

# Response template for consultation on the review of the Food Law Code of Practice & Practice Guide - England



Responses to this consultation are required by **23:59 on 19 May 2025**. Please state in your response whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Completed consultation response forms should be emailed to [CodeReviewResponses@food.gov.uk](mailto:CodeReviewResponses@food.gov.uk).

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## Questions in relation to Proposals 1 to 6:

**Question 1a. In relation to proposal 1, an updated risk-based approach to the prioritisation and timescales for undertaking initial official controls of new food establishments:**

**Do you consider that the approach will provide CAs with the ability to deploy current resources more effectively? If not, why not? (Please specify any aspects of the proposal which requires further consideration, and why).**

In principle yes, and we see that this reflects elements of the new Food Standards Delivery Model (FSDM), but given the current length of time that some businesses have to wait in order to receive their first contact with a Local Authority / Competent Authority, this change may not be that significant in terms of its impact. Some multi-site businesses have a business model which would be better served by a faster response to food business registration and this proposal does not serve to speed up the system significantly in a way that would fully meet business expectations. Those on the Food Advisory Panel who work with businesses who have a Primary Authority understand the rationale behind this approach but feel more needs to be done within the wider system. CIEH maintain their position that a permit to trade system would be a more effective way by which businesses could obtain the right input from a regulator, at the right time, and would prevent a business from trading where there may be risks to the public.

We welcome any scope to gather data and identify where there may be under-performance which may be impacting on businesses currently in their early stages of development.

**Question 1b. In relation to proposal 1, an updated risk-based approach to the prioritisation and timescales for undertaking initial official controls of new food establishments:**

**It is proposed that, for food hygiene, timescales are provided for initial official controls of all establishments. For food standards, timescales are currently only provided for the highest risk establishments in the Code, with timescales for lower risk establishments provided in separate guidance. Would you agree or disagree with moving the food**

**standards timescales into the Code in the future, so all timescales are in one document?  
Please describe the main reasons for your answer.**

Agree to this proposal. However, in the context of Local Government devolution taking place over the next few years in a number of counties, we feel that clarification about what a holistic initial intervention looks like would be helpful (i.e. hygiene and standards issues combined so that the totality of the risk posed by the business can be assessed by one Officer at a point in time that is, ideally, helpful for the business). There is currently a potential split between the two theoretical initial interventions that any new food business would receive and this situation merits review.

**Question 1c. In relation to proposal 1, an updated risk-based approach to the prioritisation and timescales for undertaking initial official controls of new food establishments:**

**Proposal 1 relates to the timescales for initial official controls. No changes to the timescales for due official controls are proposed as part of this consultation, these will remain, as currently, at 28 days for all establishments. However, to assist us in planning future policy in relation to the timescales for due official controls, do you agree or disagree with keeping the timescales at 28 days? Please describe the main reasons for your answer.**

We would agree in principle because 28 days is an easy-to-understand and established timescale, but it is arbitrary. Moving beyond 28 days to a larger number, say 56 days, would probably not be accepted by the average consumer, who understandably would assume that a business is only allowed to open when they are safe; this of course is not the case with the current regulatory system. Two advantages of a 28 day timescale are, firstly, that the target lends itself to easy measurement for performance purposes by the FAS (and internally by an LA) and, secondly, that it affords LA managers the scope to argue for the preservation of resources than can be directed at helping local businesses establish themselves, something which is of benefit to a local economy. We would highlight the need for a degree of accommodation and flexibility as part of the measurement of the 28 day deadline however e.g. where a Local Authority has had to divert substantial resources to respond to an incident or serious situation.

We would again call for a permit-to-trade system to be introduced, which would, by definition, move away from a 28 day deadline.

**Question 2a. In relation to proposal 2, enabling, in certain circumstances, an establishments food hygiene intervention rating to be amended following a wider range of official control method and techniques including those undertaken remotely:**

**Do you consider that the proposal will enable CAs to deploy current resources more effectively? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).**

We express slight support for this proposal because in theory it could offer greater flexibility to Competent Authorities for the small number of premises where it would be appropriate. Related to this, we are cautious of supporting the concept of adjusting food hygiene intervention ratings following the carrying out of an official control so long as the resultant guidance is clear around the limitations of remote interventions. We note that the consultation document states that this proposal would not apply "to those establishments in scope of FHRS". Given that caveat, this proposal would seem to liberate only a small amount of resource going forward. There are clearly certain premises where these proposals would not apply (such as cold stores). We are concerned that there is less focus on public health outcomes and more focus on resource allocation within the consultation and this question is one example of this.

**Question 2b. In relation to proposal 2, enabling, in certain circumstances, an establishments food hygiene intervention rating to be amended following a wider range of official control method and techniques including those undertaken remotely:**

**If responding on behalf of a CA, would you, if implemented, utilise the flexibility to undertake some methods and techniques remotely? If not, why not?**

As CIEH is not a Competent Authority (CA), we are unable to answer this question from that perspective. However, we would comment that we do not support the use of remote inspection tools except in lower-risk circumstances, and are cautious of a proposal to allow an establishment's food hygiene intervention rating to be amended following a remote intervention because of the obvious next inspection date impact and how that could slightly undermine FHRS. It must be borne in mind that undertaking remote work requires a

different skill set on the part of the Competent Authority employee. It must also be borne in mind that there will be costs involved, and a necessary time investment will be involved, with either the right guidance being sent out to business, or setting up the right secure digital platform. The experience of those on our Advisory Panel (from both an industry and LA viewpoint) is that there are likely to be hurdles to overcome when remote audit/inspection tools are used. For example, some smaller businesses are likely to struggle with the technology involved in remote inspections/audits. In person visits remain the most effective means by which to undertake an official control and the fact that mandatory FHRs schemes in Wales and NI require a physical visit is a strong example of this principle.

**Question 3a. In relation to proposal 3, extending the flexibilities as to who can undertake official controls and other official activities:**

**Do you consider that the flexibilities will enable CAs to deploy resources more effectively? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).**

Yes, we see the value in the proposal, and particularly to allow those who are deemed "competent" but may lack a qualification to undertake an "initial" intervention as this is a part of the wider system where some businesses are experiencing real delays. From a business advice perspective, we also see value in unitary authorities being able to use an officer authorised under food standards legislation to undertake low risk food hygiene controls. On page 19 of the consultation document, there is recognition of the fact that Local Authority Officers may undertake food related controls at the "same time as other regulatory activities". We wish to emphasize the point that small businesses benefit from a single Officer being able to act as a point of contact or source of advice on different pieces of legislation. Whilst some of the other "regulatory activities" may fall outside of the scope of the FSA, our members are well placed to take a holistic and business-responsive approach, using their discretion and expertise to judge risk.

As a professional body however, we do not wish to support the introduction of any approach which sees a general dilution of either the level of qualification or competence of those who deliver business advice (which includes Primary Authority work) and official controls. Discussions are ongoing between CIEH and the FSA concerning the introduction of a Level 5 qualification specific to the food sector and it is in that context that we put forward the above answer.

**Question 3b. In relation to proposal 3, extending the flexibilities as to who can undertake official controls and other official activities:**

**If responding on behalf of a CA, would you, if implemented, utilise this flexibility and authorise officers, if competent, to undertake additional activities, and if so, how many officers would you anticipate authorising? If not, why not?**

As CIEH is not a Competent Authority (CA), we are unable to answer this question from that perspective.

**Question 4. In relation to proposal 4, a clarification in approach to interventions at category E establishments, do you consider that the proposed approach will provide clarity and consistency in the frequency of official controls at these establishments? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).**

Yes

**Question 5. In relation to proposal 5, the changes to the amount of training and CPD that officers undertake on an annual basis, do you consider that the approach will provide CAs with greater flexibility to determine appropriate levels of CPD and training that officers undertake? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why).**

CIEH have reservations about this proposal and believe that the narrow remit of this question is unhelpful. There are risks attached to this proposal and greater flexibility is not necessarily a productive thing here.

We welcome a desire to move towards CPD based on quality rather than pure quantity as this is a common aspiration amongst many professional bodies but the proposed new CPD requirements are extremely vague and it may be that these could cause confusion about what is acceptable, and what is not, if implemented as currently drafted. It may also mean that this lack of clarity causes difficulties during audits.

A possible alternative approach would be to require officers' CPD to fulfil the needs of a recognised professional body, as is the case for regulated public health professionals. CIEH would be happy to work with the FSA on our current CPD review.

We welcome, however, the introduction of a CPD expectation for those who may be able to undertake additional work if the main proposals in this consultation were to be introduced. We would endorse the general principle found on page 23 of the consultation document that the current approach does not recognise the needs of different Officers.

The absence of a firm alternative to the current requirement that any Officer undertake 20 hours CPD is a cause of concern as the proposal represents a stark jump from the norm. The FSA used to expect 10 hours of CPD, then increased the expectation to 20 hours, without differentiating between the types of premises or risk categories that Officers are authorised to inspect. Therefore, a "one size fits all" approach has always been in place which fails to reflect the high level of competence that many of our members can evidence day to day. That increase from 10 hours to 20 hours meant that Officers were obliged to undertake more CPD without regard to their existing competence, so the anecdotal evidence cited as part of this consultation is a weak basis for this proposal and could simply be a reflection of this historical change.

The move to a position of having no set volume of CPD and to allow Local Authorities to decide on their own, in isolation, risks inconsistency and a loss of focus. Not only does this impact inland LA's, but those who work at the ports and those who undertake Primary Authority work. Given the concerns which the EFRA committee have very recently heard about concerning biosecurity risks, and the way in which Officer competence underpins the success of the Primary Authority system, this proposal, in the round, could have unintended consequences. Significantly, this proposal has implications for the preservation of dedicated training budgets in Local Authorities and we resist it on that basis as well..

CIEH would like to propose an alternative model which moves away from a blanket approach to CPD and involves a tiered approach to CPD that reflects both the level of business interaction and the risk that different roles carry. The consultation proposes permitting those with a lower level qualification (like a Level 4 Regulatory Compliance Officer) or demonstrable competence to undertake certain defined non-official controls, such as the initial desktop assessment of new food business establishments. It would be entirely

possible to set a CPD expectation or target which is lower than that which a fully authorised Officer would be expected to achieve (again framed as a target). In this way, a degree of flexibility can be introduced - the overall objective of the consultation - but some of the benefits of the current approach could be retained.

We would restate our concern that “(Masters) Degree in environmental health” remains listed in the FLCOP (3.2.3.1 and 3.2.3.2). These references should be changed to “(Masters) degrees accredited by CIEH or REHIS”. It is striking that the FSA has very clear requirements for degrees issued in Ireland, but none whatsoever for those issued in the UK.

We would like “Certificate of Registration awarded by the EHRB to practice as an Environmental Health Practitioner” to be amended to “Certificate of Registration awarded by the EHRB or CIEH to practice as an Environmental Health Practitioner”. We would like references to “EHRB, IFST or the SFSORB” to be amended to “EHRB, CIEH, IFST or the SFSORB”. We would like “Higher Certificate in Food Premises Inspection awarded by the EHRB, the Institute of Food Science and Technology (IFST) or the SFSORB with the Food Standards Endorsement” to be amended to “Higher Certificate in Food Premises Inspection awarded by the EHRB, CIEH, the Institute of Food Science and Technology (IFST) or the SFSORB with the Food Standards Endorsement”

We are keen that the Level 4 Regulatory Compliance Officer apprenticeship be included in the code at the appropriate level.

**Question 6a. In relation to proposal 6 - other amendments which provide clarity, improve consistency and keep pace with current practices:**

**Do you consider that the examples of where the additional score of 22 for vulnerable risk groups would not be used, provides further clarity and will improve consistency in the application of the score? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why)**

Yes

**Question 6b. In relation to proposal 6 - other amendments which provide clarity, improve consistency and keep pace with current practices:**

**Do you consider that the clarification within the food hygiene intervention rating scheme about how allergen cross-contamination is taken into account will improve consistency? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why)**

Yes

**Question 6c. In relation to proposal 6 - other amendments which provide clarity, improve consistency and keep pace with current practices:**

**Do you consider that moving the guidance on parts two and three of the food hygiene intervention rating scheme from the FHRS Brand Standard to the PG will improve clarity as to where the guidance can be found? If not, why not? (Please specify any aspects of the proposal which require further consideration, and why)**

Yes, consolidating documents is desirable.

**Question 6d. In relation to proposal 6 - other amendments which provide clarity, improve consistency and keep pace with current practices:**

**Do you have any objections to the inclusion of the following qualifications within the Code:**

- **Trading Standards Professional Apprenticeship with the food module as an appropriate qualification for food standards**
- **Trading Standards Professional Apprenticeship with the animal feed module as an appropriate qualification for food hygiene at the level of primary production**
- **Degree in Environmental Health awarded by the Dublin Institute of Technology (awarded from June 2012 onwards)**
- **Degree in Environmental Health awarded by the Technological University Dublin**

**If you do have any objections, please provide reasons for these. (Please specify any aspects of the proposal which require further consideration, and why)**

No objections regarding the above list but we would highlight that the Level 4 Regulatory Compliance Officer qualification does not clearly appear on the list of proposed qualifications in the draft Code and this would seem an obvious inclusion given the broadening of interventions and other proposals herein. Without inclusion, this qualification will not be utilised to the extent that it could do.

**Question 6e. In relation to proposal 6 - other amendments which provide clarity, improve consistency and keep pace with current practices:**

**Do you consider that the amendments to the terminology in the Code and PG has improved clarity and consistency between the documents? If not, why not? (Please specify which sections and any aspects of the proposal that require further consideration, and why)**

Yes

**Question 6f. In relation to proposal 6 - other amendments which provide clarity, improve consistency and keep pace with current practices:**

**Do you agree or disagree with the proposal to remove references to the Competency Framework from the Code but retain references to it in the PG to enable the revised approach to competency assessment as set out in the draft Code. Please describe the main reasons for your answer. (Please specify any aspects of the proposal which require further consideration, and why)**

Agree

**Question 6g. In relation to proposal 6 - other amendments which provide clarity, improve consistency and keep pace with current practices:**

**Do you agree or disagree with the removal of references to the PG and Framework Agreement from the Code? Please describe the main reasons for your answer. (Please specify any aspects of the proposal which require further consideration, and why)**

No answer provided.

**Question 7a. In relation to impacts:**

**Do you agree or disagree with our assessment of the impacts on CAs and our assumptions on familiarisation and training resulting from the proposed changes to the Code? Please describe the main reasons for your answer.**

Disagree, the costs are an underestimate by at least 1/3 rd and do not reflect the actual rates which Competent Authorities charge cost recovery services at e.g. Primary Authority. Whilst salary data from 2023 may have been utilised, this fails to take into account national fiscal decisions like the increase in National Insurance announced by the Government and inflationary pressures which Local Authorities have to absorb. It also does not account for 'non-effective' time, which some Local Authorities typically build into their fees and charges each year as a percentage (an example of 'non-effective' time would be sick leave); this is a recognised practise in other sectors.

As an example, during the financial year 2024/2025, one London Borough was externally charging £105.83 per hour for an Environmental Health Practitioner and £130.15 for a Team Leader (which would equate to the Code of Practise role of Lead Officer) for Primary Authority work. These rates are markedly different to those included within the consultation documents. The FSA will be aware that Local Authorities are only allowed to operate on a cost-recover basis by law.

**Question 7b. In relation to impacts:**

**Do you agree or disagree with our assessment of the impacts on CAs in relation to changes to procedures? Please describe the main reasons for your answer.**

Disagree, the costs are an underestimate as described above.

**Question 7c. In relation to impacts:**

**If responding on behalf of a CA, how long would you estimate that it will take to update local policies and procedures if the proposals were implemented? If providing an estimate, please explain which proposal (or proposals) it relates to.**

Unable to comment

**Question 7d. In relation to impacts:**

**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, which proposal (or proposals) they relate to, and provide quantifiable evidence (for example, costs associated with updating your administration systems, existing procedures, the benefits of greater flexibility to allocate staff to activities.)**

Where any risks or issues have been apparent, these have been included within the relevant answer.

**Questions in relation to future potential developments - Qualifications:**

**Question 1. Do you consider that moving the list of FSA endorsed qualifications to the PG could provide flexibility to recognise new qualifications more expediently without reducing the professional standards subject to an agreed and published governance procedure being in place? If not, please provide your reasons and evidence of the impact you think this will have.**



We do not agree with this proposal and note that the concurrent consultation on the Code for Wales did not include a proposal to move suitable qualifications to the PG. We should be seeking to maintain consistency between the Codes for each nation, where appropriate.

**Question 2. What do you perceive to be the advantages, disadvantages and impacts if we move the list of qualifications from the Code to the PG?**

Moving the list of qualifications to the PG may well offer flexibility over time, but given there will be other occasions when updates to the Code will be needed, we see no reason in principle why updates to the list of qualifications within the Code could not be made at the same time as other minor (or major) changes are required. Moving the qualifications from the Code to the PG downgrades the status of the listed qualifications. The FSA endorsed qualifications contained in the Code have, to date, provided a consistent benchmark for Council's to ensure that officers responsible for food and public safety have received the appropriate initial training.

**Question 3. Is there an alternative way that we could more expediently update the list of FSA endorsed qualifications from the one presented?**

No answer provided.

Thank you on behalf of the Food Standards Agency for participating in our consultation of the review of the Food Law Code of Practice.