

Report on	Response to the Food Standards Agency's Consultation on the review of the Food Law Code of Practice, Food Law Practice Guidance and implementation of the Competency Framework - Northern Ireland
Date of Meeting	8 th December 2020
Reporting Officer	Fiona McClements, Head of Environmental Health

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	X

1.0	Purpose of Report
1.1	To inform Members about the Food Standards Agency's consultation on the Review of the Food Law Code of Practice, Food Law Practice Guidance and implementation of the Competency Framework - Northern Ireland.
2.0	Background
2.1	In Northern Ireland, District Councils (DCs) are the Competent Authorities responsible for the verification of compliance with food law in food business establishments, and at points of entry. The Food Standards Agency (FSA) is responsible for setting out direction and guidance on the approach that DCs should take, and this is set out in the Food Law Code of Practice (The Code). The Code is complemented by the Food Law Practice Guidance. The Code sets out instructions and criteria to which DCs must have regard when discharging their duties in relation to the delivery of official food controls and other official activities.
2.2	The FSA, as the Central Competent Authority, is responsible for ensuring food safety and food hygiene in England, Wales, and Northern Ireland. This consultation for Northern Ireland has been prepared by the Food Standards Agency in coordination with England. The changes to England's Code, and the Practice Guidance, are subject to a separate but similar Food Standards Agency consultation.
2.3	The FSA is required to consult on amendments to the Code prior to implementation. The Code requires regular review and revision to ensure that it reflects current priorities, policy, and legislative requirements so that DCs delivery of food control activities remain effective, consistent, and proportionate.
2.4	The purpose of this consultation is to provide stakeholders with an opportunity to comment on the main proposals, which are outlined in the main body of the report. The Food Standards Agency has suggested that this consultation will be of interest to District Councils (DCs), Food Standards Agency (FSA) approved assurance schemes, private sector assurance bodies, professional awarding bodies and FSA delivery partners, Trade Unions and expert groups.

3.0	Main Report
3.1	<p>The main proposals of this consultation on which the Food Standards Agency are seeking views include:</p> <ul style="list-style-type: none"> • Modernisation of the baseline knowledge, skills, and experience requirements to enable a wider cohort of DC professionals to undertake official food controls and other official activities, which the current Code restricts; • Replacing the existing competency requirements with a Competency Framework that defines competency by activity rather than by role, which will be initially implemented for DC food controls; • Introducing a provision to enable the FSA to be more responsive in issuing instructions, whereby DCs may legitimately depart from the Code, in limited circumstances; • Updating the Code to reflect the Official Control Regulation (EU) 2017/625, and EU exit implications, where the negotiated position is known • Simplification, clarification and alignment of the Code and the Practice Guidance with those of England to promote consistency in the interpretation and implementation of food control activities. This includes the removal and relocation of sections of the Code to the Practice Guidance; • Inclusion of other minor amendments to keep pace with current practices.
3.2	A subgroup of the Northern Ireland Food Managers Group, which sits under Environmental Health Northern Ireland (EHNI), has prepared a response for this Food Standards Agency's Consultation.
3.3	This consultation response has been considered by this Department and is attached at Appendix 1, having been amended to include comments from Mid Ulster Environmental Health Service . The draft response outlines some concerns regarding how Food Standards Agency hopes to roll out a revised competency framework for all officers engaged in food related duties .
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Staff time and associated costs
	Human: Additional officer time for implementing the code and the competency framework
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A

	Rural Needs Implications: N/A
5.0	Recommendations
5.1	<p>It is recommended that members consider the content of the attached draft response to this consultation and, if in agreement, responds to the Food Standards Agency in accordance with the completed consultation template.</p> <p>The consultation period is short at 4 weeks and the closing date of the consultation is 9th December 2020. It is therefore requested that a draft response would be forwarded and then a final response forwarded following ratification at full Council.</p>
6.0	Documents Attached & References
6.1	Appendix 1 – Proposed Mid Ulster District Council response to the Food Standards Agency’s Consultation on the review of the Food Law Code of Practice, Food Law Practice Guidance and implementation of the Competency Framework - Northern Ireland.
6.2	<p>The full consultation package can be accessed at:</p> <p>https://www.food.gov.uk/news-alerts/consultations/review-of-the-food-law-code-of-practice-food-law-practice-guidance-and-implementation-of-the-competency-framework-northern</p>