

**FSA Consultation**  
**Review of the Food Law Code of Practice, Food Law Practice Guidance and  
implementation of the Competency Framework - England**

For Attention of Julie Benson, Regulatory Compliance Division, FSA

**Institute of Food Science and Technology (IFST)** is the UK professional body for food science and technology professionals, supporting the advancement of food science and technology for public benefit.

IFST is pleased to support the review and revision of the Food Law Code of Practice and supporting Practice guidance and the re-focusing of the Competency Framework to support consistent interpretation and effective, informed food enforcement capability for the UK. Modernising and re-focusing the requirements for food enforcement professionals so they are driven by competency and reinforcing the need for on-going professional development is welcomed.

We note that this consultation scope only applies to England. IFST is keen that codes of practice, guidance and approaches to enforcement competency are consistent across all nations, regions and authorities in the UK, to ensure we have an aligned robust food enforcement model with the necessary capacity and capability to support continued high standards of food quality, safety and regulatory compliance in the UK.

We strongly suggest expansion of the 'suitable qualification' requirements for both food hygiene and food standards enforcement officers. Having suitable qualifications, for example, in food safety or qualifications in food science, food technology or microbiology with appropriate professional training in food safety and then applying the proposed Competency Framework to assure competency by task offers a wider cohort for recruitment whilst ensuring these food technical professionals are fit for purpose in their enforcement official roles.

There is an absence of requirements for Lead Food Officers to be trained in competency assessment to ensure excellence and consistency – either broadly or per specific area of competency. As they will be responsible for executing all competency assessments against the Competency Framework for their teams this is a significant gap in the current proposed Food Law Code of Practice.

IFST members who we consulted with noticed that there was little mention of auditing / inspection skills per se. We propose that this be considered in the Common competencies section as an additional 8<sup>th</sup> competency theme.

Further specific responses relating to individual consultation questions are in the Annex to this letter.

IFST proposes that the FSA follows up this consultation with a review to address the current food enforcement approach addressing food hygiene and food standards separately. An enforcement model addressing all aspects of food regulatory controls together would offer further opportunity for greater efficiency and effectiveness in the field. This is especially true at this time of increased regulatory complexity and need for provision of official documentation to support food operations.

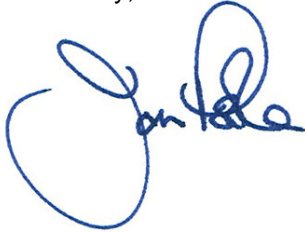
IFST proposes that the useful food technical and regulatory guidance documents produced by the FSA and other government departments for enforcement teams are also made available for food business operators (FBO) and technical service providers to reference.

This would enable all stakeholders to have common knowledge, build capability in the sector and support consistency in compliance.

IFST notes that Section 3 – Assessment of competency in the Competency Framework is still under development. We would be very happy to work with FSA to support and share our experiences and our member insights into the development of this important aspect.

Please do not hesitate to contact us if we can be of further assistance or provide more details.

Your sincerely,

A handwritten signature in blue ink, appearing to read 'Jon Poole', with a large, stylized initial 'J' on the left.

Jon Poole  
Chief Executive

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## **ANNEX Response to Specific Consultation Questions**

### **1. Does the layout/presentation and clarified text of the proposed Code and the Practice Guidance make the documents easier to use, improve readability, and facilitate consistent interpretation? If not, how could they be improved?**

Yes, the documents were easy to read and interpret.

We also welcomed the use of colour coding to identify the proposed changes (yellow, green and turquoise) in this consultation.

Some specific suggestions for improvement raised by our members are below:

2.3 It is important to clarify when an LA can depart from the code.

2.4.2 It is a positive addition to the code to address the need for corrective action to be taken, however root cause analysis is not mentioned. Root cause analysis is key to resolving issues reoccurrence and there does not seem to be sufficient attention on this by UK food enforcement, either broadly as part of FBO food risk management systems or specifically demanded as a follow-up action from any product recall.

2.4.1 A definition of conflict of interest for staff would be of value

2.8 Suggest there is further clarity regarding conflicts of interest in relation to provision of discretionary services

2.11 For effective responsiveness to incidents, suggest a 24hr / 7 day per week contact details be required

2.13.2 Questions

- Is the requirement for an on-site visit pre-approval based on risk? Or will all food establishments be required to have on-site inspection prior to starting or changing food operations?

- Will all aspects of food law requirements be addressed (food hygiene and food standards) in this verification?

3.4 There are no requirements for Lead Food Officers to be trained and validated as competent to carry out assessments against the Competency Framework to ensure excellence and consistency – either broadly or per specific area of competency. As they will be responsible for executing all competency assessments against the Competency Framework for their teams this is a significant gap.

3.4.1, 3.4.2, and 3.4.3

Strongly suggest expansion of the examples listed of suitable level of qualifications. Holding a diploma, higher certificate or degree in food safety or similar levels of qualification for example in food science, food technology, biochemistry or microbiology with appropriate post-graduate training in food safety and applying the proposed Competency Framework assurance of competency by task would ensure these food technical professionals would be fit for purpose in their enforcement official roles and offer a wider cohort for recruitment.

3.4.4 The opportunity for equivalence to be demonstrated for existing or prospective competent authority officers is very much welcomed by IFST.

IFST has in place an active Register of Food Safety Professionals, underpinned by a Food Safety Competency Framework. This is already widely applied by UK food enforcement professionals for such roles as meat hygiene inspectors and by UK food industry for food safety roles across their operations.

3.7 Suggest addition of sections addressing the training and CPD requirements for Lead Food Officers performing assessment of competency

4.2.3 It would be expected best practice that written records are verified in some way.

5.2.1 Suggest that the definition of food incidents, and in particular the definition for non-hazardous incidents, is reviewed again and scope against the regulatory definitions of unsafe, unfit and fit but misleading or not as consumers expect. There is often a fine line between an authenticity or quality incident and failures in food safety management.

5.3.3. Suggest there is a positive reference and more emphasis on the need for a thorough Root Cause Analysis. This should not only mention corrective actions but require both corrective and preventive actions. Also suggest in this section adding points on containment of affected foodstuffs and packaging, and evidence of destruction/disposal of unsafe or unfit product.

There is no expectation here of enforcement follow-up with FBO after an incident to confirm that corrective and preventive actions have been implemented effectively. Suggest this could be addressed with an additional paragraph in section 5.3

**2. Do you agree that the proposed suitable qualification requirements provide LAs and PHAs with the ability to deploy current resources more efficiently by, allowing a wider cohort of professionals to undertake food control activities, which the Code restricts? If not, why not? (Please specify any additional flexibility you would wish to see, and why).**

IFST see the efforts being made by FSA as very positive in reinforcing the need for competent technical professionals, the opportunity for greater flexibility in food control activities and for on-going professional development against competency criteria.

As per our previous comments, IFST does not think that the proposed suitable qualification requirements will offer the degree of flexibility needed to address the goals described.

We strongly suggest expansion of the examples listed of suitable level of qualifications. Holding a diploma, higher certificate or degree in food safety or similar levels of qualification for example in food science, food technology, biochemistry or microbiology with appropriate post-graduate training in food safety, supported by application of the proposed Competency Framework to assure competency by task would ensure these food technical professionals would be fit for purpose in their enforcement official roles and offer a wider cohort for recruitment.

We support the opportunity for consideration of equivalency of qualifications. Solely requiring a positive list of suitable entry qualifications would preclude recruitment of competent food technical professionals who may have gained their training and experience through non-traditional pathways, a common occurrence in the food sector.

IFST has in place an active Register of Food Safety Professionals, underpinned by a Food Safety Competency Framework. This is already widely applied by UK food enforcement professionals for such roles as meat hygiene inspectors and by UK food industry for food safety roles across their operations. We would be happy to work with FSA and any LA and PHA who would like to understand how we determine competence for registration.

**3. Does the Competency Framework include:  
a. all the relevant activities for the delivery of front-line official food and feed controls, other official activities and other activities related to these, whether carried out by LAs, PHAs and FSA delivery partners?**

No comments with respect to the activities described.

However there is no mention or section addressing the competency of lead officers in assessing competence – what are the requirements, how they are to be trained, validated as competent in their assessment of the activities and how consistency is to be achieved across the whole UK for both competency of activities or competency of assessment of competency in activity execution.

**b. all the relevant activities for those working in the private sector who undertake assurance activities that are formally recognised to inform targeting/frequency of official controls?**

No comments

**c. the relevant competencies (knowledge and skills) for each activity and sub-activity? If not, what changes would you wish to see, and why?**

In general, yes.

IFST members noticed that there was little mention of auditing / inspection skills per se. Propose that this be considered in the Common competencies section as an additional 8<sup>th</sup> competency as an 'Ability'.

IFST notes that Section 3 – Assessment of competency is under development. We would be very happy to work with FSA on the development of this aspect.

**4. Do you agree that by defining competency by activity rather than taking a role or profession-based approach this provides LAs, PHAs and FSA delivery partners with greater flexibility in the utilisation of resources? If not, why not?**

Yes, a competency-based approach helps towards recruiting the best individual/s for the roles and the requirement for on-going professional development ensure continued competency.

**5. Do you agree that by setting a standard that will apply to all individuals undertaking food and feed control activities, including assurance activities that are formally recognised, will improve the quality and consistency of delivery across the public and private sector? If not, why not?**

Yes, we agree.

For an individual authorized officer undertaking official food controls, quality and consistency will not only depend on their knowledge, and the specific experience the individual has but also how the standard is assessed, how often they are assessed to the standard and the competency of the assessor, assessment and overall supervision. This will require calibration of staff, review of application, and verification and validation of implementation.

IFST also positively supports the need for standards for competent food technical professionals alongside high standards of food risk management and verification in food business operations to give confidence that safety, legal and contractual requirements are being met. We propose there should be more specific consideration given to the impact and implications of the presence or not of competent individuals in food business operators to assure compliance in food standards, food safety and food hygiene and overall risk prevention commensurate with the FBO activities undertaken.

To support evidencing competence and to provide professional recognition, IFST have in place an active Register of Food Safety Professionals, underpinned by a Food Safety Competency Framework. This is already widely applied by UK food enforcement professionals for such roles as meat hygiene inspectors and by UK food industry for food safety roles across their operations.

**6. Do you foresee any problems with the provision to allow the FSA to be more responsive in issuing instructions, whereby LAs and PHAs may legitimately depart**

**from the Code, in limited circumstances? If yes, what, if any safeguards or conflicts should we consider?**

No comments.

**7. Do you agree that the key aspects of the OCR that have applied since the 14th December 2019 have been reflected, within the proposed Code and the Practice Guidance?**

Main thing missing is the failure to identify the appropriate “sufficient number “ of staff to carry out food enforcement in each authority geographical area or wider region. IFST are concerned that without some expectation of level of enforcement capacity the ability to enforce all aspects of the OCR will be compromised.

**8. Do you agree with our assessment of the impacts on LAs and PHAs, FSA approved assurance schemes, private sector assurance bodies, FSA delivery partners, and consumers, resulting from the proposed changes to the Code, the Practice Guidance, and implementation of the Competency Framework? Do you have any additional evidence to better understand the identified impacts? In particular, please indicate:**

**a. if you agree with our assumptions on familiarisation and dissemination time?**

No comments

**b. how long it currently takes to assess the competency of a newly appointed member of staff and the ongoing assessment of a member of staff already in post?**

The time frame for assessing competency will depend upon the individuals current skills, knowledge and competence – with consideration needed for the ‘ new’ knowledge, skills and competency they will need to gain, who is available to support their personal development plan and how long it will take them to provide evidence to the assessor

**c. whether you foresee any changes in the assessment time, from the implementation of the Competency Framework?**

We believe that the assessment time is likely increase significantly in line with answer 8(b) - review of portfolios, staff shadowing etc. The length of time will however depend upon the individuals baseline competence levels.

**d. how many new members of staff do you appoint every year?**

NA

**e. whether you foresee changes to the number of new staff that need to be appointed every year?**

No comments