

Online display of food hygiene ratings by food businesses in Wales

Area of research interest: [Emerging challenges and opportunities](#)

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The Chartered Institute of Environmental Health (CIEH) was commissioned by the Food Standards Agency (FSA) to facilitate a workshop to explore regulators views about proposals to introduce mandatory online display of food hygiene ratings by food businesses in Wales. This report details the findings.

Participants were supportive of the FSA's proposals and welcomed the opportunity for engagement at an early stage. They were unanimous in their views that mandating the display of food hygiene ratings online by businesses would represent a natural progression of the current scheme which has evolved over time, reflecting changes in the landscape whereby online food sales have increased dramatically.

A gradual approach to introducing any new requirements for food businesses was favoured with voluntary online display by pathfinder businesses initially, followed by phased implementation of a statutory scheme.

The likely IT challenges associated with implementation, particularly for small food businesses was highlighted as a concern by participants who welcomed the prospect of a potential technological solution which would automatically update business websites and social media accounts with up-to-date ratings.

The resource implications for already stretched local authorities associated with verifying business compliance was highlighted, but the opportunity for this surveillance to be done remotely by the FSA or others was identified, with LAs only needing to be notified in the event of a problem or non-compliance being identified for potential enforcement action.

Investment in technology was identified as key to the success of this initiative as there was a general feeling that whilst the Food Hygiene Rating Scheme (FHRS) has developed over time, the technology supporting it has not. Participants suggested that a mobile app should be developed to provide consumers with quick, easy to access up-to-date ratings information. A mobile app would also enable other benefits to be realised.

Early engagement about proposals with aggregators and identification of pathfinder food businesses were identified as potential next steps for the FSA, together with continuation of work to explore technological fixes to reduce potential burdens on businesses and regulators associated with implementation of the Scheme.

Online display of food hygiene ratings by food businesses in Wales: Introduction

1.1. Background

In November 2013 the statutory Food Hygiene Rating Scheme (FHRS) was launched in Wales. The Scheme provides consumers with a quick and easy way to obtain information about the hygiene standards at food businesses. Food hygiene ratings are determined by local authorities (LAs) following inspections carried out to verify food business compliance with food hygiene laws. Food businesses are given a rating from 0 (urgent improvement necessary) to 5 (very good) which reflects the hygiene standards found at the time of inspection.

Food hygiene ratings must be displayed using a prescribed sticker at customer entrances to food establishments. Where there are no entrances, e.g. market stalls, stickers must be displayed in a conspicuous place where they are visible to consumers. Ratings are also available on the FSA's website. The Scheme initially applied to all establishments supplying food directly to consumers, provided they were not exempt. In 2014, the Scheme was extended to include food establishments involved in business-to-business trade, for example food manufacturers, and in November 2016, the Scheme was further developed to require businesses that supply takeaway food to publish a bilingual statement on certain hardcopy publicity materials directing consumers to food hygiene ratings information.

In February 2018, the FSA published its [first three-year review into the implementation and operation of the Scheme](#). The review found that mandatory display of food hygiene ratings has been a success in Wales. Food businesses with a rating of '5' (Very Good) increased 21 percentage points since the introduction of the scheme and 95% of businesses had achieved a rating of '3' (Generally Satisfactory) or above. The display of ratings had also risen from 21% in 2012 to 88% in 2019 and consumer recognition of FHRS stickers was found to be at an all-time high (91%).

One of the recommendations of the review is that the FSA works with relevant stakeholders to explore the feasibility of introducing a requirement for the provision of ratings information on online food ordering platforms.

Acknowledging the trend towards more online purchase of food by consumers, in June 2019 the Welsh Minister for Health and Social Services commissioned the FSA to scope options for extending the scope of the Scheme to ensure the display of food hygiene ratings information by food businesses on their websites.

Looking ahead, the continuing success of the Scheme will depend on consumers having access to ratings at the right time and in the right place for them to make informed choices about where they purchase their food. The provision of easily accessible, online ratings by food businesses has the potential to assist consumers in their purchasing decisions and ensure the Scheme remains relevant.

The FSA commissioned the Chartered Institute of Environmental Health (CIEH) to explore LA officers' views of proposals to require food businesses to display their ratings online.

1.2 Objectives

To gauge LA officer views on proposals to mandate online display of food hygiene ratings by food businesses in Wales. Specifically, to obtain their views on:

- The scope of the proposals
- The perceived barriers for businesses
- Implementation challenges
- Enforcement challenges
- Solutions to implementation and enforcement challenges
- The tools businesses and local authorities may require to support implementation

1.3 Methodology

LAs in Wales were invited to participate in a workshop to explore their views on proposals to require online display of food hygiene ratings by food businesses. Invites were issued by the FSA requesting one representative from each LA with the stipulation that those attending needed to be knowledgeable and experienced in the operation of the statutory Food Hygiene Rating Scheme. Officers were self-selecting and the workshop took place in Llandrindod Wells on 18 December 2019.

In order to better understand the consumer perspective, in advance of the workshop delegates were set a task to assume the role of an 'average consumer' and either book a table at one of their favourite restaurants remotely or order food online, having regard to the food hygiene ratings information available at the time of their booking/order, and document their experience as a consumer. Further, they were asked to be prepared to share their experience with other delegates at the workshop.

The workshop began with an icebreaker, where delegates provided feedback on the accessibility of accurate ratings information found during the pre-workshop task.

Delegates then worked in small groups to discuss their responses to a series of questions embedded in a powerpoint presentation and documented their views on flipcharts provided.

A further opportunity was provided for officers to participate in a CIEH facilitated discussion and share their views of the proposals at workshops offered as part of a wider face-to face FSA engagement event on 27 February 2020.

Online display of food hygiene ratings by food businesses in Wales: General feedback from the workshop

2.1 Feedback from the icebreaker

The ice breaker provided the opportunity for workshop participants to test and provide feedback on the accessibility and reliability of online food hygiene ratings information from a consumer perspective. There was significant variation in the information available and participants willingly shared their experiences.

Most participants reported that they had used a search engine such as Google to find ratings information about the food businesses they were interested in. Their perception was that whilst consumer awareness of food hygiene rating stickers displayed on premises was high, their awareness of the availability of ratings information on the FSA's website was low. Consequently, they thought consumers would instinctively use a search engine to find ratings information.

Participants reported that searches which included 'food hygiene rating', followed by the name of the establishment, resulted in several website options including scoresonthedoors.org.uk, foodhygienratings.org.uk, grubbee.co.uk, in addition to the FSA's website. Further, they reported that the FSA's ratings information, the most reliable source, did not appear at the top of the list of results.

It was noted that one of sites provided the four most recent food hygiene ratings and another had not been updated since December 2017, although the establishment had been subject to inspection during the last six months.

One officer who had used a search engine using only the name of the food establishment, reported that no food hygiene ratings information was available.

Officers who selected the FSA's website to access ratings reported that ratings were not immediately available, requiring further input from consumers.

Following discussion of findings from the ice breaker, there was general agreement amongst participants of the need for more reliable and accessible ratings information to be provided online for the benefit of consumers.

2.2 General comments from participants

Following the ice breaker, a facilitated discussion took place with the following views expressed by participants:

- Strong support for more reliable and accessible food hygiene rating information to be provided online, reflecting the move towards increased online purchasing.
- Strong support for a FSA sponsored mobile app in advance of requiring businesses to provide ratings information online. This would provide easier and quicker access to ratings for consumers than through the website and facilitate data capture e.g. about use and activity. The app on consumers home screens would also strengthen recognition of the brand, ensuring it is at the front of their minds. A mobile app may also make it possible to interact with consumers through push notifications.
- Strong support for the FSA to be more proactive in raising consumer awareness about information already available e.g. ratings on the FSA website.
- Strong support for more 'myth busting' e.g. that low ratings are not a consequence of paperwork being out of date.
- Strong support for enhancements to the FSA's website to increase functionality for the benefit of consumers. Participants expressed some disappointment that more development

had not taken place. They suggested the need for an improved search engine which would enable consumers to search by: Business type; Establishments within a specified distance from their location; and Ratings e.g. 4 or above.

- Participants reported that reducing the number of screens or 'clicks' consumers have to manoeuvre to access ratings is important as consumers are usually constrained by time.
- Support from participants for ratings information to be provided in map format online, and for the potential to develop this further to include additional layers of information e.g. food sampling results, information about any legal notices served on the establishment and the outcome of any prosecutions.
- Research needed to identify why businesses that strive for a 5 rating are often reluctant to use this in their marketing when they achieve the highest rating.
- Strong support for all aggregators to make ratings available on their websites voluntarily in advance of introducing a legislative requirement.
- Potential for FSA to work with aggregators to research the extent to which consumer behaviour is influenced by improved accessibility and prominence of ratings information on their websites.
- Need to evaluate the impact of requiring ratings information on hard copy material. Has it influenced consumer behaviour and has absence of this information resulted in any consumer complaints?
- Consensus that requiring online display has the potential to further drive up standards.

2.3 Scope and scale of proposals

In respect of the scope and scale of proposals, participants instinctively thought that all businesses currently required to display their rating, who also had an online presence, should be included in the scope of any online display requirements, including those only supplying other businesses as this would assist businesses in monitoring their suppliers.

- The need to define 'online' was emphasised by participants. Overall, participants were of the view that ratings information should be available on businesses' own websites, food platforms like Just Eat and Deliveroo and social media accounts like Facebook, Instagram and Twitter.
- There was consensus for the need to provide ratings prior to the point of online purchase and when making a table booking and that absence of this information in an easily accessible form defeats the purpose of the Scheme.
- There was agreement that the presence of the 'real-time' rating on business websites was the preferred position but it was acknowledged that if that was reliant on businesses manually keeping these up to date, consideration should be given to the provision of a bilingual statement signposting consumers to the FSA's website.
- There was consensus that aggregators should be included within scope and there should be a requirement for food hygiene ratings to feature more prominently than is currently the case on their websites. Ratings information should be available at the point where consumers select the food establishment they wish to purchase from, i.e. prior to the point of order, thus enabling their decision to be informed by the rating.
- How chains with generic websites will be able to demonstrate compliance needs careful consideration. To be of benefit to consumers, ratings information specific to each site will be required.

2.4 Barriers for business

From a business perspective the following issues arose from discussions:

- Participants expressed concerns that small businesses may not have access to the IT skills required to populate and update their websites with ratings information.
- Some businesses will rely on third parties for IT support which will almost certainly have cost implications. This may be regarded as an additional burden by Government and consequently may not be supported.
- The timing of published ratings needs consideration as businesses achieving a 5 rating occasionally publish this on their social media accounts immediately following inspection. This is in advance of ratings being published on the FSA's website. This has the potential to confuse consumers. It may be the case that the current timelines set out in legislation for the display of ratings on business premises are not appropriate for online display e.g. 14 days for food business operator to be notified of rating and provided with a food hygiene rating sticker, 49 days for food authority to notify FSA of ratings following receipt by a food business operator of notification of the rating.
- There was strong support for an automated IT solution at low or no cost to businesses. This may prove essential in gaining political support.
- The issue of legacy ratings was raised as an area for further consideration – it is often difficult to remove information which has appeared online which if out of date has the potential to confuse consumers.

Online display of food hygiene ratings by food businesses in Wales: Challenges and opportunities

3.1 Implementation challenges

- Strong support for aggregators to lead the way.
- Agreement that the less human intervention by businesses to achieve compliance the better.
- Participants interested in finding out more about possible technological solutions for automatically updating food business websites and social media accounts with correct ratings and monitoring compliance remotely.
- Question as to whether businesses could discharge their duty to provide information online if it was available on an aggregator website. This would shift responsibility to the aggregator for ensuring ratings are kept up to date. If ratings on aggregator websites are not up to date who commits the offence, the business or the aggregator?
- Currently businesses with low ratings attempt to hide their stickers. If the online display requirement is not specified in precise detail, it is almost certain some businesses will attempt to hide low ratings on their websites.
- Requirement on website will need to be prescriptive in terms of where rating should appear and how prominent it needs to be. Agreement that ratings need to be prominent on front or home page.
- Strong support for an initial voluntary approach in advance of mandation and the potential to identify businesses who will act as pathfinders. This will provide the opportunity to test any technological solutions.
- A phased approach to mandation suggested and supported by participants with takeaways in first phase as overall, these establishments experience challenges achieving compliance.

- Cross border issues need consideration. Not uncommon for consumers living on borders to live in Wales and order online from establishments in England but this should not be a barrier.

3.2 Enforcement challenges

Discussions around enforcement generated several questions and views:

- If purchase online where does sale take place? In home or where the order received? What if server is located outside UK? This needs further exploration. Trading standards may be able to assist.
- In the case of aggregators, who commits the offence, the food business or the aggregator?
- Would LAs be responsible for checking website information is accurate as part of their routine inspections?
- Surveillance and enforcement could be done centrally by the FSA or another organisation as on-site visits would not be necessary to verify compliance. Compliance with online display requirements could be checked remotely. However, some participants thought fixed penalty notice receipts would be useful to reinvest in LA official controls delivery.
- Sanctions should mirror those already in place with fixed penalty notices and prosecution for non-payment.
- It is likely that failure to display ratings online will be perceived by courts as a trivial offence.
- Offences should include i) failure to display a rating online and ii) displaying an incorrect rating.
- Participants queried the expectation around enforcement and suggested a soft approach initially, with businesses being afforded the opportunity to comply before being served a fixed penalty notice.
- Concerns were raised at the potential time it would take for LAs to proactively check food business websites and social media accounts. Participants reiterated that this surveillance could be done remotely by the FSA or another organisation and LAs only notified when problems or potential non-compliances are identified and enforcement required.
- It was suggested that enforcement could be complaint led – just reactive. Particularly if there was a campaign aimed at consumers to encourage them to look for ratings on food business websites.
- Currently, in respect of FHRS stickers, LAs receive customer complaints if they are not available. These are investigated. No reason why failure to display online should not be investigated by LAs in the same way.
- An unintended consequence of this initiative could be more appeals, more right of replies generating more work for LAs.

3.3 Support for businesses

There was overwhelming support for a technological fix requiring minimal effort on the part of businesses to comply. In the absence of a technological fix, participants were of the view that many businesses will struggle.

Consensus that some businesses will need support even with a technological fix in place.

Consensus that from both a capacity and capability perspective, LAs would not be best placed to provide IT support to businesses.

3.4 Support for regulators

Whilst participants were overall supportive, the need for clarity around expectations of already stretched LAs was regarded as important at the outset.

With current pressures on LA resources, participants agreed that any changes to LA information systems to support the initiative are unlikely to be funded by LAs. This will need to be a consideration for the FSA.

Proactive monitoring of compliance could prove time consuming and a technological fix for this was preferred whereby LAs are alerted when ratings are not available or incorrect.

Participants advised that they currently have other high priority issues to deal with e.g. securing compliance with allergen requirements, dealing with businesses that fail to register and EU exit. Consideration of the relative priority of this initiative will be important, not just from a LA perspective, but also for businesses who are facing similar challenges. Timing is going to be key in securing stakeholder support and capacity to progress the initiative.

3.5 Opportunities

Participants recognised the significant opportunities associated with the initiative for website designers and software companies and for businesses in promoting their achievements. They also acknowledged the opportunity for Wales to continue to improve the robustness of the Scheme, and agreed online display is sensible in the natural progression and development of the current Scheme.

Online display of food hygiene ratings by food businesses in Wales: Conclusion

4.1 Conclusion

Participants were overall supportive of the proposal to mandate the online display of food hygiene ratings by food businesses. The ice breaker used as part of the workshop demonstrated that accessing up-to-date, online information on ratings presents challenges for consumers who are generally not aware of the information being available on the FSA's website. The proliferation of websites providing food hygiene ratings, some of which are not up to date, has the potential to confuse uninformed consumers and there is a risk that they will use out of date information from these websites to inform their decision making.

Concerns about the potential impact on businesses, particularly small businesses who may not have the skills in house to ensure online ratings information is kept up to date, were allayed when participants were advised of the potential for a technological fix which would automate this process. Participants requested exploration of a similar technological fix which could reduce the burden on LAs associated with monitoring compliance.

4.2 The way forward

Participants were excited about the opportunity for Wales to continue to improve the robustness of the Scheme and emphasised the need for small businesses particularly to be involved in discussions at an early stage.

Participants suggested that different stakeholders should be brought together during the discovery phase of the initiative to enable them to better understand each others views and perspectives.

Participants were advised that the FSA had already commissioned work with consumers to obtain their view on the proposals. They suggested that next steps should include exploration of the concept of mandating online display with aggregators and businesses and to work with IT experts to develop a technological solution which will facilitate automatic population of food business websites and social media with up-to-date ratings information from the FSA's website.

As new legislation will be required to mandate online display of ratings, participants suggested early engagement with Welsh Government lawyers to apprise them of the proposals and explore any potential legal barriers.

Participants expressed their view that the FSA could and should do more to raise consumer awareness of food hygiene ratings information currently available on the FSA website and work to make it more accessible to consumers. There was a general feeling that the Scheme has evolved over time but the technology has not and that consumer expectations of technology has increased. They now expect information to be available at their fingertips. There was strong support for the FSA to develop a food hygiene ratings app with enhanced functionality that will enable consumers to quickly and easily access up-to-date food hygiene ratings.