

**PUBLICATION OF HYGIENE INSPECTION INFORMATION**  
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**1. INTRODUCTION**

- 1.1 High standards of food hygiene and food safety are key objectives for regulators, business and consumers. Yet it has been estimated that there are some 1.3 million cases of food borne illness a year<sup>1</sup>. Such a quantity of cases imposes significant costs both in terms of human suffering, in charges on the health service and on the economy, through lost working days. Although officially reported cases of food poisoning show a declining trend, numbers are still substantial and consumers remain concerned about standards of food hygiene. Such concerns are not limited to the United Kingdom but are also reflected across Europe<sup>2</sup>. Alongside this, the introduction of new European Regulations, to consolidate and simplify food legislation, has also raised issues about the effectiveness of interventions and the provision of consumer information<sup>3</sup>.
- 1.2 The need to provide information to the public, in the United Kingdom, is also being driven by the Freedom of Information Act 2000 which is intended to promote a culture of openness and accountability amongst public authorities. From 1 January 2005, individual rights of access to information have come into force and already many local authorities have received requests for details about food premises inspections. These have ranged from requests about individual premises to details of all premises inspections, over a specified period of time, in a particular area. Bringing all these elements together, it is timely to consider whether or not current approaches to food safety need amendment to address issues of effectiveness and transparency.

**2. BACKGROUND**

- 2.1 Whilst there will be a range of ways to address these issues, one approach that might be considered is the publication of information on standards of hygiene in food businesses. Schemes of this sort are already in use in the United States, Canada and Denmark and have been referred to as “Scores on the doors” initiatives. All jurisdictions in the United States and Canada provide information about restaurant inspections on request, to comply with the relevant Freedom of Information Acts. However, a number have introduced more specific initiatives, posting detailed information on websites and requiring businesses to display summary reports on the premises. In 2004, at least 25 different United States’ jurisdictions provided web based publication of material<sup>4</sup>. In Canada, Toronto has recently adopted a hygiene information publication system, using both web based comprehensive reports and the display of summary details on the premises. In this case rather than utilising letter grades, as is common the United States, summaries are provided through the use of coloured cards, based on a “traffic light system”. Green is a pass, yellow a conditional pass and red means that the premises are closed.
- 2.2 At present, the only European Union state to publish full inspection details is Denmark. Once again comprehensive details are provided on a website, with summaries displayed

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<sup>1</sup> Adak G, Long S M, O'Brien S J. Trends in indigenous food borne disease and deaths, England and Wales: 1992 to 2000. *Gut* 2002;51:832-841

<sup>2</sup> Anon. Consumer Trust in Food. [www.trustinfood.org](http://www.trustinfood.org)

<sup>3</sup> Regulation 882/2004 Article 44 and Article 7

<sup>4</sup> Boehnke R H; Graham C. (2000): International survey on public posting of restaurant inspection reports and/or grade card posting schemes based upon health inspections. [www.foodsafetynetwork.ca](http://www.foodsafetynetwork.ca)

at the premises, through the use of a range of different “Smiley” face symbols - from happy to sad.

- 2.3 There has been much debate about the effectiveness of such systems and the perceived difficulties that would need to be addressed if they are to be accepted by regulators, consumers and business. There has been little general evaluation of such schemes, although there is much anecdotal evidence from the United States that food hygiene compliance standards have improved. Two instances of specific evaluation can be cited, one having been carried out in Pasco County in the United States, reported by Boehnke et al<sup>5</sup>. This evaluation indicated that after the introduction of a publication scheme, a reduction in the incidence of food borne illness could be seen. A further evaluation carried out by Jin et al<sup>6</sup>, in the Los Angeles area, found a decrease in hospitalisation due to food borne illness after the introduction of a scheme. In Los Angeles, there was a decrease of some 13% whereas conversely across California there was an increase of 3.2%. Furthermore, it was found that standards in restaurants improved significantly with the greatest level of improvement being seen in the “worst restaurants”. Revenue analysis also indicated that consumers were sensitive to restaurant hygiene, with a shift in demand from restaurants with poor hygiene to those with good hygiene standards.
- 2.4 In Toronto, a “Dine safe” scheme was introduced with the aim of raising compliance standards in food hygiene and reducing incidence of food borne illness. Evaluation after one year showed that 98% of the public and 71% of food businesses supported the scheme and that 82% of food businesses reported that inspectors were either fair or impartial when visiting and assessing their premises. Whilst compliance rates were seen to increase with each inspection, it was difficult to draw conclusions about effects on food borne illness after only one year<sup>7</sup>. Extrapolating from the findings of Jin et al it might be expected that the proxy measure of increased compliance would link to reduction in the incidence of food borne illness.
- 2.5 In Europe, Denmark introduced a system to publicise inspection results in 2001. Once again this used a central website for the display of information, supplemented by a requirement that businesses display hygiene information on the premises, in a place that is easily visible to consumers. Surveys carried out in 2003 showed that 94% of consumers supported the scheme and 79% said they would be influenced by the results when choosing eating places. 77% of businesses supported the scheme and of these 83% believed that the inspector’s judgement was fair when making assessments. Overall, the Danish food authority, asserts that compliance levels have improved and that the scheme has been an outstanding success<sup>8</sup>.

### **3. SPECIFIC CONSIDERATIONS**

3.1 However, whilst surveys from the United States, Canada and Denmark have shown considerable support for such schemes, concerns have also been raised about the need to ensure that schemes are consistent, fair and equitable. As a consequence if a United Kingdom scheme(s) is to be supported and owned by regulators, business and consumers the following issues will need to be addressed:

- a) Openness and transparency
- b) Consistency

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<sup>5</sup> Boehnke R H; Graham C. (2000): International survey on public posting of restaurant inspection reports and/or grade card posting schemes based upon health inspections. [www.foodsafetynetwork.ca](http://www.foodsafetynetwork.ca)

<sup>6</sup> Jin G; Leslie P (2003). The effect of information on product quality: Evidence from restaurant hygiene grade cards. Quarterly journal of Economics 118(2) 409-451

<sup>7</sup> Busrur S (2003). Evaluation of food premises inspection and disclosure systems. City of Toronto.

<sup>8</sup> Communication from Foedevaredirektoratet.DK (2004)

- c) Fairness and equity (**NB.** Considerations of elements a, b and c would include acknowledgement of the application and influence of the Enforcement Concordat,)
- d) Public health improvement
- e) The legal framework
- f) Costs versus benefits

**a) Openness and transparency**

The basis and operation of a publication scheme would need to be completely open and transparent. Development of such a scheme would need to involve all the relevant stakeholders including regulators, business and consumers.

**b) Consistency**

Consistency of inspections has been raised as an issue by business in the past. Considerable work has been done to address these concerns through mechanisms such as the Food Safety Act Code of Practice and associated guidance, through the Local Authorities Co-ordinators of Regulatory Services (LACORS) development of inspection templates and guidance; through encouragement of inter-authority auditing and through external auditing by the Food Standards Agency. Discussion with a number of CIEH members in the private sector has suggested that further improvement might be made, perhaps by the greater use of standardised inspection templates. The commercial auditing sector already uses such processes to aid consistency when working nationally and internationally. There are a number of ways that this might be managed, i.e. through the use of proprietary software or by the use of paper based systems. Private sector environmental health practitioners have indicated their wish to work with public sector colleagues and business to produce a framework that can be “owned” by the relevant stakeholders.

**c) Fairness and equity**

The use of standardised systems could assist in ensuring fairness and equity in judging hygiene standards. Surveys, in other countries, have shown that in general business has been satisfied with the inspector’s impartiality in arriving at hygiene judgements. However in cases where poor standards have been identified there have been some disputes. Additional measures to address areas of dispute, used in existing publication schemes, include:

- providing businesses with the opportunity to make comments at the foot of inspection reports (Denmark)
- re-inspecting on request, after a poor result, but charging accordingly (Denmark and the United States). It is noted that further consideration of charging regimes will result from forthcoming European hygiene legislation<sup>9</sup>.

If publication schemes are to be introduced in the United Kingdom then measures to address such issues, perhaps through some form of appeal mechanism will need careful consideration. In addition further issues of consistency and equity will also need consideration. In Denmark and the United States, publication schemes cover sufficiently large areas to provide a reasonably “level playing field”. However, the situation in the United Kingdom is different when considering the number and size of local authority areas. At present only one local authority, the London Borough of Greenwich (LBG) publicises any form of hygiene inspection information. The LBG uses a “mandatory award scheme” which indicates whether or not a premises has achieved compliance with the law. Compliant premises are given an “award”, whereas non-compliant premises are identified by the lack of an award after a food hygiene inspection. These details are

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<sup>9</sup> Reg 882/2004

posted on the LBG website allowing consumers to identify non-compliant premises and make their choices accordingly.

A number of local authorities are actively considering the introduction of schemes to publicise inspection information, however, they have different views on the approaches to take. These vary from publication of complete inspection reports, to publication of summaries using various formats and may also be linked to awards for premises demonstrating excellent standards. Recognition of “excellence” is to be welcomed, however, such schemes, if they are stand alone, do not assist consumers in identifying “poor practices”. There would appear to be no barrier to utilising publication schemes alongside award schemes and indeed there would seem to be merit in using both “tools” together.

Whilst current Local Authority proposals should not be discouraged in any way, wide variations in schemes are not likely to find favour with business, due to a lack of consistency and perhaps perceived inequities. They may also lead to consumer confusion as comparisons between schemes could be difficult. One way to address such issues would be the introduction of a national scheme and this has emerged as a key proposal during preliminary discussions with stakeholders.

**d) Public health improvement**

It is difficult to show a cause and effect relationship where multiple factors can influence outcomes. However, proxy measures such as the improvement in compliance standards should provide good indicators. Intuitively, it would seem that improved compliance would lead to improved standards of food safety and public health and the evaluation carried out by Jin et al supports this argument<sup>10</sup>. A robust evaluation method would need to be incorporated into any scheme to enable measurement of effectiveness.

**e) Legal framework**

A number of local authorities are currently releasing information about food hygiene inspections, as a result of requests made under the Freedom of Information Act. There is a degree of disagreement about what should and what should not be released and a number of questions on the subject have been put to the Information Commission by a range of interested parties. Whilst advice from the Information Commissioner will undoubtedly prove helpful, as in other legal issues, court rulings will be necessary to establish case law. This, however, may take some time to achieve and should not be seen as a reason for inaction in the meantime.

**f) Costs versus benefits**

Review of schemes that publish and display results has suggested that initial investments are required in areas such as Information and Communications Technology systems. However, discussion with a limited number of local authorities in the UK, who are currently considering such initiatives, has indicated that they believe this would not prove a major barrier. A number of approaches are being considered from use of an “in-house” website for posting information, to externally hosted and managed websites and the use of proprietary or “in-house” data capture systems, involving the use of hand held units. One local authority has suggested that software companies will develop “in-house” systems for little or no charge, to bring in future business, as such is their experience. When balancing costs against benefits there is a view that in the longer term improvement in standards will result in a requirement for less frequent and less intense inspections which together with associated public health gains will justify reasonable

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<sup>10</sup> Jin G; Leslie P (2003). The effect of information on product quality: Evidence from restaurant hygiene grade cards. Quarterly journal of Economics 118(2) 409-451

initial costs. Value might also be added through the ability to rigorously interrogate captured data, thus allowing more effective and targeted interventions.

#### **4. CONCLUSIONS**

- 4.1 The Freedom of Information Act is driving the release of information about food hygiene inspections and it would seem more consistent, fair, equitable and useful to consumers and business to provide some standardised information in a standardised format for the publication or release of inspection results (assuming no legal barrier is raised). Ad hoc release in formats that are subject to variable interpretation does not appear helpful to any party. However, it must be acknowledged that there is still likely to be a requirement for detailed information from certain quarters.
- 4.2 There are both national and European drivers to demonstrate the effectiveness of regulatory interventions currently. These include the requirements of new European hygiene legislation, previously cited and national considerations such as the Hampton Review into “Reducing administrative burdens: effective inspection and enforcement”<sup>11</sup>. Indeed this interim report has raised issues of consistency, identified the need to incentivise compliance and noted the use of Award schemes together with the potential for publicising inspection results.
- 4.3 Whilst there are queries and concerns about “Scores on the doors” initiatives, surveys have shown that they are generally well supported by both consumers and businesses. In the United Kingdom a recent Which? survey (February 2005) showed that 95% of consumers wanted to see inspection results published. More locally, at least one Best Value Review and a subsequent further community consultation has demonstrated support, from both business and consumers, for publication of hygiene inspection results.
- 4.4 Given this level of support and the “current drivers” there appears to be much merit in giving detailed consideration to a scheme with the potential to:
- Improve food safety standards, providing benefits for both consumers and compliant businesses
  - Improve and demonstrate increased transparency, equity and consistency in control activities
  - Improve risk communication to all stakeholders

#### **5. RECOMMENDATIONS FOR ACTION**

- Further urgent investigation into the legal situation around publishing inspection results.
- Creation of an FSA supported working group composed of regulators, industry and consumers to explore the costs and benefits involved in setting up a national scheme to publicise inspection scores. Particular considerations should be given to:
  - Consistency of inspection frameworks and decision making
  - Appropriate information format for publication
  - Resource requirements

(NOTE: CIEH is currently carrying out work in this area, however, given the FSA’s undertaking, in its response to the Hampton Review interim report, to “research the feasibility of a scheme through which restaurants and caterers prominently display a score or rating

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<sup>11</sup> Hampton P. (December 2004) Reducing administrative burdens: effective inspection and enforcement. HM Treasury

given as a result of their most recent food hygiene inspection”, it is suggested that a combined working group be set up to more effectively take this issue forward)

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