

VULNERABLE PERSONS FOOD SAFETY SCHEME FOOD REGULATION 2015

GUIDE TO HELP BUSINESSES APPLY
FOR A LICENCE



Department of
Primary Industries
Food Authority



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Use this guide for help in completing the Vulnerable Persons Licence application

This guide gives instructions and definitions that will help you complete the Vulnerable Persons Licence Application Form.

On the application, some questions have directions and information to help you complete the application. Other questions will direct you to this guide for more detailed information.

When completing the application

- Refer to this guide where a question shows a message like this:

◇ See guide page 3

- Print clearly in BLOCK letters
- Place a tick ✓ in all relevant boxes

After completing the application

- Mail your application to:

NSW Food Authority

PO Box 6682

Silverwater NSW 1811

More information

For further help in completing the Licence Application Form contact the NSW Food Authority by:

Phone

Consumer and Industry Helpline

1300 552 406

(between 8:30am and 5:30pm, Monday to Friday)

Email

contact@foodauthority.nsw.gov.au

Fax 02 9647 0026



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NOTE TO APPLICANT

The terms below are referred to in Standard 3.3.1. These terms have also been used in the Licence Application Form. The definitions to these terms have been provided to assist you in completing the application form.

A copy of the Standard 3.3.1 has also been provided in this guide (see page 3) for further reference.

Pages 6 to 11 of this guide outline instructions and further explanations to assist you in completing the application form.

DEFINITIONS

Potentially hazardous food: means 'food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food'. This definition has been provided within an editorial note in the Standard following Clause (2)

Vulnerable Person: means a person who is in care in a facility listed in Standard 3.3.1 or a client of a delivered meals organisation.

Processing: 'Process' in relation to food is defined in Standard 3.2.2 as an activity conducted to prepare food for sale including chopping, cooking, drying, fermenting, heating, pasteurizing, thawing and washing or a combination of these activities.

Serve: Refers to the act of setting out or presenting food for a person who is about to eat. The service of food is considered the final stage of food preparation and is the last step before consumption.

Serving of food may involve activities such as:

- portioning food from a bulk tray or container into single serves and placing it on plates
- presenting food in a bain-marie or other bulk food display unit for self-service
- delivery of plated food to patients within a facility

Serving of food would not include activities to help patients eat the food presented to them, such as chopping or cutting food into small pieces on the plate or physically feeding them.



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STANDARD 3.3.1

FOOD SAFETY PROGRAMS FOR FOOD SERVICE TO VULNERABLE PERSONS

(Australia only)

Purpose and commentary

This Standard requires food businesses that process food for service to vulnerable persons to implement a documented and audited food safety program.

Food businesses that process or serve potentially hazardous food for hospital patients, aged care recipients, children in child care centres and vulnerable people receiving other services will generally fall within the requirements of this Standard provided the food is intended for six or more vulnerable persons. This Standard also applies to delivered meals organisations that process potentially hazardous meals intended for six or more vulnerable persons.

Table of provisions

- 1 Application
- 2 Interpretation
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Clauses

1 Application

- (1) This Standard applies to food businesses that engage in one of the activities listed and described in the Table to this subclause.

Table to subclause 1(1)

Activity 1	Process or serve potentially hazardous food within a facility listed and defined in the Schedule to six or more vulnerable persons at any given time.
Activity 2	The principal activity is processing food into ready to eat food for service in a facility listed and defined in the Schedule and the processed food – (a) is for service to six or more vulnerable persons at any given time; and (b) includes ready to eat potentially hazardous food.
Activity 3	The principal activity is processing food into ready to eat food for delivery by a delivered meal organisation and the processed food – (a) is for service to six or more vulnerable persons at any given time; and (b) includes ready to eat potentially hazardous food.



Editorial note:

'Process' in relation to food is defined in Standard 3.2.2 as an activity conducted to prepare food for sale including chopping, cooking, drying, fermenting, heating, pasteurising, thawing and washing, or a combination of these activities.

A number of the definitions of the facilities listed in the Schedule are adapted from the National Health Data Dictionary, version 12. This Dictionary contains core definitions endorsed by the Australian Health Ministers Advisory Council as the authoritative source of national standard definitions for use in clinical care delivery.

- (2) This Standard also applies to delivered meals organisations that –
- (a) are food businesses; and
 - (b) process food for service to six or more vulnerable persons at any given time, and the food served is ready to eat food which includes ready to eat potentially hazardous food.

Editorial note:

'Potentially hazardous food' is defined in Standard 3.2.2 as food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.

- (3) This Standard does not apply to –
- (a) food businesses that only serve milk or soy milk as, or in, a beverage; or
 - (b) delivered meals organisations that only deliver food.
- (4) Subclause 1(2) of Standard 1.1.1 does not apply to this Standard.

2 Interpretation

- (1) Unless the contrary intention appears, the definitions in Parts 3.1 and 3.2 of this Code apply in this Standard.
- (2) In this Standard –

milk includes flavoured and modified milk.

ready to eat in relation to food means food that is ready for consumption, but includes food that may be reheated, portioned or garnished or food that undergoes similar finishing prior to service.

vulnerable person means a person who is in care in a facility listed in the Schedule or a client of a delivered meals organisation.

3 Food safety programs

- (1) A food business to which this Standard applies must comply with Standard 3.2.1
- (2) Clause 6 of Standard 3.2.1 applies to a food business to which this Standard applies.



SCHEDULE

Column 1	Column 2
Facility	Definition
Acute care hospitals	<p>Establishments which provide at least minimal medical, surgical or obstetric services for inpatient treatment or care, and which provide round-the-clock comprehensive qualified nursing services as well as other necessary professional services. Most patients have acute conditions or temporary ailments and the average stay per admission is relatively short. Acute care hospitals include:</p> <ul style="list-style-type: none"> a) Hospitals specialising in dental, ophthalmic aids and other specialised medical or surgical care; b) Public acute care hospitals; c) Private acute care hospitals; d) Veterans' Affairs hospitals.
Psychiatric hospitals	<p>Establishments devoted primarily to the treatment and care of inpatients with psychiatric, mental or behavioural disorders including any:</p> <ul style="list-style-type: none"> a) Public psychiatric hospital; b) Private psychiatric hospital.
Nursing homes for the aged	<p>Establishments which provide long-term care involving regular basic nursing care to aged persons and including any:</p> <ul style="list-style-type: none"> a) Private charitable nursing home for the aged; b) Private profit nursing home for the aged; c) Government nursing home for the aged.
Hospices	<p>Freestanding establishments providing palliative care to terminally ill patients, including any:</p> <ul style="list-style-type: none"> a) Public hospice; b) Private hospice.



Column 1	Column 2
Facility	Definition
Same-day establishments for chemotherapy and renal dialysis services	<p>Including both the traditional day centre/hospital that provides chemotherapy and/or renal dialysis services and also freestanding day surgery centres that provide chemotherapy and/or renal dialysis services including any:</p> <ul style="list-style-type: none"> a) Public day centre/hospital b) Public freestanding day surgery centre c) Private day centre/hospital d) Private freestanding day surgery centre that provides those services. <p>Day centres/ hospitals are establishments providing a course of acute treatment on a full-day or part-day non-residential attendance basis at specified intervals over a period of time.</p> <p>Freestanding day surgery centres are hospital facilities providing investigation and treatment for acute conditions on a day-only basis.</p>
Respite care establishments for the Aged	Establishments which provide short-term care including personal care and regular basic nursing care to aged persons.
Same-day aged care establishments	Establishments where aged persons attend for day or part- day rehabilitative or therapeutic treatment.
Low care aged care establishments	Establishments where aged persons live independently but on-call assistance, including the provision of meals, is provided if needed.



Column 1	Column 2
Facility	Definition
Child care centres	<p>A facility which is not a private residential dwelling and is designated for the purpose of childcare and provides long day care, employer sponsored childcare, or occasional care, for children four years of age or less, but does not include the following:</p> <ul style="list-style-type: none"> a) a service for providing preschool education conducted by a school; b) a service principally conducted to provide: <ul style="list-style-type: none"> i. therapeutic services; ii. residential facilities; iii. instruction in a particular activity e.g. dance, music or a sport; iv. tutoring, coaching or religious instruction; v. recreational activity, for example, a camp or party. c) a service for which, ordinarily, the children in care are entirely or mostly different on each occasion child care is provided, for example, resort care for children of guests of the resort.

Clause 160 of Food Regulation 2015 states that Standard 3.3.1 of the *Food Standards Code* is modified by omitting the matter relating to child care centres from the Schedule to that Standard.



HOW TO COMPLETE YOUR LICENCE APPLICATION FORM

SECTION A – BUSINESS DETAILS OF APPLICANT

In this section you are required to complete details about your business so the legal entity of the business can be determined. The legal entity will then be responsible for:

- holding the licence
- receiving NSW Food Authority invoices
- taking any enforcement action against

SECTION B – FACILITY DETAILS

QUESTION 1

How many facilities does the business listed in Section A own or operate that are subject to Standard 3.3.1?

In the instance where the business indicated in Section A may own or operate multiple facilities (e.g. could be a company or franchise), the number of facilities (if more than 1) needs to be indicated in the box provided.

This also applies if you are a contractor that is contracted to perform work (e.g. food processing and/or serving) within more than 1 facility.

QUESTION 2

Facility details

You are required to fill out the details such as the location of the processing and/or serving facility. If the details are the same as the business details indicated in Section A, you are still required to complete this section.

For businesses that own multiple facilities you are required to fill out sections B-G (where required) for each facility by photocopying and attaching these sections to the licence application form.

This also applies if you are a contractor that operates from more than 1 facility.

SECTION C – ACTIVITY DETAILS

QUESTION 3

Which activity do you conduct at this facility?

You are required to indicate which activity best describes your business.

If you conduct 2 different activities at the same location, you only need to indicate one activity. The activity you indicate must be the principal one at this location i.e. the one you do more of.



Activity 1

Process or serve potentially hazardous food within a facility listed and defined in the Schedule to six or more vulnerable persons at any given time.

This is an on-site activity, where the food business conducts processing and/or serving of food within a facility identified in Standard 3.3.1 (see page 9 of this guide for examples of identified facilities)

Activity 2

The principal activity is processing food into ready to eat food for service in a facility listed and defined in the Schedule and the processed food-

- i. is for service to six or more vulnerable persons at any given time; and
- ii. includes ready to eat potentially hazardous food

This is an off-site activity, where the food business conducts processing of food for service in a facility. For example, you could be a Central Processing Unit (CPU) or a caterer at another location that processes food for service in a facility listed within Standard 3.3.1. There may or may not be a transport step. You only require a vulnerable persons licence if this is your principal activity, i.e. the main function of your business is to process food for vulnerable persons.

Activity 3

The principal activity is processing food into ready to eat food for delivery by a delivered meal organisation and the processed food -

- i. is for service to six or more vulnerable persons at any given time; and
- ii. includes ready to eat potentially hazardous food

This is an off-site activity, where the food business conducts processing of food for delivery by a delivered meals organisation (DMO). For example, you could be a hospital, Central Processing Unit (CPU) or a caterer that provides meals for a DMO.

This must be your principal activity, i.e. the main function of your business is to process food for vulnerable persons. There may or may not be a transport step depending on where the DMO takes receipt of the food (for example it may pick up from the processing business).



Activity 4

The business is a delivered meal organisation that processes food for service to clients and the processed food -

- i. is for service to six or more vulnerable persons at any given time; and
- ii. the food served is ready to eat food which includes ready to eat potentially hazardous food

The Standard applies to DMO's that are involved in:

- processing food for service to clients (6 or more vulnerable persons)
- if they receive frozen meals from another business and thaw or heat the meals for service to clients

SECTION D – FACILITY TYPE

QUESTION 4

If you are conducting Activity 1, what type of facility are you processing and/or serving food in?

You are required to indicate the type of facility you are processing and/or serving food in.

Acute care hospital: includes hospitals that provide diagnosis, medical care and surgery for serious and/or life threatening conditions. Patients are usually admitted to hospital and stay for brief periods of time, receiving around-the-clock health care provided by a variety of clinical personnel. The length of stay can vary according to the level and extensiveness of the treatment required. Meals are provided to the patients in care.

Psychiatric hospital: includes hospitals or wards that specialise in treating people experiencing a range of different mental illnesses, including depression, psychoses such as schizophrenia, anxiety and eating disorders. Psychiatric hospitals or wards may be part of a larger hospital, or they can be located in a separate dwelling. Commonly admission is for a short duration (i.e. a few days) however, this depends on the nature of the illness and the treatment. Food is generally provided to the patients in care.

Nursing home for the aged: include high level care facilities that provide 24 hour care. Nursing care is combined with accommodation, support services (cleaning laundry and meals), personal care services (help with dressing, eating, toileting, bathing and moving around) and allied health services (such as physiotherapy, occupational therapy, recreational therapy and podiatry). Food is always provided and prepared by someone other than the resident in these facilities.

Hospice: provide medical care and support services to terminally ill persons. While hospice care can be provided at home or within hospitals, the definition in the Standard refers to freestanding facilities only. Hospice care includes treatment from doctors, nurses, therapists, dietitians, social workers, clergy, volunteers, and others. Food is provided to patients in care.



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Same day establishments for chemotherapy and renal dialysis: These are typically conducted in dedicated facilities either within a hospital or a clinic or a freestanding centre. Patients attend these facilities on a daily basis (for chemotherapy) or several times per week (for dialysis) for the course of their treatment. Depending on the treatment being provided, treatment sessions may require part day or full day care but are not residential. Food may be provided to clients during their attendance at these centres.

Respite care establishments for the aged: Short-term respite care for the aged provides the nursing and personal care (help with dressing, eating, toileting, bathing and moving around) that elderly person would normally receive from their carer. Three forms of respite care are generally available:

- Home-based care (ranges from a few hours a week to overnight care);
- Centre-based day respite care (full or half day care); or
- Residential respite care (for two or three weeks).

The Schedule refers to respite care establishments, covering **centre-based** and **residential facilities**. The service provided by these facilities generally includes the provision of meals.

Same day aged care establishment: These are generally referred to as Day Therapy Centres. These centres offer a range of rehabilitation and therapeutic treatments including physiotherapy, occupational therapy, speech therapy, hydrotherapy and podiatry. The treatments provided aims to assist people either maintain or recover a level of independence which will allow them to remain in the community or in low level residential care. Food may be provided to clients during their attendance at these centres.

Some aged day care services are established to provide social activities such as games (bingo), arts and crafts, education programs, general fitness programs etc. The facilities providing such activities are not receiving rehabilitative or therapeutic treatment and as such are not captured by Standard 3.3.1.

Low care aged care establishment: These are residential aged care homes that provide accommodation, support services (cleaning, laundry and meals), personal care services (help with dressing, eating, toileting, bathing and moving around) and may provide or have access to some allied health services. Nursing care is provided as required. Most facilities have nurses on staff or at least have access to them. Depending on the level of independence residents have, they may prepare their own meals or be provided with meals by the facility. The provision of meals may be through delivery to the room or through dining facilities, including restaurant or café style facilities located on site.

Multipurpose service (MPS): These services are usually located in small rural and remote communities. The common features of an MPS are the integration of all or most health and aged care services provided within a particular community (ranging from acute hospital care to residential aged care, community health, and home and community care services).



SECTION E – CONTRACTUAL RELATIONSHIP

QUESTION 5

Which best describes your use of a contractor?

Note: A contractor means a business who is contracted to perform work (e.g. food processing/ serving) within a facility identified within Standard 3.3.1. It does not mean an external provider (such as a CPU) that a facility receives meals from.

I conduct all food processing and/ or service and we do not use a contractor for any part of our food service: means all the processing and service of food is conducted by facility staff. You do not use a contractor for any part of the food operation.

I use a contractor for all/ or part of our food service: means you may contract all of your processing and service of food within your facility to a contractor. Or you may only contract part of the food operation, for example the contractor processes the food and the facility staff are only involved in the service of food.

Tick the box that best describes your contractual relationship with the contractor.

I am a contractor conducting Activity 1 (Contractor within an identified facility): means you are a food business that has been contracted to perform work (e.g. food processing &/or service) within a facility listed in Standard 3.3.1.

Tick the box that best describes your contractual relationship with the facility.



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SECTION F – CONTRACTOR'S DETAILS

QUESTION 6

What are the contractor's details?

If you are using, or are the contractor within an identified facility, list the business details here.

SECTION G – FULL TIME EQUIVALENT FOOD HANDLERS

QUESTION 7

How many full-time equivalent (FTE) food handlers are involved in processing and/ or serving potentially hazardous food within the facility identified in Section B, Question 2?

The licence fee is calculated based on the number of full-time equivalent (FTE) food handlers involved in processing and/or serving of ready-to-eat potentially hazardous food.

To ensure businesses who are conducting both processing and serving food do not have a higher licence fee than facilities who are only processing, or only serving, the following guidelines have been prepared:

- If a business is only involved in processing food at a particular premise (and not involved in serving food) then all FTE staff involved in processing food are counted.
- If a business is involved in processing and serving food, then only the FTE staff involved in processing is counted.
- If a business is only involved in serving food, then only staff serving food is counted.

For the purposes of this calculation, a FTE working week is 38 hours.

To calculate the number of FTE staff your facility has, add up all the hours that staff are employed to process ready-to-eat potentially hazardous food during a working week and divide by 38 hours (average working week). This also includes part time staff.

For example, if a facility had 4 staff employed to process and serve food for 20 hours per week, this would equate to approximately 2 FTE staff. FTE staff only applies to pay staff, not volunteers.

$$\frac{4 \text{ Staff} \times 20 \text{ hrs p/week}}{38 \text{ hrs}} = 2.1 \text{ FTE Staff (approx. 2 FTE Staff)}$$



SECTION H – PAYMENT DETAILS

1. In addition to the licence fee, there is a one off \$50.00 licence application fee. This fee covers the cost of processing the licence.
2. If there is more than one facility that needs to be licensed you must add the licence fee for all facilities together to settle the fee. One licence will be issued to the business indicated in Section A with licence extracts issued for the corresponding facilities. Licence extracts should be forwarded to each facility and displayed in an appropriate manner.
3. If the facility being licensed does not perform any processing or service of food to Vulnerable Populations, then the licence fee will be waived and only the application fee \$50.00 is payable.

If adding an additional facility to an existing licence please forward payment for the \$50 Application fee and a pro-rata invoice for the licence fee will be forwarded to you for payment.



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