



Food
Authority



Guideline to Food Safety Supervisor Requirements



The Food Safety Supervisor (FSS)

Why is a Food Safety Supervisor important?

Food laws in NSW require certain food businesses in the hospitality and retail food service sector to appoint at least one trained FSS.

The aim of an FSS is to prevent individuals from becoming ill from food poisoning as a result of incorrect handling and preparation of food.

Statistics show that incorrect food handling practices in retail food businesses account for more than one-third of foodborne illness outbreaks in NSW, costing the community hundreds of millions of dollars each year in healthcare and lost revenue.

Appointing an FSS gives food businesses a better level of onsite protection for food safety, and gives consumers peace-of-mind when dining out or buying food in NSW.

Who needs a Food Safety Supervisor?

The FSS requirements apply to businesses that process and sell food at the retail level, eg food that is:

- ready-to-eat,
- potentially hazardous (requires temperature control), and
- not sold and served in the supplier's original packaging.

These businesses include:

- Restaurants
- Cafés
- Takeaway shops
- Caterers (eg process and serve food at one fixed location)
- Mobile caterers (eg process and transport food to more than one location)
- Bakeries
- Pubs
- Clubs
- Hotels
- Temporary premises (eg food market stalls)
- Mobile food vendors (eg process and sell food from a van)
- Supermarket hot food sales (eg hot chicken)

Certain food businesses do not require an FSS. See the Authority's website www.foodauthority.nsw.gov.au for details.

What is a Food Safety Supervisor?

A Food Safety Supervisor is a person who:

- is trained to recognise and prevent risks associated with food handling in a retail food business
- holds a current FSS certificate (no more than five years old),
- is not an FSS for any other food premises or mobile catering business, and
- can train and supervise other people in the business about safe food handling practices.

How many Food Safety Supervisors do I need?

Businesses need to appoint at least one FSS per premises. Businesses can have more than one FSS at the same premises if they wish to.

Businesses with several premises cannot use the same FSS for each premises. They must nominate a different FSS for each premises.

Example: A chain of chicken shops operates a number of premises in NSW. The business needs to appoint a different FSS for each store.

Mobile caterers are not required to appoint an FSS for each premises they go to, but must appoint at least one FSS for the mobile catering business.

Example: A mobile caterer provides catering services for several events at different locations on the same day. The caterer does not need to appoint an FSS for each location. The caterer just needs one FSS for the catering business.

Who can be a Food Safety Supervisor?

The FSS is nominated by the owner of a food business and may be the business owner, manager, employee (eg chef) or an external contractor (eg a person contracted to perform food service operations as part of a food business), provided they meet the criteria detailed on the previous page. For a small business, it may be most appropriate for the business owner to be the FSS.

Does the Food Safety Supervisor have to be at the business all the time?

No, although it is best practice that the FSS be on the premises at all times when food handling is being undertaken. If the FSS is away (eg not on shift, on leave, sick), the business must still maintain food safety. The FSS can facilitate this by:

- sharing food safety knowledge with other staff
- displaying signage and posters with key food safety messages
- developing work instructions that staff can follow to continue handling food safely

Larger businesses that operate longer hours may choose to nominate several people to be trained and appointed as an FSS, to help cover shift work and leave.

When do I have to appoint my Food Safety Supervisor?

Businesses must appoint an FSS from the time food is first handled and sold.

What if a Food Safety Supervisor leaves?

The business owner must appoint a new Food Safety Supervisor within 30 operational days (ie days that food is processed and sold) of that FSS leaving, or ceasing to act in that role.

Is the Food Safety Supervisor solely responsible for food safety in a food business?

No. **Everyone** who works in a food business has a responsibility to handle food safely.

Business owners/proprietors

- need to put into place effective food safety processes
- need to notify their food business with the local council
- need to ensure their business complies with the Food Standards Code and other food safety requirements

- need to appoint an FSS
- will continue to be liable, as at present, if a food safety breach does occur
- ensure a copy of the FSS certificate is kept on the premises at all times

Food handlers

- must have the skills and knowledge relevant to their food duties to keep food safe (eg a chef will need greater food safety skills and knowledge than a waiter or kitchen hand)

Food Safety Supervisor

- nominated by the business owner and works under the direction of the owner
- supervises food handling in the business to make sure it is being done safely
- needs to understand the overall food safety processes of the business as it applies to all staff

What if a Food Safety Supervisor changes their name, or damages or loses their certificate?

If a Food Safety Supervisor's contact details change (eg name) the FSS should first contact the RTO that issued the original FSS certificate to request a new certificate. The FSS will need to find out from the RTO what documentation must be submitted before a certificate is reissued.

If an FSS certificate is lost or damaged, the RTO that issued the certificate will be able to issue a replacement. If the RTO that issued the certificate has ceased to operate or is no longer approved under the FSS program, then the Authority is able to issue a replacement certificate.

The business and FSS should act as soon as possible to replace an FSS certificate, as it is a legal requirement that all businesses that require a FSS keep a copy of the certificate on the premises.

Note: RTOs may charge a fee for the reissue of an FSS certificate. The cost is set by the RTO and not the Authority.

Food Safety Supervisor certificate



The FSS certificate is issued by an approved RTO in addition to the Statement of Attainment after successful completion of the training requirements.

An FSS certificate states that the person it is issued to is qualified to be a Food Safety Supervisor.

The FSS certificate is valid for five years from the date of issue.

It is a legal requirement that all businesses keep a copy of their FSS certificate on the premises and produce it for inspection on request by an authorised officer. The Authority encourages businesses to display their FSS certificate.

Penalties for noncompliance

There are two offences that carry penalties if a business does not comply.

Issue of a penalty notice for any of the below offences can be up to \$330 for an individual (eg sole trader) and \$660 for a registered company.

These offences can also be prosecutable in serious cases. Refer to the *Food Act 2003* for the maximum penalties that apply.

Fail to appoint a Food Safety Supervisor

Business does not appoint at least one FSS per premises (or per business for mobile caterers) within 30 days of the original FSS ceasing to act in that role

Fail to keep a copy of the FSS certificate on the premises and produce it for inspection

Business does not keep a copy of the FSS certificate on the premises and does not produce it for inspection on request by an authorised officer

Training requirements

Food Safety Supervisors will need to complete training in units of competency within the Vocational Education and Training (VET) system, and hold a current FSS certificate. The legislation also requires refresher training every five years.

The FSS must complete two hospitality units or one retail unit as detailed below.

| Food business | Previous unit of competency code | Previous unit of competency name | Current unit of competency code | Current unit of competency name |
|-------------------------------------|------------------------------------|-------------------------------------|---------------------------------|---|
| Hospitality and retail food service | Two hospitality units: | | | |
| | SITXOHS002A | Follow workplace hygiene procedures | SITXFSA101 | Use hygiene practices for food safety |
| | SITXFSA001A | Implement food safety procedures | SITXFSA201 | Participate in safe food handling practices |
| | OR | | | |
| | One retail unit: | | | |
| SIRRFSA001A | Apply retail food safety practices | No change | No change | |

Businesses should choose the competencies that are more relevant to their business type (eg a fast food chain can be considered as a retail business; a restaurant or café can be considered as a hospitality business).

There is no requirement for the FSS to undertake training beyond the minimum competencies listed above.

Where can the FSS be trained?

Training will only be recognised if it is delivered by a Registered Training Organisation (RTO) that has been approved by the Authority.

RTOs approved to deliver the Food Safety Supervisor training and issue FSS certificates are published on the Authority's website. Businesses can also contact the council to find out where the nearest approved RTO is.

What is an RTO?

A Registered Training Organisation (RTO) is registered by state and territory training authorities to deliver nationally recognised training, and/or conduct assessments to issue nationally recognised qualifications.

RTOs may include government departments, TAFE colleges, adult and community education providers, private providers, community organisations, schools, higher education institutions, industry bodies or other organisations meeting the registration requirements.

How is the training delivered and how long will it take?

The FSS training can generally be completed in one full day (ie face-to-face training). However, the duration of the course will depend on the type of delivery option offered by approved RTOs. The various delivery options offered can include:

- face-to-face
- online
- workplace based
- correspondence
- a combination of the above

There are options available for people where English is not their first language. Businesses should contact RTOs to find out what services they provide, and source the most suitable training option for their needs.

How much will training cost?

Training course costs are set by individual RTOs. RTOs will issue the FSS certificates and cannot charge more than \$30 for it.

How is FSS training different to general food safety skills and knowledge training?

It is a mandatory requirement for all food handlers to have general food handling skills and knowledge appropriate to their role in the business. This is specified in the Food Standards Code.

The FSS training is referred to as 'accredited' training as it is tied to qualifications within the nationally recognised Vocational Education and Training (VET) system.

The FSS training is an **additional** requirement for at least one person in certain hospitality and retail food service businesses. It does not replace the current mandatory general food handler skills and knowledge requirements for all food handlers.

The NSW FSS requirements align with existing FSS requirements in Victoria and Queensland. This enables qualifications to be recognised across all three states.

Will previous training be recognised?

The Authority may also recognise people who have attained these units of competency within a period of five years from the date of application. These people can apply to the Authority for an FSS certificate. If eligible for the certificate, they will not have to redo the training. See the Authority's website to determine if you are eligible.

Persons eligible for an FSS certificate due to previous training must submit an FSS certificate request form, together with a certified copy of their Statement of Attainment and \$30 payment, to the Authority. FSS certificate request forms can be downloaded from the Authority's website or obtained by contacting the Authority's Helpline.

Summary of roles

Role of businesses

Appoint at least one trained FSS per premises (or per business for mobile caterers).

Ensure the FSS obtains an FSS certificate (by completing FSS training or by submitting an FSS certificate request form).

Keep a copy of the FSS certificate on the premises at all times.

Ensure the FSS certificate is valid (ie no more than five years old).

Role of local councils

Upon routine inspections of food businesses authorised officers can ask to see a copy of the FSS certificate.

Role of RTOs

Be approved by the NSW Food Authority to deliver FSS training and issue Food Safety Supervisor certificates.

Comply with the Authority's conditions of approval.

Steps to complying

Steps for businesses to follow to comply with the FSS requirements.

1

Determine **whether your business needs an FSS**



2

Choose **who is to be the FSS for your business**



3

FSS obtains the required units of competency (by completing training or by submitting an FSS certificate request form)



4

FSS receives a Statement of Attainment and an FSS certificate. A copy is kept on the premises



5

After five years, FSS obtains refresher training



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For further information contact your local council or the NSW Food Authority

Website: www.foodauthority.nsw.gov.au **Helpline:** 1300 552 406 **Email:** contact@foodauthority.nsw.gov.au