

Food Standards Agency Consultation

Review of the Food Law Code of Practice, Food Law Practice Guidance, and implementation of the Competency Framework

Consultation response from Mid Ulster District Council

Consultation subject/purpose

To seek stakeholder views on the FSA proposals to update and simplify the Food Law Code of Practice (Northern Ireland) (the Code) and the Food Law Practice Guidance (Northern Ireland) (the Practice Guidance)

Mid Ulster District Council welcomes the opportunity to comment on the consultation relating to the Review of the Food Law Code of Practice, Food Law Practice Guidance, and implementation of the Competency Framework. However Mid Ulster District Council wishes to express serious concern regarding the short 4 week formal consultation period allotted to consider what are deemed to be complex issues which will have significant implications for the delivery of official food controls for years to come. It is also of concern that this consultation has been released at a time when NI and further afield are in the middle of a pandemic and local Authority resources are stretched with additional demands due to COVID-19. This is in addition to the preparatory work that is ongoing in relation to EU Exit. However, Mid Ulster District Council does recognise that a number of the changes to the code will facilitate some Local Authorities in terms of recruitment of staff. In preparation of the consultation response, Mid Ulster District Council has considered concerns raised by all the Local Authorities in Northern Ireland, and has included them in the response, even though these may be outside the scope of the questions posed in the format provided.

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?**

Mid Ulster District Council agrees that the layout/ presentation and clarified text make the document easier to use.

Mid Ulster District Council does not agree that the current detail provided in the Competency Framework will facilitate consistency without significant training and further supporting guidance.

- 2. Do you agree that the proposed suitable qualification requirements provide DCs 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).**

While it is agreed that the proposed suitable qualification requirements allow for a wider cohort of professionals to undertake food control activities, Mid Ulster District Council does not agree with the need to introduce the proposed competency framework for officers who

hold the EHRB qualification and who are fully competent under the current Code. These officers should be exempt from the need to migrate to the proposed competency framework. There needs to be recognition of the qualifications obtained by these officers.

Officers who hold the EHRB qualification but who are not fully competent in Food Control should be capable of a fast track method to achieve competency without the need to complete the full proposed Competency Framework. Recognition of the existing competencies of these officers must be reflected in any proposed Competency Framework.

Mid Ulster District Council also recognises the benefits of using the Competency Framework for staff that may carry out limited food safety duties and are not required to complete all of the assessment sections. However, it is generally recognised that Councils in Northern Ireland require EHOs to have a wider range of skills and competencies available to provide a more holistic EH approach across a number of key areas to maximise the outcomes from any contact with businesses. This allows for the development and movement of staff with an EH qualification between functions in the wider Environmental Health Service .

The proposed complex and resource intensive Competency Framework will be prohibitive to Councils building resilience into the Environmental Health Service by hindering or restricting movement of officers into the Food Control function from other core functions when the need to redeploy resources arises.

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 DCs and FSA delivery partners?**
- 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?**
- c. the relevant competencies (knowledge and skills) for each activity and sub-activity?**

If not, what changes would you wish to see, and why?

- a. The Competency Framework is too detailed and prescriptive. This level of detail lends itself to regular updates being required as new and emerging activities and processes emerge. Mid Ulster District Council would be concerned that the prescriptive detail of the Specialist and High Risk activities could leave the competency status of food officers open to legal challenge .A more generic non-exhaustive listing of activities would reduce the burden of completion and recognise the wider skills of EHOs .This would also mitigate against legal challenge of an officer's competency.
- b. Mid Ulster District Council is unable to comment on the relevant activities for those working in the private sector. It is recognised though that those in the private sector in these roles should meet the same competency standards as an EHO.
- c. Refer to comments made under 3a.

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

Competency by individual sub activity fails to recognise the skills of an EHO. There are aspects of a competency assessment that could facilitate the use of resources from other functions of the Environmental Health Service, however their activities may have to be restricted due to qualifications and would limit their usefulness to a particular activity. Therefore, Mid Ulster District Council would flag this as a concern. Mid Ulster District Council would suggest that the FSA carry out a competency mapping exercise for officers who meet the baseline qualification to expedite the completion of the proposed Competency Framework. Mid Ulster District Council would welcome input, via NIFMG, into any future mapping exercise.

- 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?**

It is difficult to answer whether this will improve quality and consistency of delivery across the public sector. While the EHRB provided a consistent qualification that all candidates had to complete, under the new proposals each individual will be submitting different evidence for assessment and it, in turn, will be assessed by different lead food officers. The EHRB was a useful independent qualification for the profession and employers in that it provided a recognised level of consistency and removed the burden from the employer to carry out assessments.

It is difficult to comment whether setting such a standard will achieve the desired outcome as the assessment methodology has not been fully developed at the time of issue of this consultation.

To ensure that the proposals achieve the aim of improving quality and consistency of delivery, Mid Ulster District Council would suggest that comprehensive training, guidance and support is provided by the FSA.

- 6. Do you foresee any problems with the provision to allow the FSA to be more responsive in issuing instructions, whereby DCs may legitimately depart from the Code, in limited circumstances? If yes, what, if any safeguards or conflicts should we consider?**

Mid Ulster District Council does not foresee any problems with the provision outlined above.

- 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?**

Mid Ulster District Council agrees with this statement.

- 8. Do you agree with our assessment of the impacts on DCs, 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?
- 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?
- c. whether you foresee any changes in the assessment time, from the implementation of the Competency Framework?
- d. how many new members of staff do you appoint every year?
- e. whether you foresee changes to the number of new staff that need to be appointed every year?

a. Mid Ulster District Council considers that the timeframe for familiarisation and dissemination time has been grossly under-estimated. To date, lead food officers from NIFMG have had a number of sub-group meetings well in excess of the allotted time of '3 hours to read and 2 hours to prepare and disseminate' as suggested in the consultation. This does not include the time taken by each of these lead officers to familiarise themselves with the competency framework. To analyse the spreadsheets alone has necessitated significant time spend. Based on feedback from the NIFMG subgroup, each officer involved has spent more than 20 hours on research, analysis, meetings, webinars and drafting an initial consultation response.

In order to prepare and disseminate this information, during the current climate, significantly more time than the assumed 2 hours, as suggested in the consultation, would be required. Mid Ulster District Council believe to review the spreadsheets in detail would require more than 2 hours. From experience, dissemination of the 2016 Competency Framework required in excess of one day.

This does not take into account the ongoing guidance, advice and assistance that lead officers would have to provide to both new and fully authorised staff to complete their individual assessments.

b. Mid Ulster District Council strongly refutes the FSA's assumption that there would be 'no significant additional burden' to Local Authorities to introduce the new Competency Framework. We believe that there will be significant time taken to complete the proposed ongoing assessment of officers. This assumption is based on the experience of the implementation of the current Competency Framework. Mid Ulster District Council believes that the new Competency Framework is a more complex and time consuming process. Experience would indicate that it took at least 5 days for officers to complete the existing Competency Framework document as prescribed in the current Code.

Significant time is required by the Lead Food Officer to assess the proposed Competency Framework and complete the necessary administrative duties.

Therefore, Mid Ulster District Council estimates that it will take 5 days per officer and 2 days of the Lead Officer's time per assessment to complete the proposed competency framework. To mitigate against this significant time spend, Mid Ulster District Council proposes that current fully authorised officers retain their current Competency Framework now and into the future and are not required to transition to the proposed Competency Framework.

c. As stated above, experience would indicate that it took at least 5 days for officers to complete the existing Competency Framework document as prescribed in the current Code. Significant time is required by the Lead Food Officer to assess the proposed Competency Framework and complete the necessary administrative duties.

Therefore, Mid Ulster District Council predicts that it will take 5 days per officer and 2 days of the lead officer time per assessment to complete the proposed competency framework.

d. The number of staff appointed each year can vary. Although this question is limited to new staff, Mid Ulster District Council feels that the FSA must also consider the redeployment of existing staff into the food function, the provision for maternity cover and the employment of agency staff.

e. Mid Ulster District Council cannot fully predict the number of staff required as Councils will have to address the out-workings of the end of the Transition Period and the implementation of the NI Protocol. Additional resources will be required to address the current backlog of inspections due to the Covid pandemic and to address the businesses that were inspected outside the Mandatory FHRS. This will necessitate additional time to address the Competency Framework and officers authorisations.

Costs to FSA approved assurance

9. Do you foresee any other impacts from the implementation of the main proposals detailed in paragraph 13, beyond what we have identified? Where possible, please explain your views and provide quantifiable evidence (for example, costs associated with updating existing templates, the benefits of greater flexibility to allocate staff to activities)

Councils are currently in the midst of Covid-19 operating procedures as well as preparing for EU exit under the NI protocol. The FSA priority guidance issued in June 2020 was welcomed however Councils are struggling to complete these priorities in the current climate.

Lead food officers presently have significant monitoring duties to fulfil the requirements of the food service delivery plan and required procedures. The proposed competency framework would pose a further burden onto the current competency assessment and monitoring. The employment of temporary and agency staff would further increase the burden on lead food officers. A further complication for short term contract staff would be the need to have an agreed system for the sharing of competency assessments between local authorities.

The completion of the Competency Assessment is an onerous task at present and is seen by officers as a deterrent to entering the food safety role. The proposed competency framework is significantly more onerous and can only increase the pressure on food units to recruit and retain staff.

Additional resources will also have to be deployed to review and amend certain internal policies and procedures to comply with the changes in the COP and Practice Guidance.

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