CONSULTATION ON THE FOOD HYGIENE RATING (WALES) BILL

WRITTEN EVIDENCE FROM THE FOOD STANDARDS AGENCY TO THE HEALTH AND SOCIAL CARE COMMITTEE OF THE NATIONAL ASSEMBLY FOR WALES AT STAGE 1 OF ITS SCRUTINY

Executive summary

Similar mandatory schemes that operate in other countries have demonstrated benefits in terms of improved food hygiene standards in food businesses, and reduced levels of serious foodborne illness. There are significant grounds to believe that these benefits cannot be fully realised by the current voluntary scheme.

Introduction

The Food Standards Agency (FSA) is a UK non-ministerial government department responsible for protecting public health in relation to food. We advise all four UK administrations and work closely with local authorities across the UK to ensure requirements of food safety regulations are met.

The Food Hygiene Rating Scheme (FHRS), which currently operates in Wales, England and Northern Ireland, was developed by the FSA as a voluntary scheme in the first instance, with the objective of ensuring that consumers have the information and understanding they need to make informed choices about where they eat. A similar scheme, the Food Hygiene Information Scheme, operates in Scotland.

The scheme provides consumers with easily understandable information on the hygiene standards of food business so they can make better informed choices about where they eat out or shop for food. A rating is given to each food premises that sells or provides food to consumers, as part of the programmed inspection by local authority food law enforcement officers. A sticker and certificate is provided to the food business recording the rating given. The food business may display the sticker and/or certificate at the premises. Such display is currently voluntary, although all ratings are published online at www.food.gov.uk/ratings.

The FHRS was launched by local authorities in Wales in October 2010, and is being implemented by all 22 local authorities. There are over 20,000 ratings of Welsh food businesses available on the UK national website so far, representing two-thirds of all establishments selling food direct to consumers in Wales.

FSA officials have worked closely with the Welsh Government on the Food Hygiene Rating (Wales) Bill, one of the effects of which would be to make mandatory the display by food businesses in Wales of their food hygiene rating.

<u>Is there a need for a Bill to introduce a statutory food hygiene rating scheme in Wales? Please explain your answer.</u>

Yes.

The publication of food hygiene ratings is an effective public health measure. Ratings schemes similar to the FHRS operate in other countries and have been evaluated. In Denmark, there has been an increase in the proportion of businesses with good food hygiene from 70% to 86% since a scheme launched in 2002; in California there was a 13% drop in hospitalisations due to food-borne disease after a scheme was introduced. Both the scheme in Denmark and that in California incorporated mandatory display of ratings in food premises.

There will inevitably be a gap between voluntary and mandatory schemes in terms of the availability of information to consumers at the point they make a purchase decision:

- although all ratings are available online, 33% of households in Wales do not have a home internet connection, and 73% of people aged 65 or over do not use the internet;
- many consumers will make spontaneous decisions on where to eat, yet only 6% of a sample of food businesses in Wales with a food hygiene rating of 0, 1 or 2 (below generally satisfactory) display the ratings in their premises voluntarily, compared with 66% of those businesses with the highest rating of 5.

We know that consumers favour mandatory display on food hygiene ratings by food establishments. An FSA survey in 2008 found that 95% of the public wanted to see mandatory display. Food industry respondents to a formal consultation later that same year did not agree.

For the above reasons, the Board of the FSA agreed at its open meeting in May 2012 that a mandatory approach to display of ratings would strengthen the FHRS and increase its potential to improve public health protection by increasing accessibility of the information to consumers, particularly in respect of lower-rated premises.

The FSA fully supports the ambition of the Welsh Government to provide a statutory basis for food hygiene ratings in Wales. The FSA will work with other Government Departments and stakeholders in England, Scotland and Northern Ireland to assess the potential impact of introducing parallel legislation once local authority adoption of schemes is universal in those countries, as it already is in Wales.

How will the proposed Measure change what organisations do currently and what impact will such changes have, if any?

The Bill will not change the current system of inspections, or the frequencies at which inspections are undertaken by food authorities. A programme of inspections is a requirement of EU food law, and local authorities will continue to inspect business according to risk.

The Bill proposes a statutory duty on Welsh local authorities to participate in the scheme, replacing the current voluntary arrangements under which all Welsh local authorities operates the FHRS. Such a duty would ensure future consistency in the operation of the scheme across Wales, to the benefits of both consumers and food businesses. The statutory duties that are proposed for Welsh local authorities and for the FSA will help protect the future of the scheme and the anticipated public health benefits.

The most fundamental change is that food businesses in Wales will now be required by law to display their food hygiene rating prominently in their premises.

The current voluntary scheme covers businesses supplying food direct to consumers. It therefore applies to places where consumers eat out, including restaurants, takeaways, cafés, hotels, pubs, schools, hospitals and residential care homes. It also applies to places where consumers shop for food, such as supermarkets, bakeries, and delicatessens. The Bill proposes that the scope of the statutory scheme is extended to include business-to-business trade. The FSA recognises that consumers have a legitimate interest in the food hygiene standards of businesses that supply the places where they buy food – for example the premises that supply food to schools or care homes where their children or vulnerable relatives might eat. The Board of the FSA therefore agreed at its open meeting in November 2011 to consult widely on extending the scope of the current voluntary FHRS to include business-to-business trade. The first stage of this broad consultation, which is using consumer forum methodology to explore consumer views, is currently underway.

What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

Two of the potential barriers to implementation and successful delivery of a statutory food hygiene rating scheme that is effective in protecting public health are:

- a lack of consistency in the application of the scheme by local authorities;
- poor awareness of the scheme amongst food businesses and consumers.

In order to tackle the first of these, the FSA has provided support to every Welsh local authority, including grant funding and materials to support local authority engagement with food businesses, throughout the process of adoption and

implementation of the current voluntary scheme on which the statutory scheme is based. The FSA also continues to provide a programme of training for local authority officers to support a consistent approach across Wales.

In order to raise awareness amongst food businesses, the FSA ran a publicity campaign between January and March 2010, including leaflets, posters, trade publication and radio advertising and promotion on the Agency's website. The aim of the campaign was to prepare businesses and to help them to achieve higher ratings when the national rating scheme was implemented in Wales later in 2010.

The FSA has also run two campaigns to promote the scheme to consumers in Wales. The first wave of publicity took place in March 2011 with the message "Food hygiene is getting easier to spot". The campaign included posters in telephone kiosks, radio advertisements and press advertorials. The second wave of publicity was in February 2012 with the message "Food hygiene is now easier to spot". In that wave, posters were displayed at bus stops and there were adverts and advertorials in publications across Wales. 48% of respondents in a survey of Welsh consumers reported being aware of the scheme after the 2012 campaign compared to only 36% after the 2011 campaign.

The Bill proposes new statutory duties on the FSA, including the promotion of the statutory scheme and provision of support to local authorities. The FSA notes that these duties would underpin our continuing work in this area, and welcomes them.

What are your views on the powers in the Bill for Welsh Ministers to make subordinate legislation?

The Bill makes provision for Welsh Ministers to provide, by means of regulations, for a statutory food hygiene rating "to be based on an assessment of the food hygiene standards of an establishment carried out prior to... commencement". The FSA strongly supports this provision. Without such a provision, there would be no means of applying the requirements for display to assessments made under the voluntary scheme – which already number in excess of 20,000 in Wales.

What are your views on the financial implications of the Bill?

The food hygiene rating given to a business is a reflection of how well it met the requirements of food law, when it was inspected by local authority officer. The rating given under the statutory scheme, as under the current voluntary scheme it would supersede, would be an assessment of legal compliance. The highest rating would be awarded to a food business that is fully compliant with food hygiene legislation. There are therefore no financial or other barriers for food businesses in Wales to achieving the highest rating, other than the cost of complying with existing food hygiene law.