

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

28 June 2019

FSS/ENF/19/007

Dear Colleague

Interventions - Food Law Code of Practice (Scotland) 2019

I am writing to inform you that the new Interventions - Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code) has now been approved by the Minister For Public Health, Sport and Wellbeing. A copy of the [Interventions Code](#) is available on the FSS website.

As detailed within FSS/ENF/19/003 the implementation date for FLRS is the **1st July 2019 and all Local Authorities are required to implement the provisions of the Interventions Code 2019 from this date.** FSS have been working closely with the management information software provider for each LA over the last few months and you will have received in advance the relevant necessary information from your respective provider to upgrade to the latest version of their software system to accommodate the new FLRS.

Summary of the Interventions Code provisions

The Interventions Code incorporates the following changes:

- Introduction of the Food Law Rating System. (FLRS). The 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.
- 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.
- **The Interventions Code applies to Registered food businesses only, with the exception of those businesses subject to Primary Production and Approval.** (please see Figure 1 for the Food Business types that apply).
- Figure 1 – Registered Food Businesses.

Food Business Type	
• Manufacturer	• Head Office Business
• Caterer	• Public Houses
• Processor	• Licensed Business not providing catering
• Retailer	• Business providing limited refreshments
• Manufacturers	• Child minders.
• Exporters (NPOAO)	• Supported Living Business.
• Importers	• Business producing low risk food based from a
• Wholesaler	domestic dwelling.
• Distributor	• Bed & Breakfasts
• Food Broker	• Packers

The Interventions Code supersedes certain sections of the consolidated Food Law Code of Practice 2019 **(please see section 1 and Annex 4 of the Interventions Code for further information)**. It is also part of a wider programme of work within our Regulatory Strategy to review the Food Law Code of Practices. A summary of the review is detailed below.

Phase One

The publication of the consolidated 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. **This phase was completed on 31 January 2019.**

Phase Two

The Interventions Code is the first in a programme of work to publish a series of individual publications and introduces the Food Law Rating System (FLRS). The 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. **Publication of the Interventions Code therefore completes phase 2.**

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. As part of Phase 3 Individual Codes of Practice publications are initially being considered for Approvals, Service Planning and Administration and Enforcement Sanctions. In addition all future Codes of Practice will require to be updated in alignment the introduction of the Official Controls Regulation (EU) 2017/625 and any other legislative changes that arise from exiting the EU.

Early Adopter Local Authorities

All early adopter Local Authorities no longer require to complete double entries for the FLRS and the Annex 5 rating systems for Food Hygiene and Food Standards. **From 1 July 2019 you now only require to rate food business under FLRS (with the exception of Primary Production and Food Businesses subject to Approval).** Should any early adopter Local Authority wish guidance or to discuss backfilling of your FLRS records from the Scottish National Database please contact enforcement@fss.scot in the first instance.

Other Considerations

- With respect to the remainder of your Inspection programme for 2019/20, from the 1 July 2019 a Food Law Inspection should simply be undertaken on the next due date for all registered food business included in figure 1. This process should continue until all relevant food businesses have been assigned rating under FLRS. Please also refer to the user guidance from your MIS provider for further information.

- **The Interventions Code does not apply to business subject to Primary Production and Approval.** These business will be addressed by forthcoming individual Code of Practice publications. All Food Business subject to Primary Production and Approval should continue to be scored under the existing Food Hygiene and Food Standards rating systems in the consolidated Food Law Code of Practice (Scotland) 2019 until further notice.
- Assessing of food businesses under the Food Hygiene Information Scheme (FHIS) **should continue as normal**, as the scheme is not directly linked to the Food Law Codes of Practice. A review of the FHIS is being undertaken as part of the of the Regulatory Strategy Programme and further updates on progress will be issued to all Local Authorities in due course. Please note Local Authorities should still continue to upload their FHIS data to the FSA portal as regularly as possible.

Summary points

Finally, I would like to thank all of the colleagues across the Food Law Enforcement community, many of whom contributed significant amounts of time and expertise to this project, via the original SFELC Working Group, Annex 5 Review Pilot and the FLRS Implementation Group, to produce a new rating system that places Scotland in a strong position to meet future challenges in the protection of public health and all matters related to food.

If you have any specific questions, please contact me at the details above or my colleague Sarah Coyle at sarah.coyle@fss.scot, 07785 388372 or enforcement@fss.scot.

Yours sincerely



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Food Standards Scotland

Enc: Interventions – Food Law Code of Practice (Scotland) 2019.