

To: Chief Executive Officers, Lead Food Officers, Heads of Food Service.
cc: SFELC, REHIS, SOCEHOS.

29 March 2019

FSS/ENF/19/003

Dear Colleague

Interventions - Food Law Code of Practice (Scotland) 2019

I am writing to update you on the new Interventions - Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019) which is being introduced following the updated consolidated Food Law Code of Practice (Scotland) 2019 obtaining Ministerial approval in January 2019.

The Interventions Code 2019 incorporate the following changes;

- Introduction of the Food Law Rating System. (FLRS).
- Alignment with Food Standards Scotland's Regulatory Strategy.
- Alignment to reflect Food Standards Scotland's Strategy to 2021 and the Scottish Government's approach to Better Regulation as set out in the Scottish Regulators' Strategic Code of Practice.

Background

The origins of the FLRS exists in recommendation 57 of the Scudamore report, commissioned by Scottish Ministers in 2013, to examine the lessons learned from the UK wide horsemeat incident in 2012.

1. In February 2014 the then Food Standards Agency (Scotland) in partnership with SFELC (The Scottish Food Enforcement Liaison Committee) established a working group tasked

with examining the existing arrangements in Annex 5 of the Food Law Code of Practice and to assess whether an alternative regime would deliver more effective prioritisation of Food Law enforcement in Scotland.

The key findings of the group were published in February 2015:

‘The Group’s unanimous view was that the conflation of food safety and standards into one Food Law inspection will benefit local authorities, consumers and the industry. It will ensure that the profile of food standards will be raised whilst reducing duplication and bureaucracy caused by two inspection schemes. Importantly, Local Authorities will be able to target resources on high risk and non-compliant businesses.’

2. In January 2016 the newly formed Food Standard Scotland (FSS) set up a task force with the key objective of delivering the new model and its incorporation into the Food Law Code of Practice. In addition and in alignment with our key strategic objectives, FLRS was incorporated into our Regulatory Strategy to ensure compliance with the Scottish Government’s approach to Better Regulation, as set out in the Scottish Regulators’ Strategic Code of Practice.

The Interventions Code and the accompanying associated guidance reflect and enable the framework set out in Food Standards Scotland’s Strategy to 2021, in particular Outcome 4 – Responsible Food Businesses Flourish.

3. The Interventions Code is part of a wider project by Food Standards Scotland for the review of the Food Law Code of Practice. The review process has been split into three phases.

Phase One

The publication of the Food Law Code of Practice (Scotland) 2019 which updated the Food Law Code of Practice (Scotland) 2015. to reflect changes in legislation and practice since 2015 and to ensure it is in alignment with Food Standard Scotland’s Regulatory Strategy.

Phase Two

The Interventions Code 2019 is the first in a series of individual publications which introduces the Food Law Rating System (FLRS). FLRS combines the rating systems for Food Hygiene and Food Standards into one Food Law Intervention scheme based upon a

new Food Business performance model that will target resources on high to medium risk and non-compliant businesses.

Phase Three

The key aim is to develop the process to simplify future updates by producing further individual Food Law Code of Practice publications. It is important that given the pace of legislative change Codes of Practices continually reflect current legislation, to ensure Food Authorities are accurately informed of the criteria they are required to have regard to when undertaking Official Controls.

Engagement and Implementation

4. FSS have consulted the Minister for Public Health, Sport and Wellbeing who is satisfied that wide consultation has taken place for the Implementation of FLRS (please see below) but has requested that the Interventions Code 2019 be sent to all interested parties in Local Authorities, Trade, Industry and Professional Bodies, and other Government Departments for a 4 week period with the final date for comment being the **1th May 2019**. All comments should be sent by email to foodlawcodereview@fss.scot.

Detailed below is a key summary of the timeline with respect to implementation :

- Formal stakeholder event in September 2016 and launch of a pilot of FLRS consisting of 10 Local Authorities throughout Scotland.
- Completion of a pilot in October 2017 and extensive review process undertaken.
- Formal national stakeholder engagement events in November 2017 and September 2018 attended by Food Law enforcement officials from each of the Scottish Local Authorities, as well as representatives from the Scottish Government Better Regulation Team, Food Standards Agency, and the Scottish Food Enforcement Liaison Committee (SFELC) and Industry.
- Formation of a Local Authority Implementation Group in January 2018 and the early adoption of the FLRS by 14 Local Authorities.

- Approval and ratification of the FLRS by the FSS Board in February 2018.
- Regular updates to Trade and Industry representatives through the aforementioned stakeholder events and SFELC meetings throughout 2017-18.
- Liaison with other regulators throughout the UK and wider, including Food Standards Agency, Scottish Environmental Protection Agency and the Health and Safety Executive.

FSS had set a provisional date of 1 April 2019 for the implementation of FLRS, however it is now clear that not all of the management information software providers that supply Local Authorities can be ready for this date. Following a meeting of the Local Authority Implementation Group on the 15 March 2019 a new date of the **1st July 2019** was agreed, in order to allow Local Authorities extra time to upgrade to the latest version of their software system and accommodate any final stakeholder comments before Ministerial approval.

A further update will be provided once the Interventions Code 2019 is submitted for Ministerial approval. In the meantime If you have any specific questions, please contact me at the details above or my colleagues Sarah Coyle at sarah.coyle@fss.scot, 07785 388372 or George Barr at george.barr@fss.scot on 07827 552466.

Yours sincerely



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