



‘One Year On’

Report on the progress of the Scottish Food Hygiene Information Scheme Pilot ‘One Year On’

Prepared by the Food Hygiene Information Scheme steering group¹.

November 2007.

¹ Although the consumer group Which? is represented on the steering group, it does not agree with this report and therefore this document should not be interpreted as representing the views of that organisation. The opinions of Which? on this report are set out in Annex 2.

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The Food Hygiene Information Scheme Pilot One Year On

Executive Summary

1. In response to requests from both the Scottish Consumer Council (SCC) and *Which?* consumer group, the Food Standards Agency Scotland (FSAS) formed a working group to consider means by which consumers may be better informed about the results of Local Authority food hygiene inspections. The working group provided direction and advice based on evidence and best practice gathered from different schemes world-wide. It recommended that a stakeholder steering group be established to oversee a pilot scheme in Scotland. This was also agreed by the Scottish Food Advisory Committee.
2. A steering group with consumer, industry and enforcement representation was established in June 2006² to provide direction for the scheme, to agree significant design and process criteria and to monitor progress. The purpose of this report is to set out how the scheme has operated during the first twelve months and to provide a view of its suitability as a template for a national scheme. The report represents the consensus of opinion of the steering group members with the exception of *Which?* consumer group whose comments on this report are reproduced at Annex 2.
3. The Food Hygiene Information Scheme (FHIS) pilot was launched in five Scottish Local Authority areas in November 2006. Representatives from these Authorities formed the scheme's lead officers working group and drove forward the scheme's practical application. The total number of food establishments on the launch date was 2425 and one year on stands at 3127, an increase of 29%. Lewis MacDonald, who was Deputy Minister for Health and Community Care when the scheme was launched, said *"It's important that consumers can eat out in the knowledge that a restaurant or café meets hygiene standards. This scheme gives the public peace of mind. I hope that this pilot project will help drive up standards in the food industry for the benefit of consumers, businesses and everyone involved in the food industry. If this pilot is a success, then I will ask the Food Standards Agency to look at rolling out the scheme across Scotland."*
4. The Food Hygiene Information Scheme addresses the following:
 - **Consumer Benefit** - The Food Hygiene Information Scheme gives consumers information on the food hygiene status of establishments at point of sale and on the web. The easily understood 'pass/fai'l format informs choice about where to eat out or purchase food.
 - **Compatibility with the Eat Safe Award** - Standards above compliance can be recognised by the Eat Safe award which is already in operation across Scotland and complements the Food Hygiene Information Scheme.
 - **Delivering Public Health Gains** -These are clear when quantified in terms of raising the profile of food safety inspection outcomes, following the principles of good enforcement, examining consistency of Local Authority approach to assessment, raising consumer confidence in food safety standards and demonstrating compatible with the Better Regulation drivers.
 - **Consumer Awareness** - Two independent evaluations of the scheme have been carried out and initial reactions were as follows: *98% of consumers interviewed think it is fair that the public are able to check a retailer's / caterer's food hygiene status and 85% of consumers interviewed say they would be more likely to buy food from an outlet displaying a 'Pass' certificate.*
 - **Local Authority Reaction** -Three of the five pilot Local Authorities have rolled out the scheme beyond the pilot areas and two are in the process of rolling out further expansions. The Food Hygiene Information Scheme is a visible example of good enforcement practice which identifies compliant establishments and importantly allows Local Authorities to focus on those that are non-compliant.

² The group membership included representatives from the following organisations, Scottish Food Advisory Committee (Chair), Scottish Consumer Council, *Which?* consumer group, British Hospitality Association, Scottish Federation of Meat Traders Association, Scottish Food Enforcement Liaison Committee (two representatives) and Food Standards Agency Scotland.

5. The scheme's steering group including both consumers and food business representatives (excluding Which? consumer group), consider the Food Hygiene Information Scheme to be fit for purpose, robust and workable. It is evidence based, it reflects compliance and provides transparency of Local Authority enforcement practice. It reports in an unambiguous, fair and easily understood format, reflecting Better Regulation principles.
6. This paper provides an analysis of the current situation.

The Food Standards Agency Scotland is invited to:

- **note** the progress which has been made,
- **consider the following recommendations**³
 - a) the national scheme can work on a voluntary basis
 - b) it should be compliance based and separate from an award standard
 - c) it should include the option for requested re-inspection
- **and endorse** the Food Hygiene Information Scheme as an appropriate template for a national scheme.

³ Which? consumer group was unable to agree to these recommendations for the reasons outlined in Annex 2.

Background

7. In February 2004 the Scottish Consumer Council (SCC) published the Report 'Food Law Enforcement – A Study of the Views of Environmental Health and Food Safety Officers in Scotland'. One of the recommendations contained within the report was that the Food Standards Agency Scotland (FSAS) should form a working group to consider means by which consumers may be better informed about the results of Local Authority food hygiene inspections in such a way as to aid choice. An approach was also made to the Agency in November 2004 from the Which? consumer group, proposing a forum for Local Authorities in Scotland to discuss hygiene scoring of food establishments.
8. In response to these approaches, the Agency in Scotland set up a short life working group early in 2005, to provide practical advice on options for improving transparency of enforcement and compliance with food safety legislation. Members of this working group included organisations representing consumer, industry and enforcement.
9. The working group recommended that a pilot scheme be established in line with the proposals contained within its report⁴. The pilot would assess whether a food hygiene information scheme could be operated within the Scottish framework and examine the impact of providing basic hygiene information on food establishments, Local Authorities and consumers.
10. The working group was disbanded after the report was produced and a steering group formed to implement the report's recommendations.
11. The Agency in Scotland asked for volunteer Local Authorities willing to pilot the scheme. Five Authorities came forward and provided good representation of the different Scottish Local Authority types - urban, rural and mixed. The Authorities are Aberdeen City Council, City of Edinburgh Council, Fife Council, Perth & Kinross Council and Renfrewshire Council. Representatives from these Authorities formed the scheme's lead officers working group and drove forward the scheme's practical application.
12. As a result of the work from both the steering group and the lead officers working group the Food Hygiene Information Scheme pilot was launched in all five Local Authority areas on 06 November 2006.
13. The purpose of this report is to set out how the scheme has operated during the first twelve months and to provide a view of its suitability as a template for a national scheme. The report represents the consensus of opinion of the steering group members with the exception of Which? consumer group. Comments on this report submitted by Which? are reproduced at Annex 2.

The Evidence Base of the Pilot

14. The steering group considered published material on the operation of hygiene scoring schemes in other countries world-wide and also examined the working group report. There was a consistent approach among the schemes examined and, in particular, it was noted that the common success factors were that:
 - all of the schemes reviewed provided information at the establishment
 - there was strong evidence that consumers valued such schemes
 - high levels of compliance were attained in the statutory schemes because of their legal status
 - a public information campaign was an integral part of raising consumer awareness
 - transparent and rigorous quality control procedures were put in place to ensure consistent checking of the assessment of establishments.

⁴ 'Report by the Working Group on the Publication of Hygiene Information', November 2005
<http://www.food.gov.uk/multiimedia/pdfs/wgphireport.pdf>

The Format of the Food Hygiene Information Scheme

15. The scheme comprises of the following elements:

- it is the only 'Scores on the Doors' scheme in operation across Scotland
- there is continued involvement of key stakeholders through the steering group
- the practical application of the scheme is through five volunteer Local Authorities, who's representatives form the lead officers working group.

The scheme also featured at an enforcement community update and was discussed in detail at a business forum organised by the steering group specifically to discuss the scheme (a report of the forum is attached at Annex 1). It has also been presented for open discussion with the following groups:

- all Local Authority liaison groups across Scotland
- the Scottish Food Advisory Committee (SFAC)
- the Society of Chief Environmental Health Officers of Scotland
- the Royal Environmental Health Institute of Scotland (REHIS) trainers
- the Scottish Food Enforcement Liaison Committee (SFELC).

Single Day Launch

16. The scheme was launched in all five pilot areas on 06 November 2006. The pilot areas were defined by individual Local Authorities and the scheme applied to all establishments supplying food to the public in these geographical areas.

Inspection outcomes and format of the scheme

17. The inspection outcomes used in this scheme are as follows:

- **Pass** – this classification is issued where there is satisfactory compliance with the Food Hygiene (Scotland) Regulations, with any non-compliances minor in nature only, not recurring and not critical to food safety.
- **Improvement Required** this classification is issued where major non-compliances are noted for hygiene, structural issues or food safety management systems or where minor non-compliances have recurred.
- **Awaiting Inspection** – this classification is issued to new establishments that have not yet been inspected.

The schemes format is as follows:

- initial inspection outcomes at the launch were based on historic inspection information
- inspection outcomes are based on compliance information only
- establishments in the pilot areas which are registered as food establishments but are unlikely to be viewed as such are excluded from the scheme. However, no establishment can be exempt unless it meets the criteria for a 'Pass'
- exemption cannot be imposed upon an establishment if it prefers not to be exempted
- this scheme does not drive establishments to achieve standards above compliance
- the schemes outcomes do not conflict with enforcement action
- robust checking procedures of the schemes outcomes are in place
- display of certificates is voluntary and provides the visual focus of the scheme
- certificates remain the property of the issuer and can be withdrawn if required
- the scheme is also supported by web based information on the Local Authority websites and links to these sites are provided on the Food Standards Agency website
- an option for re-inspection is available to all establishments receiving the 'Improvement Required' inspection outcome (if they have addressed the outstanding issues).

18. The Food Hygiene Information Scheme does not award certificates for grades of compliance or grades of failure. The 'Improvement Required' classification is equivalent to 'fail' and referred to as such for ease of reading elsewhere in the document. The scheme therefore provides information on compliance, which is equivalent to 'pass' or 'fail'.

Engagement with Food Establishments

19. The Food Hygiene Information Scheme has been designed to give clear messages and reassurances to consumers and to provide an opportunity to display a positive sign of compliance standards in food establishments. The total number of establishments at the launch date was 2425 and one year on stands at 3127, an increase of 29%.
20. The role of enforcement staff as the key contacts engaging with food establishments, not only to ensure legislative compliance but also to undertake an educative role for improvement was the key driver in the success of the Scottish HACCP⁵ strategy which ran from August 2002 until March 2007. This pilot scheme has been designed to continue to build on the role of enforcement staff and in particular, to enhance their engagement with food establishments.
21. The sequence of steps undertaken by Local Authorities to roll out their pilots can be summarised as follows:
- identification of pilot areas
 - notification to all establishments in the intended area of the scheme
 - audit check of the establishments files held by the Authorities
 - production of letters and certificates
 - re-inspections (if requested) within 7 days of notification that outstanding actions have been addressed.

Business Forum

22. A business forum took place at the Scotch Whisky Heritage Centre, Edinburgh on 06 September 2007. The Forum was designed to provide information and raise awareness of the scheme to interested industry parties. Providing an opportunity to discuss the scheme and feed into wider deliberations. The report⁶ of this business forum is attached at Annex 1.

The key areas of feedback from this forum were as follows:

- agreement that the public are entitled to information on food hygiene inspections
- simple 'pass/fail' is the preferred style of a scheme
- greater clarity is required on the 'Improvement Required' category
- how can the voluntary nature of the scheme be overcome?
- establishments classified as 'Improvement Required' must be given an opportunity to be reclassified at no cost to themselves once non-compliance has been rectified
- branding would benefit from further consideration
- consistency between Local Authorities is critical to the scheme's success.

Impact of the Scheme on Food Establishments

23. The following information has been taken from the Food Hygiene Inspection Scheme interim evaluation⁷ and gives some measure of the impact of the scheme on food establishments four months after the launch:
- 86% of businesses included in the survey thought the scheme will make more establishments more likely to comply with food hygiene regulations
 - 89% of businesses included in the survey thought it was fair that the public are able to check a retailer's and caterer's food hygiene status

⁵ HACCP (Hazard Analysis and Critical Control Point) essentially requires a food establishment to identify the significant hazards in its operation, and to establish appropriate controls. The Scottish HACCP Strategy engaged with over 18,000 food businesses across all 32 Scottish local Authorities, providing training, guidance and support leading up to legislative change.

⁶ Report on the Food Hygiene Information Scheme Business Forum, September 2007

⁷ Food Hygiene Information Scheme Pilot Research, prepared by COi communications 18 May 2007, available from <http://www.food.gov.uk/scotland/safetyhygienescot/foodhygieneinfoscot/fhisreport>

Cost of the scheme to food establishments

24. There is no mandatory cost burden of this scheme on compliant food establishments and no cost for 'Improvement Required' businesses requesting re-inspection once outstanding issues have been addressed.

Media interest

25. Two media analyses were carried out between October 2006 and October 2007 on the Food Hygiene Information Scheme. The scheme was mentioned in 42 items of media coverage and generated 5.8 million (WOTS) weighted opportunities to see or hear about the subject in a broadcast or press article. The coverage was mostly in regional press and had a 99% positive net effect. A quote from the report stated that:

'The scheme continues to receive overwhelming approval and it is hoped that it will provide the necessary drive to improve catering standards in the country'.

Food Establishment Views and Level of Co-operation

26. Most of the establishments displaying their certificates do so with pride. Many have framed the certificates and are displaying them in a prominent place.

At the time of evaluation only 70% of businesses interviewed claimed to have received a certificate (although all were sent one). Of these businesses the research found that:

- 68% of establishments were displaying their certificates
- 19% were not displaying their certificates
- 3% were unsure what to do
- 9% were not currently displaying their certificates but plan to do so in the future.

15% of establishments had been given an 'Improvement Required' certificate. This report confirmed the steering group's assumption that these businesses were much less likely to display their certificates.

Retailers (60%) and large establishments (62%) were also less likely to be displaying their certificates.

27. The interim report did note that by the first food hygiene inspection after the launch, Local Authority Officers when engaging with food establishments about the scheme did find awareness of the scheme and the desire to display certificates had increased. Up to this stage of the pilot, engagement with food establishments had been mainly through Local Authority correspondence and focused on the pilot areas only. The process of encouraging a greater awareness in the business community had been further extended by media coverage and by the business forum. This interaction has provided a positive indication of business interest and willingness to participate in the scheme.

Engagement with Consumers

28. The communications strategy supporting the scheme was carefully planned. Prior to the launch, the main communications were targeted between Local Authorities and the food establishments to encourage voluntary cooperation. Lewis MacDonald, who was the Deputy Minister for Health and Community Care attended the Aberdeen City Council launch and hosted a parliamentary reception where the scheme was featured. This was further supported with regional and generic national press releases and radio advertising on the launch date to start the process of informing consumers of the scheme in their local areas. Consumer leaflets explaining the scheme were also issued to establishments and distributed at a number of Agency events.
29. A series of roadshows were delivered over the summer months of 2007 in all five pilot areas. The roadshows were designed to inform consumers about the scheme and encourage food establishments to display their certificates by raising awareness of the scheme. All roadshows were supported by Lord Provosts, Councillors or Heads of Environmental Health departments, the officers of the Local Authorities and the Food Standards Agency Scotland.

Consumer behaviour

30. Focus Groups carried out across the UK confirm that consumers are more likely to trust information if it is from an 'Official Source'. It was felt by the steering group that both the Food Standards Agency and Local Authority logos should be on the certificates and that the design should not be humorous or belittle the food hygiene message. To start the process of influencing behaviour change, in terms of any food safety information scheme, the change would be for consumers to have sufficient information on the certificate and web sites to be able to exercise choice and change purchasing behaviour.
31. Although this scheme is currently at the pilot stage and due to this the funding is limited, there is evidence that consumer awareness is growing and is beginning to have an influence on businesses to encourage them to display their certificates. The evaluation states that:
- 50% of the people interviewed claim to have seen Food Hygiene Information Scheme certificates.

Value to consumers

32. The Food Hygiene Information Scheme interim evaluation indicates that the value of the scheme to consumers follows these lines:
- 91% of consumers interviewed think the scheme is useful and believe it is effective
 - 98% of consumers interviewed think it is fair that the public are able to check a retailer's and caterer's food hygiene status
 - 85% of consumers interviewed say they would be more likely to buy food from an outlet displaying a pass certificate
 - 91% of consumers interviewed think this scheme will make food establishments more likely to comply with food hygiene regulations.

Impact on Local Authorities

33. As part of the pilot it was essential that the impact on Local Authorities was examined and that any lessons learnt could be used to shape the future. It has been due to the commitment, time, expertise and support of the Local Authorities that we are in the position today to be able to reflect on the success of the Food Hygiene Information Scheme pilot one year from the launch.

Inspection Outcomes of the scheme

34. Food hygiene inspections aim to measure food establishments against compliance criteria. Regular inspections are already carried out as part of routine enforcement duties and the outcome of inspections is that an establishment is deemed to be broadly compliant or not. Enforcement action may be the final outcome for non-compliance and Authorities routinely revisit establishments that are failing to exhibit acceptable standards.
35. The inspection outcomes of the Food Hygiene Information Scheme pilot were carefully considered by the steering group, it was essential that this pilot should reflect compliance and should be visible on the door of the establishment and on the Local Authority web sites. Links to these sites should also be provided from the Agency's web site. In order for a certificate and what it indicates to act as an incentive, establishments need to be offered the option of a 'new certificate' (re-inspection) once they have achieved compliance.

What are the key features of the scheme?

36. The scheme provides transparency of enforcement inspection outcomes in simple and clear terms. The assessment of compliance for the purposes of the scheme is significantly different from assessment of risk-rating undertaken following programmed inspections. This ensures that there is no conflict between these assessments, which are designed to serve different purposes. Robust checking procedures of the compliance assessment are in place and internal and inter-Authority assessment of the consistency of approach has been undertaken.

Compatibility with other initiatives

37. The Food Hygiene Information scheme is compatible with the following:

- **Eat Safe Award** - The Eat Safe Award scheme has been in operation in Scotland since January 2005 and provides a standard above compliance for a business to aim for should it wish. The Food Hygiene Information Scheme and Eat Safe award can both coexist.
- **Publishing Hygiene Reports** - The scheme is separate from the option for Local Authorities to publish hygiene reports but both can coexist.
- **Better Regulation** - This Scheme is compatible with the Better Regulation principles.

Local Authority costs

38. The funding provided to the five pilot Local Authorities to set up, launch and maintain the Food Hygiene Information Scheme over the last year has been an average start-up cost of £8,000 per Authority. This covered business record checking and classification outside the normal inspection cycle. It also included the cost of developing and implementing an IT infrastructure. However, the additional costs per business after the scheme is established in a Local Authority area will be little more than the cost of re-inspections requested by businesses, that would not otherwise have been carried out. Experience has shown that the number of additional re-inspections has not been problematic.

Resources – re-inspection visits

39. The number of re-inspection visits carried out once establishments addressed the outstanding issues has proven to be lower than anticipated.

The numbers are as follows:

Local Authorities	Aberdeen	City of Edinburgh	Fife	Perth and Kinross	Renfrewshire
Re-inspections requested by food establishments (during the last 12 months)	13	9	32*	9	15

* High profile press coverage resulted in a higher number of requested re-inspections in Fife than in the other Local Authorities

Speeding up compliance

40. A positive spin off of the scheme has been its incentive to speed up compliance. Food establishments, that in the past may have been content to sit with issues outstanding, have through this scheme had greater visibility of their standards. Once outstanding issues have been addressed the establishments have had opportunity to be re-inspected speeding up their compliance rate. Over the last year 78 businesses receiving the 'Improvement Required' status have addressed the outstanding issues and notified their Local Authorities.

Freedom of Information (FOI)

41. Trends in Freedom of Information (FOI) requests relating to specific food establishments or groups of establishments have also been monitored during the pilot. Local Authorities have found that FOI requests in all work areas appear to be decreasing. There is no evidence to suggest that the Food Hygiene Information Scheme is responsible for decline in FOI requests, however, requests are more often targeted at establishments that require improvement as a result of the scheme.

During the course of this pilot the effect on Freedom of Information requests has been compared to the requests of the previous year, and the results are as follows:

Local Authorities Food FOI requests	Aberdeen	City of Edinburgh	Fife	Perth and Kinross	Renfrewshire
2005-2006	6	26	10	10	5
2006-2007	4	22	9	9	4

Future Expansion

42. The Perth and Kinross pilot will be extending to include the whole of the Perth and Kinross area by early 2008 and the Fife pilot is also due to be extended to cover the whole of the Local Authority area.

Better Regulation

43. A fundamental feature of this scheme is its alignment with the principles and aims of Better Regulation. In this respect the scheme provides proportionate, fair and rational incentives for businesses to meet compliance standards as quickly as possible but avoids regulatory creep⁸. These aims are achieved by clearly identifying that businesses are expected to comply with food hygiene regulations. The scheme does not provide grades of failure and therefore provides no incentive for businesses to be satisfied with a particular level of non-compliance. The facility for Local Authorities to reclassify businesses as a 'Pass' once they are compliant provides a clear incentive for them to comply as quickly as possible.
44. The scheme ensures fairness by providing equal access to re-inspection to all businesses that have addressed outstanding issues, regardless of frequency of inspection determined by the standard risk rating system that is operated by all Local Authorities. The scheme is also specifically designed to consistently model the existing graduated and risk-based approach to enforcement. It therefore encourages Local Authorities to follow good enforcement practice. In this respect it has proportionate mechanisms to deal with major non-compliance and recurring minor non-compliance.
45. Existing enforcement guidance ensures that major non-compliances must be re-inspected by Local Authorities to ensure public protection. Such establishments will be reclassified as a 'Pass' following a revisit when compliance has been restored. Minor non-compliance does not initially result in classification as a 'fail', based on the assumption that businesses would be expected to rectify such matters within a reasonable timescale. However, where it is found that minor matters have not been rectified it is reasonable to assume that a Local Authority should escalate its enforcement approach and in these circumstances the establishment will be classified as a 'fail'. This ensures that there is no conflict between the Local Authority's action to bring about compliance and the classification under the scheme. Requested additional re-inspections should only apply to minor non-compliances that have recurred and it is reasonable to expect that, in these circumstances the Local Authority should follow this up. Experience has confirmed that the additional burden on Local Authorities for this type of re-inspection has not been significant.

The scheme provides transparency in relation to both business compliance and enforcement activity. This includes clear and simple information about:

- non-compliant premises and the time they have remained non-complaint
- the premises awaiting their first inspection and the time they have waited.

Local Authorities overview of the Food Hygiene Information Scheme One Year On

46. Authorities are under no pressure from the Food Standards Agency Scotland to roll the scheme out further. In some cases political pressure and pressure from establishments excluded from the pilot areas has led Authorities to consider expansion.
47. The data provided to the Food Standards Agency Scotland on a monthly basis has provided an overview of the changes to the pilot over the last twelve months. It is essential that the information stemming from the pilot is examined and lessons learnt are incorporated into the agreed way ahead.
48. The main issues Local Authorities uncovered were as follows:
- the voluntary nature of the scheme does not motivate participation unless a critical mass of certificates is achieved, which will encourage all establishments to display their certificates
 - the financial and time burdens of the start up of the scheme were in addition to routine enforcement duties. However, once the scheme is incorporated into the routine inspection and enforcement work the burden is less
 - due to the scheme being a pilot promotional activities were minimal. When a permanent scheme is decided upon, publicity and promotion needs to be greatly enhanced
 -

- information about the scheme on the web sites of the Local Authorities can be hard to find in some Authorities and can be lost with all the other information on the site
- food establishments are not displaying the 'Improvement Required' certificates
- the media impact cannot be underestimated and in particular the focus has mainly been on the failing establishments
- re-inspections have been fewer than anticipated
- some organisations will not display any certificate due to their corporate image.

⁸ The need to avoid regulatory creep in the design of *scores on the doors* schemes was set out in the report of the Lord Davidson on the implementation of EU legislation. (Davidson Review, Implementing EU Legislation, November 2006)

Issues and Resolutions

49. Due to the size of the pilot and the cohesive nature of the lead officers working group coupled with its interaction with the steering group it was possible to discuss issues and try to find resolutions jointly as the pilot progressed.

Start up workload for Local Authorities

50. As with any new project it is difficult to quantify the amount of additional work the pilot scheme would generate. One of the main benefits of the lead officers working group was that the group was chaired by a Local Authority representative who was also leading the project in his area. This enabled practical advice and support to be shared and problems and issues to be solved collectively.
51. Launching on a set date did enable there to be far greater impact for the scheme. By aiming for a set date the implications for the pilot Local Authorities were that they had to commit and move forward collectively regardless of issues outwith their control which occurred on a local basis. The main issues uncovered were:
- differences in Local Authority corporate IT approach had been difficult to quantify prior to the project starting and ended up becoming the area of highest risk in launching the scheme on a set date
 - one Authority had just changed IT systems and was working on the pilot at the same time -the Agency provided additional funding to assist this Authority with further staffing resources.
52. The lessons learned during the application of this pilot will assist any other Authorities in applying such a scheme. The Authorities rolling the scheme out further in their areas are finding that they are now aware of the time and resource implications and have the freedom to roll the scheme out at a pace to suit their resources and local situation.

Consistency - Shadow Inspections

53. Over the last year as the pilot progressed there was a requirement to assess consistency of inspection outcomes/gradings both within Authorities and between Authorities. Advice was sought from the Food Standards Agency's statisticians on the approach and variations in both 'Pass' and 'Improvement Required' outcomes between Local Authorities and their statistical significance. This work is underway and due to conclude early in 2008.

Burden of re-inspection

54. Re-inspections requested by food establishments have been fewer than anticipated and the pilot Authorities have no concern about this element of the scheme.

Improvement Required Investigation

55. A further project started towards the end of 2007 to look at the reasons behind the establishments who are failing to achieve a 'Pass' standard i.e. failing to meet compliance standards. A report is expected early 2008.

Public awareness and raising public confidence in food safety standards

56. The interim evaluation of the scheme highlighted a low level of consumer awareness in the pilot areas and as a consequence the Agency commissioned a further communications campaign designed to interact with and raise consumer awareness. Over the summer months of 2007 roadshows were rolled out in the five Local Authority areas and provided the opportunity to engage with over 3500 members of the public to increase the awareness of the scheme.

Recommendations

57. The steering group present the following recommendations, based on the findings of the Food Hygiene Information Scheme pilot, run in Scotland from November 2006 – November 2007.

The Food Hygiene Information Scheme Steering Group recommends the Food Hygiene Information Scheme as an appropriate template for a national scheme.

Voluntary Basis

58. The Food Hygiene Information Scheme may work on a voluntary basis with 68% of establishments (who were interviewed and claimed to have received a certificate) displaying a 'Pass' certificate. However, for a voluntary basis to work, Local Authorities would need to volunteer to run the scheme. Consumers would need to understand the scheme and drive up implementation by requesting to see the certificates. To reach this level of awareness an ongoing consumer engagement strategy would be required to build on the work so far. A statutory scheme would generate 100% coverage by Local Authorities and food establishments.

The Food Hygiene Information Scheme Steering Group recommends that the scheme stays on a voluntary basis with an enhanced consumer engagement strategy. Communication with consumers should continue to be a key activity, possibly extending over a number of years to increase awareness through clear messages with fresh memorable branding.

Compliance based and separate from an award standard

59. A national scheme, if voluntary, will need to be easy for Local Authorities to adopt but incorporating robust quality checking procedures. The grading should be clearly understood by food establishments and consumers. Should food establishments wish to aim for an award standard this option should be clear and separate from compliance and indicate the additional work required.

The Food Hygiene Information Scheme Steering Group recommends that the national scheme is compliance based with robust quality checking procedures.

The Food Hygiene Information Scheme Steering Group recommends that the Food Standards Agency launch a national award scheme such as Eat Safe separate from compliance information.

Re-inspection

60. Reclassification at re-inspection ensures that the scheme reflects the Local Authority's current records about compliance of each business and provides an incentive to businesses to comply as quickly as possible. The right to re-inspection ensures that all businesses have equal access to reassessment. The number of requested re-inspections carried out as part of this pilot has been less than anticipated.

The Food Hygiene Information Scheme Steering Group recommends that a national scheme includes the facility to reassess compliance at a re-inspection and a right of equal access to reassessment for establishments that have addressed outstanding issues.

Independence of assessment

61. The risk rating system set out in the Food Law Code of Practice is designed to determine the frequency of inspection of each establishment. There is potential for conflict of objectives if the judgement of current compliance is entirely dependent on risk rating scores. Experience during the pilot in Scotland has shown that current compliance and risk assessment should be assessed separately if neither is to be compromised.

The Food Hygiene Information Scheme Steering Group recommends that assessment of compliance as part of a national scheme should not be solely determined from the existing risk assessment system used to determine frequency of inspection.

Improvement Required Certificates

62. The Improvement Required certificates are seldom being displayed.

The Food Hygiene Information Scheme Steering Group recommends that 'Improvement Required' grading is used on the web sites only, due to the majority of businesses not displaying this certificate.

Risks

63. If the Food Standards Agency recommendations for a voluntary national scheme are delayed Local Authorities are likely to roll their local scheme out further and be more reluctant to change to a national scheme.

The Food Hygiene Information Scheme Steering Group recommends that a national scheme is adopted by the Agency as soon as practicable.

Views of Scores on the Doors

Scottish Consumer Council view

The Scottish Consumer Council (SCC) has actively campaigned for just such a scheme, based on the findings of its own consumer research. We have been fully engaged in the development of the pilot in Scotland and strongly believe that it will be a major step towards better informed consumer choice and greater transparency of enforcement process. SCC considers that the scheme will also help to maintain consumer confidence and benefit consumers by ensuring that a high proportion of businesses maintain compliance.

It was said at the CIEH annual conference in June 2006 that 'the public appears to be developing an appetite for what goes on behind the closed doors of restaurants'.

'The more grades /levels in a scheme the more difficult it becomes to differentiate between each level' – Greenwich Council view on a case for defamation reference CIEH conference report.

Annex 1

Report on the Food Hygiene Information Scheme Business Forum, September 2007

The following attendees were present at the forum:

Industry Representatives

Scott Brady, Grampian Food Forum and Scottish Wholesalers
Jamie Chapman, Scottish Federation of Meat Traders Associations
Malcolm Duck, Edinburgh Restaurateurs Association
Scott Edward, Perthshire Chamber of Commerce
Jim Forde, Saltire Hospitality
Barbara Gallani, British Retail Consortium
Kirk Hunter, Scottish Association of Master Bakers and Dairy UK
Gabrielle Jondet, Peckham & Rye Ltd
Alasdair Kerr, Edinburgh Chamber of Commerce
Gordon MacRae, Scottish Grocers Federation
David Maguire, Glasgow Restaurateurs Association
Bob Salmon, Food Solutions Magazine
Ken Welch, National Federation of Fishmongers

Food Hygiene Information Scheme Steering Group

Moyra Burns, Scottish Food Advisory Committee (Chair)
Craig Brown, South Lanarkshire Council
Julia Clarke, Which? Consumer Group
Jim Dixon, Scottish Food Enforcement Liaison Committee
John Dyson, British Hospitality Association
Mary Lawton, Scottish Consumer Council
Douglas Scott, Scottish Federation of Meat Traders Associations

Food Standards Agency (FSA)

Jim Thomson – FSA Scotland
Trevor Williamson – FSA Northern Ireland
Peter Midgley – FSA Scotland
Marion McArthur – FSA Scotland
Michael Graves – FSA Scotland

Scottish Food Advisory Committee (SFAC)

Graeme Millar (Chair)
Bill Reilly (Deputy Chair)
Amanda O' Donoghue
Catherine Brady
Charlotte Maltin

The Business forum was chaired by Moyra Burns, Scottish Food Advisory Committee member and chair of the Food Hygiene Information Scheme Steering group. Four presentations were given by members of the steering group, regarding the scheme, its drivers and effects. Following an opportunity to raise questions on the presentations, the delegates split into 3 groups and discussed the issues surrounding the scheme. The salient points from these discussions are listed in the following pages:

Is the Food Hygiene Information Scheme Needed?

Two of the groups were in agreement that the public were entitled to information on the inspection outcomes of food businesses, although there was some concern over the interpretation of the gradings used to convey this information.

- Public entitled to information.
- Do we need a scheme?
- Information available to consumers if wanted.
- Aim is not clear – Info Compliance.
- How are mobile Food Business Operator's accommodated?
- What is the aim of the Food Hygiene Information Scheme?
- Some customers not concerned
- What do customers want?
- FSA funds would be better channelled elsewhere.

Gradings

Although they thought a pass/fail ('Improvement Required') scheme was more suitable than one with multiple tiers, the groups felt that the 'Improvement Required' grading was confusing to consumers. It was thought that further consumer education was needed to clear up any misunderstandings regarding this. It was also suggested that the 'Improvement Required' certificate be removed altogether.

- Do consumers understand 'Improvement Required'? Ask them?
- 'Improvement Required' (need to look at) – Reports published on web
- Help consumers understand 'Improvement Required'.
- FHIS better than star systems if FSA are going to have a scheme.
- If 'Improvement Required' – why not formal action or closed?
- Prefer pass/fail to star options.
- This restaurant is open...safe.

Effects on business

It was understood that the 'Improvement Required' certificate was likely to affect profits in food businesses if displayed.

- Cost of equipment and time is often priority to food business operators
- 'Improvement Required' → loss of business to food business operators
- Is there a concern about going in to business?
- Appropriate allocation of profits to comply with the law. Food hygiene has to be a priority.
- 'Improvement Required' certificate damaging to business.

Improvements in Compliance

As the 'Improvement Required' certificate is likely to affect business profits, this is likely to have a side-effect of improving compliance with food hygiene legislation by encouraging businesses to give their food hygiene procedures higher priority due to greater visibility of their standards.

- 'Improvement Required' – Good reasons for this certificate.
- 'Improvement Required' should be a warning
- Will improve enforcement standards.
- Has scheme improved compliance?
- Enhanced enforcement of current legislation.
- Report to board (which board?) → Improve compliance.

Voluntary or Mandatory?

It was agreed between the groups that there should be a mandatory aspect to the scheme.

- Will be mandatory in time.
- How to overcome voluntary nature of the display of certificates?
- If not obliged to display 'Pass' (exemption) obligation to display 'Improvement Required?'
- No motivation to display certificates if not mandatory.

Branding

The branding was seen to be an important aspect of the Food Hygiene Information Scheme, as it will affect the display of certificates within businesses while the scheme remains voluntary.

- Certificate – Does not suit style of some restaurants
- Must be kept simple.

Consistency

Consistency between Local Authorities was discussed, as this was seen to be an important factor by all attendees.

- Needs consistency
- Have consistent data – before scheme?
- Why only now looking at consistency issue?
- Consistency and clarity in messages
- Consistency within schemes – crucial
- Consistency – i.e. Training
- Consistent approach needed
 - Throughout UK
 - Between Local Authorities
- Scotland scheme to be UK-wide
- Different legal system in Scotland
- Consistency essential for companies with multiple sites.

Evaluation

It was suggested by attendees that the Food Standards Agency should consider more evaluation of the scheme, to ensure it meets the expectations of consumers and business.

- evaluation:
 - stand outside restaurants
 - consumer perception
 - food business operators' perception
- consumer research – attitude versus behaviour
- more info re consumer behaviour.

Format

Suggestions were given by attendees as to how the format of the scheme could be developed further.

- Opportunity for 2nd opinion (Food Business Operator/Enforcer) – Who would pay?
- No cost for re-inspection.
- Difference – Small businesses/restaurants 'does one scheme fit all?'
- Not moving fast enough towards large-scale scheme.
- Guidance – For consumers to make a decision
- Not in favour of any scheme at the moment, however would prefer simple pass/fail scheme to star rating
- Must give businesses chance to rectify faults

Following the discussion groups, John Dyson of the British Hospitality Association gave a summary covering the various areas of discussion and the issues to be considered for the future of the scheme.

Summary

There was general agreement from the attendees that the public are entitled to information on food hygiene inspections, although the usefulness of this information was questioned by a few delegates. FHIS was seen favourably by the majority of attendees as a means of providing basic food hygiene information on food premises and no concerns were raised on the way the pilot scheme is currently being run in Scotland.

The general consensus between all groups was that the simpler 'pass/fail' (**'Improvement Required'**) approach is more effective than the other schemes in operation with different levels of compliance, star grading and a variety of other symbols. Delegates would prefer the Food Hygiene Information Scheme than any other as a UK-wide scheme, should it be decided that there should be a UK scheme.

There was discussion around the **'Improvement Required'** category. It was suggested that for greater clarity the **'Improvement Required'** category be re-evaluated or that businesses should simply have a **'Pass'** certificate or no certificate at all.

There was a perception from a number of delegates that the **'Improvement Required'** certificate could result in loss of business to food business operators if they displayed it, however others thought that consumers generally had the view that any food business was safe if it was open for business, so the effect on business would be minimal. If the **'Improvement Required'** certificate was to have an effect on business profits when displayed, this would have the side effect of encouraging businesses to put a higher priority on their food hygiene procedures.

When considering the potential future of such a scheme, all groups felt that in order to ensure the success of the scheme in the long term, it would be recommended that the display of certificates become mandatory.

It was suggested that the branding of the scheme be revisited however, as the current design is not memorable and eye-catching.

Consistency was thought to be an important aspect of a successful scheme. It was agreed that the ideal position would be that of a consistent scheme throughout the UK, although it was recognised that this might be difficult due to differences in each devolved UK administration. It was appreciated by all that it was even more important to ensure consistency between Local Authorities in their grading as part of the scheme. It was suggested by some delegates that the Food Standards Agency consider carrying out further evaluation to ensure that the scheme matches expectations of interested parties.

Some suggestions were given by delegates as to how the scheme could be developed further.

The Way Forward

The pilot may run for up to two years to enable time for UK evaluation although the Steering group can provide findings to the Agency at any point. The Scottish evaluation will feed into the UK-wide assessment of all schemes in order to determine the best approach for any UK scheme. An interim recommendation based on UK-wide evaluation is due to go to the FSA board by March 2008.

The Food Hygiene Information Scheme pilot builds on the success of Local Authority environmental health services in recent years, underpinned by their work to support catering businesses with the implementation of HACCP based systems and with the Eat Safe award. The pilot provides a natural next step from business support and encouragement by demonstrating to consumers the commitment of businesses to producing safe food under properly managed hygiene procedures and to drive for greater transparency of enforcement and compliance with food safety through provision of basic food hygiene information on food premises at point of sale and on the web.

Annex 2

Which? Consumer Group. Comments on the One Year On report

Which? has been a member of the Steering group and has supported the development and evaluation of the Scottish pilot. Which? is however unable to sign up to the recommendations in this report at this stage. While Which? agrees with many aspects of the scheme have been successful, it believes that it is premature to base recommendations for a UK –wide scheme on this pilot alone.

The Scottish pilot needs to be considered in the context of the evaluation of other pilots and schemes that are in use across the UK. This broader evaluation should form the basis of a consistent, UK-wide scheme. Which? cannot therefore endorse the Food Hygiene Information Scheme as an appropriate template for a national scheme. It therefore does not concur with the rest of the group on this as stated in the executive summary, as it considers that it is too early for a conclusion to be reached.

The issues that Which? believe particularly need to be considered in the context of other schemes and their evaluation include:

- the amount of grading/differentiation of relative hygiene standards that should be provided
- the effectiveness of a voluntary scheme
- the implications of including re-inspection.