

Chief Executive Officers  
Heads of Food Service  
Lead Food Officers  
REHIS  
SFELC

FSS/ENF/20/010

5th November 2020

Dear Colleagues,

## **COVID-19: CONTINGENCY MEASURES FOR DELIVERY OF OFFICIAL CONTROLS IN RELATION TO FOOD**

The Minister agreed to a deviation from the Food Law Code of Practice (Scotland) 2019 in March 2020 and again in July 2020 due to the unprecedented nature of the COVID-19 pandemic and national infection control measures which continue to involve Local Authority Environmental Health Services to a significant extent. The flexibilities have allowed the mobilisation of an additional public health workforce that has been invaluable to assist Scottish Government efforts in control of the Pandemic.

Given the continued risk of COVID-19 to public health and the continuation of protective measures including the Scottish Governments Strategic Framework which came into force on the 2<sup>nd</sup> November it is felt prudent to extend the majority of the current flexibilities .

FSS's has therefore recommended to the Minister continued deviations from elements of the Code for Local Authorities to support their essential role in enforcing the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020, the Scottish Governments Strategic Framework and resource required to support investigation of local outbreaks and attend Incident Management teams meetings associated with such outbreaks.

The Minister for Public Health and Sport has agreed to this recognising the efforts of Environmental Health Services in enforcing the Regulations and in supporting businesses in compliance. Deviations **will therefore continue until 28<sup>th</sup> February 2021**, with the opportunity to review timescales being depended upon the COVID-19 infection rate and the subsequent continued efforts required to ensure control measures are effective.

### **End of EU Transition Period End**

The period of transition from the EU will end on 31<sup>st</sup> December 2020. It is recognised that food businesses with Approved status who currently benefit from free access to essential European markets will require Export Health Certification and associated assurance interventions conducted by their Local Authority Environmental Health Service. In order to balance the requirements of continued market access from 1<sup>st</sup> January 2021 and the public health risk associated with COVID-19 it is felt appropriate that Local Authorities with businesses who export product of animal origin to the EU resume food law interventions in line with the Code of Practice requirements.

For business approved for fishery products, interventions to allow for Local Authority attestations will be necessary where the establishments aim to use the export logistic hub operations based in Scotland. Discussions are on-going with Local Authorities to agree the process and timeline for the necessary attestations.

### **Food Law Code of Practice deviations**

- a) Food law interventions to all care facilities including hospitals, care homes, nurseries, and childminders. Restricting interventions in this sector will assist with maintaining distance and the associated risk to this vulnerable group.
- b) Planned programmed interventions at all lower risk Group 2 and 3 businesses within the Food Law Rating System (FLRS), and all Crown Establishments.
- c) Low risk primary production activities - exception for dairy farms supplying raw milk for the manufacture of raw milk cheese. This includes on farm inspection to assess compliance against primary production controls.
- d) Intelligence driven Interventions at **all food business establishments** regardless of category should continue where possible. Intelligence will include information that suggests fraudulent activity or risk to public health, e.g. consumer complaints, credible allegations of food poisoning, failed samples of a serious nature that suggest fraud or health risk.

### **Food Law Code of Practice deviations timescales**

The period permitted has been extended to the 28<sup>th</sup> February 2021. The period will remain under review and amended where necessary.

## **Food Law Code of Practice deviations recovery plans**

The Minister has been provided with assurance that FSS is working with the Scottish Food Enforcement Liaison Committee to agree the basis of food law recovery plans. The draft plan has been sent to all lead food officers for comment and will be finalised shortly. Separate communication will be provided on the plan and expectations on its implementation.

In addition, I would continue to encourage LAs to gather their own data on Interventions due that remain undelivered during this period and to continue to maintain your Management Information Software system wherever practically possible.

If you have any queries regarding this correspondence please contact me using the contact details contained in this letter.

Yours sincerely

A handwritten signature in cursive script that reads "Lorna Murray".

Lorna Murray  
Head of Enforcement Delivery  
Food Standards Scotland