

Title of Report:	REVISED FOOD LAW CODE OF PRACTICE, PRACTICE GUIDANCE AND COMPETENCY FRAMEWORK
Committee Report Submitted To:	ENVIRONMENTAL SERVICES COMMITTEE
Date of Meeting:	13th April 2021
For Decision or For Information	FOR INFORMATION

Linkage to Council Strategy (2021-25)	
Strategic Theme	Healthy, Active and Engaged Communities
Outcome	Delivery of statutory responsibilities
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	YES
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No N/A	Date:
	EQIA Required and Completed:	Yes/No N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No N/A	Date:
	RNA Required and Completed:	Yes/No N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No N/A	Date:
	DPIA Required and Completed:	Yes/No N/A	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is to advise members of the publication of revised Food Law Code of Practice (Northern Ireland), Food Law Practice Guidance (Northern Ireland) and Competency Framework by the Food Standards Agency.

2.0 Background

- 2.1 The Food Law Code of Practice (Northern Ireland) (the Code) and Food Law Practice Guidance (Northern Ireland) is issued under Article 39 of The Food Safety (Northern Ireland) Order 1991 (the Order), regulation 22 of The Food Hygiene Regulations (Northern Ireland) 2006, and regulation 6 of The Official Feed and Food Controls Regulations (Northern Ireland) 2009, which empower the Department of Health (DOH) to issue codes of practice concerning the execution and enforcement of that legislation by Competent Authorities.
- 2.2 The Code is written by the Food Standards Agency (FSA) and issued by the DOH and is directed at district councils (Competent Authorities) responsible for the delivery of official food controls and other official activities.
- 2.3 The code outlines how the requirements of Regulation (EU) 2017/6251 apply to district councils (Competent Authorities) to ensure the quality, consistency, effectiveness and appropriateness of official food controls and other official activities and describes the approach to be taken to ensure the efficient and effective coordination of official food controls and other official activities between Competent Authorities and other relevant government agencies, including Public Health Agency and the FSA.
- 2.4 District Councils in their capacity as Competent Authorities have a statutory duty to enforce the requirements of food law; to have due regard to relevant provisions of the Code and Practice Guidance and to discharge their statutory duties as effectively as possible.
- 2.5 The Code outlines the qualifications and competency requirements for officers undertaking official food controls, other official activities, and any other activities related to these. A Competency Framework (the framework) sets out the competencies required for local authority and port health authority officers undertaking these duties and sets out how said officers must be assessed. Local authorities and port health authorities are required to follow the framework.
- 2.6 The revised Food Law Code of Practice (Northern Ireland) 2021 and the Food Law Practice Guidance (Northern Ireland) 2021 have recently been published on the FSA website and replace previous versions issued in 2016. The documents can be accessed at <https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice>.

3.0 Summary of Key Changes

3.1 The key changes in this revision to the Code include:

- a) modernisation of the qualification requirements by extending the list of 'suitable' qualifications to enable District Councils to fully recognise the potential of a wider cohort of environmental health professionals to undertake food control activities providing they can demonstrate they are competent
- b) replacing the existing competency requirements with the FSA (Competency Framework) that defines competency by activity rather than by role
- c) providing flexibility to allow District Councils to legitimately depart from their intervention programme upon advice from the FSA in certain circumstances
- d) the necessary editorial revisions brought about by the Official Controls Regulation (EU) 2017/625, which came into effect in December 2019, and EU exit implications
- e) a revised structure and format to present clear concise information to improve readability and promote consistency in the interpretation and implementation

4.0 Recommendation

It is recommended that the report be noted.