

## THE FOOD HYGIENE INFORMATION SCHEME IN SCOTLAND INFORMING CONSUMER CHOICE

1. The Food Hygiene Information Scheme (FHIS) in Scotland is a Food Standards Agency in Scotland and local authority partnership initiative which aims to improve public health by empowering consumers through informed choices and incentivising businesses to improve hygiene standards. The scheme has played a key part in delivering Scotland's role in achieving the FSA's strategic objective: *safer food for the nation* and has strengthened the working relationship between local authorities and the Agency.
2. All thirty two Scottish local authorities have adopted FHIS voluntarily and information on hygiene standards for over 45,000 Scottish food businesses is available on the UK-wide platform, which is estimated to be around 88% of businesses within the scope of FHIS. Please note that the last two local authorities who launched are still in the process of rolling FHIS out fully and that the number of food businesses on the platform is still expected to increase.
3. The early thoughts on developing FHIS started in 2005 leading to a pilot which was run from November 2006 to November 2008. The first launch of the scheme as we know it today was in March 2009 with the final launch in May 2014.
4. In Scotland there is also an Award Scheme called Eat Safe, which recognises food hygiene standards above compliance. The Eat Safe award is only available in Scotland and was launched during January 2005. Eat Safe runs successfully in parallel with the Food Hygiene Information Scheme recognising excellence in food hygiene standards (i.e. standards above legal requirements). It is also a voluntary scheme and is currently available in twenty four local authority areas where 1163 awards have been issued. Eat Safe requires no additional inspections/visits by local authorities and minimal resource to run it from FSAS.
5. Wales has moved to a statutory basis for the Food Hygiene Rating Scheme and Northern Ireland is in the process of taking forward primary legislation for a statutory scheme.
6. The food safety landscape in Scotland has changed due to a number of factors including the economic climate, the horsemeat incident and a reduction in local authority resources. FSAS are currently working with local authorities to review the Code of Practice for Scotland considering how food hygiene and food standards inspections could be combined and how sustained compliance could be rewarded.
7. Continued success of the Food Hygiene Information Scheme depends on local authority participation, consumer awareness, understanding and use of the scheme and on food industry support. In the run up to the creation of Food Standards Scotland the views of the Scottish Food Advisory Committee are sought on potential evolution of the Food Hygiene Information Scheme.

**Annex 1** to this document provides background, summarises the history of FHIS and provides comparison with the FSA's Food Hygiene Rating Scheme (FHRS) which is operated by the FSA in England, Wales and Northern Ireland.

**Annex 2** to this document provides a framework to assist with identifying aspects of FHIS that could be developed or changed in future and some specific issues that have been raised within FSA when the FHIS and FHRS have been compared.

## ANNEX 1

### BACKGROUND AND HISTORY

#### Drivers in Scotland

The demand for simple information on hygiene standards in food establishments was first recognised in Scotland by Consumer Focus Scotland in its paper 'Food Law Enforcement – A Study of the Views of Environmental Health and Food Safety Officers in Scotland' (February 2004) and was seen as an important mechanism for informing consumer choice. One of the recommendations contained within the report was that the Food Standards Agency in Scotland (FSAS) should form a working group to consider how to improve transparency of enforcement and compliance with food safety legislation. An approach was also made to FSAS in November 2004 from the Consumer Group Which? proposing a forum for local authorities in Scotland to discuss hygiene scoring of food establishments.

In response to these approaches, the Agency in Scotland set up a short life working group early in 2005, to provide practical advice on these subject areas. Members of this group included organisations representing consumer, industry and enforcement interests.

#### Research

Following desk-top research into food hygiene information schemes in operation in San Diego, Toronto, Copenhagen and Singapore the working group recommended that a pilot scheme be established in line with 'Dine Safe' which is the two-tier scheme run in Toronto. A pilot could be used to assess whether a food hygiene information scheme could be operated within the Scottish framework and to examine the impact of providing basic hygiene information on food establishments, local authorities and consumers.

#### Considerations

An important consideration was that any scheme developed should only assess the business hygiene standards against compliance with legal requirements. The Davidson Review on the implementation of EU legislation commented that any food hygiene information schemes should avoid the possibility of regulatory creep arising from a need to achieve standards higher than legal requirements to achieve the higher ratings.

In contrast, to complement FHIS, in Scotland we have a food hygiene award scheme which is designed to recognise businesses that have achieved standards of hygiene **over and above** legal requirements. The Eat Safe award was launched in Scotland during January 2005 and runs successfully in parallel with the Food Hygiene Information Scheme recognising excellence in food hygiene standards (i.e. standards above legal requirements).

#### Drivers for a UK-wide scheme

During 2005 and following the initial report of the Hampton review the Agency began discussions with local authorities about the possibility of developing a single UK-wide scheme to provide food hygiene information for consumers.

At the same time the Freedom of Information Act (Fol) led to local authorities receiving requests for food hygiene inspection reports. Where a local authority was challenged for withholding an inspection report, the Information Commissioner ruled in favour of disclosure. Consequently this heralded the start of a general trend towards greater transparency of food hygiene standards in food businesses.

In the FSA *Strategic Plan (up to 2010) – Putting Consumer First*<sup>1</sup> FSA made a commitment to make a recommendation for a UK-wide food hygiene information scheme by the end of 2008. In order to develop a recommendation, fifty local authorities were sponsored to participate in a variety of pilot schemes which began operating in 2006 and 2007.<sup>2</sup>

## **UK Research**

Two companies were contracted to evaluate the success of the pilot schemes across the UK. Greenstreet Berman assessed the impact on local authorities and industry and Continental Research evaluated consumer understanding of the different pilot schemes in place at this time. This evidence helped to inform the wider debate.

Overall the evaluations showed that there was consumer, business and local authority support for food hygiene information as a way to better inform and empower consumers. All stakeholders saw a need for a national scheme to avoid the continued proliferation of different local arrangements and to maximise impact whilst minimising confusion.

## **Piloting options for a UK-wide scheme**

The Scottish short life working group was disbanded following recommendations for a scheme and a Steering Group was formed in June 2006 to provide direction, agree significant design, process criteria and monitor progress of the pilot. The Steering Group was Chaired by Moira Burns of the Scottish Food Advisory Committee (SFAC) and had industry, consumer association and enforcement membership.

The “Food Hygiene Information Scheme” (FHIS) pilot was the only pilot run in Scotland and launched in five Scottish local authority areas, running from November 2006 to November 2008. Representatives from these authorities formed the scheme’s Lead Officers Working Group and drove forward the scheme’s practical application. Local authorities launched in dedicated pilot areas including 2,425 food establishments in the launch. Lewis MacDonald, who was Deputy Minister for Health and Community Care at the time, 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.”*

A number of other local authorities across the UK introduced a variety of different food hygiene information schemes, independent of the Agency, in response to local needs. By 2006 it was estimated that 196 local authorities were either operating or about to launch

<sup>1</sup> A copy of the Strategic Plan is available at: <http://www.food.gov.uk/multimedia/pdfs/strategicplan2010e.pdf>

<sup>2</sup> Development of FSA sponsored ‘Scores on the Doors’ pilot schemes. Paper for FSA Board, September 2006, (see: <http://www.food.gov.uk/multimedia/pdfs/pro060901.pdf>).

schemes and were publishing food hygiene information on web-based systems. It is important to note that these schemes did share certain key features such as the number of tiers with a preference for 5 or 6 tiers, however the schemes varied with regards to others features such as how tiers were generated, where compliance sat and the symbols used.

## Consultation

In Scotland a business forum was held on 6 September 2007. The forum was designed to provide information and raise awareness of the scheme to interested industry partners. Providing an opportunity to discuss the scheme and feed into wider deliberations. A workshop with similar aims to the business forum was held in London.

On 20 May 2008 a UK-wide consultation was launched on proposals for a single UK scheme for providing consumers with information about hygiene standards in food businesses.

*Comments were sought on:*

- *the essential features of a UK-wide scheme, and on two different options for the scoring element - a 'three-star, plus fail' (four-tier) scheme and a 'pass/improvement required' (two-tier) scheme (based on the scheme piloted in Scotland);*
- *other options for the scoring element of the scheme, based on local authority experience of existing scoring systems, such as the various five-star schemes that are being operated; and*
- *the essential elements of the necessary support package for local authorities operating the scheme.*

A total of 414 responses were received across the UK. Of these, 52% were from industry stakeholders, 44% from enforcement (local authorities, their representative and professional bodies) and 2% from consumer organisations. In Scotland, 91% of local authorities responded. In Wales and Northern Ireland the views of all local authorities were represented either through individual responses or through group responses and in England 62% of local authorities were represented.

Although some parts of industry are opposed to a scheme of any kind, the majority of responses indicated support for a UK-wide scheme.

### **UK Consultation response on an underpinning scoring system**

Country	Industry	Consumers	Enforcement
England	Pass/improvement required	Four-tier or five-tier	Five-tier <sup>3</sup> (outside London support is divided between four and five-tier schemes)
Northern Ireland	Pass/improvement required	No preference	Five-tier
Wales	Pass/improvement required	No consumer responses	Five-tier
Scotland	Pass/improvement required	Pass/improvement required	Pass/improvement required

## Input from devolved Food Advisory Committees

The Northern Ireland Food Advisory Committee (NIFAC) and Scottish Food Advisory Committee (SFAC) responded to the public consultation. In terms of the scoring system, NIFAC favoured a three or four-tier system whilst SFAC supported a 'pass/improvement required' approach.

<sup>3</sup> Tiered schemes with five levels ( e.g. stars) plus one with a zero rating were referred to by stakeholders at the time of consultation as five-tier but are now generally referred to as six-tier schemes.

## **Sensitivities and Risks**

The consultation highlighted the divergent views of enforcement stakeholders in Scotland and of enforcement stakeholders elsewhere in the UK and divergent views of different industry and enforcement stakeholder groups in England, Wales and Northern Ireland.

Loyalty of the 200 or so local authorities already operating local schemes to which they were wedded and the difficulties they faced migrating to a different scheme was stressed and there was a strong reluctance of local authorities already operating 5-tier<sup>4</sup> schemes to change to any other scoring system. It should be pointed out that there were a variety of different 5-tier schemes in existence with different scoring systems, a number of these driving for standards above legal compliance.

Resources were raised as an issue; with the success of a UK-wide scheme depending on the voluntary 'buy-in' of local authorities and voluntary display of the rating by food businesses. Consumer/business awareness and understanding were also seen as essential to success and the time taken to implement any scheme had to be in addition to local authority statutory duties.

## **FSA Board Decision**

At its meeting on 10 December 2008, the Agency's Board decided that a six-tier scheme should be developed in England, Wales and Northern Ireland (the scheme with ratings 0-5 became known as the Food Hygiene Rating Scheme (FHRS)) and a two-tier scheme (based on the Food Hygiene Information Scheme pilot) should continue in Scotland. These recommendations acknowledged the prevailing views of stakeholders received during the public consultation process.

The Board also agreed that a UK-wide Steering Group should be established to provide advice and guidance on the development of these schemes, aiming for commonality of approach where ever possible.

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<sup>4</sup> Tiered schemes with five levels (e.g. stars) plus one with a zero rating were referred to by stakeholders at the time of consultation as five-tier but are now generally referred to as six-tier schemes.

## Key features of the Food Hygiene Information Scheme (FHIS) and the Food Hygiene Ratings Scheme (FHRS)

### 1. Food Hygiene Information Scheme (FHIS)

**Independence from risk ratings** - the Food Hygiene Information Scheme (FHIS) provides transparency of enforcement inspection outcomes in simple and clear terms. The assessment is based on compliance with the European Community Regulations on food hygiene against all aspects of the Regulations including hygiene practices, the structure of the establishment, equipment and implementation of food safety management systems - i.e. current compliance level.

However, the scoring system is not wholly dependent on the *Food Law Codes of Practice* which are designed to generate rating of risk and frequency of inspection. The general direction and guidance given to local authorities is followed in assessing compliance against the requirements of the Regulations on food hygiene following a full inspection (as defined in the *Food Law Codes of Practice*).

**Format** - FHIS has two outcomes, 'Pass' or 'Improvement Required'. A 'Pass' represents a single level of compliance, satisfactory in terms of consumer expectations and also as an enforcement outcome. Minor non-compliances not critical to food safety are differentiated from more significant non-compliances. Such minor non-compliances are assessed against legal requirements and notified to the business with the normal expectation that they will be rectified as a matter of course without the need for a re-inspection. However, if such minor non-compliances are not rectified as expected, at a subsequent inspection the business will not be assessed as a 'Pass'.

Any business that does not meet the 'Pass' standard falls into the 'Improvement Required' category - the local authority will (in line with the *Food Law Codes of Practice*) communicate in writing, the nature of each non-compliance and the necessary remedial action. In this way, every business that does not meet the 'Pass' standard will be clear about the steps required to achieve this. This ensures that there is no conflict between the local authority's action to bring about compliance and the classification under the scheme.

**Compliance interaction** - existing enforcement guidance ensures that major non-compliance 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.

**Revisits** –additional requested revisits should only be required to 'Improvement Required' outcomes where there have been minor non-compliances that have recurred. Experience has confirmed that the additional burden on local authorities for this type of revisit is minimal in a two tier scheme.

## 2. Food Hygiene Ratings Scheme (FHRS)

The direction of travel for the FHRS was set following the Coalition Government's endorsement of the recommendations in Lord Young's October 2010 report, *Common Sense Common Safety*. The FSA achieved the Government's aim to have the scheme in place in time for the London Olympics and Paralympics.

**Dependence on risk ratings** - ratings given under the FHRS are wholly dependent on the *Food Law Codes of Practice* food hygiene risk rating scoring system. Whereby, a number of elements are assessed to determine the risk posed by an establishment and the frequency of intervention by the local authority. Three of those elements used assess compliance by the business with the food hygiene legislation. These are numerically scored and used to derive the rating that is presented to the consumer as the 'score' - see table.

Criteria	Score					
Level of current compliance with food hygiene and safety procedures	0	5	10	15	20	25
Level of current compliance based on the structure of the establishment	0	5	10	15	20	25
Confidence in management/control procedures.	0	5	10		20	30
<b>Total score</b>	<b>0</b> →					<b>80</b>
<b>Level of compliance</b>	<b>High</b> →					<b>Low</b>

**Format** The numerical scores are then mapped to the six tiers or ratings of the scheme as follows.

Mapping of numerical scores from the intervention-rating scheme at Annex 5 of the <i>Food Law Code of Practice</i> to the six FHRS food hygiene ratings						
Total Annex 5 scores	0 - 15	20	25 - 30	35 - 40	45 - 50	> 50
Additional scoring factor	No individual score greater than 5	No individual score greater than 10	No individual score greater than 10	No individual score greater than 15	No individual score greater than 20	-
Food hygiene rating	0 1 2 3 4 <b>5</b>	0 1 2 3 <b>4</b> 5	0 1 2 <b>3</b> 4 5	0 1 <b>2</b> 3 4 5	0 <b>1</b> 2 3 4 5	<b>0</b> 1 2 3 4 5
Descriptor	Very good	Good	Generally satisfactory	Improvement necessary	Major improvement necessary	Urgent improvement necessary

Note - Where an individual score (from the three elements in the Code of Practice) exceeds the additional scoring factor in the respective tier, the position of the establishment will drop down the banding to the maximum level at which the additional scoring factor is permitted e.g. for a second tier establishment where there is an individual score of 15, the establishment would drop down to the fourth tier.

**Revisits<sup>5</sup>** - any business with less than a 5 rating may request a revisit after the three month 'stand still' period following the intervention has elapsed Local authorities have to prioritise these within a further three month window from receiving the request.

<sup>5</sup> There are differences between the voluntary scheme and the mandatory scheme in Wales and as proposed in NI. The FHRS protocols set out in this paper apply to the voluntary scheme.



### 3. FHIS and FHRS similarities

**Appeals** - the schemes include procedures for appeal against an officer's judgement and the mechanisms for appeal should not go beyond existing procedures required under the Framework Agreement on Local Authority Food Law Enforcement.

**Assessment** - establishments are assessed during programmed inspection and the schemes do not therefore require separate inspection scheduling. They are designed to simply reflect the local authority's most up to date information and to fit existing procedures under the Food Law Code of Practice.

**Better Regulation** - a fundamental feature of both schemes is their alignment with the principles and aims of Better Regulation. In this respect the schemes avoid regulatory creep<sup>6</sup> by ensuring that none of the tiers (i.e. FHRS 5 rating or FHIS Pass) are above the level of compliance with Food Law.

**Fairness** - both schemes ensure fairness by providing access to revisits for all businesses that have addressed outstanding issues.

**Graduated Approach** - the schemes are also specifically designed to consistently model the existing graduated and risk-based approach to enforcement and encourage local authorities to follow good enforcement practice.

**New Businesses** - establishments that have registered under hygiene legislation but have not yet been inspected are entitled to an 'Awaiting Inspection' status.

**Scope** - the scope of both schemes is broadly the same and applies to all catering and retail operations where the public have access but allows for exemptions in prescribed circumstances<sup>7</sup>.

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<sup>6</sup> 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)

<sup>7</sup> Business to business trade (such as manufacturers) has been included in the statutory FHRS in Wales.

## ANNEX 2

### THE FUTURE EVOLUTION OF THE FOOD HYGIENE INFORMATION SCHEME

This annex is intended to provide a framework to assist with generating options. It builds on some points raised in Annex 1 but is not intended to be exhaustive. When reviewing options for future development of FHIS it is important to understand the considerations that shaped its current design and the extent to which these still apply. Given the advent of Food Standards Scotland, it is also worth considering whether there are any particular policy objectives of Scottish Government that might influence the future evolution of FHIS.

#### Historical purpose of FHIS and initial design constraints

##### 1. Primary Purpose of FHIS

The primary purpose of FHIS was to provide transparency for consumers about appropriate compliance with food hygiene standards at the *point of choice* rather than as a tool to progressively drive up lower levels of compliance at individual establishments towards such a standard. The scheme applies to establishments supplying to the consumer under a specific ownership at a specific address. A business cannot therefore take a *Pass* to a new address if an outlet moves or transfer a pass to a new owner if an outlet changes hands. In either case an inspection is required to assess compliance.

The linking of any public-facing information to the current assessment by an enforcing authority (local authority) was considered essential to retain consumer confidence that a rating scheme could not be at odds with the assessment carried out for official controls delivery.

##### 2. Initial Design Considerations and Constraints

###### 2.1. Number and Level of Tiers

The underlying reasons behind a two-tier design included recognition that similar schemes in other countries most involved both fixed-frequency inspections and compulsory display of results, which were not practical options available to the FSAS when the scheme was designed.

A scheme that increased inspection frequencies was considered impracticable, having regard to cost and impact on local authority resources. The FHIS *Pass* standard was set at a level of compliance which was considered as high as could practicably be achieved. The absence of tiered levels of *failure* below *Pass* removed the driver for successive revisits to reassess levels below an accepted pass standard. However, FHIS provides businesses with a right to re-inspection within 7 days of notification by the Food business operator (FBO) that all matters have been rectified. This has been established as workable because such revisits will take place as normal enforcement procedures unless the issues are minor. Additional visits are therefore only sought where only minor issues were involved. The right to re-inspection safeguards against a situation where businesses that comply less well might enjoy an advantage over those with only minor shortcomings.

The FHIS Working Group expected that '*Improvement Required*' status would never be voluntarily displayed but the consumer representatives accepted that consumers could infer *failure* from the absence of a *Pass* certificate. The scheme therefore provided a third category of certificate 'Awaiting Inspection'. Rollout of the scheme therefore was generally on an area by area basis, within which all establishments supplying to the public were

entitled to a certificate. The *point of choice* for consumers was expected to be at the establishment before the customer committed to a purchase. Display of a certificate in a prominent position at the establishment was therefore the principal channel for consumer information.

At the time when FHIS was established, the FSA in Scotland already operated the Eat Safe Award, which recognises a standard of food hygiene management above compliance. However, since all options for schemes were constrained by UK-wide FSA policy not to include a standard that exceeds compliance, the Eat Safe Award was not considered as a potential top tier for FHIS. It may be appropriate to consider whether FHIS and an award standard going beyond compliance, such as Eat Safe, could be more integrated in future.

## **2.2. Scope**

### **2.2.1. Scope of establishments covered**

The drive from consumer organisations was to focus on establishments supplying to consumers directly. Some local authorities felt that the exclusion of manufacturers and wholesalers placed an unnecessary constraint on the scheme and there was no known opposition to possible extension of the scheme to food establishments supplying from business to business. The current scope does however exclude (as 'Exempt') outlets that consumers would not identify as food establishments. This convention was applied UK wide based on the experience of FHIS. There has been no apparent driver for change to this approach in Scotland but the grounds for exemption subsequently developed under the statutory scheme in Wales are based more specifically on the nature of the food operation...

Although the application to establishments has never been challenged, it is worth considering that a whole-business assessment has not been considered and might be more relevant if an increase to the scope is to be considered.

### **2.2.2. Scope of legal standards included**

The scope assessment was confined to food hygiene because this was the issue of primary importance raised by consumer organisations. FHIS therefore does not effectively cover compliance with general food law (e.g. requirements for traceability, product withdrawals and misleading descriptions) nor does it extend to the wider assessment of 'food standards' compliance (e.g. labelling and compositional requirements). However, the 2013 horsemeat incident may have significantly changed public perceptions about the scope of compliance covered by the scheme.

### **2.2.3. Scope of timeframe considered**

The FHIS 'Pass' relates to compliance at the time of assessment and not to any track record of previous compliance. During the 2008 UK-wide consultation, stakeholders were asked whether display of historical results should form part of the scheme. Consultation results did not support the inclusion of historical results as part of any UK scheme. The [Danish 'Smiley' scheme](#) might serve as a contrasting example where that approach has been used<sup>8</sup> successfully. One feature of the FHIS that is seen as negative by local authorities is its inability to highlight variable standards of compliance over time. Local authorities in Scotland are currently working with the Food Standards Agency in Scotland to further refine inspection frequencies based on compliance history and in particular, the concept of 'sustained compliance'. This might provide an opportunity to consider this as part of the evolution of FHIS. The Danish scheme has defined a specific tier in its scheme called 'Elite-smiley' based on compliance history.

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<sup>8</sup> <http://www.findsmiley.dk/en-US/Forside.htm>

## Wider considerations and dependencies

### 2.3. Transparency of Delivery of Official Controls.

During the FHIS pilot it was recognised that an additional benefit of the scheme web-based interface was to highlight the prevalence of establishments 'Awaiting Inspection' and the length of time that the establishment has remained uninspected. During the pilot the web-based information included the date that establishments first began 'Awaiting Inspection'. High numbers of 'Awaiting Inspection' establishments decreased dramatically ahead of rollouts as did the maximum length of time that establishments remained uninspected. Publication of date that establishments first appear as 'Awaiting Inspection' was not continued on the UK Food Hygiene Ratings platform. An opportunity for the scheme to provide additional transparency about the performance of processes may worth considering as an aspect of the scheme's development.

### 3. Constraints based on administrative dependencies

Some constraints on the FHIS scheme involve significant dependencies that may not be immediately apparent. The following summary of potential dependency constraints includes some issues touched on earlier in this section.

- a) The operation of FHIS depends on a strong partnership of mutual trust and cooperation between FSAS and local authorities in Scotland and its evolution will depend to no less an extent on an agreed way forward between Food Standards Scotland and local authorities.
- b) The FHIS assesses compliance status separately from the Food Law Code of Practice risk rating scheme. This separation enables the code of practice risk rating and the FHIS protocols to be reviewed separately without any impact on one by the other.
- c) All food hygiene and standards assessments are carried out by environmental health services in unitary authorities in Scotland. There is therefore no constraint in Scotland that might be associated with the delivery of Official Controls for food standards and hygiene separately by different services and different tiers of authority.
- d) The extent to which a scheme will lead to additional inspections is dependent on funding and skilled personnel available. The possibility of developing a chargeable re-inspection service has not previously been explored but may be considered as a means of easing the current, resource-based constraint<sup>9</sup>.
- e) The design of FHIS specifically took account of its operation within a voluntary framework. Since the Food (Scotland) Act will provide primary powers for compulsory display, the possibility of a mandatory scheme may alter options designed to recognise its dependence on voluntary display. The Act will also provide powers for administrative penalties, which may support the operation of a more obligatory regime.
- f) The possibility of licencing of food establishments may be considered by the Scudamore Expert Advisory Group and alluded to in recommendation 46 of its report<sup>10</sup>. The need for, and scope of, a FHIS could differ markedly if licensing were to be considered for any classes of food business.

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<sup>9</sup> Chargeable reinspection is provided for under the statutory FHRS in Wales and is proposed in the Bill in Northern Ireland.

<sup>10</sup> Report of the Expert Advisory Group (chaired by Professor Jim Scudamore) to Scottish Government. Available at: <http://www.scotland.gov.uk/Topics/Health/Healthy-Living/Food-Health/NewFoodBody/AdvisoryGroupReport>

## Issues that have been raised as a consequence comparisons between FHIS and FHRS

The FHIS frequently appears to compare unfavourably on three outcomes, consumer awareness, display of certificates and levels of compliance. This section suggests reasons why the first two points of comparison might be affected by the incompatibility of promotional approaches towards each of the schemes and the compliance outcome by the application of a compliance measure that does not reflect FHIS performance.

### 4. Consumer awareness and voluntary display

We expect the voluntary display of certificates or stickers<sup>11</sup> to be linked to the perception by businesses that their customers are aware of the scheme in a way that affects their buying choices. Due to the nature of roll-out in Scotland, national campaigns were not undertaken until 2013, when nearly all local authorities were operating the scheme.

- In 2013 the FSA ran joint promotional campaigns aimed to increase consumer awareness of both FHIS and FHRS Schemes and voluntary display of certificates. These included short seasonal campaigns in 2013 and 2014 and a 6-week targeted campaign during January and February of 2013. The campaigns covered Scotland but creative visuals were uniform for the UK, which did not allow for design of campaigns around the specific features of FHIS. These campaigns had to balance the needs of all UK consumers and of both schemes. However market research identifies that Scottish consumers have some unique characteristics in how they react to messages and to the channels they are most likely to respond to.
- Reports commissioned to evaluate FHRS and FHIS have commonly found lower levels of scheme engagement amongst FBO's and consumers in Scotland.
- Although FHIS has evaluated less favourably its year-on-year performance has improved. Wave 3 of the *Food and You* survey published in 2014 found that recognition of the FHIS in Scotland was reported by 59% of respondents, compared with 44% at Wave 2 in 2012. The vast majority of those who recognised the FHIS Scotland sticker or certificate at Wave 3 said they had seen it in the window or door of a food establishment (91%).
- The FSA in Scotland ran its first independent campaign over a two-week period during the Commonwealth Games. The campaign was short and restricted to creative image advertisements located at the key transport links across the main city locations involved in the Games. Evaluation from this campaign produced some very positive indicators on image recognition which suggest that FHIS would benefit from a coherent targeted campaign targeting Scottish consumers.

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<sup>11</sup> Stickers were introduced in Scotland in 2009.