

17 March 2005

Mr Simon Petty  
Food Standards Agency  
Primary Production unit,  
Room 411c, Aviation House,  
125 Kingsway,  
LONDON.  
WC2B 6NH

Dear Mr Petty

**The Society of Food Hygiene Technology's Response on  
Guidelines for the Development of National Voluntary Guides to Good Hygiene  
Practice and the application of HACCP Principles**

As with previous responses to consultations made by the Society, we again welcome this opportunity to contribute to the consultation process and particularly to the development of the above guidelines. Our general comments are provided below and in detail in the attached document (Annex 1).

The Society is generally supportive of the suggested programme for the development of the proposed guidelines and would welcome any opportunity to be directly involved in the activities of the working group.

The posting of the guidelines development process on the FSA website has been viewed by SOFHT members as a very positive move which has allowed for more consistent feedback and for easier access to updates as and when they arrive in the future.

For your information, all SOFHT members were made aware of the consultation document and guidelines including all Council Members. The Society's membership represent a broad church of opinion from food manufacturers, small businesses, supermarkets, consultants, trainers and suppliers of products and services to the industry. However, as a Society, we talk in a broader manner rather than merely from a particular technical or political viewpoint, which we hope will assist you.

We have attempted to be as generic and constructive as possible in our comments and appreciate that not all of our points may necessarily be incorporated into the final process or resultant guidelines, but hope you can include as many as possible. Therefore we have decided to list what we believe are our general comments first, and our more detailed comments in Annex 1.

Our general comments are:

- i) Whilst it is recognised that the food industry should and will take the initiative in the generation of these guides, it is important that the approval process should ensure consistency with legislation, avoid as much as possible duplication and contradiction whilst recognising that sector specific guidance can be more detailed than generic guidance.

- ii) The approval process itself will also give much greater credence to these guides and, as a result, will be taken far more seriously by government, enforcement and the courts. The expertise contained within the industry resulting from the hands on knowledge of food safety systems and best practice normally results in more practical guidance than that generated by government and enforcement. As a result, it is important that the production and approval of these guides should be undertaken efficiently, to hopefully be in place before the relevant legislation to which it relates, is enforced.
- iii) It is important that these guides should make clear the difference between legal requirements and best practice. The potential for gold plating of legislation through FSA approved guidance should not be underestimated. This is particularly important if enforcement authorities attempt to utilise this guidance to support their enforcement activity and decide or advise on the precautions and diligence being shown by the industry sector concerned. There has also been discussion around enforcement officers being properly supported through consistent training, to allow better interpretation of such guides, particularly if 'good practice' is to be recommended to the industry and 'gold plating' is to be avoided.
- iv) It is important that the effort involved in the generation and approval of such guides should be seen to be a rewarding and worthwhile process. There was a great anticipation amongst the food community that previous guides would bring enforcers and food businesses together. Some of our members do not feel this has been the case and noted that the guides were more likely referred to when 'good practice' was not being achieved rather than when it was.
- v) It is also felt another way to progress the guides, in a simpler way, might be to put together a 'generic' guide for all sectors. Other guides could be added as sectorial or product specific annex's to the generic guidance. This avoids the need to reproduce the common generic guidance in numerous sectorial or product specific guides.

As stated, our detailed comments are in the attached Annex.

If you require any further information, please do not hesitate to contact the Society, especially if any of our comments require clarification.

Yours sincerely

Neil Griffiths  
Chairman

## Annex 1

### Detailed Comments from The Society of Food Hygiene Technology

1. Paragraph 1-3 - It is not clear as to the status of the existing codes. It is hoped that information will be circulated regarding status. Those who have had direct involvement with the production of the previous codes had concerns that the process was a little ad-hoc and sporadic and became too bureaucratic. There is a concern that the proposed process may also lead to a similar situation with guides appearing years after the legislation is enacted and SOFHT members would wish this matter expedited.
2. In paragraph 4-9 - it states, "the food industry is responsible for taking the initiative for developing the guidelines". However, there is concern that the food industry will not drive the process in reality (they will own the guides but not control the guides) and if the process is not owned by the food industry (which of course should include all facets of the food industry e.g. caterers, etc) then ownership and control might be best left to the FSA. Therefore, confirmation that the balance of membership on such working groups will be in favour of food industry representatives is sought.
3. Reference is made to SME, ethnic and consumer food interests. There is concern that the mechanism for developing the guidelines should allow for progress at a rate commensurate with the overall need of the industry, and it would be better to allow different groups' involvement at different stages of the development of the guides. It is accepted that the FSA, LACORS, etc will want to participate in the working groups, but it is also felt that this might not be needed at every stage. SOFHT believes that it could assist in the consultation but could also add value as a conduit between the FSA and the food industry. Furthermore, members have asked how SOFHT could assist in the consultation with smaller organisations.
4. Paragraph 9 - SOFHT believes it could positively assist in the guide framework.
5. Paragraphs 10-12 - SOFHT is in general agreement with a potential for external expertise to assist. This should be decided by the working groups. However, it is important that this expertise should be mostly drawn from the industry or from those with substantive industry experience if the advantage of these guides over non industry lead guidance is to be maintained.
6. Paragraphs 14-16 - There has also been discussion around enforcement officers being properly supported through consistent training to allow better interpretation of such guides, particularly if 'good practice' is to be recommended to the industry and 'gold plating' is to be avoided. Consideration should be given to more clearly define the term 'good practice'. It is extremely important that **'failure to engage in good practice'** should not necessarily be used as an enforcement tool to merely achieve subjective improvements beyond compliance or compliance itself. Some consideration should be given to the concept 'best practicable means' (a term more familiar in the health and safety circles which acknowledges a relationship between cost and benefit) and as a result redefining where 'good practice' should sit in the relationship between cost and benefit and this being clearly brought out in the guide/s.
7. Paragraphs 17-21 relate to recognition of the good practice guides and again those involved may wish to use different terms to describe such guides. Furthermore, it is anticipated that questions will be raised as to what criteria the FSA will use to sign-off

on these guides. Particularly, as in previous years, the FSA allowed draft guides (e.g. butchers licensing) to circulate and these were relied upon at local level. It is also refreshing to note that the FSA will look at other (non official) guides outside the current scope, even if it is only to look at improved ways of layout for any future guides.

8. Paragraph 22 discusses the status of good practice guides. The proposal is as previous in that enforcement authorities must take 'good practice' into account during their inspections, but not mention compliance or acceptable practice. We would question this restriction. Providing the enforcement officer recognises that acceptable or good practice will vary dependent upon the size and resources of the company, we see no reason why support cannot be given.
9. Paragraphs 23-24 - states how any sector can set about producing a guide and the demographic constraints. We believe that avoidance of duplication and consistency are also important.
10. Paragraphs 25-38 - discusses the general requirements which provide an excellent framework to allow the guides to operate. In particular, numerous references are made to specific legislation. However, could regard not also be given within the guides to including longstanding and specific case law that might apply in more subjective areas of guides where legislation might not be specifically applicable? This could avoid superfluous activity (e.g. around sneeze guards for instance) between enforcers and businesses and reduce the burden on business. We would suggest this might be applicable on an exceptional basis but equally might be regarded as a welcome inclusion into the new guide format.
11. Paragraph 37 and 38 - no comment.
12. Paragraph 39 - discusses HACCP in primary production, and SOFHT acknowledge that a timetable for HACCP-based procedures might be introduced with support from the sector.
13. Paragraph 40 - discusses how requirements for appropriate training and instruction might be achieved - see reference to Annexe B.
14. Paragraph 41 - acknowledges there being no requirements on structure and style of the guides. However, SOFHT believes that protocols for such standards are essential to avoid superfluous activity. SOFHT believes that the proposed guides should be in simple format and plain English. Terms should be understood by laypersons, and more detailed issues should be articulated in more easily readable format than current.
15. Paragraph 42-44 - discusses publication. It is not clear from this paragraph how publications will take place and costs shared. Furthermore, if the guides are to 'reach' all food businesses, a subsidy could be provided and the guides distributed on a 'not-for-profit' basis or placed on websites for downloading. Furthermore, consideration should be given to the renewal of the guides on a proposed 3-year basis (which would be the same frequency as recommended for refresher training). Although it is accepted that no subsidy could be given for renewal of the guides after this time. Furthermore, leaving publication of the guides to individual sectors might create differences in layout or delays in publishing whilst internal arrangements are agreed.
16. Paragraph 45 - SOFHT has no specific comments.

17. Paragraph 46 - a flow chart or clarity should be brought about to allow all to see how the authority for developing and disseminating the guides is delegated down to the individual sectors. This might even allow small business and consumers to track progress of the guides.

#### **Annex A**

SOFHT has received a number of responses that the proposed timetable is too long. Existing guides have taken longer than one-year to come to fruition. SOFHT would like to offer its services in assisting with any revisions of the timetable that might take place.

#### **Annexe B**

SOFHT has received responses in relation to training and in particular the lack of clarity behind the rationale for the frequency of refresher training. It was felt positive that there should be a deadline from which employment starts and training is delivered and this should be recorded as with all training. However, formal training has always provided difficulties for smaller businesses, especially those who are approached by local authorities. It has been questioned how foundation type courses will be applicable to HACCP or a basis for HACCP training. How will 'Safer Food-Better Business' deliver the HACCP concept for small businesses and what training might be required to engage food handlers? SOFHT would like to be involved in discussions regarding how suitable training might evolve to meet the needs of the many food handlers who might be able to engage in new types of training. It is also felt that that the enforcement community need to be fully engaged in this process.