#).

## **Further information**

This consultation has been prepared in accordance with [HM Government Consultation Principles](#). If an Impact Assessment has been produced, this is included in the consultation documents. If no Impact Assessment has been provided, the reason will be given in the consultation document.