

REPORT TO: HOUSING, DUNDEE CONTRACT SERVICES AND ENVIRONMENT SERVICES - 25th August 2008

REPORT ON: FOOD HYGIENE INFORMATION SCHEME "SCORES ON THE DOORS"

REPORT BY: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS

REPORT NO: 403-2008

1.0 PURPOSE OF REPORT

- 1.1 To inform members of the Food Standards Agency's Public Written Consultation which is seeking views on proposals for establishing a UK-wide "Scores on the Doors" (SOTD) scheme to provide consumers with information about hygiene standards in food businesses.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee approves the consultation response by the Head of Environmental Health and Trading Standards and agrees its submission to the Food Standards Agency.

3.0 FINANCIAL IMPLICATIONS

- 3.1 Nil

4.0 MAIN TEXT

4.1 Scores on the Doors Consultation

Scores on the Doors schemes assess businesses against compliance with legal requirements.

The Food Standards Agency (FSA) is consulting on the best system to be adopted for publicising the levels of compliance with regulations achieved by food businesses. Many pilot schemes have run over the last few years and the intention now is to recommend a national scheme. The stated objective is to empower consumers to make informed choices based on the standards of hygiene found by inspectors at food business premises.

The proposals in the consultation are for a:

- four tiers - three-star/fail scheme
- two tier - pass/improvement required scheme based on the Scottish pilot

4.2 Option 1 - the three stars, plus fail (four tier) scheme

- 4.2.1 This works on a points system. The general descriptors are in this table.

Food hygiene rating system score	Descriptor	Scoring
Total - 0 to 15 Individual scores - maximum of 5	Good - full compliance with the requirements of the Regulations on food hygiene, with a satisfactory food safety management system.	Three star
Total - 20 to 30 Individual scores - maximum of 10	Satisfactory - broadly compliant with the requirements of the Regulations on food hygiene but some minor issues requiring improvement.	Two stars
Total - 35 to 45	Basic - improvements are required.	One star
Total - 50 to 80	Fail - failure to meet minimum requirements and formal action being taken by the local authority.	No stars

4.2.2 The assessment is based on compliance with the EC regulations on food hygiene and around three elements of the "food hygiene scoring system":

- The level of current compliance based on an assessment of the food hygiene and safety procedures in place (e.g. food handling practices, temperature control).
- The level of current compliance based on the structure of the establishment (e.g. cleanliness, ventilation, lighting).
- The likelihood of the level of compliance observed being maintained in the future. This is based on the local authority officer's confidence in the management of the business and the control procedures in place, and will be influenced by the track record of the business, the attitude of the management, the technical knowledge available within the business, and satisfactory food safety management systems being in place.

4.3 Option 2 - the Pass/Improvement required scheme

4.3.1 This is based on the Scottish pilot scheme that has been operating in 5 local authority areas since November 2005.

- Pass - does not infer perfection, there could be minor discrepancies not critical to food safety
- Improvement required - the Authority would recommend improvements and re-inspect when they were completed.

4.3.2 The scheme is designed around the definition of a "pass" and this represents "satisfactory compliance" with the Regulations on food hygiene, with any non-compliances being minor in nature only, not recurring and not critical to food safety.

4.4 Response to Consultation Questions

4.4.1 How easy is it to understand each of the schemes?

Option 1 (Four tiers) - Although readily understood by the enforcement community and food businesses, it will be more difficult to understand by the public. Awarding even 1 star to a business scoring 35-45 is liable to cause confusion in the minds of the public.

Option 2 (Two tiers) - Easier to understand provided that the Pass criteria is tied to the 10, 10, 10 scores in the Food Law Code of Practice.

4.4.2 ***Which is the easier?***

Option 2.

4.4.3 ***How useful are the descriptors in telling you what the hygiene standards in a food business are?***

Neither set of descriptors are particularly helpful.

4.4.4 ***Do you prefer one or other of the schemes?***

Option 2

4.4.5 ***If so, why?***

Any star system is liable to be confused with existing schemes such as hotel ratings
One star allowing "some major non-compliance" is particularly confusing and unwelcome.

4.4.6 ***For the 'three-star, plus fail' option, do the scores adequately reflect the text descriptions 'Good', 'Satisfactory', 'Basic', 'Fail'?***

The scores adequately reflect the text descriptions for "Good", "Satisfactory" and "Fail" but the score range 35-45 with a "Basic" descriptor seems incongruous. The term "Improvement required" would more appropriately reflect these scores.

4.4.7 ***What symbols should be used to denote the scores?***

Use of any symbols might cause confusion or difficulty in interpreting unless accompanied by a widespread awareness raising campaign to ensure that any symbols were easily recognised.

4.4.8 ***For the 'pass/improvement required' scheme, is it sufficiently clear when a 'pass' would be achieved?***

No, having the "pass" tied to the Food Law Code of Practice scoring criteria would achieve greater clarity.

4.4.9 ***Are both the schemes fair to businesses?***

Yes, since businesses can request a re-score and appeal against given scores.

4.4.10 ***Are both schemes capable of being consistently applied?***

Yes

4.4.11 ***Which would be the simpler and more practical to operate?***

Option 2.

4.4.12 ***Is either one of the schemes better at providing an incentive to businesses to meet the legal requirements? If so, what makes your choice better?***

Option 2, the pass criteria of which represents satisfactory compliance and the standard that all businesses will want to achieve. Passes will not be awarded to premises where non-compliances recur or where more significant contraventions are detected.

4.4.13 ***Do you agree that the initial score may be given only following a full inspection?***

Yes

- 4.4.14 ***Do you think the scheme should be based around compliance with the Regulations on food hygiene only at the time of the inspection or should the likelihood of this level of compliance being maintained in the future also be considered? Please explain your answer.***

Fairer on businesses to be based on compliance only at time of inspection rather than a prediction of what could happen.

- 4.4.15 ***Do you agree with the proposed scope?***

It makes sense that the scheme applies to all food businesses that serve food directly to consumers but local authorities should be given an opportunity to introduce the scheme in a phased way, either by geographic areas or by types of premises e.g. caterers, retailers, etc.

- 4.4.16 ***Do you think there should be any exemptions to the proposed scope? If so, can you please tell us what businesses you think should be exempted and why?***

Yes. Approved premises, abattoirs, distributors/wholesalers, domestic care houses, childminders, community centres, lunch clubs, sheltered housing, charity shops selling pre-packs should be exempted.

Care homes should not be exempted.

- 4.4.17 ***How should any exemptions be agreed?***

Further discussion amongst authorities and with all stakeholders in the same way that Butchers Licensing was implemented.

- 4.4.18 ***For example, should this be UK-wide or should they be considered by local authorities and agreed with the business concerned on a case-by-case basis?***

UK-wide otherwise local schemes will proliferate again.

- 4.4.19 ***If an 'exempted business' asks to be included, should this be permitted?***

No

- 4.4.20 ***Please explain your answer.***

The scheme will already apply to all businesses where consumers are supplied, administration of which will be onerous enough without extending it unnecessarily.

- 4.4.21 ***If the hygiene standards of the 'exempted business' fall below a certain standard, should the exemption be lifted?***

No

- 4.4.22 ***Please explain your answer.***

Normal sanctions should be applied.

- 4.4.23 ***Should 'exempted businesses' be listed on the web-based SOTD site as 'exempt' or simply missed out?***

Listed as exempt.

Please explain your answer.

To increase consumers' awareness thus maintaining scheme's credibility.

4.4.24 **Do you agree that where there are a number of separately registered food businesses within a single establishment, each should have its own score?**

Yes.

Please explain your answer.

This is consistent with the Food Law Code of Practice.

4.4.25 **Do you agree that display of the score at the premises by means of a sticker or a certificate is the most accessible way for consumers to obtain information on scores?**

Agree that display of a certificate is most accessible for consumers who are using the outlets but are not so accessible for prospective visitors/tourists planning their itineraries prior to visiting the area.

If not, why not?

Stickers are not likely to give a good impression since they will quickly become tatty.

4.4.26 **Do you agree that display of the score at the premises by means of a sticker or a certificate should be voluntary?**

Yes

4.4.27 **Do you agree that all scores should be available via the web-based platform that will be developed?**

Yes

4.4.28 **Do you agree that only the most recent score given should be provided?**

Yes.

4.4.29 **Should businesses be allowed to request the local authority to undertake a re-inspection or to re-visit them (before their regular inspection is due) in order to be re-scored?**

Yes.

4.4.30 **Do you agree that the UK-wide SOTD scheme should include a mechanism for re-scoring?**

Yes.

4.4.31 **Should there be a time limit following the request from the business within which the re-scoring must take place?**

Yes.

If yes, how long should this be?

14 days

4.4.32 **Should re-scoring only be permitted following a re-inspection or a re-visit or may documentary evidence from the business (e.g. invoices for work completed, photographs etc.) be sufficient in certain circumstances?**

Only following a revisit.

4.4.33 ***Do you agree that businesses should not be charged for any re-inspections or re-visits undertaken at their request for the purposes of re-scoring them under the SOTD scheme?***

Yes

The scheme will be administratively burdensome enough on local authorities without introducing financial audit trails, etc., as well.

4.4.34 ***Should businesses be able to appeal against the score given?***

Yes

4.4.35 ***Do you think that a business should be notified of their score and given a period of time to query or challenge this before it is posted on the web-based platform?***

Yes

4.4.36 ***Do you agree that an appeal mechanism should be available?***

Yes

4.4.37 ***Do you agree that appeals should be handled through the relevant local authorities' complaints procedure?***

No, this is purely an administrative matter in the first instance which can be handled by the lead food officer.

4.4.38 ***If not to the above, what other mechanism/s would you suggest and why?***

If the appellant isn't satisfied with the lead food officer's decision, the next stage of the appeal could be handled in terms of the corporate complaints procedure

5.0 POLICY IMPLICATIONS

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

There are no major issues.

6.0 CONSULTATIONS

The Chief Executive
Depute Chief Executive (Support Services)
Depute Chief Executive (Finance)
Head of Finance

7.0 BACKGROUND PAPERS

None.