

Modernisation of the risk rating system for food establishments in the UK

Area of research interest: [Innovative regulator](#)

Study duration: 2014-08-10

Project code: FS517009

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Background

The current risk intervention rating schemes are laid down in the Food Law Code of Practice. The schemes were developed in the early nineties to provide a structured way for local authorities to prioritise official interventions at food business establishments. These are based on a method of assessing food businesses against a range of risk factors, with separate weightings that are totalled to determine an overall risk rating. This numerical rating is assigned a risk category which attracts a predetermined frequency of intervention. The Code of Practice contains two separate risk assessment systems to determine the frequency of official control visits relating to food hygiene and to food standards. The aim of this research was to develop a new evidence base to inform the modernisation of the intervention rating schemes and gather evidence upon which decisions about future amendments can be made to how the Food Law Code of Practice prioritises businesses for official interventions based on risks.

Research approach

The research study comprised of six different stages:

- Scoping workshop
- Desk research
- Depth interviews with regulators
- Expert workshops
- Online bulletin boards
- Case study visits to local authorities

This staged approach allowed for data to be gathered in answer to the research questions below set out by the FSA. No one stage could address all questions, and therefore the research programme as a whole was designed to provide insights across the questions:

- Whether the risk factors used in the current hygiene rating schemes are appropriate or whether there are additional factors that should be considered.
- Whether the risk factors used in the current standards rating schemes are appropriate or whether there are additional factors that should be considered.
- Whether existing published information supports the inclusion or exclusion of any given factor.
- Whether these factors properly reflect the findings of the bodies who investigate the root cause of food poisoning outbreaks or food safety incidents, sporadic cases of gastro enteric infection, or failure of food safety management systems resulting in the service of a Hygiene Emergency Prohibition Notice (HEPN).
- Whether these factors properly reflect the findings of the bodies who investigate the root cause of product recalls, the service of food detention notices or legislative breaches

- resulting in prosecutions for food standards offences such as case of food fraud.
- What relative importance should be applied to the existing or potential future individual factors used in the system, and whether any of these factors are interdependent?
 - Whether a frequency of intervention is appropriate to protect consumers.
 - Whether the existing additive model is still the most effective method of assessing the risk of a food business establishment or whether data exists to support an alternative model that is practical for application in the field.
 - What impact would changing the current system have on other dependent initiatives such as the Food Hygiene Rating Scheme
 - How an establishment based model can work in conjunction with an investigative, intelligence lead food law enforcement approach.
 - Assessment of the intervention prioritisation schemes of other similar UK regulators and food authorities in other EU member states or 3rd countries.

Results

This research has revealed that the hygiene intervention rating schemes is broadly fit for purpose. Research participants felt that it does help local authorities to prioritise their resources on establishments where the risk is likely to be greatest. However, improvements were suggested, which varied from fairly minor changes, like clarifying ambiguous descriptors and improving supplementary guidance, through to more significant amendments, including components of risk factors becoming risk factors in their own right, excluding certain risk factors, or weighting factors differently.

Desk research identified considerable variation of inspection frequencies used by countries examined in the research. Published research does not provide a definitive optimum inspection frequency for food establishments; however, there is evidence to support better standards through a frequency higher than every 6 months. In practice, a number of authorities already visit their “high-risk / non-compliers” more often than twice a year, due to planned interventions, follow-up visits, and / or to satisfy a request for an FHRS re-rating.

Discussions with local authorities on the root causes of food outbreaks and food safety incidents, as well as the most common causes of enforcement action revealed that the hygiene scheme does contain factors which reflect the causes. However, the research points to the fact that certain root causes could be made risk factors in their own right in order to achieve a risk rating which is more closely aligned to the likelihood of a food poisoning outbreak / food safety incident. For example, the USA Center for Disease Control and Prevention has stated risk factors for effectiveness of food handling practice by a food handler, and [the FDA food code](#) states that epidemiological evidence has shown that improper temperature control to be a common cause for foodborne outbreak / illness.

International regulators also reported a range of measures as useful drivers of compliance, including the ability to revoke licenses and prevent a business from trading, more punitive sanctions such as increased fines and cost recovery for regulatory work. Alongside enforcement, many incentivise food safety through a series of initiatives including reduced business rates, promoting a business, awarding a certificate and financial rewards to the food business that achieves the highest safe food rating each year.

Stakeholders accepted that at least in theory Earned Recognition should be among the factors to be considered in determining the frequency of food safety inspections. Officers are required to consider the likelihood of non-compliance while carrying out their regulatory work but perhaps better recognition should be given to those businesses that can demonstrate sustained compliance and are able to effectively control food safety hazards; there is the potential for this to be evidenced through third party assurance schemes. Earned Recognition initiatives are used to prioritise businesses with good risk management in a number of EU member states and third

countries.

There seems to be a need to modify the food standards scheme so that it properly reflects the latest food standards issues e.g. food authenticity and the diversity of food establishments which increasingly food standards officers encounter such as pop-ups, internet sellers, and food brokers. Suggestions included updating the risk factor descriptors so they are written in a way that reflects the latest evidence around food standards breaches although others felt that there was a greater need for more resource dedicated to intelligence led activities. Officers felt that intelligence rather than the scheme itself was more effective at identifying food safety and in particular food fraud and food substitution. Suggestions also centered on having increased weighting for Confidence in Management, and more flexibility in the intervention rating scheme, including revoking the 28-day inspection target for newly registered businesses, creating a new risk rating band, and extending the fixed intervention frequencies.

This research informs the FSA's on-going work to modernise the hygiene and standards intervention rating schemes. However, the potential changes described were often contentious and published evidence typically limited. As such, the potential changes will need further work to better understand their impacts prior to any being introduced. A summary of the overall conclusions and considerations of this research can be found at chapter 6 of the report.

England, Northern Ireland and Wales

PDF

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