

To: Heads of Services in all Local Authorities in England

7th April, 2014

Reference: ENF/E/15/006

Dear Colleagues

**FOR ACTION: PUBLICATION OF THE REVISED FOOD LAW CODE OF PRACTICE (ENGLAND)**

1. I would like to inform you that the Food Standards Agency has today published the revised Food Law Code of Practice (England), which comes into force on **7 April 2015**. A link is available at:

<http://www.food.gov.uk/enforcement/enforcework/foodlawcop/copengland/>

2. Please note that although the implementation date is 7 April 2015, we recognise that LAs will need time to embed the new competency framework system. **The Code, therefore, allows LAs until 1 April 2016 to implement the new arrangements.** This will also enable officers and their managers to consider the relevant competencies needed for their roles and build that into their 2015/16 personal development and reporting cycle.
3. I should be grateful if you would bring this letter to the attention of all relevant officers. The Code updates and replaces the previous Code issued in **March 2014**.
4. The main changes to the Code are summarised in the **Annex** to this letter, but primarily the Code has been amended in two ways:

Room 3B Aviation House

125 Kingsway

London WC2B 6NH



- To clarify guidance to LAs on the registration, inspection and reporting requirements for mobile food establishments and for ships and aircrafts. The changes are intended to improve consistency of approach, particularly in determining whether a mobile business has been registered and inspected by an authority and the frequency of official controls required at such establishments.
- To introduce a “competency-based authorisation” system for LAs undertaking official controls, to place more emphasis on the necessary behavioural skills and experience needed to undertake official control duties. Authorised officers will continue to hold a necessary baseline qualification.

The Code has been developed with help of stakeholders and was subject to full public consultation. The FSA will keep the Code under review and I would be grateful for feedback from LAs on its use.

The changes are being underpinned by a revision to the supporting Food Law Code of Practice Guidance, which is currently being revised. The FSA also intends to provide training courses for Lead Officers on the new competency framework assessment process.

If you have any queries about the revised Code please e-mail to:

[FoodlawCOP@foodstandards.gsi.gov.uk](mailto:FoodlawCOP@foodstandards.gsi.gov.uk)

Yours faithfully

**Rachel Patrick**  
**Local Delivery Division**  
**Food Standards Agency**

## SUMMARY OF CHANGES TO THE CODE

Detailed below is a summary of the key changes made to the Code as part of the review process.

| Code Section:   | Summary of Changes  |
|---|---|
| <b>Chapter 3.2</b><br><b>Registration of establishments</b> | <ul style="list-style-type: none"> <li>• Clarification on what is an ‘establishment’ and who is the Food Business Operator (FBO).</li> <li>• To avoid unnecessary registrations, introduce the concept of “<i>a satellite food business</i>”, whereby one or more physically distinct sites may be considered to be satellites of a central hub, and may be classed as a ‘single establishment’ for the purposes of registration based on specific criteria.</li> <li>• Clarification on mobile establishments and how an LA can determine whether an inspection is due or appropriate in liaison with the registering and other inspecting authorities.</li> </ul> |
| <b>Chapter 3.2.5.3</b><br><b>Moveable establishments</b>    | <ul style="list-style-type: none"> <li>• Provides greater clarity on which LA should register ships and aircrafts; and</li> <li>• Direction on assessing the risk and deciding when to inspect</li> </ul>   |

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|  | ships and aircrafts.   |
| <b>Chapter 4.10.1<br/>Continued Professional<br/>Development (CPD) hours</b> | In line with a greater emphasis on competency, a revised process for CPD that increases CPD hours required which recognises a more varied range of activities that can be considered.  |
| <b>Chapter 4.3<br/>Competency requirement and<br/>officer authorisation</b>  | <p>New section introduced on competency of officers. Qualifications are a pre-requisite for the authorisation of officers, but there is greater flexibility in the range of qualifications which can be considered by LAs alongside the revised competency requirements, which include:</p> <ul style="list-style-type: none"> <li>• a baseline qualification providing the officer with the underpinning scientific, technical and legal knowledge and understanding of food inspection, safety and hygiene, food hazards and food standards;</li> <li>• a period of professional practice to embed this knowledge (competency) through sustained practice in a variety of practical situations; and</li> <li>• maintenance of competency, and development of new skills and knowledge through an annual</li> </ul> |

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|  | <p>programme of relevant CPD.</p> <p>There are separate competency requirements for Lead Officers, Authorized Officers and for Regulatory Support Officers which reflect the role carried out by the official, the need for greater LA flexibility to deliver effective consumer protection, and EU requirements for any official carrying out Official Food Controls.</p> |
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