

# Environmental Health *Scotland*

The Journal of the Royal Environmental Health Institute of Scotland



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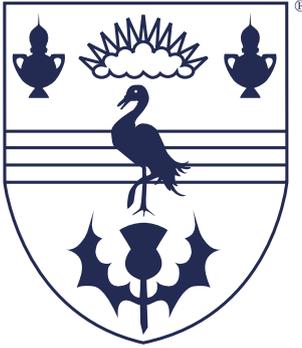
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Vol 34 - Number 4 Winter 2022/23



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# Environmental Health Scotland

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## THE PRESIDENT'S VIEW



*Evonne Bauer.*

**After three decades and counting, Evonne Bauer hasn't lost her passion for Environmental Health and the positive impact it can have on people's lives. The new REHIS President tells the Journal about what she's working on now, what challenges the profession is facing – and her vision for the Institute.**

Straight from school with a desire to study science, a passion for health, and a dream to save the environment, Evonne considered the career of an Environmental Health Officer would be for her, with the ideal way to meet lots of different people and to avoid a desk job. She contacted the University of Strathclyde, spoke to the renowned Professor George Morris, was instantly sold, securing a place on the four-year BSc (Hons) in Environmental Health.

“After graduation, and success in the REHIS Diploma, I had my training placement, at Strathkelvin District Council. Following local government re-organisation in '96, it became East Dunbartonshire. I lived in the area, worked here ... and I'm still here! I was an EHO, then Team Leader, then Regulatory Services Manager. I just worked my way up taking advantage of all opportunities, and demonstrating an ability to manage a wide range of different teams. Since 2016, I've been part of the senior management team. I guess that's what happens if you stay somewhere long enough!”

Through this progression, Evonne says she has pursued studies in a range of subjects. She found the time to complete the NEBOSH Diploma in Occupational Health and Safety through evening study, and attend the University of Glasgow – this time on a part-time basis – for the Masters in Public Health (MPH). Life has always been busy as she also has raised three children – a daughter now at university and twin boys completing primary school. “I've not got much spare time, but any spare time that I do have, I spend with family and friends. My children's hobbies are my hobbies for the moment.”

As Executive Officer of Place and Community Planning at East Dunbartonshire Council, Evonne manages a strategic portfolio covering a range of council services. Key to her role with REHIS, this includes Community Protection (Environmental Health, Trading Standards, Licensing Enforcement and Community Safety) and Community Planning and Partnerships.

“Community Planning is very wide-ranging and I find that the remit aligns well with the skills and competencies of an EHO. During the pandemic I had lead responsibility for the 'Care for People' workstream which was our local authority Covid response – a key public health role. This included provision of support to communities, and working jointly with Scottish Government and health boards to deliver testing and vaccinations.

“In terms of what I am focused on right now, I have a key role in the Cost of Living crisis response. I also have Locality Plans and Local Outcomes Improvement Planning review work where we are using community learning and development approaches in engaging, capacity building and empowering our communities. Particular priority is afforded to Locality areas which experience the most deprivation, poverty and inequality. For example, over the cold winter months, the provision of warm spaces has been welcomed across our local communities.”

Resettlement programmes are a current responsibility for Evonne and her teams. These are national workstreams across all local authorities, and include the resettlement of Ukrainian Displaced Persons, through both the Scottish Super Sponsor and the Homes for Ukraine schemes. There is also preparatory work under way for the Afghan Vulnerable Persons Resettlement Scheme, and the national dispersal of asylum-seekers.

Evonne explained that EHOs have been active in the Super Sponsor scheme carrying out property checks at host homes where Ukrainian guests will be staying. A big challenge is shortage of housing, and getting people into their own longer-term accommodation, which is currently being addressed through working closely with council housing colleagues and registered social landlords. “It is such a tragic situation for Ukrainian families and individuals coming from a war-torn country, and heart-warming that Scottish people are so welcoming. Displaced persons are being integrated into homes, communities, employment, and education for the children and young people.”

The profession is facing many challenges, not least the shortage of EHOs, and how to address the changing demographic of the profession is at the top of the agenda for the new REHIS President. This year she hopes for the Institute to work closely with the Society of Chief Officers of Environmental Health on this, alongside many other topical issues.

“I’m delighted and honoured to be President, especially at a time when there’s some very big items on the agenda. I intend to ensure that these are progressed, including the new ‘assessment of qualifications’ to becoming a qualified EHO – to ensure that our profession is strong and sustainable. This will involve continuing work with academic institutes on accrediting courses. The Institute agrees the prescribed qualification standard through the practical training and Diploma examinations which are very important to the Royal Charter. Thereafter, we also need to encourage all our members to undertake professional development, and attain Chartered status as an Environmental Health Officer.”

Among the many other issues on the President’s “To Do” list are progressing the Institute’s Strategy and Development Plan. The Management Committee, the Council, and the many Committees thereunder, work tirelessly for the Institute. Nationally the themed REHIS working groups are also key, both on operational and policy matters. Also important will be maintaining and growing key relationships with partner agencies such as Food Standards Scotland, SEPA, Public Health Scotland, HSE, ASH Scotland and a range of other national themed organisations, on such diverse matters as smoking and vaping; climate change/sustainability and the circular economy; and air quality and environmental protection.

“Leaving Europe, for instance, means potentially significant changes in terms of statute. Exploring what this might mean is a REHIS priority at the moment. We’ve got to ensure that we’ve always got the right legislative tools to do the job. Then going forward we have to ensure that we have enough qualified EHOs to perform the functions we are being asked to do. We must, as a profession, fulfil our regulatory roles, but also understand the context in which we operate – be it the pandemic recovery or the cost of living crisis. The economy and businesses are having a really challenging time, so it’s also about educating, advising and being as supportive as possible.

“For me it’s a real positive that EHOs are front-facing and operate at the level of communities. However, in order to make a difference we can’t work in isolation. Partnerships and joint working is key. Across local government the direction of travel is around community planning and community empowerment, and importantly working closely with the third sector. This means discovering and embracing innovative ways of working together.”

Evonne is grateful to Chief Executive Jackie McCabe and the whole team at REHIS for their support. She and Jackie are now planning the Annual Forum, to be held at Kilmardinny House in Bearsden on April 25, 2023.

“Everybody at Torphichen Street – Jackie, the professional directors, the support staff, and training advisers, and of course Martin our Honorary Treasurer – are absolutely brilliant! They are so loyal to the Institute and have been flexible and innovative, adapting so well to all the challenges of the last few years.”

For Evonne the ability to adapt is definitely a hallmark of the Environmental Health profession. Evonne does not underestimate the challenges waiting ahead, but she remains 100% confident in its future.

# REHIS ANNUAL ENVIRONMENTAL HEALTH FORUM

**TUESDAY 25 APRIL 2023**

**KILMARDINNY HOUSE, EAST DUNBARTONSHIRE**

***“Embracing modern day challenges”***

We are delighted to advise that this year's Annual Environmental Health Forum will be held as a Hybrid event from Kilmardinny House, East Dunbartonshire on Tuesday 25 April 2023.

The REHIS Annual Environmental Health Forum, under the theme 'Embracing modern day challenges' provides all Environmental Health professionals in both the public and private sectors an opportunity to maintain and enhance their knowledge, skills and competence.

This year's Forum will cover a wide range of topical updates relevant to professionals operating at all levels in their organisations.

Confirmed speakers include Professor George Morris, COSLA and Police Scotland. Awards, diplomas, and certificates will also be presented during the Forum. The full programme and booking details will be published on the REHIS website. <https://rehis.com/event-type/rehis-events>



The Institute is celebrating 40 years this year! On 16 February 1983, The Royal Sanitary Association of Scotland and The Scottish Institute of Environmental Health amalgamated to form The Royal Environmental Health Institute of Scotland.

# REHIS MEMBERSHIP SURVEY

Late in 2022 we asked our members to take a few minutes of their time to participate in a membership survey with the aim of helping the Institute Council understand what our members wanted from their membership, and what could be done to increase the value of that membership.

The online survey was emailed to all members asking for their views. It covered a range of aspects about membership of the Institute including overall satisfaction, and suggestions for improvements. Feedback from our members supports the Council in setting out the Institute's strategic plan over the coming three years.

We wish to thank everyone who participated in the survey. We will be acting on the responses received.

We asked members to rate on a scale of 1-5 how satisfied they were with their membership with 5 being extremely and 1 being not, and 63% responded rating their satisfaction as a 4 or 5.



Figure 1 – How satisfied are you with your membership?

We asked for comments and suggestions to improve satisfaction. It was pleasing to note there were many positive comments regarding all the work of the Institute. On the negative side there were some comments on there being too much reliance on volunteers and confusion about what their subscription fee paid for. Some members felt, as they were not on the Council, they were unsure of the various work streams being progressed.

A large amount of feedback centred round the Institute investigating alternate/innovative ways of promoting and entering the Environmental Health profession and attracting and retaining students.

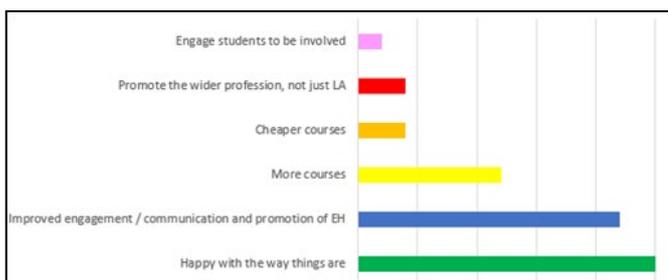


Figure 2 – What can we do to improve your satisfaction with membership?

The Council is committed to increasing engagement by putting more information on the members section of the website, providing informative monthly electronic newsletters and by using more direct email communications to better inform members what the work of the Institute entails.

The Institute has set up a short life working group which is currently considering ways for potential EHOs to enter the profession without compromising the highly respected standard that the profession in Scotland has always held. It is recognised that the future of the profession depends on ensuring a sustainable supply of professionals and the Institute is committed to supporting this.

The survey showed the membership is happy with the Professional Courses being held online and in shorter sessions. We received some useful suggestions for topics including acoustics, legal training, pollution, and a desire for more practical training events.

Members are invited to be part of either the Northern or Southern Centre depending on locality, offering networking and learning opportunities in their local area. The Centres are an excellent forum to welcome students to nurture and support their career in Environmental Health. Feedback has highlighted that there is a high proportion of members not active within either the Northern or Southern Centres. We would like to raise the awareness of the Centres across the membership and encourage all members to participate.

Respondents were asked if they thought the Environmental Health Scotland Journal was informative. As shown below, 80% stated they did find it informative. However a few members stated they would prefer shorter articles on a wider range of topics.



Figure 3 – Do you find the Journal informative?

By being a member of the Institute, you are contributing to the work of the Institute and supporting the Environmental Health profession in Scotland. The Institute is a registered Scottish charity established to promote the advancement of Environmental Health for the benefit of all sectors of the community. We thank you again for your continuing support. <https://rehis.com/about-rehis/what-is-rehis/>

The Council is now working to produce the Strategic Plan for the next three years and we are grateful for all your contributions. As ever, if you wish to put forward any suggestions, please contact the Chief Executive.

## DIRECTOR OF PROFESSIONAL DEVELOPMENT



*Jacqueline R Cunningham.*

Jacqueline recently joined the REHIS team and started her new role just before Christmas as the Director of Professional Development, on a job share basis, working alongside Karen Keeley.

Many of you will know Jacqueline already as she has been involved in the world of Environmental Health for some time.

Her professional and academic life before Environmental Health was in the field of science, in particular chemistry. Jacqueline worked in the analytical laboratories of Boots Manufacturing Co. as a quality control technician. Here she analysed end-products and raw materials to ensure compliance with the manufacturers' specification, using a range of bench chemistry techniques as well as using scientific instrumentation.

After speaking to an individual within the Environmental Health profession, Jacqueline decided to change career path and enrolled directly into the second year of the then BSc (Hons) Environmental Health degree at Strathclyde University, alongside our current president, Evonne Bauer.

She graduated in 1993 and obtained her REHIS post graduate diploma in 1994, after completing her professional training within Hamilton District Council under the supervision of John Crawford. She then worked in her first qualified EHO post within Bearsden and Milngavie District Council with Eric Grieve, taking on a general role covering all areas but finding that she enjoyed the pollution side of Environmental Health work.

After government restructure, she moved to the Kirkintilloch office of East Dunbartonshire Council working with Nigel Kerr, Hugh Sheridan and Alistair McNicol. Jacqueline's interest in pollution work then directed her to SEPA, working with many well-known REHIS names such as John Beveridge, Calum Macdonald, Malcolm Mathers and ex-river board manager, Robert Kerr. Here she held a number of posts, starting as an EPO in East Kilbride, SEPO in Stirling and Team Leader looking after the Falkirk and West Lothian team. Her final post in SEPA was based in the corporate office and was primarily project-based looking at the competency framework and in-house procedures.

Throughout her career within LAs and SEPA, Jacqueline was involved in REHIS activities. She was an active member of the Southern Centre for many years and worked alongside Yvette Shepherd, Paul Bradley, Paul Kerr, Ian Buchanan and many others and organised events including the Pollution Update course and the Noise Update course. She was also the representative from SEPA on REHIS' pollution group, the SPCCC.

Jacqueline moved to Portugal in 2012, initially on a career break, as her husband had secured a new role within the European Monitoring Centre for Drugs and Drug Addiction, and she continues to live there with her family. Not being able to sit still, Jacqueline has maintained her CPD and chartered status by keeping up to date with current environmental issues and taking part in a range of online courses and studies.

She was elected as the "class mum" at her son's school and this quickly led to getting involved with the lessons and sharing her experiences in Environmental Health. She then helped in science classes, in all aspects, in an international secondary school and encouraged the students to become more involved in science and environmental studies at GCSE and International Baccalaureate level. Jacqueline was also involved in examinations and invigilation at St Julian's international school, which has allowed the development of a whole new skill set.

Jacqueline's son is a competitive swimmer and this involves travel and having the good fortune of having a much extended swim team family. He is part of a NATO team, so much of their free time is spent on NATO bases at the pool with American friends.

Jacqueline says that the experience of living away from home in Scotland has been fantastic. Learning a different culture, a new language and a whole different way of life has had its difficulties but also has brought huge benefits and experiences.

Jacqueline's new role within REHIS will involve remote working, as the pandemic has radically changed the way we work and introduced a greater degree of flexibility. Jacqueline and Karen will work together on all elements of professional development for the Institute, which includes the professional qualifications and examinations, professional courses, Chartered EHO conditions, work in relation to the professional title, responses to consultations, reporting to the Institute Council and Committees, ensuring health professionals maintain their CPD and are presented with appropriate development opportunities. It will also involve ensuring that the training of students evolves as the world around us changes.

**Chief Executive's note:** *I am delighted to welcome Jacqueline to the REHIS staff. Her vast experience along with her professionalism, expertise, approachability, and friendly attitude will be assets to the Institute, its members and partner organisations alike.*

# PROFESSIONAL DEVELOPMENT

The Institute is pleased to welcome Jacqueline Cunningham into a job-share role with Karen Keeley. Jacqueline and Karen will work together on all elements of professional development for the Institute, which includes professional qualifications and examinations, professional courses, administration of the CPD Scheme, Chartered EHO conditions, work in relation to the professional title, responses to consultations and reporting to the Institute Council and Committees.

## Professional Examinations

A re-sit diet of professional interviews took place at the Carnegie Conference Centre in Dunfermline on 6 and 7 December 2022. New professionals will be presented with their awards at the time of the Institute's Annual Forum on 25 April 2023. Between September and December, we welcomed six new EHOs into the profession and two recipients of the new SFSORB Higher Certificate in Food Practice.

There will be a diet of professional examinations for candidates to sit Scottish Food Safety Officers' Registration Board (SFSORB) Higher Certificate qualifications on 10 May 2023. All those eligible have been advised of the dates by which the relevant reports/case studies require to be submitted.

The next full diet of professional examinations will be 26-28 September 2023 and this will hopefully see the first of those students who are completing practical training as an integral part of the undergraduate degree programme, at the University of the West of Scotland, sitting the professional interviews.

If you are interested in contributing to the maintenance of professional standards and assessing the EHOs of the future, and you have at least seven years of post-qualification experience, why not consider becoming a REHIS examiner and/or assessor? If you are unsure what this would involve, please get in touch and you can be put in contact with a current assessor/examiner to discuss the role.

## Professional Courses

The final session of dog control training, in conjunction with the National Dog Warden Association (Scotland) will have been delivered by the time of publication of this Journal. The training has been very well received and supported by the Scottish Government Criminal Law, Practice and Licensing Unit.

The intention is to make various resources in relation to dog control available to local authorities and the Institute will be in touch with representatives from each local authority, through the Society of Chief Officers of Environmental Health in Scotland in due course, to share these.

Events for the year are currently in the planning and we would hope to offer a Pollution Update, Food Update, Health and Safety Update, Environmental Health Update, Environmental Public Health and Housing Update as well as other courses that meet the needs of the profession in Scotland. The Northern and Southern Centres of the Institute also offer training events with a focus on these events meeting the needs of members of that Centre area.

Institute events, both professional courses and Centre events, and events offered by other agencies, which may be of relevance to those working in environmental health, are added to the website and readers are encouraged to regularly look for upcoming events and learning opportunities.

[rehis.com/events-and-professional-development/](https://rehis.com/events-and-professional-development/)

## CPD

Annual CPD submission time was by 31 January 2023. All submissions are currently being processed. The new website offers an improved system for recording CPD, including the facility to attach evidence, which is required for every activity, and allows the electronic submission of records. This is found in the members-only section of the website. Entries can be created at any time throughout the year and will remain in the "unsubmitted" section. Once all entries for the year are complete, the appropriate items and year are selected and you can "submit CPD". For those working towards or holding Chartered EHO status, the system also shows when the next written submission is due. This need not wait until the end of the year and can be uploaded and submitted at any time in the three-year period to which it applies. The CPD section of the website should also state your current status with regards to CPD including Chartered EHO status.

For Chartered EHOs, the submission of sufficient health and safety CPD would contribute towards eligibility to join the Occupational Safety and Health Consultants Register. <https://rehis.com/events-and-professional-development/oshcr/>.

Furthermore, Chartered EHOs can request to be added to the Institute's list of those offering private work and should anyone approach the Institute seeking such consultancy the relevant names would be provided.

If you are a new member or newly embarking on achieving Chartered status, or simply wish a reminder of the requirements of the Scheme, a copy can be found at <https://rehis.com/documents/cpd-scheme/>.

# RETAINED EU LAW (REVOCATION AND REFORM) BILL

## What is the Retained EU Law (Revocation and Reform) Bill?

When part of the European Union, the United Kingdom was subject to a variety of European laws agreed between the EU member states. In 2018, the UK Parliament passed the European Union (Withdrawal) Act 2018 which allowed most EU law to continue as UK law. This body of law is known as “retained EU law” (REUL). The UK Government is now planning to “sunset” most of the retained EU law by 31 December 2023 under the Retained EU Law (Revocation and Reform) Bill.

## What happens next?

The bill is being considered by the House of Commons. If agreed by MPs, it will be considered in the House of Lords. The House of Commons will then be asked to agree with any changes, or amendments, made by the House of Lords. Once both Houses agree, the Bill will receive Royal Assent and become law.

## What does it do?

The Bill seeks to repeal or replace an estimated 3,700 articles of REUL. It proposes that most retained legislation will cease to apply unless preserved by legislation and incorporated into domestic law by devolved administrations by 31 December 2023. There is the possibility of an extension to 23 June 2026 at the UK Government’s discretion. Under the bill, a wide range of things including competition rules, workers’ rights, environmental protection, and food standards would fall away from domestic law and no longer apply. Those laws provide protections for the environment, for animal welfare, workers’ rights and food standards. The laws are also significant for businesses and industry, providing the stability and certainty needed to plan and trade effectively in international markets.

## What does it mean?

The implications are vast. The Bill could considerably reduce the high standards and important protections for the safe production and consumption of food. Food that has no allergen warning information could be sold, because the requirement to inform consumers of allergens would not exist.

Genetically Modified Food could be placed on the UK market without any food safety assessment taking place, or any obligation to label such food for consumers. The bill would allow for the removal of legal limits on chemical contaminants in food, and lift restrictions on the use of decontaminants on meat, such as the chlorine washes on chicken.

Protections to the safety and compositional standards of baby infant formula, such as levels of Omega 3, vitamin D, vitamin A and folic acid requirements would also not exist.

The retained EU law protects UK natural habitats and the environment. This means that the requirements to reduce emissions and publish reports could be reversed. Protections for nature against threats of building developments and other plans, could be stopped.

## What are the main objections to the Bill?

Critics say that the Bill will remove legislation that ensures the health and welfare of both humans and animals by providing a last line of defence against importing dangerous pests and pathogens.

REHIS recognises that the legislation provides an important role in securing food safety, information for consumers, workplace safety and environmental protection. It also provides a level playing field for businesses. The Institute believes that without this legislation, there is a danger to public safety and to business competitiveness. The current situation is concerning and without any detail on the UK Government proposals, it is difficult to comment constructively on the impact to environmental health and wider public health.

Food Standards Scotland has said: “Without legal standards, there would be no enforcement leaving some of our most vulnerable groups, and the public more generally, without any substantive protection.”

As a result of concerns, the Scottish Government has recommended that the Scottish Parliament withholds its consent for the Bill.

## SEPA

### Drinks producers urged to register now for Scotland's Deposit Return Scheme



Drinks producers are being urged not to delay registering for Scotland's landmark Deposit Return Scheme as the deadline fast approaches.

The scheme is a first for the UK and puts Scotland on a path to a more circular economy by incentivising the return of bottles and cans and improving the quantity and quality of materials collected. By 2025 it will capture 90% of all drink containers included in the scheme, which is expected to provide 2 billion drink containers a year for recycling.

The scheme applies to soft and alcoholic drinks sold in single-use containers of between 50ml and three litres and made from PET, plastic, glass, aluminium and steel. All producers making or businesses importing these products for sale in Scotland are required to register with the Scottish Environment Protection Agency (SEPA) before 1 March 2023, either directly or via Circularity Scotland. The scheme will then go live on 16 August 2023, when producers will have to charge a 20p deposit on each container they place on the market and arrange for empties to be collected for recycling, meeting collection targets.

Retailers, wholesalers and hospitality businesses in Scotland must also comply with the Deposit Return Scheme Regulations, though they do not have to register with SEPA. Their obligations include only selling drinks from a registered producer and including the 20p deposit on each drink sold. They will also act as a return point, providing information on how customers can bring back their empty containers and receive a refund of the 20p deposit.

Drinks producers that don't sign-up before the 1 March 2023 deadline risk not being able to sell their products in Scotland. Any business concerned about being able to meet the registration deadline, or any other producer obligations, is encouraged to get in touch with SEPA or contact Circularity Scotland for advice and guidance.

### Highest ever number of 'excellent' rated Scottish bathing waters



The quality of Scotland's bathing waters continues to improve as a record-breaking 44% receive an "excellent" rating for 2023 and 98% meet strict environmental standards.

Scotland has over 80 designated bathing waters where the Scottish Environment Protection Agency (SEPA) monitors water quality from May to September and publishes sample results online. The general water quality condition for each location is described by a classification statement – excellent, good, sufficient and poor – based on four years of sampling data. These classifications are calculated at the end of one season for display at the start of the following season.

One of Scotland's most popular visitor areas, Ayr (South Beach), is among those maintaining its "good" status in 2023 following targeted improvement actions to reduce pollution. The status of the water quality is the result of several years of partnership working between SEPA, Ayrshire livestock farmers and Scottish Water, supported by South Ayrshire Council and the Scottish Government.

Dhooon Bay in Dumfries and Galloway has also achieved "sufficient" status for 2023 after four years of a "poor" rating. The improved water quality is again as a result of partnership working to help reduce run-off from agricultural land. The Scottish Government also provided funding to address inputs from private sewage treatment systems. This work is ongoing.

Since 2015, 15 bathing waters have improved their classification from "poor" to "sufficient" or better. This is testament to the ongoing collaboration taking place to drive forward water quality in Scotland. Whilst this year two bathing waters in Fife will have a "poor" classification, SEPA intends to drive the same improvements that have been successfully achieved at other sites.

During the bathing waters season, sampling results are published online, along with profiles for each bathing water which provide further information about each site. Daily water quality predictions are also accessible from electronic information signs at 29 bathing waters. This network allows SEPA to inform the public about current bathing water quality and to advise of potentially poorer quality following a short-term pollution event.

## SCOTHOT

ScotHot, Scotland's leading showcase for food, drink, hospitality, and tourism, is returning to the SEC Glasgow from 8-9 March 2023, 10am to 5pm. The show is Scotland's targeted food-service, hospitality and tourism event and offers an opportunity to network with others to share ideas and inspiration and learn about the latest trends from across the industry.

Visitors at ScotHot will be able to see the newest artisan foods, the latest drink trends, inspirational tableware, fantastic technology and catering equipment. Professional organisations and training companies will also be there promoting what they do.

The Institute will be attending the event to promote the Environmental Health profession and REHIS Community Training Courses. In particular we will be publicising the new Licensing Courses.

It is free to attend if you register through [www.scothot.co.uk](http://www.scothot.co.uk) so come and see us on stand 269 – just near the liquid area.



**ScotHot**  
SEC GLASGOW  
8<sup>TH</sup> – 9<sup>TH</sup> MARCH 2023

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HOSPITALITY, RETAIL & TOURISM**  
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# PRESENTING COURSES TO NON-ENGLISH SPEAKING GROUPS

by Sandra Williamson, Director of Training

Over the years of development of REHIS courses and qualifications, the Institute has recognised that resources must be made available to cater for the needs of the many different nationalities that reside and work in Scotland.

Many REHIS Approved Training Centres have successfully presented courses incorporating one or two candidates where English is not their first language. On most of those occasions, however, the candidates had a good grasp and command of English as they had been resident and working in Scotland for some time. Translated exam papers and handbooks are available, if required but many candidates choose to undertake the exam in English.

More recently, Scotland has welcomed displaced people fleeing from conflict in their countries and helped them to relocate and resettle. This has seen a demand for courses being delivered solely for participants who speak very little, if any, English. We have been working with two training centres to help facilitate this style of delivery and to support with the provision of resources.

Over a series of articles in the Journal, an overview of how they approached the courses, challenges they encountered and how they resolved them will be shared.

## **Dumfries and Galloway College delivery of REHIS Elementary courses**

Dumfries and Galloway Council requested that Dumfries and Galloway College deliver REHIS Elementary Food Hygiene and Elementary Health and Safety courses to a group of Ukrainian students using a translator.

Ian Robertson, Health and Safety instructor, delivered the Elementary Health and Safety course over one day to 12 candidates. The course was observed by Raymond Hubbocks, Training advisor for REHIS.

The candidates received their books in advance and the resources provided were all in English apart from the exam paper which was in Ukrainian.

The feedback received from the learners, Ian, translator, and Raymond was that it was too much information to put into one day as the day was exceptionally long. The course time needed to be over two days and a minimum of 9 hours delivery plus the exam.

Positive feedback on tutor delivery was observed by Raymond, stating: "The tutor should be given great credit for demonstrating patience and understanding of the situation using an interpreter."

Ian said: "At Dumfries and Galloway College, we offer Interpreted courses. Ultimately a diverse mix of voices leads to better discussions, decisions and outcomes for everyone in their life, learning and future career."

The following week the same candidates started their Elementary Food Hygiene course where we increased delivery time to 9 hours – one full-day and then a morning session the following week. The handbooks were issued in English and the college made adaptations for the learners by translating the college resources – activity pack, PowerPoints, evaluation sheets into Ukrainian for the learners. The exam papers were provided by REHIS in Ukrainian.

Liz Soutar, the instructor who delivered the course, was experienced in working with an interpreter, and the timings were more realistic and beneficial for all.

The feedback that we received from the learners was incredibly positive about their learning experience. However the consensus was that the slides and activity packs should be in English, as this is the language that the learners will be using in the workplace. We will therefore keep the resources in English and continue to work with an interpreter.

All delegates passed their exams on the first attempt!

Liz Soutar shared her experience and advice when working with interpreters:

"When using a translator, you have to remember not to speak too fast and break sentences down to allow for the translator to convert from English to the language being used. You also need to remember to allow enough time for them to ask the meaning of some words and give them an alternative explanation as not all our terminology translates.

"I have had previous experience of working with translators through my previous employment which I think was an advantage. I have had years of experience working with a translator and it is very much trial and error at first, but you need patience and to allow enough time. Using the same translator makes a huge difference as they become as familiar with the presentation as you are. Whenever there is a new translator or a different language you will always need additional time for explanations. Each group is unique and different groups will have different challenges. With a good translator these are often easy to overcome but if the translator is not the best, it can prove challenging."

Rachel Edgar, Lifelong Learning Officer, Communities Directorate, Dumfries & Galloway Council, said in a statement: “Over the last few months, we have been working with Ukrainian learners identifying and supporting their learning requirements. We identified a need for learners to gain recognised qualifications that they can use to gain employment and skills and knowledge to use in the workplace. In partnership with Dumfries and Galloway College we delivered REHIS Food Hygiene and REHIS Health & Safety. To support the learners the material was presented in English and Ukrainian.

“The feedback from learners was very positive. They enjoyed the learning experience, and some are now putting this into practice in their workplace.”

Dumfries and Galloway College is continuing the partnership with Dumfries and Galloway Council and REHIS and more courses were run in January 2023 with an Arabic interpreter.

*The Institute has translated resources in a variety of languages, for Introduction and Elementary courses in Health and Safety and Food Hygiene. These include Polish, Chinese, Urdu, Arabic and very recently in Ukrainian. For further information please contact Sandra Williamson, Director of Training.*



*Dumfries and Galloway College staff and delegates with their certificates.*

# STATISTICAL PROCESS CONTROL – APPLYING DATA DURING OFFICIAL CONTROL VERIFICATION

by David Strang, Chartered Environmental Health Officer

Certain food businesses are inspected under Regulation (EC) No 853/2004<sup>[1]</sup>, which covers specific hygiene rules for food of animal origin<sup>1\*</sup>. Annex III describes the specific foods that are covered, including: meat products, live bivalve molluscs, fishery products, raw milk, gelatine, and others. These regulations exist because, among other things, it is recognised that foods of animal origin are inherently riskier than foods of plant origin due to the serious human or animal diseases they transmit. With this risk in mind, Food Standards Scotland and local authorities are seeking to improve the quality of the inspections that take place in high-risk manufacturing premises, to ensure public health is protected. A key part of this strategy is the new guidance that covers Official Control Verification (OCV)<sup>[2]</sup>.

Within the OCV guidance, Chapter 4.16 discusses the use of statistical analysis as a tool for monitoring the manufacturing process or its end products, by checking for unacceptable data points or statistically significant associations. There is a focus on datasets that, once plotted, follow the typical Normal distribution (the “bell-shaped curve”) and its underlying assumptions. The statistics discussed are common descriptive statistics, such as the mean and standard deviation, and samples of data could be compared using traditional statistical tests such as the t-test<sup>2†</sup>. There are also some common inferential techniques, such as Pearson’s correlation coefficient or linear regression, which rely on two variables having a linear relationship.

This paper will explore two questions in relation to Chapter 4.16, namely, are there any other approaches that could be added and what can be done when data are not Normally distributed? A technique currently used for public health surveillance and elsewhere, and which is relatively versatile because it can be applied to a range of data types and distributions, is called statistical process control (SPC). Two main charts used within SPC are the run chart and the control chart. Using these, an Environmental Health Officer could track key variables relevant to food safety, including process variables (e.g. temperature checks) or those related to end product

\* Often referred to as products of animal origin (POAO).

† Compares the mean of one data sample, to the mean of another, to check whether the difference between is statistically significant for the whole population the samples came from (rather than due to chance).

testing (e.g. microbiology results). However, this paper will focus specifically on the control chart which has more statistical power, though it requires 20 or more data points to be constructed.

This technique involves creating a chart, plotting the data points in time order or a logical sequence, adding “limits” to show how much spread there is, then applying “tests” to identify unusual patterns (see Figure 1). This technique can therefore be used to: (a) monitor the behaviour of a process, (b) identify unexpected variation within it, (c) check whether an improvement has been effective, or (d) check whether any gains are sustained. This paper will focus on one particular use, namely, identifying unexpected variation within a process.

## Background to Statistical Process Control with Control Charts

Dr Walter Shewhart started with the Western Electric Company in 1918 and was based at the Hawthorne Works factory (famous for the “Hawthorne Effect”). The factory produced telephony equipment which was buried underground, therefore, if it failed it was difficult and expensive to repair. Initially, the approach to product quality applied at that time was limited to inspecting products, then removing those which were defective (i.e. “quality assurance”). This changed in May 1924 when Dr Shewhart produced a memorandum that outlined the SPC method<sup>[3]</sup>, to be used to reduce variation within a process, and consequently improve the average quality of the end product (i.e. “quality improvement”). The field was then developed further by many others, including those in healthcare and public health, such as Provost and Murray<sup>[4]</sup>. SPC is now widely used by the National Health Service to track, for example, the number of infectious disease cases in the community or waiting times at hospitals. Doctors have also used it with individual patients, to track their symptoms, then improve their care<sup>[5]</sup>.

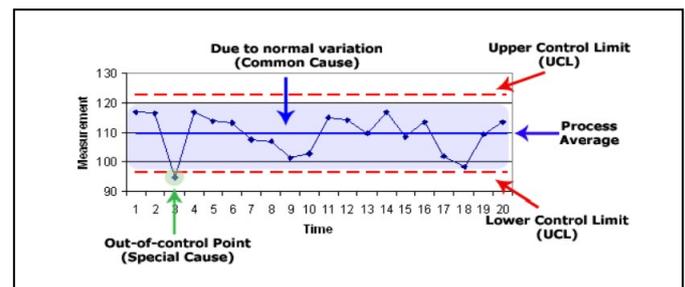


Figure 1: An Extract from Gejdos<sup>[6]</sup> Which Shows the Different Elements of a Control Chart and Examples of Common Cause Variation Versus Special Cause Variation.

## Common Cause Variation vs. Special Cause Variation

The variation shown on a control chart can fall into one of two categories, namely, common cause variation (random) or special cause variation (non-random). **Common cause** variation can be understood as the process fluctuating naturally and, if this is present, the process is varying in a predictable way that is said to be “in control”. **Special cause** variation is different because it indicates that something abnormal has happened. It occurs when the process has changed in some way (e.g. due to poor maintenance of machinery or lapses in hand hygiene), and this is recognisable on a chart, because the data points take on a pattern that would not be expected for that process. This non-random pattern can be thought of as a “signal” and requires further investigation. Of course, what is normal depends on the process of interest, therefore a period of initial data collection is essential to record a “baseline”. What is normal or acceptable also requires expert opinion from the Environmental Health Officer, and any technical staff on the premises, in line with their understanding of the food microbiology and critical control points (CCPs). In addition, some standard rules already exist within SPC to ensure consistent interpretation among practitioners, and these are referred to as “tests”. They define what an unusual pattern is, based on mathematical probabilities, though expert opinion can certainly be applied to introduce a novel test [4]. This can be explored using a case study.

### Case Study of *Clostridium botulinum* in Cold Smoked Salmon to Explain Special Cause

Consider a manufacturer that produces Cold Smoked Salmon, extends its shelf-life to 28 days using vacuum packing, then sells to supermarkets in the region. Vacuum packing is a useful technology, because it removes the oxygen that allows many food poisoning bacteria and food spoilage organisms to grow, however these anaerobic conditions support the growth of *Clostridium botulinum*. If the bacterium is present, and is allowed to grow, it produces the toxin that causes botulism. The toxin attacks the nerves, brain, and spinal cord if the antitoxin is not administered to the patient. Without treatment the toxin can cause paralysis and in 5-10% of cases it is fatal. To prevent the growth of *Clostridium botulinum*, a chill temperature of 3-8°C is required, as well as one or more “controlling factors” [7]. A common controlling factor used for fish is to apply a mixture of salt and sugar – referred to as “curing” – and is a critical control point (CCP) here. The target is a minimum salt concentration of 3.5% in aqueous phase throughout each fillet when tested on site. Figure 2 and Figure 3 below show two different scenarios for this process (produced using the SPC XmR Tool by NHS England) [8].

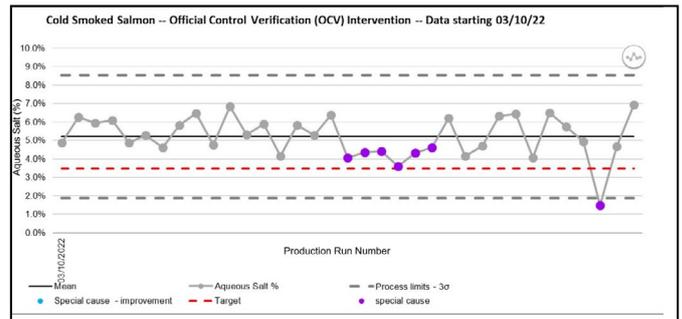


Figure 2: XmR Control Chart for Cold Smoked Salmon Aqueous Salt (%) Showing Special Cause Variation (Scenario 1).

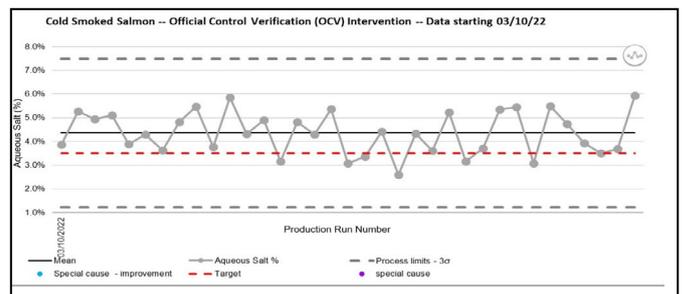


Figure 3: XmR Control Chart for Cold Smoked Salmon Aqueous Salt (%) Showing Common Cause Variation (Scenario 2).

Figure 2 displays the data for the CCP, collected from 35 consecutive production runs, each of which produced cold smoked salmon. The XmR control chart is only one sub-type of control chart available and was chosen based on three criteria to be considered:

1. The type of data – **continuous data & each data point an individual measurement.**
2. The probability distribution of these data – **approximately Normal distribution.**
3. Subgroup size – **should be n = 1 observation.**

The chart in Figure 2 shows that all data points but one are at or above the target, therefore the CCP is met in most situations, and 34 batches of cold smoked salmon are ostensibly safe. However, the chart in Figure 2 also shows special cause variation was detected, with this paper applying standard Shewhart Control Chart Rules (with “shift” or “trend” set at  $n = 6$ ) [4]. There are two rules met, namely, six or more consecutive data points not broken by crossing the centreline (i.e. “shift”) and one which exceeds the upper or lower control limit (i.e. “outlier”). Regarding the control limits, these are plotted automatically by most control chart software programmes (as in this case), though their calculation varies depending on the type of data and their probability distribution. These limits are based on the standard deviation, which is a measure of how dispersed the data points are relative to the mean, and we expect almost all data points to be within the control limits. These limits, used alongside “tests”, are used to identify non-random variation.

The control limits are routinely set at 3 standard deviations, so for these Normally distributed data points, 99.73% should lie within these limits. See Figure 4, an extract from the OCV Guidance [2], for a reminder. These special cause signals would highlight the need for a review of what happened and could indicate a failure. For example, the shift could be staff adding more sugar to the curing mix that week (perhaps due to a salt shortage), giving the wrong ratio.

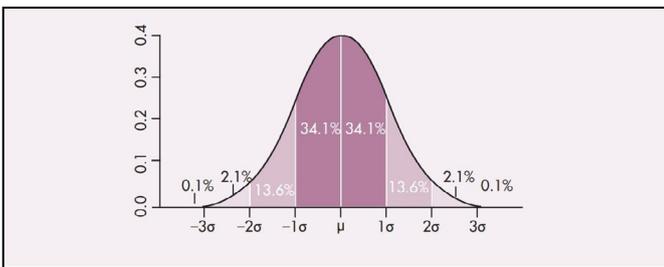


Figure 4: The Normal Distribution With Standard Deviations ( $1\sigma$ ,  $2\sigma$ , and  $3\sigma$ ) from the Mean Marked Along X-Axis.

Figure 3 shows a scenario whereby the process is varying randomly (i.e. common cause variation), with no external factors thought to be influencing it, though five data points are below the CCP target. Therefore, it is important to note that a process can be in control, but wholly unacceptable. To improve the process, the aim would be to first reduce the amount of variation that exists, and then move the entire process in a more favourable direction. The manufacturer should therefore adjust this process, by implementing and testing one or more changes, to find whether they can ensure that all batches are above the CCP target.

### What Can Be Done When Data Are Not Normally Distributed?

So far, this paper has outlined another tool that can be used during OCV, and its benefit is that it preserves the time order (or logical sequence) of the data in a way that the existing techniques do not. This also allows statistical analysis to be carried out contemporaneously, because data points are usually added one at a time, allowing for early intervention and improved food safety. This approach, therefore, is for ongoing surveillance rather than post hoc analysis of process performance.

The second question remains, namely, what can be done for data that are not Normally distributed? After all, although many measurements in nature follow a Normal distribution, Lim and Antony [9] have claimed that “this is rarely the case in the food industry”. The answer is that control charts come in different variations (see Figure 5), to accommodate key types of data and their distributions (e.g. Binomial distribution or Poisson distribution), as well as differing sample sizes. Fortunately, the same “tests” can be applied to each type of control chart, though the correct control chart must be identified for the data collected. However, in practice, the selection of the chart can be more

difficult than the interpretation itself. Within the United Kingdom, among those already using SPC alongside food manufacturing, a lack of training followed by lack of awareness of the technique are known barriers to its use [10]. Environmental Health Officers, facing time pressure and an already broad remit (especially generalists covering all seven disciplines), may therefore find this challenging. However, considering the advantages of this method, it could be valuable.

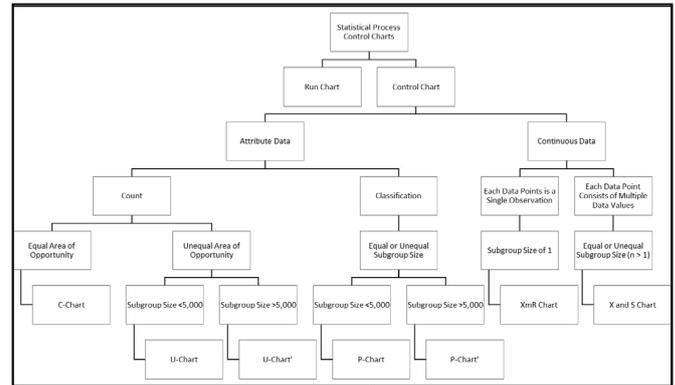


Figure 5: Decision Tree to Identify the Appropriate Control Chart to Use for a Particular Type of Data.

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# THE EFFECTIVENESS OF THE STATUTORY NUISANCE PROCEDURE

by Tim Everett, Trainer, and Researcher in Environmental Health Law

As part of my doctoral research into the use of statutory nuisance across the UK, with the help of REHIS an online survey in 2020 was followed up by more detailed interviews with some of its members. In addition, a review of relevant Ombudsman decisions involving complaints for the period 2016-2020 has been completed. This article covers the results of the Scottish research. These sections of the thesis are already available to those interested, and the full thesis should be published later this year.

Since 1996 (when the Environmental Protection Act 1990 was introduced in Scotland), the same statutory nuisance procedure has been in use as in England and Wales. Very similar legislation has been in place in Northern Ireland since 2011. The Public Health Act 1936 and its amending legislation only applied to England and Wales. Noise nuisance was subject to a separate streamlined procedure from the introduction of the Control of Pollution Act 1974 (1978 in NI). However there remain several differences due to variations in the 1990 Act itself, and the legal systems to enforce the Act.

There are 18 extant categories of statutory nuisance in England and Wales, but only 14 in Scotland (11 in the amended Act and three under the Mines and Quarries Act 1954). Nuisance has a different civil law meaning in Scotland, unlike the two Torts in England and Wales which could lead to different outcomes (see the comments by Lady Paton in *Robb v Dundee City Council* 2002 SC 301 at 321). Private nuisance south of the border is based on protecting property rights, covering only those who have legal rights to exclusive occupation of the premises affected. In Scotland, Councils do not have the right to prosecute in their own name unlike the rest of the UK, and enforcement by this means depends on the Procurator Fiscal. Fines for failing to comply with an Abatement Notice in England and Wales have no maximum, and there is an automatic charge on premises when a Council carries out certain works in default. In Scotland there are powers under housing legislation to deal with substandard dwellings, but not duties. In England and Wales there are parallel duties under both housing and statutory nuisance provisions. In Scotland all environmental permitting is carried out by SEPA, while Councils in England and Wales have some of this function. This leads to a different fault line when dealing with nuisance complaints from relevant processes. In Scotland there is the ability to issue Fixed Penalty Notices for failing to comply with Abatement Notices, which is not available elsewhere except in London.

From the online survey, noise from premises, premises in such a state, air pollution (smoke, dust, and smells), accumulations, and artificial lighting were the most common categories used. Apart from the last of these, survey results in England and Wales were very similar. Nearly all (97%) said the procedure was effective all or much of the time, and 65% primarily used the “nuisance” limb (lower than in England and Wales). In terms of the three duties, 21% said they always or usually inspected their area, 97% always or usually investigated complaints received, and 94% said they always or usually served an Abatement Notice once satisfied a nuisance existed etc. An important difference was that over half (55%) of the respondents said they had not used any of the enforcement procedures in the last two years. Issues around the relationship with SEPA, the Procurator Fiscal, and the lack of budgets to do works in default were raised in this survey.

From the individual interviews, a different picture emerged in terms of compliance with the statutory nuisance duties. All (but one) were clear they rarely inspected their area from time to time looking for nuisances. While virtually all said they investigated complaints, the nature of that investigation had often shifted away from visiting to using other means of getting initial information. This had been accelerated by the pandemic but was regarded as likely to be a permanent feature due to pressure on resources. In terms of the duty to serve Abatement Notices, most of the interviewees stated they normally resolved complaints informally. This divergence between the surveys and the interviews was also observed in England and Wales. In some cases, complaints about barking dogs were not investigated at all. Complainants were being advised to go to court under Scottish legislation (Section 49 of the Civic Government (Scotland) Act 1982) to deal with annoying animals. As the courts have confirmed that such noise can indeed be a statutory nuisance, refusing to investigate is open to legal challenge.

Interviewees who served formal Notices strongly preferred to use the “simple” format – requiring the abatement of the nuisance or prohibiting a recurrence – rather than specifying works or steps. This is consistent with current practice across the UK. On the relationship with SEPA and permitting, most interviewees were not clear that case-law had confirmed they still had the duties to investigate and take action, so simply passed complaints about relevant processes on to that body. The evidence is that no Council sought permission from

the relevant Minister to take action against permitted processes in the five years to 2020. Interviewees who dealt with substandard dwellings preferred to use housing legislation, as this made it easier to reclaim the costs of work done in default. Binding case law across the UK has made it clear that even where there are two duties, both must be complied with. Using a power rather than complying with a legal duty leaves Councils exposed to challenge. As elsewhere, the nuisance limb was relied on more frequently than “prejudicial to health”.

As in the online survey, interviewees had limited experience of recent enforcement experience. Nearly half had never prosecuted the relevant offence, and only one had more than occasional experience. Most commented on the difficulties with the Crown Office and the Procurator Fiscal, and that these offences were usually given a low priority. Of the half who had used FPNs, most thought they were ineffective. This was because if the penalty was not paid, it was necessary to ask the Procurator Fiscal to prosecute, rather than being able to enforce non-payment as a civil charge. In consequence they often remained unpaid. Similarly, there was little experience these days of doing works in default, due to the difficulties in reclaiming costs, particularly from those with limited means. The interviewees also had received few appeals against Notices – in most cases these were in single figures over their professional lives.

Most of the interviewees had advised complainants about taking their own action under Section 82 of the 1990 Act, but only a few were aware of cases where this had been followed up. Because such actions are criminal in nature (unlike the service of an Abatement Notice), then the Scottish evidential rules on corroboration may make them more difficult to prove.

In terms of improvements sought, the most common was for more support from the Crown Office and Procurator Fiscal in taking necessary proceedings. The

ability to seek FPN payments through the civil courts rather than having to resurrect a prosecution was also raised. Many of the comments were similar to those elsewhere in the UK, in terms of less resources to deal with more complaints. Given the geographical size of some Scottish Councils, there were particular issues for them in investigating complaints.

As elsewhere in the UK, most service complaints are dealt with by the relevant Councils or are resolved informally after the Scottish Public Services Ombudsman gets involved. In the five years to 2020, the SPSO dealt with 26 complaints of statutory nuisance matters through to a final decision, and 15 of these were either partially or completely upheld. This was a higher proportion than in England and Wales. However, unlike the other Ombudsmen, the SPSO will look behind professional opinions (such as something is not a nuisance), and will obtain independent professional advice where necessary. This means a higher proportion of such complaints about service failures are upheld. Noise nuisance issues accounted for 19 of the 26 complaints to the SPSO that were formally determined. As elsewhere, the common causes of complaint were a failure to investigate, a failure to take effective action, and poor communication.

In summary, the main differences observed in the results of the Scottish research can be linked to the differences in the legal system, and in administrative arrangements such as dealing with environmental permitting. The key issue is whether the lack of formal enforcement – from the service of the Abatement Notice onwards – has undermined the usefulness of the statutory nuisance regime. If Councils only occasionally serve Abatement Notices, and it becomes known in the locality that they are rarely enforced, this is likely to decrease the procedure’s effectiveness.

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- Elementary Food Hygiene – 6 hours (also by e-learning) (*SCQF 5, 1 credit*)
- Introduction to Food Hygiene – 2 hours (also by e-learning)
- Refresher to Food Hygiene – 3½ hours
- Controlling the Risk of Cross Contamination – 6 hours

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- Elementary Health and Safety – 6 hours (*SCQF 5, 1 credit*)
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- Safe Manual Handling Awareness – 3 hours
- Risk Assessment – 3½ hours
- Management of Risk in the Workplace – 13 hours
- Legionella Awareness – 6 hours

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- First Aid at Work Requalification – 12 hours over 2 days
- Emergency First Aid at Work – 6 hours (*SCQF 5, 1 credit*)

### Food and Health

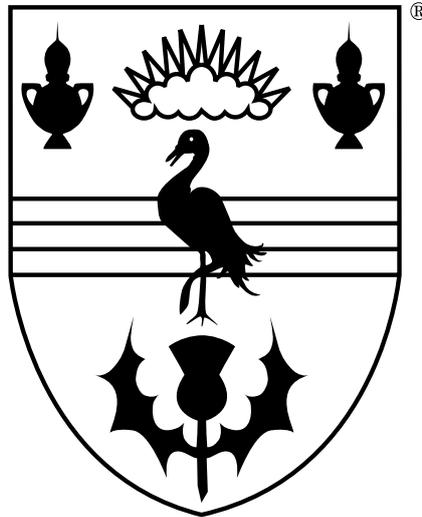
- Elementary Food and Health – 6 hours (*SCQF 5, 1 credit*)
- Introduction to Food and Health – 3 hours
- Elementary Food and Health for Carers of Adults with a Learning Disability – 9 hours
- Elementary Practical Cooking Skills – 6 hours (*SCQF 4, 1 credit*)
- Eating Well for Older People – 3 hours
- How to Run a Cooking Group – 6 hours
- Elementary Nutrition Course – Coming Soon

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