

# Legal Requirements for Registered Childminders in Domestic Premises Operating as a Food Business

The guidance has been produced in response to questions raised over whether childminders should register as food business operators. This guidance is aimed solely at registered childminders in domestic premises and is not intended for nannies and home child carers or care operating from non-domestic premises such as nurseries, care homes and schools.

## **I don't provide any food services. Am I required to register as a food business operator?**

If you provide no more than the following levels of food service as part of your normal business, you are not required to register as a food business operator.

- a. Provision of mains drinking water
- b. Provision of crockery and cutlery for use by children to eat their own packed lunches
- c. Provision of chilled storage for packed lunches that belong to the children
- d. Occasional assistance to children with cutting up their own food in response to individual need rather than an established service
- e. Occasional provision of food that is not part of the normal service (e.g. a cake to celebrate a child's birthday or provision of food where a parent/guardian has been delayed).
- f. Operating in the child's own home and serving food that belongs to the child's parent/guardian e.g. nannies or home child carers.

## **If I do need to register as a food business operator, how should I do it?**

To register as a food business operator you will need to inform your local authority - the authority where your 'business' is based. Registering as a food business operator is free of charge. You should complete the simple registration form attached and return it to your local Environmental Health department. Your local Environmental Health department will be based in the Council to whom you pay Council Tax.

## **What happens once I have registered as a food business operator?**

Once you have registered as a food business operator with your local authority, an enforcement

officer will contact you to arrange a suitable time to visit. The enforcement officer will carry out an initial inspection of your 'premises' and will discuss general food hygiene practices to ensure food is being prepared safely.

**Will my domestic situation be taken into account?**

You have a general duty, in addition to the welfare requirements to ensure that food you provide is safe. However, your local authority enforcement officer will take your domestic environment into consideration and will help you put in place practical and proportionate measures to ensure food safety. The legislation concerning food hygiene has a specific section relating to domestic property used as a food business and Appendix 1 explains the legal requirements.

**When will my initial inspection take place?**

When you return the enclosed registration form to your local Environmental Health department, your business will be prioritised based on the nature of food activity you carry out. The Environmental Health department will visit the higher priority food businesses first and the initial inspection should take place during the same year that you register. Lower priority food businesses will receive their initial inspection as soon as resources permit. Further information on your initial inspection can be obtained from your local Environmental Health department.

## Appendix 1

### Relevant Hygiene Requirements

Where domestic houses are used to regularly prepare food as part of a business the premises must be positioned, designed, constructed and kept clean and maintained in good repair and in a condition that avoids the risk of contamination, particularly from animals and pests, as far as reasonably practical.

What the law says:

Where necessary:

- You must have appropriate facilities to maintain adequate personal hygiene, including facilities to wash and dry hands hygienically, hygienic toilet facilities and changing facilities.
- Surfaces that are touched by food must be in a sound condition and be easy to clean and, where necessary, to disinfect. This means that they need to be made of materials that are smooth, washable, corrosion-resistant and non-toxic, unless you can satisfy your local authority that other materials are appropriate.
- You must have adequate facilities for the cleaning and, where necessary, disinfecting of working utensils and equipment.
- If you wash or clean foods as part of your business, then you must have adequate facilities to do this hygienically.
- You must have an adequate supply of hot and/or cold water that is 'potable' (drinking quality).
- You must have adequate arrangements and/or facilities to store and dispose of hygienically any hazardous and/or inedible substances, and waste (whether liquid or solid).
- You must have adequate facilities and/or arrangements for keeping food at suitable temperatures and monitoring these.
- You must place foods in a way that avoids the risk of contamination as far as reasonably practical.

Well maintained domestic kitchens are capable of meeting these legal requirements, generally without modification. Some steps will need to be taken to minimise the risk of contamination arising from normal domestic activities. Specifically:-

**Pets** should be kept out of kitchen when food is being prepared due to the risk of cross-contamination – when harmful bacteria are spread onto food from other food surfaces, hands or equipment. You should be able to demonstrate therefore that where pets can gain access to food preparation areas, procedures are in place to adequately wash and disinfect work surfaces and cooking utensils before any food handling or preparation takes place.

**Baby changing facilities** should be kept away from food preparation areas.

**Laundry** should not be carried out at the same time as food preparation and measures are in place to ensure that detergents and soiled clothing etc do not come into direct contact with work surfaces or cooking utensils.

In addition to these specific requirements for domestic property there are other legal requirements that all food businesses must comply with.

### **Food safety management procedures**

All food business operators, including childminders, must put in place food safety procedures based on the principles of Hazard Analysis and Critical Control Point (HACCP). Food business operators must establish documents and records commensurate with the nature and size of their business to demonstrate the effective application of their food safety procedures.

The Food Standards Agency has developed a pack to support compliance with this requirement called "Safer Food Better Business for Childminders". It is recognised that this pack is not the only means of securing compliance with this requirement and childminders may choose to implement, maintain and document their food safety procedures in an alternative format. Irrespective of the format used, enforcement officer will be looking to see that procedures adopted are effective and clearly understood by the childminder. Where deficiencies are noted the enforcement officer may suggest changes to procedures or records to ensure food safety is secured and effective operation of procedures is demonstrated.

### **Food hygiene training**

Food handlers engaged in any food business are required to be trained in food hygiene matters commensurate with their work activities. The training needed will relate to the type of food that is being handled. 'High risk' food handlers will require more training than those who handle 'low risk' foods. There is no requirement for food handlers to attend formal courses or to acquire food hygiene qualifications. However it is important that food handlers have sufficient knowledge to prepare and supply food that is safe to eat.

There are various agencies that provide food hygiene training courses. There are also internet and electronic courses and resources. Further details of food hygiene training providers can be obtained from your nearest local authority.

# FOOD BUSINESS REGISTRATION

## FOR CHILDMINDERS OPERATING FROM DOMESTIC PREMISES

(Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2))

### INSTRUCTIONS FOR COMPLETION OF THE FORM

Consider if your food activities are limited to those included in SECTION A. If they are you are not required to register as a food business with your local authority Please do nothing more.

Childminders with more extensive food activities should complete **SECTION B, sign the bottom of the form and then send it to your local authority** – contact details can be found on:

<http://www.foodstandards.gov.scot/contact-us/local-authorities>

<b>SECTION A</b> IF YOUR FOOD ACTIVITIES ARE LIMITED TO THIS LIST - YOU DO NOT NEED TO REGISTER AS A FOOD BUSINESS, DO NOT COMPLETE THIS FORM OR SEND IT TO YOUR LOCAL AUTHORITY			
<p>a. Provision of mains drinking water.</p> <p>b. Provision of crockery and cutlery for use by children to eat their own packed lunches.</p> <p>c. Provision of chilled storage for packed lunches that belong to the children.</p> <p>d. Occasional assistance to children with cutting up their own food in response to individual need rather than as an established service.</p> <p>e. Occasional provision of food that is not part of the normal service (e.g. a cake to celebrate a child's birthday or provision of food where a parent/guardian has been delayed).</p> <p>f. Operating in the child's own home and serving food that belongs to the child's parent/guardian e.g. nannies and home child carers.</p>			

<b>SECTION B TO BE COMPLETED BY CHILDMINDERS WITH MORE EXTENSIVE FOOD ACTIVITIES</b>			
Name of the food business operator (owner)			
Address of the food business			
Post code			
Telephone number			
E-mail address (if applicable)			
How many children do you look after?	Average per day	Maximum at one time	
What is the age range of the children?			
Which type of water supply do you have?	<b>MAINS</b>		<b>PRIVATE</b>
Do you provide drinks and snacks only?	<b>YES</b>		<b>NO</b>
Additional information			
Do you prepare or provide meals?	<b>YES</b>		<b>NO</b>
Have you received food hygiene training?	<b>YES</b>		<b>NO</b>
Please circle any of the following foods you either prepare or provide: <ul style="list-style-type: none"> <li>• Formula Milk</li> <li>• Sandwiches</li> <li>• Dairy Products</li> <li>• Salads</li> </ul>	<ul style="list-style-type: none"> <li>• Cooked Meats</li> <li>• Raw Meat/poultry</li> <li>• Eggs</li> </ul> Other foods (please specify)..... .....		
<b>PLEASE NOW SIGN THE BOTTOM OF THIS FORM AND SEND IT TO YOUR LOCAL AUTHORITY</b>			

Signature of the food business operator (Owner)..... Date.....

Name (BLOCK CAPITALS).....