

SOFHT Yorkshire & NE Branch Meeting - 16th October 2008

'Scores on the Doors'

- the Optimum Scheme that protects the Legal Interests of all Stakeholders.

A meeting, hosted by Pinsent Masons, Leeds, part of an international group of law firms, attracted over twenty delegates, including representatives from various divisions of the food industry, suppliers of hygiene products, consultants and the public sector. The meeting provided an opportunity for sharing common interests regarding a developing scheme 'Scores on the Doors' (SOTD). Such schemes have been heralded as the most effective intervention in empowering consumer choice and in improving hygiene standards in food premises. At this event Paul Turner, a Principal Environmental Health Officer with Hull City Council, outlined the scheme developed by Hull CC in conjunction with other schemes in the East Midlands Pilot group; the legal basis for such a scheme was discussed by Gordon Maddan, a Food & Trading Law Advisor at Pinsent Masons.

The mechanics of the scoring system was revealed as being based on the advice in the Food Law Code of Practice (Food Standards Agency, 2008) used to assess food premises but restricted to only those factors where the food business operator has control, i.e.

- Current level of compliance with **Food Hygiene & Safety Procedures** (including food handling practices & procedures and temperature control) & **Structure** (including cleanliness, layout, condition of the structure, lighting, ventilation, facilities, etc)
- **Confidence in Management** (track record, willingness to comply, HACCP based systems, technical knowledge/training)
- **Significant Risk** of the contamination of food

The numerical result is translated into a score rating which is displayed on a webpage; the food business operator is provided with written notification and a display sticker for the premises. Use of the sticker is at the discretion of the food business operator.

Gordon Madden highlighted that the introduction of a SOTD scheme is unusual in that it has no statutory backing and is currently led by individual Local Authorities; it is also a scheme for the UK only, lacking endorsement from Brussels. An area of caution raised by Gordon was that the scheme cuts across the Hampton vision of reduced inspections and that the base legal standards are too low to sustain a meaningful scoring system without 'gold plating' of legislative requirements. Gordon argued that consumers are entitled to adequate standards wherever they buy or consume food and questioned whether the concept of relative safety standards was acceptable to maintaining confidence in food safety.

Various contrary opinions were highlighted for discussion at the meeting:

SOTD schemes were indicated as not the best use of resources as they divert from targeting problem premises. A contrary argument was that such schemes actually benefited local authorities in aiding them to satisfy requests for public information which they are now obliged to answer (The Freedom of Information Act, 2000). The ad hoc demand on resources in answering such requests is minimised where an effective SOTD scheme is operating.

Inconsistency of delivery within schemes and accuracy of reporting were other concerns. Whilst it was acknowledged that there are a variety of assessment schemes being used across the UK, those operating within specific pilot schemes were argued to be operating well due to the extent of training received by officers prior to their use. However, a national scheme was agreed as being the best way to promote consistency.

Sensationalist use of results by the media was viewed as a serious risk for some businesses, particularly the smaller ones. Whilst not denying this potential effect, the use of the media was actually encouraged by local authorities in advertising their schemes, indeed Hull City Council made extensive use of the local radio, television and local newspapers when introducing their SOTD scheme to positively promote the benefits.

It was suggested that improvement in standards may not be sustained. However, from his experience in the field, Paul Turner indicated that this was unlikely as the interest shown by food business operators was phenomenal compared to any other previous food safety initiatives. This opinion was in contrast that reported by Gordon, he considered that SOTD schemes were disliked by the business community.

The scheme, as envisaged by the Food Standards Agency, involving the three categories of Pass /Improvement required/Fail was considered to potentially lack incentives to drive interest and standards. A scheme with more categories was considered to be more appropriate to enable differentiation between standards; however, this led to other questions regarding the potential inconsistency in assessment with an increased number of categories.

Legal Issues to be addressed by SOTD schemes include:

- Failure to explain the context of information to the public;
- Display of incorrect scores or information about the wrong premises;
- Failure to apply a fair and reasonable complaints process;
- The potential effect on authorities and individual officers regarding any disputes.

Another related issue to raise eyebrows was the disclaimers used on some websites, some were considered to make a mockery of the scheme using phrases such as “the score may not be representative of the overall long term food hygiene standards of the business and should not be relied upon as a guide”.

Other suggested alternatives to SOTD schemes were outlined as:

- Robust action to tackle problem premises
- Effective use of the existing toolkit of enforcement and advice
- Licensing
- Mandatory pre trading food qualifications
- Mandatory third party accreditation
- ‘Earned autonomy’ through privately led schemes

Despite the concerns raised and the alternatives proposed, Paul spoke strongly in favour of the schemes, with 183 out of just over 400 local authorities in the UK already listed on the FSA’s website as operating SOTD schemes, he emphasised that ‘this initiative will not go away’. The Food Standard Agency's evaluation process for the development of a national scheme is underway. Many of the issues raised at the meeting have been fed into the consultation. A likely timescale for implementation of a future national scheme is eagerly awaited.

Cath Graham
Meetings Secretary, SOFHT Yorkshire & NE Branch