

Food safety requirements for children's services in NSW

November 2023



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Introduction

Young children are more at risk from food poisoning because their bodies and natural immune defences are not fully developed. Children's education and care services that supply food to children must meet certain food safety requirements to protect children from harm. These services include long day care centres and preschools, family day care, and out of school hours and vacation care.

The requirements are outlined in the Australia and New Zealand Food Standards Code (the Code) and the NSW Food Act 2003 (the Act). Some apply to all businesses, while other requirements depend on the business's food handling activities and the level of risk involved.

This guideline is designed for children's services that prepare and serve meals to children as part of their service offering. It does not apply to services handling food supplied by parents.

Exclusions

For the Code and Act to apply to a children's service, there must be a 'sale' of food. The definition of 'sell' in the Code is very broad and includes providing food under a contract of service (whether or not the contract is with the consumer). Funding agreements that name the provision of food may also be captured. Therefore, most children's services that provide meals are considered food businesses.

Services where children take their own food (for example, a boxed lunch) are not considered food businesses. Even if there is some handling involved – such as reheating a child's meal they have brought from home – the requirements do not apply.

The requirements also do not apply to services:

- providing food for free
- handling food as part of an educational program and not a commercial offering
- where the only food served is milk
- handling food for fundraising solely for community or charitable causes.

Even where the Code and Act do not apply, best practice food safety standards are recommended to be met by anyone serving food. If you are still unsure about what applies to your circumstances, phone the Food Authority helpline on 1300 552 406.

Notification

All children's services that supply food must notify their business details to their local council. How the service notifies their details will depend on the requirements of their council. It may involve applying for a service, permit or approval, or completing a food business notification form. Checking their website is a good place to start.

- [Find your local council](#)
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Inspections

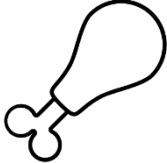

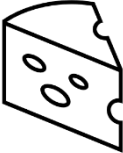





Authorised officers from local councils, also known as environmental health officers, inspect children's services premises under the Food Regulation Partnership with the NSW Food Authority. Children's service providers will be routinely inspected by the council to check their compliance with the standards. See [Inspections](#) on the Food Authority website for more information.

Potentially hazardous food

Additional food safety requirements apply to businesses in NSW that serve unpackaged, potentially hazardous food.

Potentially hazardous foods are foods with certain characteristics that support the growth of bacteria, or the production of toxins, and must be kept at 5°C or colder, or 60°C or hotter, to stay safe to eat. They are foods you would keep in the fridge at home.

Examples of potentially hazardous foods include:

 <p>Raw and cooked meat and poultry</p> <p>Deli meat, burgers, curries, kebabs, pâté, meat pies</p>	 <p>Foods with eggs, beans and nuts</p> <p>Quiche, aioli, mayonnaise, mousses, tofu</p>	 <p>Dairy and foods containing dairy</p> <p>Milk, dairy desserts, fresh cream, custard, cheese</p>	 <p>Cooked rice and pasta</p> <p>Fried and plain rice, spaghetti, carbonara, lasagne</p>
 <p>Seafood</p> <p>Sushi, prawns, fish, mussels, oysters, shellfish</p>	 <p>Sprouted seeds</p> <p>Alfalfa sprouts, clover sprouts, chickpea sprouts</p>	 <p>Cut fruits and vegetables</p> <p>Cut melon, salads, pre-cut fruit trays</p>	 <p>Foods containing potentially hazardous foods</p> <p>Sandwiches, pizzas, rice rolls.</p>

Foods not considered potentially hazardous include:

- raw whole fruit and vegetables
- bread
- biscuits
- crackers and crispbreads
- plain cakes.

For more information, see:

- [Managing potentially hazardous foods](#)
- [Potentially hazardous foods: Foods that require temperature control for safety](#) (pdf 404 KB).

Food Safety Supervisor (FSS)

Children's services in NSW must appoint a certified Food Safety Supervisor by **8 December 2024** if the business prepares and serves food that is:

- unpackaged
- potentially hazardous (requires temperature control)
- ready-to-eat.

An FSS is someone associated with the business who is certified to have skills and knowledge in food safety, especially around high-risk foods.

Food Safety Supervisors give businesses a better level of protection. They:

 <p>Oversee day-to-day food handling</p>	 <p>Ensure food safety risks are managed</p>	 <p>Share skills and knowledge</p>	 <p>Promote positive food safety practices</p>
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How to become a Food Safety Supervisor

Food Safety Supervisor training is delivered by approved Registered Training Organisations (RTOs). Training is delivered online, face-to-face, in the workplace, or a combination, and can generally be completed in one full day. Course costs, set by the RTOs, range from \$99 to \$200.

There are 2 learning pathways in NSW to achieve FSS certification – hospitality and retail. Children's services staff can qualify to be an FSS through either pathway. In NSW the course **must** include either:

Two hospitality units:

- SITXFSA005 – Use hygiene practices for food safety
- SITXFSA006 – Participate in safe food handling practices

OR

- One retail unit: SIRRFSA001 – Handle food safely in a retail environment.

Certification is valid for 5 years, after which the business has 30 working days to ensure their appointed FSS completes recertification training with an approved RTO.

Nominating a Food Safety Supervisor

Services nominate their own Food Safety Supervisor. They must have the authority and ability to give direction on the safe handling of food. They should work onsite to oversee food handling but do not have to be there all the time.

It may be the owner, manager, or an employee (such as kitchen staff). In the case of family day care services that provide meals, it would be most appropriate for the educator to undergo certification. Larger children's services may choose to certify more than one FSS to cover shift work and leave.

A copy of the FSS certificate must remain on the premises. If a service has more than one premises, an FSS must be appointed for each.

Steps to complying with the Food Safety Supervisor requirement

1. Choose who will be the FSS.
2. The chosen staff member completes the training and assessment through an approved RTO.
3. The FSS receives a Statement of Attainment and a NSW FSS certificate. A copy of the certificate must be kept on the business premises.
4. After 5 years, the FSS completes recertification training and assessment for an updated NSW FSS certificate and an updated Statement of Attainment for the required units of competency.

More information is available on the Food Authority website:

- [Food Safety Supervisors](#)
- [Approved training providers](#)
- [Guideline to Food Safety Supervisor requirements \(pdf 555KB\)](#)







Food handler training

Food businesses handling and serving unpackaged, potentially hazardous food, must ensure their food handlers have appropriate skills and knowledge in food safety and hygiene. This is different to the Food Safety Supervisor requirement and applies from **8 December 2024**.

Businesses can choose how food handlers are trained. They may use or recognise free online food safety training programs, past experience, internal training tailored to suit their own procedures, or courses from vocational training providers, for example the HLTFSE001 – Follow basic food safety practices unit of competency.

Additional training is not needed if food handlers can already demonstrate adequate skills and knowledge for their duties.

If opting for food handlers to undertake a food handler training course, it must cover:

 <p>Safe handling of food</p> <p>Temperature control for potentially hazardous food, understanding the temperature danger zone</p>	 <p>Food contamination</p> <p>Strategies to separate raw and cooked food, allergen management, food storage, and use of separate utensils and chopping boards</p>	 <p>Cleaning and sanitising</p> <p>Correct procedures for cleaning then sanitising, using food-safe chemicals and/or heat as a sanitiser</p>	 <p>Personal hygiene</p> <p>Obligations for sick employees, handwashing, uniforms and grooming of hair, nails and skin.</p>
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Free training available

The NSW Food Authority’s free online Food Handler Basics training course can help children’s services meet food handler training obligations under the Food Standards Code.

The interactive short course covers the basic knowledge required for food handlers. It is not the same as Food Safety Supervisor training, which is delivered by certified registered training organisations.

- [Access Food Handler Basics training](#)

Steps to complying with the food handler training requirement

1. Check whether food handlers have an adequate understanding of the above topics. You may wish to refer to the factsheets available at foodauthority.nsw.gov.au/resource-centre.
2. Set aside at least 1 hour for each food handler who requires training to complete the Food Authority’s free Food Handler Basics course, or develop and deliver in-house training.
3. It is recommended you keep a record of training food handlers have completed to show authorised officers on request.



Showing food is safe

Children’s services that undertake higher risk food handling need to be able to demonstrate safe food practices under Standard 3.2.2A of the Code by **8 December 2024**. This requirement ensures services are actively monitoring and managing key risks related to food temperature control, food processing, and cleaning and sanitising, which are critical for food safety.

Who it applies to


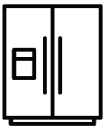

This requirement applies to businesses that **process** potentially hazardous food into a food that is ready-to-eat **and** potentially hazardous, and serve it to consumers. “Process” is defined as chopping, cooking, drying, fermenting, heating, thawing and/or washing.



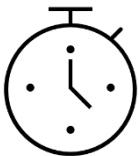



For example, it applies to a service that cooks raw meat for meals served to children – such as for a meat and pasta dish. The raw meat (potentially hazardous food) is cooked (processed) and the meal is potentially hazardous food when it is served. Businesses can meet this requirement by either:

 <p>Being able to demonstrate safe food handling practices</p>	OR	 <p>Keeping records</p>
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What needs to be shown

Businesses must be able to show they are monitoring and managing the following (where applicable):

Activity	Food safety requirement
<p>Receipt</p> 	<p>A food business must take all practicable measures to ensure it only accepts potentially hazardous food (PHF) at a temperature of:</p> <ul style="list-style-type: none"> • 5°C or below; or • 60°C or above, unless the business transporting the food demonstrates the temperature of the food will not adversely affect its microbiological safety due to the time taken to deliver it. <p>What needs to be shown: The temperature of PHF when received OR the time arrangement with the supplier showing food safety has not been adversely affected during food transport.</p>
<p>Storage</p> 	<p>A food business must, when storing PHF, store it under temperature control.</p> <p>What needs to be shown: The temperature of PHF during storage.</p>
<p>Display</p> 	<p>A food business must, when displaying PHF, display it under temperature control.</p> <p>What needs to be shown: That PHF is displayed at 5°C or below; or 60°C or above, or the total time out of temperature control does not exceed 4 hours (2 hr/4 hr rule).</p>

<p>Transport</p> 	<p>A food business must, when transporting food, transport PHF under temperature control.</p> <p>What needs to be shown: That PHF is transported at 5°C or below; or 60°C or above, or total time out of temperature control does not exceed 4 hours (2 hr/4 hr rule).</p>
<p>Pathogen reduction during food processing (cooking)</p> 	<p>A food business must, when processing food, where a process step is needed to reduce to safe levels any pathogens that may be present in the food, use a process step that is reasonably known to achieve the microbiological safety of the food.</p> <p>What needs to be shown: That pathogen reduction or killing step has been used on PHF to achieve safety of the food (destroy pathogens potentially present). See Processing food safely for guidance.</p>
<p>Minimising time during food processing</p> 	<p>A food business must, when processing PHF that is not undergoing a pathogen control step, ensure that the time the food remains at temperatures that permit the growth of infectious or toxigenic microorganisms in the food is minimised.</p> <p>What needs to be shown: The time that ready-to-eat PHF is in the temperature danger zone (between 5°C and 60°C) is minimised and does not make the food unsafe (see the 2-hour/4hour rule).</p>
<p>Cooling food</p> 	<p>A food business must cool PHF:</p> <ul style="list-style-type: none"> • within 2 hours – from 60°C to 21°C; and • within a further 4 hours – from 21°C to 5°C unless the food business demonstrates that the cooling process used will not adversely affect the microbiological safety of the food. <p>What needs to be shown: That cooked PHF has cooled to prescribed temperatures within the required timeframes.</p>
<p>Reheating food</p> 	<p>A food business must, when reheating previously cooked and cooled potentially hazardous food to hold it hot, use a heat process that rapidly heats the food to a temperature of 60°C or above, unless the food business demonstrates that the heating process used will not adversely affect the microbiological safety of the food.</p> <p>What needs to be shown: That cooked and cooled PHF is reheated rapidly (within 2 hours) to 60°C or above.</p>
<p>Cleaning and sanitising</p> 	<p>A food business must ensure the following equipment is in a clean and sanitary condition in the circumstances set out below:</p> <ul style="list-style-type: none"> • eating and drinking utensils - immediately before each use; and • food contact surfaces of equipment - whenever food that will come into contact with the surface is likely to be contaminated. <p>What needs to be shown: That eating and drinking utensils and food contact surfaces have been cleaned and sanitised when required (see Cleaning and sanitising surfaces and utensils (PDF, 384KB)).</p>

Keeping records

'Records' are documents or objects kept for the information they contain, or can be obtained from them. Examples include writing on invoices or templates, photos or footage, data logger information, and verified written instructions, such as a validated recipe or standard operating procedure (SOP).

If making records, they should include the date (and time, if appropriate) and the food or activity it relates to. Records should be made each day the business handles unpackaged potentially hazardous food, unless it can be shown in another way requirements are being met. Once made, records must be kept for 3 months.

Templates available

A range of free templates are available to help businesses record food temperatures and their cleaning and sanitising activities on the Food Authority website at [Showing food is safe](#).

Demonstrating safe practices

Records are not needed if the business can show in another way they have adequately managed food safety risks.

This could include having a written instruction sheet or standard operating procedure, and/or being able to walk and talk an authorised officer through their food handling practices and processes.

Voluntary Food Safety Program for children's services

Operators of children's services wanting to implement best practice processes and procedures may opt to use our Food Safety Program template. It is tailored for services that prepare potentially hazardous food for children 4 years of age and under.

While use of the template is voluntary, it serves as a practical guide on food safety and record keeping in long day care and occasional care settings.

- [PDF version](#) (383KB)
- [MS Word version](#)

Steps to complying with the showing food is safe requirement

- Ensure food handlers are capable of demonstrating safe food handling practices and processes to an authorised officer, **or**
- Have a written instruction sheet or standard operating procedure that is followed for each of the activities above, **or**
- Keep records of important food safety information, including how you have safely received, stored, processed, displayed, and transported potentially hazardous food, and cleaned and sanitised.

See [Standard 3.2.2A – showing food is safe](#) for more information on this tool.

General requirements

Under the Food Standards Code and Food Act 2003, all business that sell or prepare food intended for sale food must follow good hygiene and food handling practices, including proper construction and maintenance of the food premises, so that food being served is as safe as possible. These are expanded in more detail in below.

Premises construction and facilities

Construction and layout of food handling areas must be designed to minimise food contamination.

Operators must ensure:

- the food premises, fixtures, fittings, and equipment are designed and constructed so they can be easily cleaned and, where necessary, sanitised (see cleaning and sanitisation below)
- adequate hand washing facilities are available - check with your local council on what is considered adequate
- food is kept protected from pests and vermin at all stages, including storage of ingredients
- the premises is designed to exclude pests where practical (for example, flyscreens are used, waste containers are covered)
- adequate refrigeration capacity - overloading domestic refrigerators and constantly opening the door means food takes longer to cool and harmful microorganisms have more chance to grow.

Requirements are set out in the Food Standards Code, Chapter 3, [Standard 3.2.3 - Food Premises and Equipment](#) (PDF, 184 KB).

Hygiene and handling

Services must ensure there are adequate facilities for food handlers to wash their hands. Hand wash facilities must be only used for washing hands, arms and face and should include warm running water, soap and single-use hand towel.

Food handlers must:

- take all reasonable measures not to handle food or surfaces likely to come into contact with food in a way that is likely to compromise the safety and suitability of food
- ensure all food contact surfaces are kept clean and sanitised and adequately protected from contamination
- advise their supervisor immediately if they think they might be ill, and ensure they do not handle food, which they could contaminate as a result.

For more information see our fact sheet [Health & hygiene for food handlers](#) (PDF, 202 KB).

Full requirements are set out in Food Standards Code, [Standard 3.2.2, Division 4 - Health and Hygiene](#). See also the [Safe Food Australia guide to the Food Safety Standards](#).

Cleaning and sanitisation

In the food industry, cleaning and sanitising is a 2-step process. A surface needs to be thoroughly cleaned before it is sanitised.

Effective cleaning and sanitising helps protect children against the spread of bacteria and other organisms that cause foodborne illness. It also helps to reduce the activity of pests in a food premises by eliminating food sources.

The Food Standards Code requires:

- a food premises, including all its equipment, to be maintained to an acceptable standard of cleanliness, and
- food contact equipment, such as kitchen benches, knives, chopping boards, pots, and meat slicers, as well as eating and drinking utensils, to be in a clean and sanitary condition.

Cleaning chemicals must be suitable for contact with food and used in accordance with the manufacturer's instructions.

For more information see our factsheet: [Cleaning and sanitising in food businesses](#) (PDF, 406 KB).

Food allergies

Food allergy affects 1 in 10 infants and about 2 in 100 adults in Australia. Australia has one of the highest allergy rates in the world and can be genetic.

Food allergies need to be taken seriously, even in children who have only experienced a mild reaction in the past. Some children can develop acute, severe reactions, often the very first time they are exposed to a food they are allergic to.

The following allergens must be identified and controlled under the Food Standards Code:

- wheat
- gluten*
- fish
- crustacean
- mollusc
- egg
- milk
- soy
- sesame
- peanut
- almond
- Brazil nut
- cashew
- hazelnut
- pistachio
- pine nut
- walnut
- macadamia
- pecan
- sulphites**
- lupin.

Children's services should have their own allergy management policy, in addition to individual allergy management plans for children with severe allergies. Policies should ensure the care environment is safe for children with severe allergies and that allergen-free foods are provided to children with allergies to protect them from harm.

There are also national laws for children's services to consider – these requirements fall outside this guideline. For more information, see:

- the [Best practice guidelines for anaphylaxis prevention and management in children's education and care](#)
- [Anaphylaxis and Allergy Prevention and Management](#) on the NSW Education website.

Which requirements apply to me?

Which requirements apply to a children's service depend on the activities they do and the level of risk of harm. For example, a children's service that cooks and serves meat to children has more controls to implement than one that only serves popcorn and fresh fruit.

Outlined below are various food handling activities that may occur in a children's service. If a service engages in a range of activities, requirements for the highest risk activity apply. If unsure about what applies to your circumstances, please phone the Food Authority helpline on 1300 552 406.

Please note: The Food Safety Supervisor, food handler training and showing food is safe requirements apply to children's services from 8 December 2024.

Definitions:

RTE: Ready-to-eat food

PHF: Potentially hazardous food

Business activity	Notification	Food Safety Supervisor	Food handlers trained	Show food is safe	General requirements
Makes meals from PHF, served as RTE PHF (Example: Cooks raw meat, serves it to children)	✓	✓	✓	✓	✓
Makes snacks from PHF, served as RTE PHF (Examples: Home-made custard, mini quiches with bacon and cheese, cooked chicken tenders)	✓	✓	✓	✓	✓
A free preschool provides free meals to children every day. While parents do not pay any fees, there is an agreement between the parent and school that meals are supplied	✓	✓	✓	✓	✓
Makes meals and/or snacks from non-PHF, served as RTE PHF (Example: Cooks dried pasta and serves it cooked with a jar pasta sauce, cooks and serves rice with canned tuna)	✓	✓	X	X	✓
Slices, repacks, reheats or hot-holds PHF the business has not made themselves, serves food unpackaged	✓	✓	✓	X	✓

(Examples: Slices cheese or deli meat, reheats meals supplied by a caterer, hot-holds meals supplied hot by a caterer)					
Handles and serves PHF meals/snacks the service has not made themselves (Examples: Reheats pre-made pies, sausage rolls or lasagne, makes sandwiches with pre-sliced deli meat, serves pre-cut fruit and vegetables, serves pre-made sandwiches and wraps bought in bulk from a bakery)	✓	✓	✓	X	✓
Buys whole fresh fruit and vegetables and cuts/slices/chops onsite for children (where parents are charged for the food) (Examples: Slicing apple, cutting whole carrot into sticks, segmenting oranges)	✓	✓	X	X	✓
Serves whole fresh fruit and vegetables for children (where parents are charged for the food) (Examples: Whole apple, berries, banana are served to children)	✓	X	X	X	✓
Serves non-PHF (Examples: popcorn, biscuits, crackers, dried fruit, whole fruit, crispbread)	✓	X	X	X	✓
Serves only packaged PHF (Example: Individually-wrapped cheese slices, custard pouches)	✓	X	X	X	✓
Reheats food supplied by parents	X	X	X	X	X
Supplies food for free*	X	X	X	X	X
Gives replacement food for children who forgot lunch or were supplied unfit food*	X	X	X	X	X
Serves only milk/formula to children	X	X	X	X	X
Provides occasional food for free, (cost is not recouped from parents or in a funding agreement)*	X	X	X	X	X

(Example: A public preschool supplements children's lunches with fresh fruit and milk, a non-profit runs a free breakfast club)					
Conducts cooking experiences with children* (Examples: Children help make muffins, biscuits or pizzas as part of an educational activity)	X	X	X	X	X

* Food must be safe to eat. See [Donating food fact sheet](#) (PDF, 144 KB) for more information on providing food for free.

More information

- Visit foodauthority.nsw.gov.au
- Email food.contact@dpi.nsw.gov.au
- Phone 1300 552 406
- Contact your local council.

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