

Scores on the Doors

LFCG

19 January 2010

Walbrook Wharf

City of London



FSA Working Groups

- Scope and Start Up Issues
- Scoring, Banding & Safeguards
- Consistency Issues

Scope

- All establishments to which registration requirements apply and
- Supply direct to the final consumer for consumption on or off the premises
- Subject to exemptions
- Restaurants, cafes, pubs, retailers, including supermarkets, mobile traders, schools, nurseries, care homes etc
- Retail outlets of approved establishments

Outside Scope

- Establishments that do not supply direct to the final consumer
- Manufacturers, packers, importers, exporters, distributors, transporters
- Premises outside scope not allowed to opt in

New establishments

- If requested – ‘awaiting inspection’ certificate
- Score at first inspection
- Change of proprietor – treat as new business
- Remove old rating
- Issue awaiting ‘inspection certificate’
- Change of name only – new certificate
- Move to new premises – new rating on first inspection

Multi unit premises

- Receive only one score
- E.g. supermarket, deli and bakery
- Separate registrations – separate ratings
e.g. supermarket coffee shop or staff
restaurant under different FBO

Premises subject to legal action

- If closed – it will not be rated during the time it is closed
- If it is subject to prosecution, but still trading and supplying food to the public - it will receive a rating, subject to exemptions and exclusions

Exemptions

- Low risk establishments
- i.e. premises not seen as being food businesses by the public and food is not primary part of the business
- E.g. visitor centres selling tins of biscuits or other wrapped products, leisure centres with only low risk vending machines, newsagents selling only pre-packed confectionery, chemists selling only pre-packed confectionery or health foods

Exemptions

- Certain businesses operating from a private address
- Mainly child minders or other caring services provided in home environment
- Doesn't include home caterers, but these should not have full address provided on website

Exemptions

- Exempt premises may opt in to the scheme
- LAs should rate them if business requests it
- Will be kept under review
- Exempt premises should be listed on website as 'Exempt' but full address details not displayed

Start up. Pre-launch activities

- New authorities & Migrating authorities
- Consider resource implications
- Secure agreement for joining scheme from team, managers and Members
- Formal sign up
- Project management
- Staged or critical mass implementation
- Launch date

Appeals mechanism

- LA must have policy on notifying business of rating. At time of inspection or afterwards by post
- Notification must be in writing
- Multi-site business – must communicate to head office
- If not notified at the time, must be without undue delay and within 14 days

Appeals mechanism

- Must provide information about how to appeal at time of notification
- Notification must include details of why business scored as it was
- If hasn't achieved top score, what priority actions required across all 3 criteria to improve level of legal compliance
- Must advise when rating will appear on website and when will receive sticker/cert

Appeals mechanism

- Informal discussion with inspecting officer to explain how/why scored as it was – optional
- Appeal to Lead Food Officer
- **Must include deadline for appeal to Lead Food Officer**
- Must provide name and contact details of inspecting and Lead Food Officer
- **Must provide weblink for more information, including template forms**

Appeals mechanism

- Appeal in writing within 14 days of notification – template form
- After 14 days if no appeal score published
- Appeal only where FBO believes score is unjust and does not reflect standards at the time - not if corrected since
- Appeal possible after a re-score
- Score not published whilst appeal in progress

Appeals mechanism

- Website entry 'awaiting publication'
- Previous score removed
- Appeals after 14 days not entertained
- Score published once Lead Officer determined appeal and notified FBO
- If still aggrieved can resort to Judicial Review
- Council's complaints procedure not part of process but can be used if consider service not delivered properly

Right to Reply

- Will be published on website
- Explanation of actions taken since
- Mitigation for circumstances that led to rating
- Not to complain or criticise
- Submit electronically or in writing
- Text may be edited by LA before publication
- Standard template

Re-inspection/Re-scoring

- Applies following a rating and FBO taken corrective actions
- May ask for re-score at any time as long as priority actions identified to improve legal compliance have been carried out
- Only one request for each planned intervention

Re-inspection/Re-scoring

- Officer MAY discuss by phone to confirm all matters addressed and request is appropriate
- For poorer performing businesses, revisits will occur as part of normal follow up work – SotD may be changed if overall assessment of compliance is made
- Request must be in writing and at any time
- Indicate the actions taken to correct non compliances – include supporting evidence, where appropriate
- Standard template

Re-inspection/Re-scoring

- Don't have to re-inspect if case not substantiated or supporting evidence not provided
- Must tell them what required to accept request if refuse
- No re-score solely on documentary evidence
- No re-inspection until after 3 months 'stand still period' has elapsed from original notification or appeal resolved
- Re-inspection must be within 3 months of request

Re-inspection/Re-scoring

- Re-inspection must be unannounced
- Score can go down as well as up!!
- If re-score visit is an appropriate intervention – i.e. inspection, partial inspection or audit, then intervention rating can be amended
- Charging – longer term objective due to changes at EU level in charging for official controls – FSA to report in August 2010

Scoring & Banding

- Working group discussed top tier
- Failed to reach agreement
- FSA and LBRO/BRE consider zero points in Annex 5 includes elements of gold plating
- LAs argued can and do score zero points without need for any of the gold plating elements
- London/TD option was never discussed

Scoring & Banding

- Taken back to Steering Group, who also could not reach agreement
- FSA next wanted decision on position of Broadly Compliant in scheme, without having considered other tiers
- FSA favoured 3 star level due to consumer research
- Working Group did not consider the issue and referred to Steering Group

Scoring & Banding

- Steering Group had little discussion and did not reach agreement
- FSA decided to make the decision after short consultation
- Andrew Wadge letter to Steering Group Chair to confirm:
 - Top tier 0-15 points
 - Broadly Compliant at 3 star level

Variation	5 Stars	4 Stars	3 Stars	2 Stars	1 Star	0 Stars	Local authorities known to be operating these bandings
	Numerical score from derived from the 'intervention-rating scheme at Annex 5 of the <i>Food Law Code of Practice</i>						
1	0	5-10	15	20-30	35-40	45+	1
2	0-5	10-15	20	25-30	35	40+	14
3	0-5	10-15	20-25	30	35-45	50+	61
4*	0-5	10-15	20-25	30	35-45	50+	1
5	0-5	10-15	20-25	30	35-40	45+	1
6	0-5	10-15	20-25	30-35	40	45+	7
7	0-5	10-15	20-25	30-35	40-45	50+	28
8*	0-5	10-15	20-25	30-35	40-45	50+	1
9	0-5	10-15	20-25	30-35	40-45	50+	2
10	0-5	10-15	20-25	30-35	40-45	50+	1
11	0-5	10-15	20-25	30-40	45	50+	6
12	0-5	10-15	20-30	35-40	45-50	55+	1
13	0-5	10-15	20-25	30-35	40-45	50+	1
14	0-10	15	20-25	30-40	45-55	60+	1
15	0-10	15-20	25-30	35-40	45-50	55+	1

* Include additional scoring factors in the banding requirements e.g. some may include a score for significant risk.

'Broadly compliant' – what does it mean/what should it mean?

- FSA asked LAs for picture of what '10' looks like
- Reps agreed and submitted
- FSA changed descriptions in meeting paper without further consultation
- FSA version describes what Broadly Compliant 'should' actually look like
- FSA say we are scoring too leniently

Scoring & Banding

FSA Scheme

Tiers	Top	Second	Third	Fourth	Fifth	Bottom
Band	0-15	20	25-30	35-40	45-50	55+
No score greater than	5	10	10	15	20	

Stars	5*	4*	3*	2*	1*	0*
Band	0-5	10-15	20-25	30	35-45	50+

Existing London Scheme

Symbols

- FSA research into consumer understanding
- FSA and Industry do not favour stars – so could be something else

Compulsory Display of Scores

- FSA Board want voluntary scheme
- London Local Authorities Bill
- 3 petitions received against the Bill by those affected by it after 1st Reading in the Commons
- So..... don't rely on it becoming law!!

ALEHM Resolution

ALEHM believes in the principal of a single national scheme for Scores on the Doors, as this has benefits for consumers, business and local authorities. It is our desire for all London authorities to be part of a truly national scheme. We welcomed the pragmatic decision taken by the FSA Board in December 2008 to adopt a 6 tier scheme as “it would lead to the greatest improvement for the greatest number of the population in the shortest time” and “would be cheaper, easier and quicker to implement”.

The Association is disappointed with the decisions taken by the FSA Executive regarding the scoring and banding structure of the proposed national scheme, which result in a structure unlike any existing scheme. We believe that this disregards the Boards intentions and will result in increased time and costs for local authorities to transfer to a scheme that;

- removes the distribution across the bands which provide a graduated approach to recognise and encourage improvement, in effect substantially removing the public health benefit of a multi tier scheme
- fails to give recognition to businesses that achieve full compliance, and
- provides consumers with a misleading representation of the compliance levels of premises

We recognise the need for some method of rescoring certain businesses, but are concerned about the resource implications of the FSA decision to allow all businesses to request a rescore, regardless of the public health benefit of doing so. We are disappointed that the FSA will not be issuing advice on whether a charge can be levied for these revisits until August 2010.

These concerns lead us to believe it would be disadvantageous to transfer from the existing London scheme to the proposed FSA scheme at this time. We believe it is important for consumers and businesses that a consistent scheme is in operation across London and resolve that the existing London schemes will continue to operate until the FSA scheme has been launched and evaluated. ALEHM will reconsider a transfer to the national scheme in the light of such evaluation.