

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

FSS/ENF/20/009

6th August 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 due to the unprecedented nature of the COVID-19 pandemic and national infection control measures which have involved Local Authority Environmental health Services to a significant extent. The deviations have allowed the mobilisation of an additional public health workforce that has been invaluable to assist Scottish Government efforts in control of the Pandemic.

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) (Scotland) Regulations 2020 and their continued support of the National Test and Protect approach to control of COVID-19.

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 continue until 31st October 2020**, 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.

Food Law Code of Practice deviations

- a) Food Law interventions to all care facilities including hospitals, care homes, nurseries, and childminders.
- 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) Approved establishments and other high risk manufacturers may limit access to high risk production areas. Therefore it is recommended that interventions at approved establishments, and higher risk FLRS Group 1 businesses, are based on an initial documentary audit followed up by physical inspection if public health concerns are identified.
- e) 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 31st October 2020. However the period will remain under review and will be 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 principles on which recovery plans will be based.

Your views on the recovery plan will be sought and your input welcomed. It will be important that all LAs work with us to ensure that the recovery process is implemented within defined timescales.

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, reading 'Lorna Murray'.

Lorna Murray
Head of Enforcement Delivery
Food Standards Scotland