

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.

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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).

ACS supports proposal 1. It is well known that local authorities are under significant financial and resource pressure so action to address this to ensure resources and time is used more efficiently is welcome. As the consultation document recognises, requiring inspection of all registered food premises requires a significant use of resource so prioritising those establishments which are the highest risk base would make a better use of resource.

The proposal that the initial desktop assessment is an activity that can be undertaken by officers not holding an "appropriate" qualification" as long as they are competent makes sense makes so long as the principal outcome remains unchanged which is that inspection judgement reflects the hygiene and food standards of the businesses being evaluated. It is important that the FSA do not potentially hinder this as a result of changes to how inspections are carried out and the qualifying criteria for doing them.

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.

Yes it makes sense from an enforcement perspective to have all the timescales in one document so it is more coherent for an officer to follow.

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.

The timescale set should be the most practical for officers to conduct initial official controls considering the number of businesses opening in said area, the resources required to manage it, along with the time allowance for businesses to be fully prepared when doing these controls. 28 days is the set standard because it should give enough time for a business to prepare themselves in such a way to give officers an indication of their risk profile in terms of staff training, setting up a potential website, asset production such as signage, and stock and inventory management.

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).

If it can be demonstratively proven from a food business that they have made the right steps to improve their food hygiene rating and sufficiently validated from an officer then it makes sense from a resource point of view to not have to physically attend every visit. ACS notes that the proposal is mainly for businesses that are not directly serving to consumers and would suggest extending the remit of this proposal to potentially include food businesses with do serve food to consumers but are considered low risk. The most relevant circumstance for this proposal would be when an active food business requests a re-rating and can provide the necessary evidence remotely of the areas they improved on e.g. training records, cleaning schedules, photos/videos of the premises. Also, as technology has evolved, there is a clear case for businesses to allow verification such as live video tours, timestamped photos and so forth.

ACS has produced guidance to help businesses manage food safety and hygiene which we encourage businesses to use to evaluate the different risks presented in their business and how to ensure they are on top of them. We would recommend authorities share such guidance to their business community as a means to ensure businesses can monitor their progress. As per the above example with a re-rating, having this comprehensive and digestible guidance would be a useful asset for businesses. This is available on the following link: <https://cdn.acs.org.uk/public/Assured%20Advice%20Guides/2025/Food%20Safety%20-%20ACS%20Assured%20Advice.pdf>

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?

N/A

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).

It is our view that this is best answered by the CAs responsible for the training that have the expertise to provide an informed judgement. Principally, however, whatever decision made should ultimately come from the point of view that the outcome (assessment) does not reduce the quality and reliability of food standards and hygiene in an establishment. This an area of key concern for members and we would hope based on the reading of the proposal that this will be mitigated through its process that more formal direct actions are escalated to an officer with an 'appropriate qualification'. This safeguard is crucial to ensure businesses are treated with fairness and reliability.

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?

N/A

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).

ACS supports proposal 4. Providing clear parameters on the intervention frequency and the type of intervention which could be used against those establishments of the lowest risk (category E) should make it clear for officers the actions they can take based on their judgement and available resources. Further to this, the rationale for removing AES as an action to ensure officers have a clear picture of what controls they have available to them also makes sense in that respect.

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).

ACS is not directly involved in the training and certification therefore we feel this is best answered by the officers and authorities responsible for its administration.

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, it would make sense to include examples to provide a practical picture of where the additional score off 22 for vulnerable risk groups would not be used.

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, providing context on a complex topic should help provide clear guidance to officers.

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)

Housing all guidance related to intervention ratings in one place (the Practice Guidance) rather than splitting it between the Brand Standard and Code of Practice/PG would make it easier to find and more coherent.

Also, the PG already supports the Code of Practice with detailed instructions. Adding parts two and three aligns all technical guidance in one location, making it easier for officers to interpret and apply consistently.

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)

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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. The proposed example amendment where the use of 'must' is to highlight a legal obligation which CAs must follow, and 'should' to highlight statutory guidance that provides clarification and guidance on legal obligations, which CAs must have due regard to gives clear parameters between good practice and legal obligation. It is important that this distinction is understood by officer in enforcing all regulations.

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)

Sure. The Code sets the legal and policy framework, while the Practice Guidance provides operational detail. The Competency Framework, being practical and procedural, fits better in the PG.

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)

See above.

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.

Yes, ACS agrees with the assessment.

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.

ACS is not directly involved in the training, wage structuring or internal processes of CAs therefore we cannot comment directly on this.

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.

N/A

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.)

No.

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.

N/A - See comments above regarding qualification.

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?

N/A - See comments above regarding qualification.

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

N/A - See comments above regarding qualification.

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