

Food Safety Act 1990

(as amended)

Code of Practice No. 19:
Qualifications and Experience of Authorised Officers
(Revised October 2000)

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Code of Practice on the Qualifications and Experience of Authorised Officers

(Code of Practice No. 19 Revised October 2000)

This Code of Practice is issued under section 40 of the Food Safety Act, as amended ("the Act"). The Code is set out in bold print. Notes for guidance, which are in plain text, are not provisions of the Code but are guidance to the food authorities and others about its application and interpretation. This Code supersedes Code of Practice No. 19 published in 1996. Section A of this Code contains material which supersedes Code of Practice No. 4 published in 1991, Code of Practice No. 5 (Revised) published in 1994 and Code of Practice No. 6 published in 1991 where specifically stated.

Introduction

1 This Code is concerned with the qualifications and experience of authorised officers of food authorities appointed by them under Section 5 (6) of the Food Safety Act 1990.

The Code implements by administrative means the qualification provisions of the EC measures applicable in this area: the Official Control of Foodstuffs Directive 89/397/EEC and the Official Control of Foodstuffs Additional Measures Directive 93/99/EEC. This Code is not concerned with the qualifications or experience of individuals who are not authorised officers of food authorities.

2 Article 2 of Directive 93/99/EEC states:
"Member States shall ensure that the competent authorities have, or at least have access to, a sufficient number of suitably qualified and experienced staff, in particular, in areas such as chemistry, food chemistry, veterinary medicine, medicine, food microbiology, food hygiene, food technology and law, so that the controls referred to in Article 5 of Directive 89/397/EEC can be carried out adequately".

3 The requirements in this Code are not intended to apply to administrative staff, to managers who have overall responsibility for departments enforcing food law; to those responsible for the collation of statistics required by the Food Standards Agency or to officers only instituting legal proceedings or presenting cases to the courts.

4 Food authorities are not expected to engage or appoint full-time authorised officers in all the areas of expertise listed in Article 2 of Directive 93/99/EEC but should at least have access to experts in the various fields as appropriate. **A food authority requiring expertise in an area listed in Article 2 of the Directive 93/99/EEC must ensure that the expert engaged has a recognised qualification in the relevant area for which the expert is required.** (Qualifications for Food Analysts and Food Examiners are specified in the Food Safety (Sampling and Qualifications) Regulations 1990).

General Qualification Requirements

5 It is the responsibility of food authorities to ensure that all officers authorised to carry out enforcement under the Act are suitably qualified, experienced and competent to carry out the range of tasks and duties they are authorised to perform in accordance with the requirements of this Code and others made under the Act. Food authorities should note that this applies to those employed on a contract basis in the same way as those directly employed. See paragraphs 12 and 13 below.

6 There may be other qualifications which are equivalent to those specifically set out in this Code. The Food Standards Agency (FSA) should be approached in such cases. In making any decision on equivalence the FSA will have regard to the views of the relevant professional and awarding bodies. Existing or prospective food authority officers may also have a range of qualifications, additional training and experience that together indicate their competence to undertake specific enforcement activities identified in this Code. In such cases they should approach the relevant professional and awarding bodies direct.

7 Nationals from another country in the European Economic Area have a right under Community law to the recognition of qualifications and experience gained outside the UK. This situation may arise if an individual seeks employment in Great Britain as a public analyst, food examiner or authorised officer, having acquired relevant qualifications and work experience in their home country. Food authorities should accept suitable non-UK qualifications and experience where it is necessary to do so in order to give effect to these Community rights. The equivalence of non-UK qualifications will be determined by organisations recognised by the Department of Trade & Industry for the purposes of Directive 89/48/EEC on a General System for the Recognition of Higher Education Diplomas Awarded on Completion of Professional Education and Training of at Least 3 Years Duration. (The Mutual Recognition of Professional Qualifications). Food authorities should make appropriate enquiries with the relevant professional and awarding bodies if they have any doubts in this area before confirming an appointment.

New Appointments

8 Authorities should not authorise new officers, or extend the duties of currently employed officers unless they are qualified in accordance with the requirements of Sections A and/or B below as applicable to their proposed duties and that their skills, qualifications and experience meet any relevant additional requirements set out in this and other Codes made under the Act.

Update Training

9 Food authorities should ensure that each and every officer authorised to carry out food hygiene inspections and enforcement, and/or food standards enforcement receives structured on-going training, which is managed, assessed and recorded. Such training should include new legislation and procedures, and technological developments that may take place in food businesses subject to their inspection. Such training may take the form of in-house training, formal courses or vocational visits. The minimum ongoing/update training should be at least 10 hours per year based on the principles of continuing professional development.

10 Some authorised Officers who have the appropriate qualifications may not have enforced food law or particular areas of food law for some time. Food authorities should ensure that officers who hold appropriate qualifications and whose knowledge in relation to food matters may have lapsed or become out of date are put through structured revision training in the areas concerned before resuming food law enforcement duties. Such update training, should be managed, assessed and recorded. The extent of the revision training requirements will vary according to the previous experience of the officer and the period that the officer has been absent from food law enforcement duties. The minimum revision training should not be less than 15 hours based on the principle of continuing professional development. Officers returning to food law enforcement duties after an absence of more than 3 years should be monitored by a more senior officer experienced in food law enforcement duties for a minimum period of three months.

Records

11 Food authorities should retain copies of certificates of registration, qualifications and documents required by this Code and maintain records of any ongoing or refresher training for officers authorised by the authority to undertake enforcement and inspections.

Contractors

12 Before employing any contractors to undertake inspection activities the food authority must be satisfied that the staff to be used by the contractor will satisfy the qualification requirements set out in Sections A and/or B below as applicable and have received any update training referred to in paragraphs 9 & 10 above. The authority should also be satisfied that all staff to be used by the contractor are competent to undertake the range of inspections required by the authority and understand the authority's enforcement and inspection policies.

13 Persons employed by contractors to undertake inspection activities can only exercise "powers of entry" if they are individually authorised by the enforcement authority in writing.

Specific Qualification Requirements

Section A: Food Hygiene and Safety

Lead Officer

14 Food authorities with responsibility for food hygiene and safety should appoint at least one environmental health officer (EHO) with specialist knowledge and who has lead responsibility for food hygiene and safety matters. Food authorities may establish a team of officers consisting of environmental health officers, together with suitably qualified food technologists, technicians or assistants with responsibility for such matters.

15 The food authority should notify the Food Standards Agency of the name of the officer who has lead responsibility for food hygiene and safety matters.

Officers Appointed to Carry out Food Hygiene Enforcement

Inspections

16 Before authorising an officer to undertake food hygiene and safety inspections of any premises, the food authority should be satisfied that the officer holds the appropriate qualification as set out below, is competent to carry out the inspection, and, particularly in respect of Hazard Analysis Critical Control Point (HACCP) based management control systems, is able to demonstrate the competencies contained in Annex 1.

17 Officers authorised to undertake such inspections of food premises should have a detailed knowledge of the following:

- the nature and types of food industry in their area and the technology utilised in those premises the officer is authorised and expected to inspect;
- relevant food hygiene and safety legislation;
- Codes of Practice issued under section 40 of the Food Safety Act;
- UK and EU Industry Guides to Good Hygiene Practice;
- relevant guidance issued by central government and LACOTS.

18 The following premises should be inspected only by environmental health officers, official veterinary surgeons (where appropriate), or officers holding the Higher Certificate in Food Premises Inspection:

- premises which fall within risk categories A and B according to the inspection rating scheme in Annex 1 of Code of Practice No. 9 Revised October 2000;
- all food manufacturers and processors classified as substantial under paragraph 2.10 of Annex 1 of Code of Practice No. 9 Revised October 2000;
- premises which are approved or require approval under product-specific food hygiene regulations.

Those who do not hold these qualifications may assist officers in such inspections.

19 All other premises should be inspected by officers meeting the requirements of paragraph 18 or those who hold an Ordinary Certificate in Food Premises Inspection.

Those who do not hold these qualifications may assist officers in such inspections.

20 Premises may change risk category as a result of the inspection. For example, premises currently in category C may appear on inspection to fall into category B. In these situations where the inspection was undertaken by an officer possessing the Ordinary Certificate in Food Premises Inspection, the outcome of the inspection and any action proposed should be validated by an officer qualified to meet the requirements of paragraph 18.

High Risk Activities

21 Officers undertaking the inspection of specialist, or complex high risk activities should be experienced in the inspection of food premises, have received additional training and have demonstrated their competence to undertake inspections of high risk activities. These will include activities/premises that fall within the scope of paragraphs 2.5 to 2.8 in Annex 1 of Code of Practice No. 9 (Revised October 2000).

Qualifications & Awarding Bodies

22 For the purposes of the Codes of Practice an environmental health officer is a person holding a Certificate of Registration of the Environmental Health Officers Registration Board (EHORB) or the EHORB Diploma in Environmental Health (or its antecedents); or equivalent qualifications granted in Scotland by the Royal Environmental Health Institute of Scotland (REHIS).

23 The Higher or Ordinary Certificate in Food Premises Inspection may be awarded by any one of the following:

- EHORB;
- The Scottish Food Safety Officers' Registration Board (SFSORB);
- The Institute of Food Science and Technology (IFST).

24 All officers undertaking inspections will have undertaken a period of not less than 6 months structured practical training with a food enforcement authority. The scope, extent and outcome of this training will have been assessed by one of the organisations mentioned above before awarding their qualifications.

Service of Improvement Notices

NB: The following two paragraphs replace and supersede paragraphs 20 to 24 of Code of Practice No. 5: The Use of Improvement Notices (Revised 1995)

25 Improvement notices under Section 10 of the Food Safety Act 1990 may only be signed by officers authorised to do so by the food authority. To maintain a consistent approach by all authorities, food authorities should arrange that these notices should be signed only by qualified officers with experience in food law enforcement, who are properly trained and competent. These will be one of the following:

- environmental health officers enforcing food hygiene or food processing regulations and where appropriate, official veterinary surgeons carrying out official veterinary surgeon duties;
- holders of the Higher Certificate in Food Premises Inspection who are authorised to carry out food hygiene inspections;
- holders of the Ordinary Certificate in Food Premises Inspection who are authorised to carry out food hygiene inspections of food premises in risk categories C – F, who may be authorised to sign improvement notices in respect of those premises only.

26 Where officers who are not authorised to sign improvement notices carry out an inspection an improvement notice should not be signed on their behalf. The officer signing the notice must have witnessed the contravention and be satisfied that it constitutes a breach of food hygiene or food processing regulations.

Service of Emergency Prohibition Notices

NB: The following paragraph replaces and supersedes paragraphs 30 and 31 of Code of Practice No. 6: Prohibition Procedures

27 Emergency prohibition notices under Section 11 of the Food Safety Act 1990 should be signed only by environmental health officers as defined in paragraph 22, who have two years post qualification experience in food safety matters and are currently involved in food enforcement.

Inspection, Detention & Seizure of Foodstuffs

NB: The following paragraph replaces and supersedes the first sentence of paragraph 20 of Code of Practice No. 4: Inspection, Detention and Seizure of Suspect Food

28 The inspection of food and any decision to detain or seize food under Section 9 of the Act should only be taken by appropriately qualified officers. Such officers will be environmental health officers, and where appropriate official veterinary surgeons, and, in respect of meat only, officers qualified in accordance with the Authorised Officers (Meat Inspection) Regulations 1987. Officers other than environmental health officers may hold additional qualifications recognised by relevant professional and awarding bodies which demonstrates their

competence to undertake this work. In order to undertake the role of a port health inspector at a Border Inspection Post, an environmental health officer will have to satisfy EHORB or REHIS as appropriate as to their experience in meat inspection i.e. complete at least 200 hours of meat inspection duties.

Sampling

29 Samples for microbiological examination or chemical analysis should be taken by authorised officers of enforcement authorities who are properly trained in the appropriate techniques and competent to carry out the duties assigned to them. Sampling in accordance with the provisions of the Food Safety (Sampling and Qualification) Regulations 1990 and Code of Practice No. 7 (Revised October 2000) should only be undertaken by officers meeting the requirements described in paragraphs 18, 19 or 34 as applicable.

Section B: Food Standards Enforcement

Lead Officer

NB: The following paragraphs replace and supersede paragraphs 25 to 27 of Code of Practice No. 8: Food Standards Inspections (Revised July 1996)

30 Food authorities with responsibility for food standards should appoint at least one officer with specialist knowledge who has lead responsibility for food standards matters and holds qualifications stipulated in paragraph 34. Food authorities may establish a team of officers including suitably qualified food technologists, technicians or assistants with responsibility for such matters.

31 The food authority should notify the Food Standards Agency of the name of the officer who has lead responsibility for food standards matters.

Officers Appointed to Carry out Food Standards Enforcement

32 Before authorising an officer to undertake food standards enforcement the food authority should be satisfied that the officer holds the appropriate qualification as set out in paragraph 34 below, and is competent to carry out the duties.

33 Officers authorised to undertake such enforcement in food premises should have a detailed knowledge of the following:

- the nature and types of food industry in their area and the technology utilised in those premises the officer is authorised to inspect;
- relevant food standards and marketing legislation;
- Codes of Practice issued under section 40 of the Food Safety Act;
- relevant guidance issued by central government and LACOTS.

34 Officers authorised to undertake food standards enforcement should hold one of the following qualifications or equivalent qualifications (see paragraph 6):

- (i) Diploma in Trading Standards (DTS) or its antecedents;
- (ii) Certificate of Registration of EHORB, the EHORB Diploma in Environmental Health (or its antecedents);
- (iii) Diploma in Consumer Affairs (DCA), provided it includes the Food and Agriculture Paper of Part II, or its antecedents;
- (iv) a DCA Certificate of Competence in relation to Food and Agriculture issued by the ITSA;
- (v) a Higher Certificate in Food Hygiene Inspection issued by EHORB or the IFST with an endorsement to include Food Standards Enforcement;
- (vi) the Diploma in Environmental Health from REHIS (or its antecedents);
- (vii) the Higher Certificate in Food Standards Enforcement from SFSORB.

35 Officers undertaking food standards inspections of high risk premises engaged in the manufacture and processing of foodstuffs, or those with documented assurance systems in place, should have received additional training and have demonstrated their competence to undertake an audit of quality assurance systems.

Transitional Arrangements for Existing Officers Undertaking Food Standards Enforcement

36 All officers undertaking food standards law enforcement in respect of premises referred to in paragraph 35 must hold one of the qualifications awarded by a recognised awarding body by 1 October 2001. Authorised Officers who do not have qualifications which meet the requirements of paragraph 34 may continue their role in food standards law enforcement in the areas in which they were previously authorised until 1 October 2001 provided that food authorities are satisfied they remain competent and continue to receive the structured training referred to in paragraphs 9 & 10 above.

37 Officers authorised to undertake food standards enforcement other than high risk may continue without the relevant qualifications set out in paragraph 34 until 30 September 2002.

Trade Descriptions Act

38 In England and Wales the food authority should ensure that there are officers authorised to enforce the provisions of the Trade Descriptions Act 1968 in relation to food and that they are competent and have appropriate qualifications or experience.

Annex 1: Standards of Competence for Local Authority Officers in Relation to HACCP Based Management Control Systems

Food authorities must satisfy themselves that staff engaged in the food hygiene inspection of premises and the auditing of food safety systems, in addition to holding the relevant qualification (as prescribed in paragraphs 22 and 23 of Code of Practice No. 19 Revised) for the risk category of premises to be inspected, are able to demonstrate the following standards of competence.

1 To identify, through the conduct of an audit, the need for improved food safety control in food premises.

- 1.1 Assess the quality of food safety hazard identification in a food business.
- 1.2 Assess the quality of critical control point (CCPs) identification in a food business.
- 1.3 Assess the suitability of controls in place and their monitoring at CCPs.
- 1.4 Assess the verification and review by business proprietors of HACCP based management control systems.

2 To promote and support the implementation of HACCP based management control systems in food businesses.

- 2.1 Explain the principles of hazard analysis to business proprietors/managers.
- 2.2 Specify targets for improved control of food safety hazards.
- 2.3 Provide advice on carrying out hazard analysis and implementing controls.
- 2.4 Explain the relationship between HACCP systems (based on Codex) and other food safety management systems.

3 To secure compliance with hazard analysis/HACCP based management control systems requirements in legislation.

- 3.1 Explain the legal requirements in relation to HACCP based management control systems.**
- 3.2 Secure compliance by discussion and persuasion.**
- 3.3 Secure compliance by the issue of notices.**
- 3.4 Secure compliance through the courts (and gather and preserve evidence in a form usable in court).**

