

**REPORT TO: HOUSING, DUNDEE CONTRACT SERVICES & ENVIRONMENT SERVICES COMMITTEE (11th JANUARY 2010)**

**REPORT ON: FSA FOOD HYGIENE INFORMATION SCHEME (SCORES-ON-THE-DOORS)**

**REPORT BY: HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS**

**REPORT NO: 12-2010**

## **1.0 PURPOSE OF REPORT**

- 1.1 To advise the Committee of the outcome of the consultation on the Food Standards Agency's (FSA's) proposals for a national Food Hygiene Information Scheme (Scores-on-the-Doors)
- 1.2 To advise the Committee of the strategy to introduce the scheme in Dundee.

## **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that the committee:
  - i) support the introduction of a Food Hygiene Information Scheme into Dundee using the Scottish model.
  - ii) approve the proposal for the introduction of the scheme as detailed in Appendix 1 to this report.

## **3.0 FINANCIAL IMPLICATIONS**

- 3.1 There are limited financial implications and some of these were identified by the FSA in their Impact Assessment carried out at the consultation stage. However, FSA has indicated financial support for Local Authorities introducing the national scheme such as provision of publicity materials and certificates. It is anticipated that the scheme can be resourced from existing staffing levels.

## **4.0 MAIN TEXT**

- 4.1 In 2008 the Food Standards Agency conducted a wide-ranging consultation on their proposal to introduce a national Customer Information Scheme, commonly referred to as a "Scores-on-the-Doors" scheme.
- 4.2.1 The intention of the scheme is to provide consumers with information about food hygiene standards in food businesses by displaying certificates and publishing information on the Council's website. This will mean that consumers, including tourists and visitors, can make informed choices about which businesses they will support.

- 4.3 The FSA Board has decided to support two schemes:
- a) In England, Wales and Northern Ireland a six-tier scheme (five stars plus fail) which is currently widely used in and around London and
  - b) In Scotland a two-tier scheme currently in use in City of Edinburgh, Perth and Kinross, Aberdeen City, Fife and Renfrewshire.
- 4.4 The proposed scheme, using the Scottish model, informs potential customers whether a food business has passed a food hygiene inspection carried out by the Environmental Health and Trading Standards Department.
- 4.5 It is not compulsory for Local Authorities to introduce a Food Hygiene Information Scheme but public opinion and Consumer Groups are in favour of the introduction of such schemes.
- 4.6 Display of certificates at premises will be voluntary and there are mechanisms for re-inspection for re-scoring and for appeals. It is anticipated that all businesses in receipt of a "Pass" certificate will choose to display it and those receiving an "Improvement Required" certificate will carry out the necessary improvements quickly, if possible, in order to reach the "Pass" standard.
- 4.7 The FSA propose a local authority support package to include guidance, consumables/mats training and an IT platform.
- 4.8 It is proposed to introduce the Food Hygiene Information Scheme to Dundee on a ward-by-ward basis, with a view to commencing the first roll-out week commencing 2nd August 2010. The scheme will be adopted gradually with a staged approach to the Strathmartine, Lochee, West End and Coldside wards respectively in 2010/11 and Maryfield, North East, East End and The Ferry wards in 2011/12.

The approximate number of premises in each ward is as follows:

	<b>Ward</b>	<b>Number of premises</b>
1	Coldside	167
2	East End	97
3	Lochee	137
4	Maryfield	283
5	North East	60
6	Strathmartine	84
7	The Ferry	144
8	West End	208

It is estimated that the complete roll-out across Dundee will take two years using existing resources, however, this timescale could be affected by other operational priorities.

- 4.9 The Food Hygiene Information Scheme will apply to all premises where food is sold to members of the public, including mobile traders, amounting to approximately 1200 businesses in Dundee.

## **5.0 POLICY IMPLICATIONS**

This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-poverty, Equality Impact Assessment and Risk Management.

The major issues identified are:

### **5.1 Equality Impact Assessment**

- 5.1.1 We will consult the Equality and Diversity Co-ordinator on the accessibility of the scheme's certificates.

## **6.0 CONSULTATIONS**

- 7.1 The Chief Executive  
Depute Chief Executive (Support Services)  
Director of Finance

## **7.0 BACKGROUND PAPERS**

### **7.1**

**Albert Oswald**  
**Head of Environmental Health & Trading Standards**

**January 2010**

## Appendix 1

### Proposed phased introduction of a Food Hygiene Information Scheme into Dundee.

#### 1. Introduction

A *Scores on the Doors* scheme is a means of providing information to consumers about the standards of hygiene in food businesses at point of sale and on the web. The demand for such a scheme was first recognised in Scotland by Consumer Focus Scotland<sup>1</sup> in its paper 'Food Law Enforcement – A Study of the Views of Environmental Health and Food Safety Officers in Scotland' (February 2004) as an important mechanism for informing consumer choice.

The Food Hygiene Information Scheme (FHIS) was established in 2006 as a pilot *Scores on the Doors* project in Scotland in partnership with five volunteer Local Authorities. The project was overseen by a Steering Group that incorporated consumer, industry and enforcement representation. The pilot project ran from November 2006 to November 2008. This report represents the recommendations of the Steering Group on the operation of the FHIS based on experience gained during the pilot in Scotland.

In December 2008 the Food Standards Agency Board recommended continuation of the FHIS as the appropriate format for a national 'Scores on the Doors' scheme in Scotland. This recommendation acknowledged the prevailing views of stakeholders in Scotland received during the public consultation process.

FHIS was specifically designed to take account of the likely response of business to voluntary display of results. The design of the scheme acknowledges that a food businesses operator (FBO) is unlikely to voluntarily display anything that devalues the business. In practice therefore, it is anticipated that only businesses with a 'Pass' will display certificates and that consumers will draw their own conclusions about the absence of displayed information. This in turn should provide businesses with an incentive to display 'Pass' certificates. Information about the classification of every business within the scheme will however, be made available on a web-based information system, whether the business chooses to display the information or not.

The FHIS is intended to be simple for consumers to understand and for Local Authorities to apply. The 'Pass' standard is set to represent a single level of compliance that is satisfactory in terms of consumer expectations and also as an enforcement outcome. Establishments are assessed during programmed inspection and the scheme does not therefore require separate inspection scheduling. It is designed to simply reflect the Local Authority's most up to date information and to fit existing procedures under the Food Law Code of Practice (CoP).

The two outcomes of compliance assessment under the scheme are 'Pass' or 'Improvement Required' (failure to achieve a Pass). The designation 'Pass' should provide reassurance that the establishment has been inspected for food hygiene by the local authority and meets legal requirements at the time of inspection. The 'Pass' standard essentially represents a situation where the Local Authority does not consider it necessary to revisit the establishment for enforcement purposes until the next programmed intervention. In particular, a 'Pass' is incompatible with the existence of even minor recurring contraventions notified at successive visits. Any establishment falling below the required standard for a 'Pass' is classified as 'Improvement Required'.

To take account of premises that have declined in standards since the previous inspection, our officers will take down the "Pass" certificate at the beginning of each inspection. This means that if there are problems at the premises officers won't have difficulty retrieving the certificate from the FBO at the end of the visit. Once the inspection is concluded and the officer is of the opinion that the business will still remain a "Pass", the certificate can be handed back to the FBO. This certificate can then be displayed until the new up to date certificate is issued. This insures that businesses that "Pass" are never without a certificate.

Establishments that have registered under hygiene legislation but have not yet been inspected are entitled to an 'Awaiting Inspection' certificate.

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<sup>1</sup> Formerly the Scottish Consumer Council

The scheme applies to all catering and retail operations but allows for exemptions in prescribed circumstances where both the Local Authority and the food business operator agree.

The scheme includes the following measures to ensure that it is fair to businesses:

- a) Procedures for appeal against an officer's judgement.
- b) Procedures for requesting reassessment where compliance has been achieved

Mechanisms for appeal should not need to go beyond existing procedures required under the Framework Agreement on Local Authority Food Law Enforcement.

The guidance provides detail on key definitions and requirements of the scheme as well as suggested practice based on experience gained during the pilot project.

## **2. Scope**

The FHIS is designed to provide hygiene information in all circumstances where consumers make a choice about the food they purchase or consume. Operations that could be considered to be outside the scope of the scheme are therefore restricted to wholesale and other inter-business supply. However, there are some operations that are registered as food businesses but which would not be seen by consumers as food businesses. Visitor centres selling tins of biscuits amongst a range of other goods may be an example. In these circumstances the establishment may be exempted provided that the following additional conditions are met:

- a. The operation should be low risk (category E)
- b. There should be no hygiene contraventions that would otherwise mean that the business would be classified as 'Improvement Required'
- c. That both the FBO and the Local Authority agree that the operation should be exempt

The need for the agreement of the business is an important safeguard. If the FBO considers that lack of a certificate could be prejudicial s/he must be afforded the right to a certificate if the business is situated within the operating boundaries of a scheme. However, exemption is not a right and a Local Authority may refuse to exempt a business if the Authority considers that the business would be perceived as a food business by consumers.

## **3. Definition of 'Pass' Standard.**

The definition of a 'Pass' requires 'satisfactory compliance' with the Food Hygiene (Scotland) Regulations. Satisfactory compliance allows for the existence of minor non-compliances provided that they are not critical to food safety and also that they are not recurring. The 'Pass' criteria are specifically designed to reflect the practical compliance standard required of every food business. As such, there should be no reason for the Local Authority to revisit an establishment with a 'Pass' certificate until the next programmed intervention established under the CoP.

The word 'minor' must not be confused with the word 'transient'. It is foreseeable that a relatively serious non-compliance could be rectified during the course of an inspection. For example, it may be established that there is a risk of cross contamination caused by the situation in which food is being stored. Even where this is fully addressed by disposal of all food in question, the breach existed at the time of inspection was not minor. In such cases, a 'Pass' should only be awarded when the Local Authority is satisfied that appropriate procedures to prevent recurrence have been established and properly implemented. If there is any doubt about whether or not a matter is minor, the benefit of the doubt should be given to the consumer since the business has access to immediate remedy through addressing the issue.

#### 4. Certificates

The information is printed on one of three certificate types; *Pass*, *Improvement Required* or *Awaiting Inspection*.

Information item	Reason for inclusion
Local Authority logo and Local Authority officer's signature	Authenticates the official source of the information
The FSA logo	Verifies that the scheme is operated in line with FSA guidelines
Name and address of establishment	Confines the validity of the certificate to a specific establishment
Name of the FBO	Confines the validity of the certificate to a specific food business operating at the address on the certificate
Date of inspection	Confirms the date on which the relevant inspection/revisit was carried out.
Local Authority contact details for consumers	To allow enquires to be made or for consumers to raise concerns about apparent anomalies with specific certificates.
Ownership	This states that the certificate remains the property of the issuing authority.

#### 5. Public Information

The certificate is issued to the FBO who has the option to display it in a conspicuous place on the premises. In practice, only the 'Pass' or the 'Awaiting Inspection' certificates will be displayed.

However, the inspection details will be added to a database which will be accessible to the public via the internet and a copy of any report issued will be available for information purposes.

The Food Standards Agency is committed to providing a UK-wide platform for display of 'Scores on the Doors' information and this includes support for a two-tier scheme in Scotland. IT requirements for the pilot scheme were kept to a minimum, consistent with the project representing a pilot. However, the experience of Local Authorities during the pilot was extremely valuable in establishing that the required information for FHIS could be accommodated on a variety of local authority inspection databases without the need for upgrades to the design of the systems. This was accomplished through use of existing fields provided to Local Authorities by their software suppliers in order to allow the storage of local information.

The development of an integrated platform has not yet commenced but completion of this work should not prevent Local Authorities from proceeding with the scheme in the meantime. Work by the Agency to develop a single platform has commenced with a functional specification and this details the data required to populate the proposed UK-website.

#### 6. Phased Introduction to Dundee

It is proposed to introduce the Food Hygiene Information Scheme to Dundee on a ward-by-ward basis, with a view to commencing the first roll-out week commencing 2nd August 2010.

It is estimated that the complete roll-out will take two years using existing resources.

The approach adopted must ensure that where certificates have been issued in a defined area, all businesses within the scope of the scheme have access to a certificate. This ensures that consumers may make up their own minds about the absence of displayed information and that businesses are not prejudiced by any false assumptions.

The pre-launch procedures make use of existing compliance records to separate those businesses that the Local Authority would clearly consider as compliant from those that may be in doubt or that are clearly non-compliant. It must be borne in mind that the initial launch of the scheme will involve challenging project deadlines.

The sequence of actions in the launch of the scheme is as follows:

1. Identify the initial area(s) where the scheme will apply.
2. Identify the businesses in each area that fall within the scope of the scheme.
3. Review the compliance records of establishments in the area.
4. Follow up with businesses with the aim of resolving any dispute by businesses over 'Improvement Required' status.
5. Mail all applicable FBOs in the designated area(s) to advise them about the scheme and to specifically advise of the classification that the Local Authority has assessed for their establishment, the date of the launch and how to proceed if the FBO wishes to dispute or discuss the classification. The letter will encourage those with 'Improvement Required' classification to notify the Local Authority if all outstanding non-compliance has been rectified. Where the FBO has not rectified the non-compliance, s/he will be advised that the establishment can be reassessed before the launch if s/he advises the Local Authority in sufficient time before the launch. Maximum advantage will be taken of the opportunity to promote the scheme to businesses and to provide businesses with consumer information about the scheme that FBOs may wish to pass to customers.
6. Begin consumer awareness campaign. At this stage the certificates have not yet been issued to businesses.
7. Deal with food business enquiries and any requests for reassessment.
8. Issue all certificates, in a single mailing or delivery if possible as close as possible to the launch date but with sufficient time to allow them to arrive before the launch.
9. Launch with planned media involvement.