



Subject:	Response to the Food Standards Agency consultation on the review of the Food Law Code of Practice, Food Law Practice Guidance and implementation of the competency framework
Date:	12 th January 2021
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The Food Standards Agency (FSA) as the central competent authority for food and feed regulation in the UK, is responsible in overseeing the official (food law) controls undertaken by district councils. As part of this role the FSA provide a Food Law Code of Practice (FLCOP) and Practice Guidance (FLPG) for all district councils. The Food Law Code of Practice is statutory and gives instructions that district councils must consider when enforcing food law. Local authorities need to follow and implement the relevant sections of the Code that apply. The Practice Guidance is non-statutory and is offered as a complement to the statutory Code of Practice. The Practice Guidance gives general advice on the approach to enforcement of the law.

1.2	The most significant change to the FLCOP is the removal of the baseline qualifications previously required by Environmental Health Officers (EHO's) to work in the Food Safety and Port Health functions of a district council. This will instead be replaced with a Competency Framework to be assessed by the Lead Food Officers within the food safety and port health units of each district council.
2.0	Recommendations
2.1	<p>The Committee is asked to;</p> <ul style="list-style-type: none"> • Note the consultation and the draft consultation response. (Appendix 1 & 2) • Note the draft response was submitted in line with December deadline, subject to final response being submitted following committee consideration.
3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 Under the current Food Law Code of Practice (Northern Ireland), officers authorised to carry out Food Safety official controls and other interventions to verify compliance with food law are required to have a baseline qualification issued by the Environmental Health Registration Board (EHRB) / Chartered Institute of Environmental Health (CIEH). This baseline qualification requires a period of practical training to have been completed prior to the officers' certification, and authorities are not permitted to authorise officers to carry out food safety official controls without that EHRB certification.</p> <p>3.2 The proposed changes to the Food Law Code of Practice remove the necessity for the full certification from EHRB/CIEH. This change has been introduced as a result of the CIEH ceasing the provision of the baseline qualification assessment and the need to urgently recruit EHO's and Technical Officers (TO's) to the port health function ahead of EU exit.</p> <p>3.3 Belfast City Council have already had to avail of this proposed change in the qualifications in order to recruit staff to the Port Health section, in preparation for EU exit. A derogation from the FSA was given to Belfast City Council in advance of the FLCOP consultation. In the consultation response the Lead Food Officer in Port Health has asked that the FSA give consideration to the implementation of the NI Protocol and the need for significant sanitary and phytosanitary (SPS) checks on GB-NI trade. A review of the qualifications and competencies required to complete the checks on the documents that must accompany imported foods has been suggested. BCC suggest only EHRB qualified officers should be authorised to refuse entry to a food import if it fails by virtue of unsuitable accompanying documents, reject a consignment or take enforcement action.</p> <p>3.4 The proposed Competency Framework will apply to all EHO's and TO's working in the Food Safety and Port Health functions, including those who already have the appropriate baseline qualifications issued by the CIEH and undergone the current FLCOP competency assessment.</p>

	<p>These EHO's and TO's are currently deemed authorised and competent to carry out official food safety controls appropriate to their role/unit. This proposal will cause a time burden on district councils, both on EHO's and TO's completing the Competency Framework and on the Lead Food Officers assessing. The consultation response recognises the need for a replacement to the baseline qualification for new officers, however it presents the case for reducing the prescriptiveness and complexity of the proposed Competency Framework and that is should not be required for those who have the appropriate qualifications and competency.</p> <p>Finance and Resource Implications</p> <p>Financial</p> <p>3.5 The FSA are not offering any financial assistance to compensate for the officer time that will be required to complete the proposed Competency Framework, which is currently estimated at 10 working days per officer and 4 days per officer for the Lead Food Officer to assess. The impact on the ability of the Food Safety team to absorb this will be kept under review.</p> <p>Human Resources</p> <p>3.6 There are no human resource implications.</p> <p>Equality or Good Relations Implications/ Rural Needs Assessment</p> <p>3.7 There are no equality or good relations implications associated with this report. A rural needs assessment is not required.</p>
4.0	Appendices - Documents Attached
	<p>Appendix 1 – Consultation</p> <p>Appendix 2 – Consultation response</p>