

## Members' Library Service Request Form

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**REPORT TO:** Members' Library Service

**BY:** Environmental Health Service Manager

**SUBJECT:** EatSafe Award Scheme

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## **1 PURPOSE**

- 1.1 The purpose of this report is to make Members aware of the EatSafe Award Scheme, managed by Food Standards Scotland and administered by Environmental Health Services of Local Authorities.
- 1.2 The Award Scheme is considered an important element in raising food safety standards thus supporting food law enforcement.
- 1.3 The Award Scheme is directly linked to the following food safety objectives:
- Reducing food-borne disease
  - The promotion of Hazard Analysis and Critical Control Point (HACCP)
  - Generating transparency of food hygiene standards in food premises
  - Improving public confidence / consumer choice
- 1.4 The EatSafe Award Scheme is completely compatible with the existing Food Hygiene Information Scheme (FHIS) that East Lothian Council launched in 2009 (Appendix 2).
- 1.5 FHIS is designed to rate hygiene standards against the legal requirements, where the EatSafe Award Scheme is designed to recognise businesses that have achieved standards over and above legal requirements.

## **2 RECOMMENDATIONS**

- 2.1 That Members note the launch of the EatSafe Award Scheme within East Lothian, recognising businesses that are achieving and maintaining food safety standards over and above legal requirements, thus promoting sustainable economic growth.

### **3 BACKGROUND**

- 3.1 The EatSafe Award Scheme was developed in Northern Ireland following consultation with all interested parties i.e. consumers, caterers and enforcers. EatSafe was extended to Scotland during January 2005 by Food Standards Agency Scotland.
- 3.2 Since its creation in 2015, Food Standards Scotland now manages the EatSafe Awards Scheme, with Local Authority Environmental Health Services administering the Scheme.
- 3.3 Food Standards Scotland (FSS) considers the EatSafe Award Scheme to be an important element in raising food safety standards thus supporting food law enforcement.
- 3.4 Premises do not apply for the Award. Environmental Health Officers and Food & Safety Officers assess if a business is eligible while carrying out routine inspections. If the business meets the standards required, they will be advised by the Officer.
- 3.5 To enter the Scheme the business has to agree to terms and conditions which cover the issue of the Award and circumstances under which an Award can be withdrawn.
- 3.6 Eligible businesses are issued with a certificate and promotional material to display in their premises. The certificate is signed by Food Standards Scotland and the Environmental Health Service Manager of East Lothian Council.
- 3.7 The Food Hygiene Information Scheme Implementation Group advises Food Standards Scotland (FSS) on the ongoing development of the Scheme. The group consists of representatives from each of the following: Consumer Focus Scotland, Scottish Food Advisory Committee, The Scottish Food Enforcement Liaison Committee and Trade and Industry representatives.
- 3.8 The EatSafe Award has one tier with the intention of keeping the Scheme simple, easy to administer and of minimising possible impact on Local Authority Officer workloads.
- 3.9 Initially the Award was limited to catering operations to which the public has access. However, from February 2010 the scheme scope was expanded to be the same as the scope for the Food Hygiene Information Scheme (FHIS) and will remain anchored to this scope.
- 3.10 Environmental Health Officers and Food & Safety Officers assess food businesses against the set criteria during planned food hygiene inspections.

3.11 The EatSafe Awards are seen as a reward for those businesses that have achieved standards over and above the present legal requirements. The Award Scheme criteria is set out in Appendix 1.

3.12 Local Authorities may withdraw an EatSafe Award certificate at any time if:

- (a) The food business fails to meet the required criteria at the time of inspection.
- (b) A visit to the premises for any reason e.g. sampling, complaint etc. reveals that the criteria are no longer met.
- (c) There is, for any reason, a confirmed fall in standards (e.g. justified food poisoning investigation, enforcement action necessary, failure in Food Safety Management System/record keeping).
- (d) The food business ceases to trade.
- (e) The food business is taken over by a different proprietor / franchisee / company.

3.13 Premises that fail to gain a PASS in terms of the Food Hygiene Information Scheme will not be considered for the EatSafe Award.

3.14 Certificates last from one planned food hygiene inspection to the next unless withdrawn by the Local Authority as indicated earlier. Certificates are undated and renewal consists of leaving the certificate in place if the Award criteria are still met at subsequent planned food hygiene inspections.

3.15 As Award criteria are clearly defined and made known to food business operators, it is considered that a formal appeals mechanism is unnecessary. However, East Lothian Council will implement a mechanism whereby an aggrieved food business operator can escalate concerns through the Environmental Health Service.

#### **4 POLICY IMPLICATIONS**

4.1 Recommendations will contribute towards the East Lothian Plan (SOA - Outcome 1 East Lothian has a growing sustainable economy).

[http://www.eastlothian.gov.uk/downloads/file/9787/the\\_east\\_lothian\\_plan\\_single\\_outcome\\_agreement\\_2013](http://www.eastlothian.gov.uk/downloads/file/9787/the_east_lothian_plan_single_outcome_agreement_2013)

#### **5 INTEGRATED IMPACT ASSESSMENT**

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## 6 RESOURCE IMPLICATIONS

- 6.1 Financial – There are no financial implications arising from this report. Any additional costs arising from policy will be managed from existing resources.
- 6.2 Personnel – There are no staffing implications arising from this report as Environmental Health Officers and Food & Safety Officers assess food businesses against set criteria during planned food hygiene inspections.
- 6.3 Other – None.

## 7 BACKGROUND PAPERS

- 7.1 Appendix 1 – EatSafe Award Scheme Criteria
- 7.2 Appendix 2 – Cabinet Report (10 February 2009), *FSA Food Hygiene Information Scheme (Scores-on-the-Doors)*

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<b>DATE</b>	24 <sup>th</sup> February 2017

## Appendix 1 EatSafe Award Scheme Criteria

LEGAL COMPLIANCE	
Food Hygiene & Safety (handling practices, procedures, temp. control)	Structural
<p>Good compliance with Regulation (EC) No 852 on the hygiene of foodstuffs and The Food Hygiene (Scotland) Regulations 2006, Schedule 4 – Temperature Control Requirements.</p>	<p>Good compliance with Regulation (EC) No 852 on hygiene of foodstuffs. Any non-compliance minor in nature only and not critical to food safety.</p>
HACCP BASED FOOD SAFETY MANAGEMENT SYSTEM	
<p>1. In addition, whether or not flexibilities might otherwise apply with regard to the application of Article 5 of EC Regulation 852/2004. A documented HACCP based Food Safety Management System appropriate to the nature of the business is in place such as Cook<b>Safe</b>, Retail<b>Safe</b>, Butcher<b>Safe</b>, businesses own system or local authority own system.</p> <p>2. Audit by Local Authority confirms general compliance with documented Food Safety Management System.</p>	
TRAINING <sup>1</sup>	
<ol style="list-style-type: none"> <li>1. All food handlers to receive the essentials of food hygiene instruction before starting work and further food hygiene awareness instruction within 4 weeks (8 weeks for part time staff) of commencing employment.</li> <li>2. All food handlers involved in preparation and handling of high-risk open (unwrapped) foods will have been successful in an examination taken following an elementary<sup>2</sup> level food hygiene training course, or equivalent in-house training<sup>3</sup> within 3 months of commencement of employment.</li> <li>3. All food handlers that have not achieved the elementary level food hygiene competence set out in the preceding bullet point must be supervised by a person who has that level of competence or intermediate<sup>4</sup> food hygiene level where the next bullet applies.</li> <li>4. Where a business handles either:             <ol style="list-style-type: none"> <li>a. open ready to eat foods and unwrapped raw meat/poultry or unwashed root vegetables at the same time, or</li> <li>b. unwrapped high risk (perishable) ready to eat foods,</li> </ol> <p style="margin-left: 20px;">All food handlers must be supervised by a person who has been successful in an examination taken following an intermediate level food hygiene or equivalent in-house course<sup>5</sup>.</p> </li> <li>5. A food handler holding the elementary food hygiene or, where required under bullet point 4, the intermediate food hygiene certificate may work without supervision by a person trained to that standard.</li> <li>6. Staff responsible for the development and maintenance of Food Safety Management System have received appropriate training in the application of HACCP principles<sup>6</sup>.</li> <li>7. Certificates and/or the training records available to prove these competencies.</li> </ol>	

<sup>1</sup> Officers should use discretion in applying training criteria e.g. businesses should not be refused an Award merely because one or two food handlers were not trained within specified time periods or if certificates have not yet been received from the Awarding body.

<sup>2</sup> Equivalent to Level 2 Food Hygiene Award in England, Wales and Northern Ireland

<sup>3</sup> The onus for demonstrating the equivalence of in-house training and subsequent assessment of competence rests with the business

<sup>4</sup> Equivalent to Level 3 Food Hygiene Award in England, Wales and Northern Ireland

<sup>5</sup> At least one person with intermediate training would be present in the premises in normal circumstances at times when these operations are being carried out. Practical allowances for holidays or short absences due to other business needs may be necessary, however, arrangements should be in place in the premises to ensure the food hygiene management and HACCP arrangements are working effectively during any such absences.

<sup>6</sup> As set out in Regulation (EC) No 852/2004 of 29 April 2004 on the hygiene of foodstuffs / The Food Hygiene (Scotland) Regulations 2006.

**REPORT TO:** Cabinet

**MEETING DATE:** 10 February 2009

**BY:** Executive Director of Environment

**SUBJECT:** FSA Food Hygiene Information Scheme (Scores-on-the-Doors)

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## **1 PURPOSE**

- 1.1 To advise the Cabinet of the outcome of the consultation on the Food Standards Agency's proposals for a national Food Hygiene Information Scheme (Scores-on-the-Doors).
- 1.2 To advise the Cabinet of the options available in relation to the proposed introduction of a scheme into East Lothian.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet is asked to support the introduction of a Food Hygiene Information Scheme into East Lothian.
- 2.2 Cabinet is asked to approve the proposal for the introduction of the scheme as detailed in Appendix 1 to this report.

## **3 BACKGROUND**

- 3.1 As detailed in the previous report submitted to the Members Library, during 2008 the Food Standards Agency conducted a wide-ranging consultation on their proposal to introduce a national Customer Information Scheme, commonly referred to as a 'Scores-on-the-Doors' scheme.
- 3.2 The intention of the scheme is to provide consumers with information about food standards in food businesses by displaying certificates and publishing information on the Council's web site. This will mean that:
  - Consumers have access to business inspection reports which will be available on the website.
  - It will allow the customer to make 'informed choices' about which business they will support.

- Be more attractive to tourists/visitors.
  - Business compliance rates will be transparent which, in turn, will help to drive up standards.
- 3.3 After some debate, the FSA Board has decided to support two schemes:  
a) In England, Wales and Northern Ireland a six-tier scheme (five stars plus fail) which is currently widely used in and around London (although an alternative to stars is to be introduced) and b) In Scotland a two-tier scheme currently in use by City of Edinburgh, Perth & Kinross, Aberdeen City, Fife and Renfrewshire.
- 3.4 The proposed scheme is based on compliance with the law only.
- 3.5 It will not be compulsory (at this stage) for Local Authorities to introduce a Customer Information Scheme but public opinion and Consumer Groups are in favour of the introduction of such schemes.
- 3.6 Display of scores at premises will be voluntary (at this stage) and there will be mechanisms for re-inspection / re-visits for re-scoring, and for appeals. It is anticipated that all businesses in receipt of a pass certificate will choose to display it, and those receiving an 'Improvement Required' certificate will carry out the necessary work quickly in order to reach the 'Pass' standard.
- 3.7 The FSA propose a local authority support package to include guidance, training and an IT platform.
- 3.8 It is proposed to introduce the Food Hygiene Information Scheme to East Lothian on a town-by-town basis, with a view to commencing the first roll-out week commencing 6 April 2009. As East Lothian attracts a large number of visitors it is proposed to start the scheme in the more popular tourist areas, therefore the initial launch of the scheme will be aimed at North Berwick followed by Dunbar and Port Seton. It is estimated that the complete roll-out across East Lothian will take two years using existing resources.
- 3.9 The Food Hygiene Information Scheme will apply to all premises where food is sold, including mobile traders, amounting to approximately 1000 businesses in East Lothian.

#### **4 POLICY IMPLICATIONS**

- 4.1 There are no policy implications.

#### **5 RESOURCE IMPLICATIONS**

- 5.1 Financial – There will be financial implications when any scheme is introduced and some of those have been identified by FSA in their Impact Assessment carried out at the consultation stage. However, FSA



has indicated financial support for Local Authorities introducing the national scheme but no indication of the level of support has yet been given. An approach to the Food Standards Agency Scotland regarding financial support for the initial introduction of the scheme to the first section of East Lothian businesses has received an encouraging response provided the necessary work is carried out in the financial year ending 31 March 2009.

5.2 Personnel - The initial introduction of any scheme will impact on the current workload but should be contained within existing staff resources. However, this will be further evaluated as the scheme is rolled out over East Lothian.

5.3 Other – none

## **6 BACKGROUND PAPERS**

6.1 Appendix 1 – Proposed phased introduction of a Food Hygiene Information Scheme into East Lothian.

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### **Proposed phased introduction of a Food Hygiene Information Scheme into East Lothian**

#### **1. Introduction**

A *Scores on the Doors* scheme is a means of providing information to consumers about the standards of hygiene in food businesses at point of sale and on the web. The demand for such a scheme was first recognised in Scotland by Consumer Focus Scotland<sup>1</sup> in its paper 'Food Law Enforcement – A Study of the Views of Environmental Health and Food Safety Officers in Scotland' (February 2004) as an important mechanism for informing consumer choice.

The Food Hygiene Information Scheme (FHIS) was established in 2006 as a pilot *Scores on the Doors* project in Scotland in partnership with five volunteer Local Authorities. The project was overseen by a Steering Group that incorporated consumer, industry and enforcement representation. The pilot project ran from November 2006 to November 2008. This report represents the recommendations of the Steering Group on the operation of the FHIS based on experience gained during the pilot.

In December 2008 the Food Standards Agency Board recommended continuation of the FHIS as the appropriate format for a national 'Scores on the Doors' scheme in Scotland. This recommendation acknowledged the prevailing views of stakeholders in Scotland received during the public consultation process.

FHIS was specifically designed to take account of the likely response of business to voluntary display of results. The design of the scheme acknowledges that a food businesses operator (FBO) is unlikely to voluntarily display anything that devalues the business. In practice therefore, it is anticipated that only businesses with a 'Pass' will display certificates and that consumers will draw their own conclusions about the absence of displayed information. This in turn should provide businesses with maximum incentive to display 'Pass' certificates. Information about the classification of every business within the scheme will however, be made available on a web-based information system, whether the business chooses to display the information or not.

The FHIS is intended to be simple for consumers to understand and for Local Authorities to apply. The 'Pass' standard is set to represent a single level of compliance that is satisfactory in terms of consumer expectations and also as an enforcement outcome. Establishments are assessed during programmed inspection and the scheme does not therefore require separate inspection scheduling. It is 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.

The two outcomes of compliance assessment under the scheme are 'Pass' or 'Improvement Required' (failure to achieve a Pass). The designation 'Pass' should provide reassurance that the establishment has been inspected for food hygiene by the local authority and meets legal requirements. The 'Pass' standard essentially represents

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<sup>1</sup> Formerly the Scottish Consumer Council

a situation where the Local Authority does not consider it necessary to revisit the establishment for enforcement purposes until the next programmed intervention. In particular, a 'Pass' is incompatible with the existence of even minor recurring contraventions notified at successive visits. Any establishment falling below the required standard for a 'Pass' is classified as 'Improvement Required'.

Establishments that have registered under hygiene legislation but have not yet been inspected are entitled to an 'Awaiting Inspection' certificate.

The scheme applies to all catering and retail operations but allows for exemptions in prescribed circumstances where both the Local Authority and the food business operator agree.

The scheme includes the following measures to ensure that it is fair to businesses:-

- a) Procedures for appeal against an officer's judgement.
- b) Procedures for requesting reassessment where compliance has been achieved

Mechanisms for appeal should not need to go beyond existing procedures required under the Framework Agreement on Local Authority Food Law Enforcement.

The guidance provides detail on key definitions and requirements of the scheme as well as suggested practice based on experience gained during the pilot project.

## **2. Scope**

The FHIS is designed to provide hygiene information in all circumstances where consumers make a choice about the food they purchase or consume. Operations that could be considered to be outside the scope of the scheme are therefore restricted to wholesale and other inter-business supply. However, there are some operations that are registered as food businesses but which would not be seen by consumers as food businesses. Visitor centres selling tins of biscuits amongst a range of other goods may be an example. In these circumstances the establishment may be exempted provided that the following additional conditions are met:-

- a. The operation should be low risk (category E)
- b. There should be no hygiene contraventions that would otherwise mean that the business would be classified as 'Improvement Required'
- c. That both the FBO and the Local Authority agree that the operation should be exempt

The need for the agreement of the business is an important safeguard. If the FBO considers that lack of a certificate could be prejudicial s/he must be afforded the right to a certificate if the business is situated within the operating boundaries of a scheme. However, exemption is not a right and a Local Authority may refuse to exempt a business if the Authority considers that the business would be perceived as a food business by consumers.

### 3. Definition of 'Pass' Standard

The definition of a 'Pass' requires 'satisfactory compliance' with the Food Hygiene (Scotland) Regulations. Satisfactory compliance allows for the existence of minor non-compliances provided that they are not critical to food safety and also that they are not recurring. The 'Pass' criteria are specifically designed to reflect the practical compliance standard required of every food business. As such, there should be no reason for the Local Authority to revisit an establishment with a 'Pass' certificate until the next programmed intervention established under the CoP.

The word 'minor' must not be confused with the word 'transient'. It is foreseeable that a relatively serious non-compliance could be rectified during the course of an inspection. For example, it may be established that there is a risk of cross contamination caused by the situation in which food is being stored. Even where this is fully addressed by disposal of all food in question, the breach existed at the time of inspection was not minor. In such cases, a 'Pass' should only be awarded when the Local Authority is satisfied that appropriate procedures to prevent recurrence have been established and properly implemented. If there is any doubt about whether or not a matter is minor, the benefit of the doubt should be given to the consumer since the business has access to immediate remedy through addressing the issue.

### 4. Certificates

The information is printed on one of three certificate types; *Pass*, *Improvement Required* or *Awaiting Inspection*.

Information item	Reason for inclusion
Local Authority logo and Local Authority officer's signature	Authenticates the official source of the information
The FSA logo	Verifies that the scheme is operated in line with FSA guidelines
Name and address of establishment	Confines the validity of the certificate to a specific establishment
Name of the FBO	Confines the validity of the certificate to a specific food business operating at the address on the certificate
Date of inspection	Confirms the date on which the relevant inspection/revisit was carried out.
Local Authority contact details for consumers	To allow enquires to be made or for consumers to raise concerns about apparent anomalies with specific certificates.
Ownership	This states that the certificate remains the property of the issuing authority.

### 5. Public Information

The certificate is issued to the Food Business Operator who has the option to display it in a conspicuous place on the premises. In practice, only the 'Pass' or the 'Awaiting Inspection' certificates will be displayed.

However, the inspection details will be added to a database which will be accessible to the public via the internet and a copy of any report issued will be available for information purposes.

The Food Standards Agency is committed to providing a UK-wide platform for display of 'Scores on the Doors' information and this includes support for a two-tier scheme in Scotland. IT requirements for the pilot scheme were kept to a minimum, consistent with the project representing a pilot. However, the experience of Local Authorities during the pilot was extremely valuable in establishing that the required information for FHIS could be accommodated on a variety of local authority inspection databases without the need for upgrades to the design of the systems. This was accomplished through use of existing fields provided to Local Authorities by their software suppliers in order to allow the storage of local information.

The development of an integrated platform has not yet commenced but completion of this work should not prevent Local Authorities from proceeding with the scheme in the meantime. Work by the Agency to develop a single platform will commence with a functional specification and this will require specification of the data required to populate the proposed UK-website.

## **6. Phased Introduction to East Lothian**

It is proposed to introduce the Food Hygiene Information Scheme to East Lothian on a town-by-town basis, with a view to commencing the first roll-out week commencing 6 April 2009.

As East Lothian attracts a large number of visitors it is proposed to start the scheme in the more popular tourist areas, therefore the initial launch of the scheme will be aimed at North Berwick followed by Dunbar and Port Seton.

It is estimated that the complete roll-out will take two years using existing resources.

The approach adopted must ensure that where certificates have been issued in a defined area, all businesses within the scope of the scheme have access to a certificate. This ensures that consumers may make up their own minds about the absence of displayed information and that businesses are not prejudiced by any false assumptions.

The pre-launch procedures make use of the Code of Practice scoring as a filter mechanism to separate those businesses that the Local Authority would clearly consider as compliant from those that may be in doubt or that are clearly non-compliant. It must be borne in mind that the initial launch of the scheme will involve challenging project deadlines.

The sequence of actions in the launch of the scheme is as follows:-

1. Identify the initial area(s) where the scheme will apply.
2. Identify the businesses in each area that fall within the scope of the scheme.
3. Review the compliance records of establishments in the area, initially using the CoP risk rating.

4. Follow up with businesses with the aim of resolving any dispute by businesses over 'Improvement Required' status.
5. Mail all applicable FBOs in the designated area(s) to advise them about the scheme and to specifically advise of the classification that the Local Authority has assessed for their establishment, the date of the launch and how to proceed if the FBO wishes to dispute or discuss the classification. The letter will encourage those with 'Improvement Required' classification to notify the Local Authority if all outstanding non-compliance has been rectified. Where the FBO has not rectified the non-compliance, s/he will be advised that the establishment can be reassessed before the launch if s/he advises the Local Authority in sufficient time before the launch. Maximum advantage will be taken of the opportunity to promote the scheme to businesses and to provide businesses with consumer information about the scheme that FBOs may wish to pass to customers.
6. Begin consumer awareness campaign. At this stage the certificates have not yet been issued to businesses.
7. Deal with food business enquiries and any requests for reassessment.
8. Issue all certificates, in a single mailing or delivery if possible as close as possible to the launch date but with sufficient time to allow them to arrive before the launch.
9. Launch with planned media involvement.

## **7. Higher Standard**

As an addition to the scheme it is proposed that all catering businesses will be encouraged to aim for achieving a higher standard than that prescribed by legislation. Any catering business which can demonstrate that the food safety risks have been satisfactorily analysed and an effective Food Safety Management (HACCP) system has been introduced to control the risks will qualify for the **EATsafe Award**.

The EATsafe Award is a scheme which gives food business operators the opportunity to demonstrate to customers their commitment to achieving the highest level of food safety. The award scheme will be administered by the local authority in conjunction with the Food Standards Agency Scotland and the Food Standards Agency Northern Ireland