

# Consultation response template



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## **Question 1. Does the layout / presentation of the proposed revisions to the Code facilitate consistent interpretation? If not, how could they be improved?**

CIEH feel that, generally speaking, the layout and presentation of the proposed revisions to the Code is relatively easy to understand. However, some members expressed concerns that there was a lack of alignment and consistency when cross-referencing the current code number and the proposed revised code numbers within these proposals. While the suitable references were available within the appendices of the code, this could be made more readily apparent.

## **Question 2. Do you agree that the proposed changes to the food standards intervention rating scheme provide DCs with the ability to deploy current resources more effectively by improving the way in which the levels of risk and compliance associated with a business are assessed? If not, why not? (Please specify any aspects of the new model which require further consideration, and why).**

CIEH feel that these proposed changes do not address the main cause for concern regarding local authorities' resources: that local authorities have faced cuts to funding and resources over the past number of years. These proposals look at deploying current resources, which are insufficient, therefore do not get to the root of the problem. Taking the proposals into consideration, there were concerns among some members that upon initial inspection, requiring a revisit for high-risk premises within a 1-month timeframe afforded said premises the least practicable time possible to make the required changes. However, while we feel that this timeframe may be too short, CIEH do feel that the proposed changes, which aims to target interventions at higher risk food business operators (FBOs), enables local authorities to direct their increasingly limited resources in a more appropriate and proportionate manner.

## **Question 3. Do you agree that the proposed frequencies for official controls, specified in the decision matrix, within the new food standards intervention rating scheme are appropriate based on the levels of risk and compliance associated with the business? If not, please identify any concerns you have with the proposed frequencies.**

CIEH feel that there are some concerns regarding both sides of the scale regarding the proposed frequencies for official controls specified in the decision matrix. With regards to higher risk food businesses operators, CIEH feel that to require a full food inspection within a 1-month timeframe

was unnecessarily onerous on both FBOs and Local Authorities. Not only does this timeframe not afford the FBO sufficient time to make the appropriate changes necessary to ensure compliance, but that this also places undue strain on the limited resources of local authorities requiring food inspection officers revisit said FBOs to conduct a full inspection. CIEH are seeking clarity from the FSA as to whether the Food Law Code of Practice would allow for a rescore to be undertaken after assessment of the non-compliance identified in the priority intervention rather than completing a full inspection, partial inspection or audit. On the higher end of the scale, there were significant concerns that too long a timeframe between inspections may result in some FBOs receiving absolutely no inspections whatsoever. Given how business activities can change, and indeed FBOs may close and re-register under a new name, that such FBOs may escape being subject to official controls entirely which presents a significant risk to public health.

**Question 4. Do you foresee any problems with the proposals under consultation? If yes, please outline what these problems are and what, if any, solutions we should consider?**

Some members expressed the view that under the current proposals, where a FBO is rated as either seriously or significantly non-compliant in a particular area (either 1 or 2), that this then should be the maximum rating the FBO can receive overall. Currently, FBOs which are considered significantly non-compliant in one area are afforded the opportunity to be rated with an average overall score between 2 and 5. While CIEH agree with such an approach as a means of improving the compliance of FBOs, we acknowledge that such an approach would have a significant impact on the resource capacity of local authorities as such FBOs would then be subject to more regular inspections in order to improve their compliance and to reduce their risk. Some CIEH members have expressed frustration that mandating inspections based on this scoring matrix was not included as part of the pilot scheme regarding these proposals, therefore the impact these proposals would then have on local authorities' resource capacity was unable to be measured. Furthermore, many CIEH members also expressed significant concerns regarding data mapping and how some of the required fields in the risk assessment have not been scored previously in this format. Management information systems will require significant revisions, that will take considerable time and verification to ensure the data has been mapped correctly. CIEH are also concerned that there will likely be a requirement for a high number of initial inspections to be carried out in operating this new model and scoring FBOs effectively against it. This will place considerable resource pressures on local authorities. Furthermore, CIEH wish to reiterate that we are alarmed by the fact that a number of proposals were not trialled during the pilot scheme, therefore the pilot cannot accurately state how exactly some of these proposals will impact upon FBOs and local authorities. Given that the intent of these reform proposals are to ensure that local authorities may more proportionately direct their limited resources to the highest risk premises, the fact that certain proposals, which have the capacity to impact significantly upon resource allocation, have not been measured is deeply concerning. Concerns were also expressed among members about data transfer and which MIS would be required for the appropriate implementation of this model. Should the latest MIS be required to effectively implement the new Food Law Code of Practice, this then will have the unintended consequence of requiring significant financial outlay on the part of local authorities in upgrading said systems. Finally, some members have expressed concerns regarding the sharing of intelligence between the FSA and local authorities to better equip local authorities to prioritise their work on the highest-risk FBOs and have expressed a desire for an improved approach to intelligence sharing to ensure that these proposals are implemented as desired.

**Question 5. Do you agree with our assessment of the impacts on DCs and our assumptions on familiarisation resulting from the proposed changes to the Code? If not, why not?**

CIEH do not agree that the assessment on impacts accurately reflect the true costs of implementation of the proposed scheme. The assessment erroneously suggests that 1 FTE equal to 1 officer. Members have expressed that the way in which their various departments are compiled, this is incorrect. Many local authorities have part-time officers, job shares etc., therefore training and familiarisation needs to be allocated to greater number of officers than is suggested in the proposals. This is a significant underestimation of officers due to the fact that the way in which resource is allocated around local authority officers who undertake combined Environmental Health Work, combined Food Standards and Food Hygiene Work, or indeed some officers who combine their roles with Trading Standard work. Therefore, the the true number should be a much more nuanced assessment of local authority officers whose roles cut across several disciplines, as well as officers who work part-time. CIEH also do not believe that 1.7 hours per officer will be sufficient for familiarisation, and would suggest that 2.5 should be deemed the minimum time required for familiarisation. The FSA should include ongoing consistency exercises during the initial role out and implementation of the revised scheme to ensure consistency in application across the UK. There is an unknown cost specified for updating of MIS and mapping data to the new model. CIEH anticipates that this will be a major cost, both in terms of officer and IT resource, and would appreciate clarification on financial support available for this.

**Question 6. Do you foresee any other impacts from the implementation of the main proposals detailed beyond those we have identified? Where possible, please explain your views and provide quantifiable evidence (for example, costs associated with updating existing procedures, the benefits of greater flexibility to allocate staff to activities).**

CIEH do not foresee additional impacts other than those noted in the previous question.