

To: Heads of Service in Local Authorities in England
Interested parties on appended list

18 August, 2009

Reference: EPC 251

Dear colleague,

'SCORES ON THE DOORS' (SotD) - TOWARDS A NATIONAL APPROACH

As you will know, we undertook to keep you informed of progress on the development of the national SotD scheme for England, Wales and Northern Ireland by publishing regular updates on the enforcement section of our website. The third such Progress Update was published today and a copy is enclosed with this letter. I should be grateful if you would draw it to the attention of relevant colleagues.

The Update focuses on the progress being made by the UK-wide SotD Steering Group and its Working Groups. You will, in particular, wish to note the discussions that the Steering Group had at its 21 July meeting on banding issues. The Group was unable to agree a position on how the top tier of the national scheme should be 'mapped' from the numerical score derived from the intervention-rating scheme at Annex 5 of the *Food Law Code of Practice*. Similarly, the Group was unable to reach agreement on how the concept of 'broad compliance' should be 'mapped'. In the light of this, the Steering Group has referred these issues back to the Agency for decision.

These are difficult decisions given the complexity of the issues and the polarised views of key stakeholders. Discussions within the Agency (and with the Better Regulation Executive and the Local Better Regulation Office) will take place during the next few weeks and it is hoped that decisions will be reached and communicated to stakeholders in September.

To help inform these decisions, we would very much welcome any views or comments that you may have on each of the two proposals for the top tier and on which band 'broad compliance' should be 'mapped' to. These should be emailed to: scoresonthedoors@foodstandards.gsi.gov.uk by 31 August 2009.

In the meantime, we would be very happy to discuss any of the issues raised in the Progress Update - contact details for members of the SotD Team are given at the end of the Update.

Yours faithfully,

Catriona Stewart
SotD Team, Food Safety: Implementation & Delivery Division

Interested Parties list

Jenny Morris - CIEH
David Lock - LACORS

Which?
Consumer Focus
National Consumer Federation

Alliance of Independent Retailers
Allied Brewery Traders' Association
Association of Convenience Stores
Association of Licensed Multiple Retailers
Bed and Breakfast association
Brewers & Licensed Retailers Association
British Beer and Pub Association
British Independent Grocers Association
British Holiday & Home Parks Association Ltd
British Hospitality Association
British Retail Consortium
British Sandwich Association
British Institute of Innkeeping
Chinese Take Away Association
Cinema Exhibitors' Association
Consortium of Caterers & Administrators (in Education)
East of England Regulatory Services Partnership
Federation of Small Businesses
Food and Drink Federation
Food Solutions
Horticultural Trades Association
Hygienewatch
Independent Food Retailers Confederation
Local Authority Caterers Association
London Retail Meat Traders Association
National Association of Master Bakers, Confectioners & Caterers
National Association of British Market Authorities
National Childminding Association
National Federation of Fishmongers Ltd
National Federation of Meat and Food Traders
National Market Traders Federation
Nisa Today's
Pizza Pasta and Italian Food Association
Praxis42 Ltd
Regional Development Agencies
Rural Shops Alliance
Transparency Data Ltd



TOWARDS A NATIONAL APPROACH: PROGRESS UPDATE 3 (AUGUST 2009)

Introduction

1. This note updates Agency stakeholders on the development of the national six-tier 'scores on the doors' (SotD) scheme for England, Wales and Northern Ireland. It focuses on the progress being made by the UK-wide SotD Steering Group that has been set up to provide advice and guidance to the Agency on the development of the scheme. It seeks views and comments on banding issues and requests that these be sent to the Agency by 31 August 2009.

UK-wide SotD Steering Group

2. The second meeting of the Steering Group took place on 21 July 2009. The main agenda item was a progress report from the Working Group considering scoring/banding issues and safeguards. The Steering Group was also updated on the progress being made by the Working Group considering scope and pre-launch/launch/migration issues.

Working Group on Scoring/Banding and Safeguards

3. The Steering Group was updated on the Group's position on how the top tier of the national six-tier 'scores on the doors' (SotD) scheme should be 'mapped' from the numerical score derived using the intervention-rating scheme at Annex 5 of the *Food Law Code of Practice*. It was also updated on the Group's position on how the concept of 'broad compliance' should be 'mapped'. Progress on the Group's work in relation to safeguard measures was also reported. These issues were covered in a paper tabled at the meeting - UK SotD SG - July 09-09 – which is published on the Agency's website at:

<http://www.food.gov.uk/multimedia/pdfs/committee/uksotdsg090709.pdf>

4. On the top tier issue, two options have been considered (both put forward by local authority representatives on the Working Group):

- a combined score of 0 to 15 with a maximum of 5 for any of the three elements of the intervention-rating scheme in the *Code of Practice* - this sets a wider band than any of the existing six-tier schemes;
- a combined score of 0 to 5 - this equates to the top tier of a harmonised model agreed by the London Group and authorities that publish scores at scoresonthedoors.org.uk.

5. Working Group Members' views were mixed - industry representatives could consider the combined score of 0 to 15 as could some local authorities but other local authorities would not consider this as an option on the basis that the narrower band currently being used has not caused any problems and that they consider that this represents 'compliance'.

The views of Steering Group Members were also polarised - with industry support for the broad band and local authority support for the narrow band.

6. The views of the Working Group and Steering Group on the 'mapping' of 'broad compliance' (scores of 10,10,10) were also mixed - some Members considered it should be 'mapped' to the mid-point (3 stars in a 5-star scheme) given research findings that indicate that consumers are unlikely to buy food from a business scoring below the mid-point, but others believe this will 'cramp' the tiers below.

7. As the Steering Group was unable to reach an agreed position on these issues, it referred them back to the Agency. We are now considering the way forward. Any decisions will take account of a number of factors:

- the views expressed by Working Group and Steering Group Members;
- the need for support for the scheme from local authorities;
- the need for support for the scheme from the food industry;
- the need to be consistent with better regulation and Hampton principles, particularly the need to be risk-based;
- the need to focus more on higher risk premises at the bottom of the scale which is consistent with the Pennington review recommendations;
- the legal position that the threshold of the top band must represent no more than 'compliance' with legal requirements (it is a compliance and not an award scheme);
- the need to avoid 'gold-plating';
- the primary purpose of the intervention-rating scheme, i.e. to determine the frequency of inspection, should not be compromised by using it for SotD;
- the effect on business scores for those in areas where the LA is migrating to the national scheme; and
- consumer perceptions about the number of businesses that comply with the law and the findings of consumer research that indicates they are unlikely to visit premises with scores below the mid point in the scale.

8. These are difficult decisions for the Agency given the complexity of the issues and polarised views of key stakeholders. Discussions within the Agency (and with the Better Regulation Executive and the Local Better Regulation Office) will take place during the next few weeks and it is hoped that decisions will be reached and communicated to stakeholders in September.

9. ***To help inform these decisions, we would very much welcome any views or comments that you may have on each of the two proposals for the top tier and on which band 'broad compliance' should be 'mapped' to. These should be emailed to: scoresonthedoors@foodstandards.gsi.gov.uk, by 31 August 2009.***

Working Group on Scope and Pre-launch/Launch/Migration Issues

10. At the time of the Steering Group meeting, this Working Group had met once and has subsequently met again. Both meetings have been constructive and good progress is being made on defining the scope of the national scheme (the types of businesses to be included/excluded/exempted) and on identifying key 'start-up' issues for local authorities wishing to adopt/migrate to the national scheme. Draft guidance, based on the discussions that have taken place is being drawn up with input from Working Group Members, and it is hoped that the Working Group will be in a position to make recommendations to the Steering Group at its next meeting - probably at the end of September.

Work programme and timetable

11. The timetable for the Steering Group's Work Programme, which was previously acknowledged to be ambitious, was reviewed and revised such that there is a two-month delay in completing the programme. The revised timetable has been published on the Steering Group's page of the Agency's website. It is important that progress in agreeing the national scheme is made as rapidly as possible so we are conscious of the concern that this delay will cause. There is a need, however, to balance this against giving sufficient time for due and proper consideration of the many complex issues that need to be addressed to help create the basis for a robust national scheme that has the support of all partners.

Further information

12. Detailed information on the Steering Group and its Working Groups, including their membership and terms of reference, together with the agendas, papers and minutes of meetings are published on the Agency's website at:

<http://www.food.gov.uk/enforcement/enfcomm/scoresdoorssteeringgroup/>

13. If you require any further information, please contact one of the SotD Team:

Catriona Stewart	☎ 020 7276 8498	catriona.stewart@foodstandards.gsi.gov.uk
Sally Hayden	☎ 020 7276 8422	sally.hayden@foodstandards.gsi.gov.uk
Nathan Philippo	☎ 020 7276 8503	nathan.philippo@foodstandards.gsi.gov.uk
David Millis	☎ 020 7276 8424	david.millis@foodstandards.gsi.gov.uk
Gwen Aherne	☎ 020 7276 8445	gwen.aherne@foodstandards.gsi.gov.uk
Chris Harvey	☎ 020 7276 8454	chris.harvey@foodstandards.gsi.gov.uk