



Chartered  
Institute of  
Environmental  
Health

# UK-wide 'Scores on the doors' scheme on hygiene standards in food businesses (England)

Response to Food Standards Agency consultation

August 2008

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## Options for UK-wide Scores on the Doors scheme

**What should the basic design of the UK-wide SOTD scheme be - should the scoring system have four tiers ('three-star, plus fail' design) or only two tiers ('pass' or 'improvement required' design), and what criteria should be used for classification and what symbols and/or descriptors should be used to denote each tier?**

The CIEH believes that a single national scheme is best for consumers, business and regulators. In moving towards recommendations for a national scheme it will be essential to consider all the evidence that demonstrates that schemes deliver their two key objectives i.e. they allow consumers to make informed choices about the places in which they choose to eat, based on business compliance with hygiene regulations and consequently improve hygiene standards within food businesses.

In order to achieve these objectives CIEH believes that the scheme will need to:

- Be readily visible and easily understood by consumers
- Provide incentives for food businesses to improve hygiene standards so that they are **fully compliant** with the law
- Include safeguards to ensure fair and equitable treatment for businesses
- Be simple to operate and consistently applied across the country
- Be based on sound evidence of effectiveness
- Be fully supported and widely promoted by the FSA
- Be regularly monitored and reviewed

**N.B.** If businesses are to be encouraged to go beyond the requirements of the legislation i.e. to introduce elements of good practice, then this must be promoted separately as a clearly branded, voluntary Award scheme. Examples of such schemes can be seen in Scotland and Northern Ireland i.e. the Eat Safe Award

The consultation focuses on two specific options i.e. a three star, plus fail scheme and a pass/improvement required scheme. The CIEH is pleased to note that comments have also been invited on other scoring options and believes that a transparent and objective comparison of the effectiveness of different schemes is essential if the case is to be made for a single national scheme. This is particularly important as over 75% of current schemes use a six tier (5 stars plus 0 stars) model and so this must be given full consideration in reaching conclusions for a national model.

The CIEH believes that recommendations for a national scheme must be based on sound evidence and is disappointed that the evaluation reports commissioned by the Food Standards Agency (FSA) appear unable to differentiate between the relative effectiveness of the operational models. In part this is due to the reduction in the time available for the evaluation exercises, from 24 months to 6 months and consequent refocusing. Whilst it is acknowledged that there were good reasons for wishing to limit the proliferation of schemes by moving rapidly towards recommendations for a national model this did have consequences. It is notable that the Greenstreet Berman research comments that the change in timescales meant that it was not possible to fully compare the hygiene ratings across the schemes nor to fully measure changes in hygiene scores post launch of Scores on

the Doors schemes – *“This (change in the evaluation period) limited the validity of the comparison of changes in scores”<sup>1</sup>*, which should be a critical objective.

One other specific consequence was the effective exclusion of the London pilot from full evaluation. This was particularly disappointing as the London scheme was based around earlier FSA research that had signposted key scheme features including the conclusion from focus groups that a 5 star scheme would be the preferred option. .

The CIEH is aware that there are widely differing views about the best model for a national scheme and had hoped to provide a consensus opinion representing comments across the breadth of its membership, which spans the public and private sector (including regulators and business advisors) as well as the voluntary sector. Given the apparent weakness of the evidence in the FSA commissioned evaluation reports, particularly in relation to the effectiveness of different schemes in improving hygiene standards, a true objective assessment of the relative merits of the differing opinions does not appear possible.

This lack of definitive evidence appears to have greatly divided stakeholders and seriously threatens the likelihood of agreement on a single national scheme. The CIEH believes that national Scores on the Doors scheme would deliver significant benefits for consumers, businesses and regulators and therefore the recommendations for a national model are critical, if full benefits are to be achieved. Consequently, the CIEH would urge the FSA to carry out further detailed evaluation that tests opposing arguments before making final recommendations

The CIEH will however comment on the questions posed in the consultation but in some areas comments must be based on subjective opinions rather than objective evidence.

## Scheme details

### 1. **How easy is it to understand each of the schemes? Which is the easiest?**

On the face of it a pass/improvement required scheme would appear easiest to understand. However the most recent consumer research, commissioned by the FSA indicated a preference for a 3 star scheme, although, as noted above, this appears at odds with earlier FSA focus group views that informed a number of 5 star schemes. The CIEH also understands that a number of local authorities operating 5 star schemes have carried out consumer and business surveys that indicate that 5 star schemes are generally well understood. This suggests that effective supporting information will ensure good understanding of any scheme.

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

This must be a matter for consumers but great care will be needed in ensuring good use of plain English and avoidance of jargon. The use of “broadly compliant” as a descriptor should be avoided as even amongst the enforcement community there is considerable debate about its interpretation. It will be important to look beyond the “proposed” schemes at the descriptors in 5 star schemes, as these need to be considered as part of the consultation.

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<sup>1</sup> Evaluation of Scores on the doors. Final Main Report for the Food Standards Agency GSB Ref:CL984 p 11

**3. Do you prefer one or other of the schemes? If so, why?**

The choice should be based on evidence that the scheme meets the principles stated at the outset of this response. This would suggest a 3 star plus fail option or a 0 to 5 star scheme rather than the pass/improvement required scheme, which would appear too blunt an instrument to demonstrate gradations of compliance. It is noted that the FSA evaluation report suggests that businesses would prefer “a progressive scale to recognize their achievement and to provide an incentive for further progress”<sup>2</sup> Key considerations in deciding between a 3 star or 5 star scheme should be consumer preference, drivers for improvement and management of consistency of application. The CIEH is aware that there are widely differing views on these issues and particularly in relation to consistency of application. The issue of consistency can be problematic and consequently mechanisms will need to be put into place to support the consistent application of any scheme. The CIEH is aware that this is a key feature of the London 5 star scheme and suggests that evaluation of its effectiveness would be merited.

**4. For the 'three-star, plus fail' option, do the scores adequately reflect the text descriptions 'Good', 'Satisfactory', 'Basic', 'Fail'? What symbols should be used to denote the scores?**

Descriptors should be brought into line with those in the Code of Practice food hygiene scoring system, if this is to be used as the basis for scoring. The proposed descriptor for Good, states “full compliance” yet at a score of 5 the COP identifies “High standard of compliance ...some minor non-compliances”. Symbols should be a matter of consumer preference as the scheme aims to assist consumers in making informed choices. Indicators are provided in the Continental Research Consumer Evaluation report.

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

Guidance on “minor non-compliance”, “not recurring” and “not critical to food safety” would be essential to ensure consistent application and full understanding of the scheme

**6. Are both the schemes fair to businesses?**

All schemes will need to be consistently applied and monitored for consistent application if they are to be fair to business. This issue has been specifically recognized within the London 5 star scheme and procedures introduced with these objectives. Schemes should also recognize the different levels of business compliance and the pass/improvement scheme would not appear to acknowledge the different levels that may be achieved in working towards the ultimate objective of full compliance

**7. Are both schemes capable of being consistently applied?**

Mechanisms will be needed to ensure this i.e. initial training and continued monitoring and review. Given that these are put in place all schemes should be capable of generally consistent application. There are currently examples in practice that might be evaluated for wider use.

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<sup>2</sup> Evaluation of Scores on the doors. Final Main Report for the Food Standards Agency GSB Ref:CL984 p 61

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

Whilst these are important objectives the scheme must balance these with the ability to achieve the desired outcomes. This may be the same in respect of providing consumer information but it appears that schemes beyond pass/improvement required may motivate greater movement towards full legislative compliance

**9. 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?**

This issue does not appear to have been tested as part of the evaluation reports. A number of areas operating 5 star schemes report that the larger number of tiers assists in gradual improvement and allows fuller recognition of efforts to achieve complete legislative compliance.

**10. Do you agree that the initial score may be given only following a full inspection? If not, why not?**

In principle this position is supported. However where a business has subsequently made significant improvements this should be recognized through some form of re-scoring. It would appear likely that any substantive re-scoring would require a full inspection

**11. 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.**

The score should be focused on compliance with the legislation. However there is considerable merit to including a score based on "confidence in management" as management is a critical factor in establishing and maintaining standard and this is recognized within the Food Law Code of Practice scoring scheme It is however acknowledged that management can change rapidly in food businesses and a mechanism to identify such changes might be worth consideration e.g. through business Registration requirements

**12. What businesses should be given a score?**

**12.1 Do you agree with the proposed scope?**

Yes in general. However there is a case for extending the scope to cover manufacturers and packers, so that business customers can gain a view about their supplier's hygiene standards. It is suggested that the national scheme might commence with the proposed scope, as a key objective is the provision of information to consumers, and subsequently consideration might be given to the costs and benefits of an extension of the scope.

**12.2 If not, do you think it should be restricted to certain types of businesses only or do you think it should be extended to other types of businesses that do not supply direct to consumers? In either case, please explain your answer and say which types of businesses should be excluded or included**

Please see above.

12.3 *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?*  
Any exemptions must be based on risks posed i.e. general exemptions should only be for very low risk premises

12.4 *How should any exemptions be agreed? 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?*  
If exemptions are to be based on risk this should be determined at a local level, however national Guidance might provide examples of appropriate types of business

12.5 *If an 'exempted business' asks to be included, should this be permitted? Please explain your answer.*  
No as this could lead to confusion.

12.6 *If the hygiene standards of the 'exempted business' fall below a certain standard, should the exemption be lifted? Please explain your answer.*  
Exemptions must be based on consideration of the risks posed and consequently if risks increase review of the exempt status should be undertaken

12.7 *Should 'exempted businesses' be listed on the web-based SOTD site as 'exempt' or simply missed out? Please explain your answer.*  
They should be listed as exempt to avoid misinterpretation of status by consumers

12.8 *Do you agree that where there are a number of separately registered food businesses within a single establishment, each should have its own score? Please explain your answer.*  
Yes as they may vary considerably in standards.

### **13. Where will consumers find out what the scores are for the businesses from which they buy their food?**

13.1 *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? If not, why not?*  
Yes

13.2 *Do you agree that display of the score at the premises by means of a sticker or a certificate should be voluntary? If not, why not?*  
No. Display on the premises is essential if consumers are to be fully informed and the scheme is to be truly effective. Not all consumers will have access to computers to allow website interrogation. Consumers may also choose to eat out on impulse, eliminating opportunities for web searching in advance. In such circumstances the clear display of scores at the premises will be critical to ensure that consumers can make informed choices. Evaluation of the Scores on the Doors scheme in Denmark has shown that display on the premises is welcomed by consumers and influences their selection of outlets. A further evaluation, in Denmark, has shown that the place of display is critical. New mandatory requirements are that businesses display "Scores" by the entry to the premises and if they have a website "Scores" must be prominently displayed on the Home page. This would provide a good model for a UK scheme which must include a mandatory requirement for Score display

13.3 *Do you agree that all scores should be available via the web-based platform that will be developed? If not, why not?*

Yes, subject to previous comments that information should not only be available via a website but should also be prominently displayed on the premises.

13.4 *Do you agree that only the most recent score given should be provided? If not, why not?*

No. Again the Danish scheme provides a useful model as it shows previous history. This would be particularly important if revisits are made, on the basis of improvements having been introduced, and premises are subsequently rescored. This would make it clear that although a business had now achieved a certain standard, improvements had resulted from an inspection, rather than the businesses' own 'self regulation'.

**14. 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?**

14.1 *Do you agree that the UK-wide SOTD scheme should include a mechanism for re-scoring? If not, could you please explain why?*

Yes, subject to earlier comments. However it is recognized that many local authority colleagues are adamantly opposed to this on the basis that a food business has a duty to comply with the law at all times. There is a difficult balance to be achieved here between recognizing where businesses have made considerable efforts to improve and in preventing less scrupulous businesses from avoiding the 'costs' of continuing compliance by only correcting faults as a result of an inspection. Use of "history" of compliance information might assist in achieving a sensible balance but consideration should also be given to the potential for "game playing" and sanctions that might be applied where consistent abuse of the system could be demonstrated.

14.2 *Should there be a time limit following the request from the business within which the re-scoring must take place? If not, why not? If yes, how long should this be?*

Yes. This would allow a consistent approach and consequently be fair to businesses. The length of time would need to be subject to detailed discussion involving enforcement, consumer and business representation.

14.3 *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? If yes, in what circumstances?*

It might be possible to provide evidence of improvement, in the case of minor non-compliance, by means other than inspection, and there are existing models of such systems that might be considered e.g. the SALSA scheme. However it is unlikely that minor non compliances would significantly affect overall scoring. Consequently, if large non compliances are involved, it would appear likely that a full re-inspection would be required before re-scoring could take place.

14.4 *Should the circumstances in which re-inspections, re-visits, documentary evidence are acceptable be defined or should this judgment be left to individual local authorities? Please explain your answer.*

A guidance framework on the types of circumstances in which different levels of 'evidence' might be acceptable would be important to assist in a consistent approach.



However the decisions will need to be risk based which will require local knowledge and expertise.

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

Where there are significant risks re-visits will be made in order to protect public health. In other circumstance this may not be normal practice. As a matter of principle, where additional services are to be provided, it would not seem unreasonable to recover costs from a business. Indeed this option has recently been introduced in the Regulatory Enforcement and Sanctions Act 2008, in relation to the provision of Primary Authority services

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

- 15.1 *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

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

Yes

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

This would seem appropriate

- 15.4 *If no to the above, what other mechanism/s would you suggest and why?*

N/a

## Option estimates

- 16. Do you agree with the estimates made at paragraph 3.2 of the numbers of authorities that will choose to introduce SOTD schemes if no UK-wide scheme is introduced?**

The CIEH cannot accurately predict the number of authorities that might introduce schemes however discussions with members would suggest that the estimates may be conservative.

- 17. Do you agree with the estimates made at paragraphs 3.4 and 3.6 of the numbers of local authorities that are likely to implement and operate the UK-wide SOTD scheme? In particular, do you envisage uptake between Options 2 and 3 to be different? If so, how and why?**

The CIEH does not agree with the estimates as there are strong indications that many of the local authorities operating 5 star schemes currently are unlikely to migrate either to a 3 star plus fail scheme or a pass/improvement required scheme if these are recommended as the national model.

- 18. Do you think there could be difference in uptake in England, Scotland, Wales or Northern Ireland? If so, please explain your answer.**

Yes. Indications suggest that Scotland might prefer the scheme that is currently being piloted i.e. a pass/improvement required scheme and that Northern Ireland might prefer a 5 star scheme.

## Costs and benefits

**We welcome views from stakeholders regarding the above costs/assumptions and on any omissions/further information that stakeholders can identify to help us assess the impact of this option on local authorities and on businesses.**

19. **In particular, do you agree that SOTD schemes do not impose any further incremental costs on food businesses? If not, please provide details of other costs.**

The CIEH cannot comment on these matters

20. **Do you agree with the above costs/assumptions? Can you identify any omissions/ further information to help us assess the impact of either Option 2 or Option 3 on local authorities and on businesses?**

The CIEH cannot comment on these matters

21. **Do you foresee any other costs for the Agency? If so, can you please explain these?**

The CIEH cannot comment on this matter apart from identifying the need for the production of scheme guidance which does not appear to have specifically been costed.

22. **Do you agree with the information and assumptions used in the benefits sections above?**

The CIEH cannot comment on these matters except to note that the quantification of benefits appears based on the reduction of foodborne disease. This underlines the need to identify a scheme that will deliver the best improvements in compliance, which should link to reductions in foodborne disease from business premises. The relative effectiveness of different schemes in motivating improvement does not appear to have been robustly considered in the evaluation reports, mainly as a result of shortening the evaluation period. Consequently, the CIEH suggests that further evaluation is essential to address this issue which might justifiably delay recommendations for a national scheme yet ultimately lead to greater support for the recommended option

23. **If not, would you please explain your reasons and, where possible, provide evidence to support your explanation.**

See above