

Title: Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry

CONSULTATION SUMMARY PAGE

Date launched:	07 January 2019	Closing date:	04 February 2019
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Who will this consultation be of most interest to?	
Food Enforcement Authorities	Trade Organisations
Food Business Operators (FBOs)	Consumer Organisations

What is the subject of this consultation?
<p>This is a consultation on Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry.</p> <p>This newly developed guidance will assist FBOs in complying with food law and provides advice and supporting tools to FBOs and food enforcement authorities in dealing with food safety withdrawals and recalls. The guidance outlines legal requirements and includes best practice advice.</p>

What is the purpose of this consultation?
<p>The purpose of this consultation is to seek views from stakeholders on newly developed Food Standards Agency/Food Standards Scotland Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry. The guidance aims to promote clarity and consistency for FBOs and food enforcement authorities across the UK and will replace the FSA's Guidance Notes to Food Business Operators on Food Safety, Traceability, Product Withdrawals and Recalls, issued in 2007¹.</p> <p>We welcome views on whether the guidance offers FBOs and UK food enforcement authorities' sufficient information and supporting tools to aid compliance with food law and advice on best practice in the event that a food safety issue is identified, and a withdrawal or recall required.</p>

Responses to this consultation should be sent to:	
Debbie Sharpe FOOD STANDARDS AGENCY Tel: 02890 417703 Email: Debbie.sharpe@food.gov.uk	10a-c Clarendon Road Belfast BT1 3BG

Impact Assessment included?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> See Annex A for reason.
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¹ <https://www.food.gov.uk/sites/default/files/media/document/fsa1782002guidance.pdf>

Guidance on Food Traceability, Withdrawals and Recalls within the UK Food industry

DETAIL OF CONSULTATION

1. Food business operators (FBOs) are legally obliged under Regulation (EC) No. 178/2002 to ensure that food placed on the market is safe. In the event of a food safety incident FBOs must withdraw the affected food from the market and where it has reached the consumer, effectively and accurately inform them of the recall of the product already supplied. There is also a legal requirement for FBOs to notify the relevant authorities if unsafe food has been placed on the market. Requirements for food enforcement authorities, on handling food safety incidents, are set down in the Food Law Code of Practice and associated Practice Guidance.

2. This consultation is seeking stakeholder views on newly developed UK guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry that will replace FSA's Guidance Notes to Food Business Operators on Food Safety, Traceability, Product Withdrawals and Recalls that was produced in 2007.

3. The purpose of this guidance is to assist food enforcement authorities and FBOs across the UK in dealing with food withdrawals and recalls and complying with food law. The guidance outlines legal requirements and includes best practice advice.

4. In addition, the Food Standards Agency (FSA) and Food Standards Scotland (FSS) will be developing tools to support the guidance and is considering a summary document that can be used as a quick reference guide for FBOs, which will highlight key information on food withdrawal and recall processes. FSA would be keen to get feedback from all stakeholders on what information they would like included and ideas on how it should be presented.

5. FSS will consult separately on this guidance with stakeholders in Scotland. Responses from both public consultations will be considered together and will contribute to the final version of the jointly developed guidance.

Timing

6. The public consultation will run from 7th January 2019 until close of business on 4th February 2019. It is important to publish this guidance before the UK leaves the EU, which is why the consultation will run for four weeks. The guidance has been

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developed by FSA and FSS, in partnership with multi-stakeholder working groups, comprising of parties representing the food industry (both in terms of food businesses and trade associations across the size and production spectrum), enforcement authorities (local authorities) and consumer representative organisations.

Background

7. A joint FSA/FSS project was initiated in 2016, following publication of the Lynn Faulds Wood review of the UK's systems for the recall of unsafe products, to review and better understand the food withdrawal and recall mechanisms operating within the UK food industry and make recommendations for improvement. Before this project, there was little evidence on the application or effectiveness of legal requirements for food businesses and food enforcement authorities against which to base decisions for change and improvement. In addition, there was no clear understanding of consumer awareness of recalls and behaviours in relation to the current food recall system.

8. The initial phase of the review (research and evidence gathering) was conducted in 2017 and looked to:

- gather information on how the current system works;
- establish the challenges associated with the current system;
- identify areas for improvement;
- explore consumer awareness and behaviours to food recalls;
- compare UK Central Competent Authority (CCA) guidance with that of other countries. An international comparison benchmarking exercise was carried out on CCA issued Guidance on Food Withdrawals and Recalls from UK, Ireland, Canada, America, Australia and New Zealand.

9. Whilst strengths of the existing system were recognised, the key findings of the research² revealed significant opportunities to strengthen and improve its overall effectiveness and resilience.

10. The review identified the following principles of an effective recalls system:

- a withdrawal and recall system that is founded on a clear and distinct set of roles and responsibilities, agreed and commonly understood by all participants;
- information to consumers is consistent and accessible, based on proven best

² <https://webarchive.nationalarchives.gov.uk/20171207163607/https://www.food.gov.uk/sites/default/files/recalls-efficacy-report.pdf>

practice and underpinned by cross-industry sharing of approaches and impact;

- the public are aware of the recall process and what actions they should take;
- feedback loops and a philosophy of continuous improvement amongst all stakeholders underpins the withdrawal and recalls system.

11. A programme of improvement was established and delivered by FSA and FSS in partnership with key stakeholders from the food industry, food enforcement authorities, consumer organisations and trade bodies.

12. A number of key deliverables were identified for implementation ahead of 29 March 2019 and were delivered through multi-stakeholder working groups:

- Workstream 1 - Development and publication of comprehensive UK guidance clarifying the roles and responsibilities of the key players involved in food safety withdrawals and recalls in the UK.
- Workstream 2 – Development of best practice guidance to industry to help them to make their consumer recall notifications more consistent and accessible.
- Workstream 3 – Development of best practice guidance to industry to help ensure consistent and more effective trade to trade communications.
- Workstream 4 - Development and implementation of systematic root cause analysis (RCA) procedures to be used by industry in the event of food safety withdrawals and recalls.

13. Workstreams 1, 2 and 4 were led by FSA/FSS. Workstream 3 was an industry-led workstream. Membership of each workstream included expert stakeholders in the relevant areas.

14. A key element of Workstream 2 was externally commissioned research with consumers, with contribution from food businesses, to understand best practice on food recalls communication. The report of the research is available at: <https://www.food.gov.uk/research/research-projects/the-future-of-food-recalls>.

15. The outputs of Workstreams 2, 3 and 4 have been incorporated into this newly developed UK guidance. Further information and supporting tools are currently being developed by Workstream 4 and will be made publicly available in due course.

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16. The delivery and implementation of the identified improvements will aid in maintaining public confidence in food as the UK leaves the EU. The guidance will ensure that UK FBOs have advice on the development and implementation of a robust system for effectively removing unsafe food from the market.

Impacts

17. Our assessment of the estimated impact of implementing the guidance, on a UK wide basis, is outlined below.

Assumptions and Evidence

- the current guidance will be replaced by a newer version, hence only the cost difference in familiarising with the updated guidance is considered in the assessment;
 - it has been assumed that food incidents and food establishments in 2018/19 will be comparable to those in 2017/18. All food establishments are considered in the assessment;
 - it has been assumed that only one manager per establishment would read the new guidance: if further levels of management would choose to do so, it is then not included in the assessment;
 - it has been assumed that every Trading Standards Officer (TSO) and Environmental Health Officer (EHO) in a food enforcement role within each Local Authority would read the guidance;
 - a 30% overhead was added in managers and officers' salaries' calculations, as per Green Book recommendations³.
- **Implementing the new guidance is estimated to increase overall costs to food establishments by an estimated £7,371 (assuming a FBO manager reads it when that FBO has a food incident) – with a theoretical maximum of £1, 973, 600 (assuming a FBO manager at every establishment in the UK reads it)**
- **Implementing the new guidance is estimated to increase overall costs to Local Authorities by an estimated £28,136 – £ 34,547 (assuming all food TSOs and/or food safety EHOs read the guidance even if they had read the existing version).**

³ Cabinet Office (2005). "Measuring Administrative Costs: UK Standard Cost Model Manual (p.62)". Available at: <https://webarchive.nationalarchives.gov.uk/20090609014336/http://www.berr.gov.uk/files/file44503.pdf>

	Median hourly pay ⁴	Considering 30% overhead
Food Business Operator (FBO) Manager	£ 10.58	£ 13.75
Trading Standards Officer (TSO)	£ 15.37	£ 19.98
Environmental Health Officer (EHO)	£ 18.87	£ 24.53

Total number of Food Establishments⁵	634, 598
Total number of FTE officers engaged in Food Law Enforcement⁶	2,095

Estimated Number of Food Incidents:

	Total incidents ⁷	Feed incidents	Food incidents
2012/13	1, 604	31	1, 573
2013/14	1, 562	49	1, 513
2014/15	1, 645	36	1, 609
2015/16	1, 514	42	1, 472
2016/17	2, 265	68	2, 197
2017/18	2,431	61	2,370

⁴ Office of National Statistics (2018). “Annual Survey of Hours and Earnings time series of selected estimates (Dataset ID: ASHE Table 1)”. Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/allemployeesashtable1>

⁵ Food Standards Agency (2018). *Annual report on local authority food law enforcement*. [online] Available at: https://signin.riams.org/files/display_inline/49567/LAEMS-Annual-report-2017-2018-final-version-17092018.pdf
Food Standards Scotland return for 2017/18

⁶ Food Standards Agency (2018). *Annual report on local authority food law enforcement*. [online] Available at: https://signin.riams.org/files/display_inline/49567/LAEMS-Annual-report-2017-2018-final-version-17092018.pdf
Food Standards Scotland return for 2017

⁷ Food Standards Agency (2017). *Annual Report of Incidents*. [Reports – until 2016/17] Available at: <https://webarchive.nationalarchives.gov.uk/20180411170446/https://www.food.gov.uk/about-us/data-transparency-accounts/busreps/miscbusrep>

- As incidents reported include both food and feed products, the latter need to be removed, as only food incidents are considered in this assessment.
- The distinction between the food and feed categories was not possible for part of the UK in 2017/18 due to data limitations, but, based on previous years, it was possible to calculate the estimate of 2,370 (mid-point value between the highest and lowest estimates).

Estimated reading (familiarisation) costs of the new guidance against the existing guidance⁸:

- The reading costs of the new guidance is calculated with the estimated word-count of the document (11,094) and the managers' hourly salary (£13.75).
- The reading costs of the existing guidance is calculated with the estimated word-count of the document (7,353) and the managers' hourly salary (£13.75).

Reading cost - EXISTING Guidance FBO managers		Reading cost - NEW Guidance FBO managers	
Word-count in the draft	7, 353	Word-count in the draft	11,094
Total reading (in minutes)	26.74	Total reading (in minutes)	40.34
Cost of reading the draft	£ 6.13	Cost of reading the draft	£ 9.24

Estimated Burden on Industry:

- The cost of the new guidance is calculated with the estimated number of food incidents (2,370) and of managers' reading cost (£9.24).
- The cost of the existing guidance is calculated with the same estimated number of food incidents (2,370) and of managers' old reading cost (£6.13).

1 FBO manager for 1 incident reading the guidance	
Cost of reading the EXISTING guidance	£ 14,528
Cost of reading the NEW guidance	£ 21,899
Increase in costs of	£ 7,371

⁸ Based on an average reading speed of **275 words/minute** as recommended by the BEIS "Business Impact Target Guidance", Table 1, page 15.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609201/business-impact-target-guidance-appraisal.pdf



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Theoretical Maximum Burden on Industry:

- If we assume that a manager in every food establishment in scope of the new guidance were to read it, we can establish the theoretical maximum cost to business.
- The cost of the new guidance is calculated with the estimated number of food establishments in scope (634,598) and managers’ reading cost (£9.24).
- The cost of the existing guidance is calculated with the estimated number of food establishments in scope (634,598) and managers’ reading cost (£6.13).

1 FBO manager for 1 establishment reading the guidance	
Cost of reading the EXISTING guidance	£ 3, 890, 086
Cost of reading the NEW guidance	£ 5, 863, 686
Increase in costs of	£ 1, 973, 600

Estimated familiarisation cost to Local Authorities:

- The figures for TSO and EHO’s individual reading costs have been calculated similarly to managers’ reading costs, with estimated reading time of 40.34 minutes and hourly salaries of £19.98 and £24.53 (overhead included).
- The figures for Local Authorities’ reading costs have been calculated multiplying estimated number of Food Law Enforcement officers in the UK (2,095) with the officers’ individual reading costs (£13.43 and £16.49).
- Lowest and highest estimates were provided for the total costs for all Local Authorities, in the case that all 2,095 officers considered are either TSOs or EHOs, since their hourly salaries differ.



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Increase in Reading costs for the NEW Guidance TSOs and EHOs	
Trading Standards Officer	£ 13.43
Environmental Health Officer	£ 16.49
Reading costs for all Local Authorities	
If all officers are <i>Trading Standards Officers</i>	£ 28,136
If all officers are <i>Environmental Health Officer</i>	£ 34,547
Total costs for all Local Authorities	
£ 28,136 – £ 34,547	

Qualitative Benefits to Industry and Local Authorities:

- The implementation of this guidance will improve the overall effectiveness of the UK food withdrawal and recall system and increase awareness of it. Food businesses and UK food enforcement authorities will have access to comprehensive information and tools to support them in ensuring robust systems are in place.
- As the UK prepares to leave the EU it will assist the UK in demonstrating to the EU and the rest of the world that there is a robust and comprehensive system in place to manage food withdrawals and recalls, thereby protecting public health. It will also help mitigate any risk of reduction in consumer confidence in UK produce.
- Implementing the guidance will enable food businesses and UK food enforcement authorities to benefit from a withdrawal and recall system that is clear, with a distinct set of roles and responsibilities that can be understood by all parties.
- The guidance will assist FBOs in providing consistent and accessible information to consumers that is based on research and proven best practice.

Engagement and Consultation Process

18. A 4-week public consultation is being launched to provide stakeholders across the UK with an opportunity to comment on the new guidance and its associated impacts that have been assessed by FSA.
19. FSA is particularly interested to hear from small and medium sized enterprises on the guidance and its likely impact.
20. Following the consultation, we will review the responses received and consider any changes that may be required alongside the impact feedback.
21. A summary of all comments received from both this consultation and the consultation issued in Scotland will be published on our website within three months of the end of the consultation.

Consultation Questions

22. FSA particularly welcomes responses to the questions outlined below, along with any evidence that you can provide to support your views. All stakeholders are welcome to respond to any question:

Q1: What are your views on FSA's assessment regarding the costs associated with implementing the guidance and is it reflective of practice?

Q2: Are there any other impacts or considerations (financial or otherwise) that have not been identified in this consultation?

Please provide details.

Q3: Does the guidance clearly distinguish between the legal requirements and best practice advice?

Please provide details.

Q4: What, if any, barriers do you foresee in implementing the guidance?

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Please provide details.

Q5: What changes to your business will implementation of this guidance require you to make, if any?

Q6: What effect will this guidance have on your ability to deal with food withdrawals and recalls?

Q7: What are your views on the best practice advice and supporting templates provided in the guidance?

In particular, we welcome your views on:

- Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?
- Is the risk assessment advice and points to consider helpful for businesses?
- Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement.
- Will you use the consumer recall notice template? If not, please explain why.
- Are the key principles for consumer recall notifications achievable?
- Are there any other factors that should be considered when communicating food recalls with consumers?
- Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? If so, how would you like these distinguished?

Q8: What additional tools will assist you in effectively implementing the guidance?

Q9: What information would you like to see in a 'Quick Reference Guide' summary document, which accompanies the guidance, and how would you like it presented?

Q10: Will implementing this guidance provide greater assurances that UK businesses can effectively manage withdrawals and recalls?

Stakeholders are welcome to provide any other comments.

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Responses

23. Responses are required by close of business on 4th February 2019. Please state in your response whether you are responding as a private individual, or on behalf of an organisation (including details of any stakeholders your organisation represents) or company. Responses should be submitted to debbie.sharpe@food.gov.uk.

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours,



Debbie Sharpe
Efficacy of Recalls Project
Food Standards Agency

Enclosed:

Annex A: Standard Consultation Information

Annex B: UK Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry

Annex C: Consultation stakeholder list

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Annex A: Standard Consultation Information

Disclosure of the information you provide

Information provided in response to this consultation may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

Any automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

The Food Standards Agency will be what is known as the 'Controller' of the personal data provided to us.

Why we are collecting your personal data and what we do with it

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

The Data Protection Act 2018 states that, as a government department, the Food Standards Agency may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

We retain personal information only for as long as necessary to carry out these functions, and in line with our retention policy. This means that this information will be retained for a minimum of 7 years from receipt.

All the personal data we process is located on servers within the European Union. Our cloud based services have been procured through the government framework agreements and these services have been assessed against the national cyber security centre cloud security principles.

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No third parties have access to your personal data unless the law allows them to do so. The Food Standards Agency will sometimes share data with other government departments, public bodies, and organisations which perform public functions to assist them in the performance of their statutory duties or when it is in the public interest.

What are your rights?

You have a right to see the information we hold on you by making a request in writing to the email address below. If at any point you believe the information we process on you is incorrect you can request to have it corrected. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO) at <https://ico.org.uk/>, or telephone 0303 123 1113.

Our Data Protection Officer in the FSA is the Information Management and Security Team Leader who can be contacted at the following email address: informationmanagement@food.gov.uk

Further information

If you require a more accessible format of this document, please send details to the named contact for responses to this consultation and your request will be considered.

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