

To: Heads of Environmental Health Services (England)

cc: Directors of Trading Standards (England)
National Association of Adult Placement Services (NAAPS)
Commission for Social Care Inspection (CSCI)

LACORS	TSI
CIEH	APA
APHA	HPA

19 May 2006

Reference: ENF/E/06/038

Dear Colleagues,

APPLICATION OF REGULATION (EC) No. 852/2004 ON THE HYGIENE OF FOODSTUFFS TO ADULT PLACEMENTS IN DOMESTIC PREMISES (ENGLAND)

The Agency is aware that there has been some uncertainty in the food law enforcement community in England in relation to the applicability of Regulation (EC) No. 852/2004, and the Food Hygiene (England) Regulations 2006, to activities in relation to food carried out in the homes of Adult Placement Carers.

Adult Placement might be explained as being similar to fostering, but for adults rather than children, and may consist of short or long-term accommodation and/or care or support, provided to a maximum of three adults at any one time. Adult Placement Carers are people from a local community who are approved by an Adult Placement Scheme and provide adults placed with them through, and supported by, the Scheme. Adult Placement Schemes are registered with, and inspected by the Commission for Social Care Inspection (CSCI) and adhere to National Association of Adult Placement Services (NAAPS) Good Practice Standards.

Adult Placement Schemes train, monitor and support the Adult Placement Carers recruited and approved by them and make arrangements for the placing of service users with the carers. Schemes may be run by Local Authorities or other persons. A key underlying principle of Adult Placement is that of 'Sharing Family Life'. Services provided by Adult Placement Carers in this vein include:

- Accommodation with care, or intermediate care, in the family home (habitual residence) of an Adult Placement Carer;

- Accommodation with support, including support funded through the Supporting People Programme¹, in the family home (habitual residence) of an Adult Placement Carer;
- Respite care (a break for the main carer) with or without personal care, in the family home (habitual residence) of an Adult Placement Carer;
- Day services in the family home (habitual residence) of an Adult Placement Carer.

Article 1(2)(b) of Regulation (EC) No. 852/2004 indicates that the Regulation does not apply to “the domestic preparation, handling or storage of food for private domestic consumption”. The Agency has examined the above activities and considers that as Adult Placement Carers share their normal domestic family life with the person they are supporting, these activities may be considered to be both private and domestic.

In the light of the above, the Agency considers that the preparation, handling or storage of food by an Adult Placement Carer in the course of any of the above activities should be considered to fall within the terms of Article 1(2)(b) of Regulation (EC) No. 852/2004, hence exempting the Adult Placement Carer from that Regulation and, consequently, the Food Hygiene (England) Regulations 2006.

I should be grateful if you would advise your enforcement officers accordingly and ask that they seek guidance from the Agency if they are required to consider the applicability of Regulation (EC) No. 852/2004 to Adult Placement Carers whose activities do not fall within the scope of the activities cited above.

Yours sincerely,



Colin Houston
Deputy Head of Enforcement Division

¹ The Supporting People programme offers vulnerable people the opportunity to improve their quality of life by providing a stable environment which enables greater independence. See <http://www.spkweb.org.uk/>