

Health and Social Care Committee  
Food Hygiene Rating (Wales) Bill  
FHR 1 – Food Solutions Ltd.

We thank you for the opportunity to pass on the views, opinions and fears that we have received from our panel of reference.

We refer to the seven questions posed in your letter of 30 May.

- 1 It was reported at the last FSA Board meeting that businesses with low scores were reluctant to display their rating. So we welcome this Bill that puts an obligation on the business to display. The need for a scheme at all is not specifically addressed in your letter. We see the need as twofold; to inform the public of the hygiene levels at the last inspection and to act as an incentive to businesses to improve their practices and premises.
- 2 Our reading of the English version of the Bill indicates a clear and concise form of words that sets out the duties and provisions. We would support the current wording.
- 3 We welcome the statement in 3.3.b that written reasons for a particular score will be given. This is different to what we have been told in other states where only verbal comments may be made. We welcome too the statement in 13.e that the Agency will promote the scheme both to businesses and to the general public. We have seen ample evidence that customers have avoided premises with low scores in favour of those with a higher rating. In general the responses we have had are in favour of the mandatory display of ratings. There is **considerable disquiet over your proposal to charge “reasonable costs”** for a second opinion or re-inspection. We have been told of instances where a business has been recommended to either replace or repair some equipment. To be charged with making such improvement seems inequitable. Also we are told that many businesses have been marked down because the staff present on the day of the inspection – managers/owners are entitled to some time off and inspections are unannounced – may not know where things like the pest control contract is or where other records are kept. There is no justification for charging for re-inspections in these circumstances. We do accept that, if the owner feels that the rating has not properly reflected the standards at his establishment, some small charge could be made. This is the practice in several other member states in Europe.
- 4 It has been reported to us that there are many potential barriers. We recognise that as this is a relatively new scheme, some of these obstacles will be resolved as a matter of course. However our research among businesses that have been rated indicated that some 72% did not know the criteria on which they had been assessed. The Bill does demand that the Agency makes provision for education and publicity,

which we welcome. However there are three main areas of concern that we have identified. Consistency; Transparency and Appeals. On consistency, we have been told that some businesses operating out of older premises (some historic and so listed) have been informed that they could never get the top score. Others have been asked for formal hygiene certificates from all staff, a condition not required under European law. Some inspecting officers have differing views on the interpretation of the regulations, often for good reasons. If businesses know what is being looked at, that they can offer explanations (some officers will admit to not being experts in some specialised processes), that they can ask for a second opinion, then they will understand the better and circumvent these barriers.

- 5 There is still scepticism that the public will treat the rating as a measure of quality rather than hygiene. They are used to star ratings at hotels and some restaurants and may interpret this scheme in the same way.
- 6 We have consulted with our reference panel which we accept is not all the food businesses in Wales but is an amalgam of operations throughout Britain. We would suggest that some further research is done. We have taken the liberty of forwarding this consultation **request to the Market Traders' Federation which we saw had been omitted.**
- 7 The powers of any devolved State are now somewhat limited by the various European treaties. It was reported at a recent FSA Board meeting that some 90-95% of food law now comes direct from Brussels. Food Solutions is closely involved with the European legislative process and we are affiliated to the pan-European small food business organisation representing over six million businesses. In many meetings with the Commission we are the only UK based voice. Thus the Bill cannot make additions to the provisions of 178/2002. 852/2004 and 853/2004 and all the subsequent regulations. It can rightly demand overt evidence of compliance with the regulations. In our view the Bill does complement the European legislation.

This response is on behalf of Food Solutions, the UK based organisation that seeks to represent the views of small food businesses to authority and to assist FBOs to comply with all the provisions of food legislation economically.

We make the assumption at the outset that the Food Hygiene Rating Scheme that you refer to in the draft Bill is the one devised by the Food Standards Agency for England and Wales and not the scheme adopted in Scotland. This latter is seen by our correspondents as preferable as it tells potential

customers/consumers simply whether the business has passed or needs improvement. The former scheme with its five levels can be confused with quality schemes and we have received evidence that the public are bewildered **by the “broadly satisfactory” classification. They want** to know whether all reasonable hygiene precautions have been taken by the business. They are bemused by the apparently subjective assessments in the five level scheme.

Food Solutions is a pro-active group producing solutions to problems small food businesses have with food regulations. We operate both at UK level and in Europe where we are affiliated to the Brussels based SME organisation. We have **just written guidance for small food businesses on “How to improve your rating”. This explains what the inspecting officer** is looking for and has a useful checklist to remind owners of all the things that they may need to pay attention to. The pack includes not only information on premises, procedures and management but also copies of the FSA leaflet and a checklist for the HACCP system that the business should have

We would be prepared to give oral evidence if called upon to do so.

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