

Value of FHRs Business Research: Chapter 5

Do businesses view the current scheme as fair?

5.1 Overall views of the fairness of FHRs

Overall, businesses described the FHRs as fair. Those who thought FHRs was fair linked this to the standardised nature of the scheme. They suggested that the consistent approach made it straightforward to understand what was needed to achieve a high score. Through this standardised approach, these businesses thought that the FHRs served its main purposes of encouraging business compliance and giving consumers confidence.

“I think it's fair just in terms of everybody has got the same guidelines and at the end of the day if you follow them, you'll get that rating that you want, and if you don't then there's something to work towards.”

(England, small business (<10 employees), 5 FHRs rating)

A small number of businesses took the opposite view: they felt that the standardised nature of the scheme meant it was unfair. Some small businesses suggested it was difficult to assess large businesses or other organisations with multiple premises using the same compliance standards as small businesses.

“With all these things, trying to equate a corporation, like a hospital kitchen with a small hotel kitchen. I think some of the comparisons are actually kind of, well, ridiculous is too strong a word, but they're very difficult to apply in the same way.”

(England, small business (<10 employees), 5 FHRs rating)

A few businesses also found it hard to say whether they thought the scheme was fair or not, because they only had their own experience to base their views on. While they had not had any problems, they were unsure how others perceived the FHRs.

Although the scheme was viewed as fair overall across all three nations, there were some small businesses in both England and Wales that felt the FHRs was not fair. Views in Northern Ireland were more positive. Views on the overall fairness of the scheme were consistent across those with different FHRs ratings, with most businesses who had received an FHRs rating of 3 or lower saying they felt the scheme was fair. The main difference was among large businesses, where there were more mixed views about the fairness of the scheme, usually linked to views about consistency. This is discussed in detail below.

5.2 What shaped views of fairness

Perceptions of several key aspects of the FHRs seemed to shape views of the fairness of the scheme overall, particularly among those who thought the scheme was unfair. Firstly, businesses

discussed whether or not the scheme was applied consistently between different types of business and across different local authorities and nations. Secondly, businesses had different views about whether unannounced inspections offer a fair reflection of how a business operates. Finally, some businesses also discussed the role of paperwork in determining the outcome of the inspection.

Consistency across the FHRs

Consistency was the main issue raised by businesses when discussing the fairness of the current FHRs. This was a particularly common concern raised by large businesses of different types that had multiple premises across different local authorities and nations (although a few smaller businesses also shared similar views). The ability of large businesses to consider how the FHRs operated across different nations and LAs, meant that they felt better placed to discuss consistency, based on evidence from their internal audits and processes around food hygiene. In some cases, their internal evidence suggested that a small number of premises were being assessed and rated differently as part of the FHRs than they would expect.

A few large businesses raised issues around consistency but argued that in any national scheme like the FHRs, it is inevitable that there would be a degree of inconsistency. They linked this to the scale of the scheme and the number of businesses and people involved. For large businesses who were more familiar with how the scheme is managed overall, the level of consistency was seen as generally good, and they did not feel there was a significant issue with fairness as a result.

“Yes, there is obviously a level of inconsistency, but generally I think because we do have some very standard systems and procedures that we have run past our primary authority, I do feel that it is a fair and just way of assessing stores.”

(Large restaurant business)

However, for other large businesses, the issue of a lack of consistency was the main concern they had about the FHRs, and a reason some felt the scheme could be unfair. While they generally thought there was a good approach to the scheme overall, they pointed to some specific examples of inconsistencies between different local authorities, and between the approaches to awarding ratings in England, Wales and Northern Ireland. For example, one national supermarket explained that their ratings in Wales were lower than their equivalent stores in England, despite their own checks and compliance procedures showing that there should not be this degree of inconsistency.

“I think we have experienced much harsher ratings from the Welsh authorities than we have for what appear to be the same standards in England. I know we've had situations, for example, where whatever the circumstances we could never get above a 4 from one particular authority. This begs the question – really is this calibrated against the rest of England and Wales? Because there's clearly something not going right there and our standards are consistent on our side, and yet we're getting different scores.”

(Large retail business)

A different supermarket cited a local authority they felt was giving lower scores than other areas. When they queried this they were told that the local authority in question did not tend to give ratings of 5.

“We were told that [local authority] just doesn't give 5s, which doesn't really provide much of an answer. So, we have had situations like that where you can see some maybe regional or authority differences.”

(Large retail business)

Another supermarket chain was also concerned about consistency. They referenced their membership of supermarket safety groups and primary authority safety groups, and explained that when issues with ratings in certain local authorities are raised, similar experiences are shared across different businesses. They felt this showed some evidence of inconsistency in the overall scheme.

“We also are members of supermarket safety groups and primary authority safety groups, where we speak openly and in confidence. Some local authorities are sometimes called out as, 'Have you had any issues with low hygiene ratings from this authority?' Other businesses will say, 'By coincidence, we have,' and then you start to think, 'Well, maybe that local authority is the outlier?'.”

(Large retail business)

“I mean when I've looked at it there's obviously occasionally inconsistency against different authorities and I get that, we all have a slightly different view. I've spent many an hour on the phone to different enforcement officers putting my view forward and then they don't agree with me. And I have those same healthy debates with our primary authority.”

(Large restaurant business)

A few large businesses suggested introducing a clearer process to ensure consistency. In particular, they were concerned that in the current process, there is no ability to have a timely second opinion from outside an individual local authority to ensure that ratings and re-ratings are fair.

“I think it's judge, jury, and executioner. You challenge back to the senior environmental health officer, the same office where the environmental health officer came from in the first place, so, that is not a fair and just system. They're effectively marking their own homework. Well, they should have done that prior to the letters being sent out. So, as I say, there is no way of challenging that. If we have to put that, for argument's sake, two rating on the door of our business, then that will financially impact us.”

(Large restaurant business)

While small businesses were mostly positive about the consistency of the scheme, a few shared similar concerns to larger businesses and felt this undermined the fairness of the FHRS. This focused on the role of individual inspectors. Those who raised consistency as a concern, questioned whether all inspectors applied the assessments in the same way across different local authorities. All of those who raised this issue had at least an FHRS rating of 4 at their most recent visit.

“Like I said to you, and I keep saying to you, it depends on who you get, on who does what and how many times that person's been assessing.”

(England, small business (10-24 employees), 4 FHRS rating)

“I suppose it's fair, but it depends on the individual inspector, doesn't it?”

(Wales, small business (10-24 employees), 5 FHRS rating)

5.3: Unannounced inspections

Those who supported unannounced inspections felt that they strengthened the fairness of the scheme, capturing an accurate picture of the food hygiene practices used by the business. They thought pre-arranged inspections would allow businesses to prepare and improve their practices in a way that may not reflect their normal day-to-day approach. This view was shared across businesses of different sizes and types in England, Wales and Northern Ireland.

“I do because usually you never know the person that is going to come, so there's a different person all the time, so they're not 'These ones know this one,' or this man doesn't

like this shop.”

(Northern Ireland, medium business (50-249 employees), 5 FHRs rating)

“If they were going to announce when they were coming, then that would be unfair because obviously everybody would be on the top of their game.”

(England, small business (<10 employees), 5 FHRs rating)

“We never know when the control is coming, so that's quite fair that we don't know, because we're not going to prepare for it specially.”

(England, small business (10-24 employees), 3 FHRs rating)

However, some small businesses argued that an unannounced inspection could not always be guaranteed to offer a fair reflection of how a business operates. They pointed to specific circumstances that could occur which they felt were beyond the control of the business. In particular, these businesses thought unannounced inspections could be unfair if key staff members such as managers were on leave, meaning that inexperienced staff members would have to deal with the inspection.

Others thought that businesses could simply be caught on a ‘bad day’, arguing that it was unfair for them to receive a poor rating for a long time as a result. One business suggested that assessments should happen over a longer time, or they should happen more frequently, to ensure an accurate assessment of compliance with food hygiene requirements.

“I'm going to say actually, 'No,' because it is based on one moment in time and I think that is not necessarily true for the whole time.”

(Wales, small business (<10 employees), 3 FHRs rating)

5.4: The role of paperwork in awarding ratings

Another key concern among businesses that thought the scheme was unfair, was the role that paperwork played in determining FHRs ratings. The specific concerns about paperwork varied by business but mostly centred on the fact that it is difficult for some small businesses to manage the administrative requirements of the scheme. These small businesses thought large businesses were better resourced to ensure paperwork was fully completed.

Some felt that it was unfair that a business could achieve compliance that equates to an FHRs rating of 5 for hygiene and cleanliness, but then receive a lower rating because of paperwork issues. A few suggested that providing more details of the reason for a lower score would be helpful. This would mean consumers would be aware when paperwork issues resulted in lower score, rather than problems with food storage or handling. Many of the businesses who raised this issue had themselves received higher FHRs ratings.

“It's always been a bit of a sore point for me because I think quite a lot of people in the industry think that there is an overemphasis on the paperwork. There should be a cooling-off period if they get a visit where the paperwork isn't up to date, then they should be able to present evidence that the paperwork has been updated within a certain 2-week period or something.”

(Wales, small business (10-24 employees), 5 FHRs rating)

“A big hotel has got various members of staff doing every bit of paperwork and every different thing, whereas here it's all one person doing everything. So, sometimes you think, 'Well, they've got a paid member of staff doing this, it's a bit unfair that I have to do the lot.'”

(Wales, small business (<10 employees), 5 FHRs rating)

“If it was split so that you knew that you get the 5 for your hygiene, the way you run, produce your food and then you get the separate score for your paperwork, that would be a fairer way of having the scores. It would make it clearer as to where the downfall is. It would be a lot clearer to the public.”

(Wales, small business (10-24 employees), 2 FHRS rating)