

Food Standards Agency – Regulating our Future: research with the public

TNS BMRB Research

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Contents

1. Executive Summary	3
2. Introduction	9
3. Experience of the current regulatory model	13
4. Participants' trust in food businesses	19
5. Reactions to changing the system	24
6. Implications	35
7. Appendices	36
General Public Workshop Wave 1 topic guide	
General Public Workshop Wave 2 topic guide	
Printed stimulus material from Wave 1 and Wave 2 public workshops	

1. Executive Summary

The Food Standards Agency (FSA) is an independent Government department set up to protect the public's health and interests in relation to food. As part of this, the FSA also holds responsibility for regulating food businesses: to ensure food businesses produce food which is safe to eat, is what it says it is and that businesses comply with the UK's laws surrounding food hygiene.

For many years the UK has had an inspection model that includes sending local authority inspectors to look at how businesses are providing assurance to consumers in relation to food standards and hygiene. The FSA considers this to be a resource intensive way to maintain confidence that food is safe and what it says it is and we believe there are other options also worth exploring as a means of ensuring consumer protection. Crucially, the current system takes a one size fits all approach which may not fully take into account food businesses' different needs, risks, or attitudes towards food safety.

With this in mind the FSA is seeking to develop a new model for regulation and has developed five principles (validated with key stakeholders, including industry, large food businesses, consumers, and government). These principles are:

1. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have **a right to information** to help them make informed choices about the food they buy – businesses have **a responsibility to be transparent** and honest in their provision of that information.
2. Businesses should **meet the costs of regulation**, which should be no more than they need to be.
3. Businesses **doing the right thing for consumers should be recognised; action will be taken** against those that do not
4. FSA and regulatory partners' decisions should be **tailored, proportionate** and **based on a clear picture** of UK food businesses
5. The regulator should **take into account all available sources of information**.

In order to better understand the public's response to this, and their particular priorities for the regulatory model governing food businesses in the UK, the FSA commissioned TNS BMRB to conduct deliberative qualitative research with members of the public. Five reconvened workshops were conducted with 35 participants (in total), in London, Manchester, Cardiff, Bexley Heath and Bangor (Northern Ireland). The research sought to understand:

- How members of the general public perceive and experience the current regulatory model and their reactions to changing the model
- The extent to which members of the public trust food businesses to put the public's interest first and prioritise food hygiene and food safety

- How members of the public react to the five principles informing the design of the future model and
- What priorities and aspirations the public has for the future model.

1.1 Key findings

Perceptions of the current regulatory model

Participants in the research gave **broadly positive assessments of the current regulatory model**. They inferred that existing mechanisms effectively protect the public, as (a) they and their friends and families are not getting sick and (b) high profile incidences of non-compliance (e.g. the horse-meat incident or salmonella outbreaks) are seen as relatively rare.

This positive assessment was based on a **basic understanding of how food businesses are regulated**. Although participants were broadly aware of the current model's key regulatory mechanisms – face-to-face inspections, Food Hygiene Rating Scheme (FHRS) ratings, etc. – **they initially made a number of assumptions about the degree of scrutiny businesses are under**. For instance, participants typically assumed inspections took place very regularly (e.g. once a year or more) and that funding was either ring-fenced or centralised.

As participants learnt more about how businesses are regulated **they were able to identify potential areas for improvement**.¹ Prior to learning about the FSA's principles for change, participants wanted to see more regular and more rigorous inspections, more effective use of FHRS ratings to support consumer choice and greater consistency in how businesses are regulated.

Crucially, **while acknowledging the current model is not perfect, participants did not feel the existing model was 'broken'** or in need of radical overhaul. Participants' suggestions for improvement focused on reinforcing existing mechanisms, which were perceived to work well. Ultimately, this view was driven by the fragile and uncertain trust participants currently have in food businesses.

Trust in food businesses

As found in previous research conducted for the FSA, participants in this research tended to **rely on their own judgements** about a food business in order to assess whether or not it was hygienic and safe.² The heuristics used when making choices about where to buy from included the cleanliness of the premises, past experience of eating at the food business, and the behaviour of staff.

When thinking in greater depth about **what drives trust in a food business**, participants identified a number of factors they believed influenced the likelihood that a food business would prioritise customer safety. These factors included:

- **Personality:** Participants thought about the extent they felt they could trust **individual people** involved in food production (i.e. owners, employees, chefs, factory workers etc.). Participants most trusted food business owners (FBOs) who were

¹ Please see appendices for information about the stimulus materials used in the workshops.

² See TNS BMRB and FSA, (2014). Risk and Responsibility.

<https://www.food.gov.uk/sites/default/files/risk-responsibility-report.pdf> and

TNS BMRB and FSA, (2013). Mandatory Display of FHRS.

<http://www.food.gov.uk/sites/default/files/multimedia/pdfs/citizensforum-fhrs.pdf>

passionate about their business, and believed that **passion would translate into high standards** in all aspects of the business, including food hygiene.

- **Processes:** Participants assumed that as **businesses get larger they were more likely to have processes** in place to ensure high standards of food hygiene and consistent minimum standards. As businesses get larger, the public increasingly relied on processes to ensure they were safe, but worried about whether they trusted individuals to enforce those processes.
- **Customer closeness:** Participants **intuitively felt that businesses selling directly to the public would be more likely to have their interests at heart**. Participants expected they would prioritise safety to maintain local reputation and relationships with their customers. On the other hand, larger businesses producing food further up the food chain were less trusted, as participants felt they would be less 'accountable' to the public (for example, as customers would find it difficult to complain).
- **Finances:** Participants recognised that **there are clear profit motives guiding food businesses' behaviour** and that all businesses, regardless of size, may be willing to "cut-corners" to protect the bottom-line. It was acknowledged that financially successful food businesses may experience less pressure to cut corners when it comes to public safety.

While these factors are at play within any food business – regardless of size, or type of food handled – participants generally believed that as the size of business increased so did the scale of risk to the public.

Crucially, participants' **trust was fragile, complex and did not easily map onto business size or type**, as a result. While the current system was considered an effective control on food business behaviour, participants recognised that any individual in any food business could produce food which is unsafe.

Reactions to changing the system

Having developed a better understanding of the strengths and limitations of the current model, participants came to **recognise there are opportunities to improve how businesses are regulated**. Participants perceived the existing system as complex, inconsistent and subject to financial pressures, meaning safety is dependent on budgets. When presented with the FSA's five principles that will inform the design of the future model, however, participants challenged the extent to which the principles would result in a radically different system from the status quo. This was because the existing principles were felt to be largely contiguous with their perception of the existing model.

Overall, the FSA's **five principles** that will inform the design of the future regulatory model were **considered sensible (see figure 1.1 overleaf)**. That businesses should be responsible and transparent, that there should be penalties and rewards and that the FSA should use different sources of data were **considered to be sensible** and "**common sense**". Participants recognised potential benefits that could be gained through engaging the public more effectively in the regulation, leveraging FHSR scores to extract maximum utility from them and by developing a system which was more tailored to the needs and specialisms of different businesses.

Figure 1.1 Summary of the public's reaction to the FSA's principles for change

Key: ■ High acceptance ■ Moderate acceptance ■ Low acceptance		
1. Pt a: Responsible and Transparent		Common sense hygiene factor
1. Pt b: Demonstrate and / or self-assess		Inspections seen as integral . Full self-regulation not acceptable as FBOs are not trusted.
2. Tailored, segmented approach		Status quo fair as standardised. Public question segmentation's viability .
3. Penalties and rewards		Seen as appropriate . FHR5 scores seen as a reward in themselves; penalties should be graded and FBOs supported to improve.
4. Businesses should meet the costs		Public accept but have mixed views on outsourcing
5. Using different information sources*		Seen as common sense but more applicable to large FBOs. Role of customer queried .

However, participants were **less comfortable with some aspects of the proposed changes, namely around self-certification, changes to the way regulation is funded and the potential introduction of multiple providers of inspections.**

As trust in food business was fragile, participants were **unconvinced that a system that relied wholly or significantly on self-certification, in the absence of inspections, could be effective**, and were strongly against this. Participants were sceptical that businesses could be induced to report any negative incident, and felt that self-assessment could encourage businesses to become dishonest or complacent. Participants felt strongly that inspections were the cornerstone of effective regulation, and provided a key mechanism for keeping businesses compliant.

Some participants felt strongly about the privatisation of the delivery of food business regulation. While in the current system, the providers of inspections (currently run by local government) are accountable to the public, private sector inspection providers would be accountable to their shareholders. Some participants believed the introduction of a profit motive to the regulatory system would mean inspection providers would effectively compete for businesses, driving down standards and placing the public at risk. Low trust in food businesses also meant participants generally feared the risk of collusion between FBOs and private inspection providers. Some participants were concerned that asking businesses to pay would **fundamentally change the relationship between businesses and the regulators**, negatively impacting the public. Other participants were less concerned about these issues. They felt this system would mean inspections were more likely to take place than in the current system, and were **reassured by FSA oversight**.

Some participants were concerned that changes to funding may **negatively impact small businesses, driving up non-compliance**. That business would be expected to meet the costs of regulation and that costs would potentially be directly linked to inspections was a particular source of concern. This was because participants believed smaller and less financially robust businesses may not be able to afford these costs or charges. As a result, smaller businesses may not register in order to avoid these costs (and therefore operate outside for the regulatory model) or alternately be forced to close due to additional costs.

1.2 Implications

Participants had a clear set of aspirations for the future regulatory model, formed in light of their assessment of the current model and their reservations about the FSA's five principles for change. Their aspirations focused on **creating a system that protects consumers** while being **fair, equitable and supportive for all food businesses**. Participants were particularly **focused on increasing the scrutiny food businesses are subject to**. To support this, participants wanted to perpetuate and strengthen elements of the current model that they feel are working, particularly increasing the number of inspections, making better use of FHRS scores to educate the public and protecting elements of uncertainty (e.g. random inspections).

Despite reservations, participants were able to **identify a number of potential ways that some of the changes discussed could positively impact businesses and the public**. For instance, privatising inspections may increase the number of inspections taking place, thereby enhancing regulatory scrutiny. Similarly, developing a more specialised approach and positioning inspections as a positive service (rather than as something punitive) could support business engagement and mean more businesses were keeping up to date with regulatory changes.

Crucially, however, participants **wanted to ensure there were safeguarding mechanisms introduced to the future model to ensure regulation is robust, the public are protected and small businesses are not squeezed out of the market**. For example, if businesses must meet the cost of regulations and if there is a 'free-market' in providers (i.e. businesses are able to select their inspection provider) standards may fall and the risk of collusion may increase. As a result, participants believed inspection providers should be rotated or randomly assigned to "keep businesses on their toes". Likewise, they felt there was a clear role for the FSA to ensure all inspection providers were holding businesses to the same standards and that the costs of digitising processes or meeting the costs of regulations were shared equitably amongst businesses (i.e. with those most able to pay/meet these costs paying the most).

Although participants identified a number of potential benefits arising from the FSA's five principles, they were **resistant to proposals that would reduce inspection frequency, place an undue burden on the public to monitor compliance, or put too great a trust in businesses to act in the public interest ahead of personal profits**. There was a strong belief that unannounced, face-to-face inspections are a critical way to "keep businesses honest" which cannot be replaced by public reporting or businesses self-assessing. There were some strong views that introducing multiple inspection providers would negatively impact safety and change the nature of the regulator-business relationship as well as concerns that small businesses would be disadvantaged in the new system. Likewise, although participants believed the public could be more effectively engaged in the future regulatory model via more effective promotion of existing feedback mechanisms, they did not feel it was appropriate to rely disproportionately on the public to ensure compliance. This was because the public is unlikely to be aware of best practice, or to be best placed to gauge the extent to which businesses are complying (e.g. they do not have access to kitchens etc.).

Benefits to the public within the FSA's principles for change were not immediately clear to participants. As a result, they questioned whether changes were more about reducing costs and replacing staff with technology, rather than protecting the public. This

demonstrates the importance of appropriately framing the reasons for moving to a new model and emphasising the benefits of the new processes.

2. Introduction

2.1 Background to the research

The Food Standards Agency (FSA) is an independent government department set up to protect the public's health and consumer interests in relation to food. It supports consumers to make informed choices about the food they eat and, crucially, ensures their safety in making these choices. As well as playing a vital role in guaranteeing the health of consumers, the FSA promotes confidence among consumers that the food they are purchasing is safe to eat. They achieve this through a variety of mechanisms, one being the way in which they regulate food businesses.

Part of the FSA's remit is to oversee the delivery of food regulation in the UK. Through site visits and face-to-face inspections, Local Authorities (LAs) ensure that food businesses comply with the UK's laws surrounding food safety and hygiene. Following an inspection, businesses are awarded a Food Hygiene Rating Scheme (FHRS) Score and, as necessary, provided with advice on how scores can be improved or maintained. If standards are deemed unacceptable, Environmental Health officers from the local authority can take 'enforcement action' which, if not complied with, can result in prosecution, fines or imprisonment.

The current regulatory model in the UK has not changed in the last 30 years. Food business regulation is delivered primarily through face-to-face inspections, administered by Local Authorities (LAs) and enforced through a system of penalties and rewards (FHRS ratings, fines, prosecutions etc.). While it is considered rigorous and has proved an effective way of ensuring public safety, inspections are time consuming, expensive for LAs to administer and do not capitalise on technological innovations. Financial pressures mean food businesses are not inspected in a consistent way across different LAs and the time between inspections can vary. Crucially, the current system takes a one size fits all approach which may not fully take into account food businesses' different needs, risks, or attitudes towards food safety.

With this in mind, the FSA is now seeking to shape new models for the future of regulation. The objective of the future model is to encourage all food businesses to step up to their responsibility to ensure food is safe and what it says it is. The FSA has identified five principles to develop the future model, in order to create a regulatory model which "is an effective, robust and proportionate system".³ The five principles have been validated with key stakeholders, including industry, large food businesses, consumers, and government, and are:

1. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have **a right to information** to help them make informed choices about the food they buy – businesses have **a responsibility to be transparent** and honest in their provision of that information.

³ FSA, Board Meeting, (18 May 2016). Regulating Our Future – Developing The FSA's New Approach To Regulating Food Businesses. <http://www.food.gov.uk/sites/default/files/fsa-150104.pdf>

2. Businesses should **meet the costs of regulation**, which should be no more than they need to be.
3. Businesses **doing the right thing for consumers should be recognised; action will be taken** against those that do not
4. FSA and regulatory partners' decisions should be **tailored, proportionate** and **based on a clear picture** of UK food businesses
5. The regulator should **take into account all available sources of information.**⁴

The development of the future regulatory model is still in an early phase and, while some stakeholders have been engaged as part of the early validation process, the FSA also wished to test the principles with members of the public and small food businesses.⁵

2.2 Aim and Objectives

The overall aims of the research were to understand how consumers would a) react to the idea of changing the system; b) respond to the five key principles that will inform the design of the future model and c) anticipate the new regulatory model may look in practice.

Specifically, research sought to understand:

- How the public currently think about food safety and regulation and the extent to which they trust different types of food business
- How the public react to hypothetical future regulation systems
- What the public would consider a reasonable role for them to play in providing data for a future regulation system.

2.3 Methodology

In order to achieve these aims, TNS BMRB ran a series of reconvened deliberative workshops with members of the general public. It is clear from previous research conducted by TNS BMRB that members of the public are generally unfamiliar with existing regulation and how it works in practice. This method was chosen to give participants the opportunity, time and space to a) familiarise themselves with the details of the current regulatory system, and b) reflect upon current food hygiene regulation in the first wave before exploring possibilities for the future in the second wave.

Workshop content and structure is outlined below:

- **Wave 1:** 5 x two hour workshops introducing the current regulatory model, the rationale for change, and participants' initial views on changing the system.
- **Interval:** In order to maintain participant engagement and support their familiarisation with current practices and processes, participants were set a homework task to complete between wave 1 and wave 2. The task involved discussing with a family member how they think food businesses are regulated, looking up a food businesses'

⁴ See Appendix for the detailed version of these principles.

⁵ TNS BMRB conducted two research projects on the behalf of the FSA: one with small food businesses and one with the general public. These ran in parallel to one another and are reported on separately.

hygiene rating, or to finding out how to make a food hygiene complaint about a food business.

- **Wave 2:** 5 x two and a half hour workshops testing the five key principles, and understanding customers' reactions to how these principles may be realised.

Fieldwork took place between Monday 6th June and Monday 11th July 2016.

2.4 Stimulus

In order to support consumer's engagement with the five principles, TNS BMRB utilised a range of research materials and stimulus, including:

- **Design futures:** Due to the early stages of the plans for the future model, TNS BMRB created five 'future worlds' to support participant engagement and understanding of the FSA's five principles. These 'future worlds' were based on each of the five principles and developed for research purposes. They were not based on plans developed by the FSA or examples from other countries. Instead, they were intended to provide participants with concepts to react to and identify the boundaries and drives of acceptability in the future regulatory model.
- **Animation video:** A two and a half minute animated video introduced workshop participants to the current regulatory system and the challenges it is facing. This video was developed to allow participants to quickly understand the context within which the FSA is developing its future model of food regulation.

A complete set of all the research materials used in this research can be found in the Appendices.

2.5 Sample

Participants in both our depth interviews and our focus groups were recruited through face-to-face, telephone, and database recruitment methods. Recruitment was centred on five locations throughout England and Wales: London, Bangor, Manchester, Cardiff, and Bexleyheath.

Each workshop was attended by 6-8 participants with a mixture of gender, ethnicity, and life stage within each group. The socio-economic composition of groups was varied across locations. In total 35 members of the public engaged in this research

Table 2.5.1 Public groups' sample breakdown

Location	SEG	Wave 1 dates	Wave 2 dates	Attended both waves
London	ABC1	08/06/16	22/06/16	7
Bangor	ABC1	09/06/16	23/06/16	8
Manchester	C2DE	07/06/16	21/06/16	6
Cardiff	C2DE	08/06/16	22/06/16	7
Bexleyheath	More mixed	08/06/16	22/06/16	7

2.6 Structure of the report

For ease of reference, the remainder of this report is structured as follows:

- Chapter three: Participants' experience of the current regulatory model: In this chapter participants' experience and awareness of the current regulatory model are discussed.
- Chapter four: Participants' trust in food businesses: This chapter covers the extent participants trust food businesses to prioritise food hygiene and safety, how this varies by business type and the factors underpinning this trust.
- Chapter five: Reactions to changing the system: This chapter covers participants' reactions to the FSA's five principles informing the design of the future regulatory model, and their aspirations for what that future model will look like.
- Chapter six: Implications: This chapter summarises findings to this research.

All quotations are verbatim, drawn from audio recordings of the workshops.

3. Experience of the current regulatory model

In this section, participants' experience and awareness of the current regulatory model are discussed.

Key findings:

- **Participants felt the current regulatory model provides effective protection** – the UK is believed to have an effective system which affords a strong degree of protection to consumers.
- Participants **have a basic understanding of the current regulatory model**. They assumed that it centres on face to face inspections, delivered through 'public' bodies and that businesses are treated differently based on 'risk' and that this is linked to the type of food they handle.
- **Participants tended to assume a greater degree of scrutiny for businesses under the current system**. Knowledge of funding mechanisms and frequency of inspections was low.
- When participants are introduced to how the current regulatory model works in practice, **they quickly identify points which could be improved**. The public feel particularly uncomfortable that a) inspections take place infrequently, and b) that funding impacts the degree of scrutiny to which food businesses are subject. However, participants did not see the need for a radical overall of the current model, feeling it is working effectively.

3.1. Perceptions of the current regulatory model

At the start of the workshops, participants had largely positive perceptions of how food businesses are regulated in the UK and felt the current regulatory system was effective. However, confidence was based on a lack of evidence to the contrary, rather than an in depth understanding of the processes in place. Participants cited the fact they and their friends and family were not getting sick on a regular basis as indicative of the strength of the current system. In addition, high profile incidences of non-compliance, such as the horse-meat scandal or salmonella outbreaks, were felt to be rare and effectively dealt with when they do occur. This led many participants to feel that the current regulatory system in the UK provides effective protection.

"I've got much more faith in UK products, [because] for me it's the threat of prosecution it makes sense to me that UK farmers would be more adhering to UK law and standards because they're easier to prosecute" – London, ABC1, Wave 1

Prior to information being introduced in the workshops, participants' knowledge and awareness of how food businesses are regulated tended to be superficial. Participants had a broad and general awareness of the current regulatory model and the primary mechanisms through

which food businesses are regulated. They understood that physical inspections take place to check food businesses have appropriate equipment, infrastructure and appliances, and practices to ensure food hygiene. Some, but not all, were also aware that these inspections are unannounced. Participants were also generally aware that inspections are administered through government bodies (although not all were aware there was a direct link with the LA). There was a general assumption that as the aim of regulation was public safety, the government would be involved.

Despite some basic awareness about the current system, participants tended to overestimate the regulatory scrutiny businesses are under, and had low awareness of the pressures and gaps which exist within the current regulatory model.⁶ For instance, participants typically assumed businesses are inspected more regularly than every two to three years, with a general expectation that businesses are inspected annually. In addition, there was limited unprompted awareness of features or pressures within the current system that were introduced to participants in the course of the research (see Appendices). In particular, there was low awareness that: the system has not changed in almost 30 years; funding for inspections comes through the LA and that, as a result, there can be regional variation in the number of inspection; or that there is currently a one-size-fits-all approach to regulation.

As a result, when realities of the current system were introduced to customers in greater detail, some participants were surprised and worried that the current system was less rigorous than anticipated.

3.2. Prompted reactions to the current regulatory model

Anticipating that participants would have limited awareness and knowledge of how food businesses are currently regulated or the proposed reasons for change, TNS BMRB utilised a range of research materials in Workshop 1 to inform participants about the realities of the current system (see Appendix). As well as informing participants, this was done to ensure consistent knowledge and understanding across the different research groups and was supported by a short 3 minute video outlining the current system's features and pressures and a detailed outline of the inspections process. This section explores participants' views on the current system based on more detailed information.

3.2.1 View on the system of inspections

Participants' top of mind reactions to the current system focused on the timing, number, and frequency of inspections. Participants expressed general discomfort that a) businesses can potentially trade for some time without being inspected and b) there is such a long time interval between inspections. There was an additional concern that businesses are only inspected within this period if there is a complaint. Subsequently, there was a concern that the current system was too reactive, responding only once something had gone wrong rather than being able to prevent illness through proactive improvement of standards.

⁶ This reflects findings of previous research conducted on behalf of the FSA. For example, see: TNS BMRB and FSA (2014). Risk and Responsibility. <https://www.food.gov.uk/sites/default/files/risk-responsibility-report.pdf>; (2014). Strategy Research. <http://www.food.gov.uk/sites/default/files/fsa-strategy-research-report.pdf>; (2011). FSA Citizens Forums: Earned Recognition. <http://www.food.gov.uk/sites/default/files/multimedia/pdfs/earnedrecog.pdf>

The length of time between inspections was a recurring source of concern. Some described themselves as “shocked” or “worried” about the time gap between inspections. This was in part because they recognised that inspections and FHRS scores represent a snap shot in time and that standards may change substantially in two to three years.

“I’m surprised more people aren’t getting sick because it seems quite lax” – Manchester, C2DE, Wave 1

3.2.2 Views on the inspections process

Participants were generally reassured by the inspections process when it was explained in detail. In some instances inspections were more rigorous than anticipated. Some were surprised that inspectors talk to food business staff to check their understanding of food hygiene regulations, while the common practice of taking food samples, offering advice, and the length of inspections (up to a day) was also reassuring as a few participants had assumed inspections were relatively quick (i.e. 1-2 hours).

“[I’m reassured by] the fact they do offer advice. They don’t just silently say ‘oh that’s rubbish’” – Cardiff, C2DE, Wave 1

3.2.3 Views on current system’s funding model

Participants had a general understanding that the current regulatory model was publically funded. However, there was often an implicit assumption that funding was consistent, ring-fenced or derived from a central source.

When participants learnt that funding is determined locally, many questioned the fairness and sustainability of the current model. There was an immediate recognition, particularly in light of public sector cuts, that the current funding mechanism may result in a) national inconsistencies and b) a declining number of inspections. Some believed there would be a threat to public safety as a result.

Once the inconsistencies resulting from local funding were more fully understood participants expressed a desire for funding to be centralised or ring-fenced. A small number of participants spontaneously raised the idea of businesses contributing to funding the system.

“How can you expect them to do the same job, with maybe a quarter of the same staff?” – Bangor, ABC1, Wave 1

“[Businesses] are making lots of money, should they not put something towards these inspections.” – Cardiff, C2DE, Wave 1

3.2.4 Views on the ‘one-size-fits all’ approach

Reactions to the fact that all businesses are currently regulated in the same way were mixed. Participants strongly equated fairness with being treated in the same way. Given that all food businesses sell food either directly or indirectly to the public, there was a strong belief that it was appropriate and right that all food businesses are held to the same standards.

“They are all serving the same food, and doing the same job so I don’t see why a smaller business should be treated any differently.” – Bangor, ABC1, Wave 1

However, when it was discussed whether the same mechanisms were necessary to ensure that businesses are complying with these standards, participants' opinions diverged. Most recognised that different businesses have different needs and risk profiles which may influence the type of support they may require from a regulator.

Businesses needs were expected to vary in relation to a number of factors with the personality of owners/staff, processes, relationship with their customers, finances / resources acting as the primary drivers to both what businesses may need from a regulator and customers' trust in food businesses. These drivers are explored in depth in Chapter 4 Section 4.2.

Additional factors related explicitly to what support businesses may need from a regulator included:

- **Size and scale of organisation:** participants understood that an organisation's size influences the support and investment that may be required from a regulator. Participants believed large organisations (e.g. supermarkets, meat processors) are likely to have robust processes (e.g. more extensive training, an independent auditor etc.) in place to ensure food is produced safely and regulations complied with. However, participants also acknowledged that large food businesses may be more exposed to risk as they employ more staff, which would need to be trained or monitored, and have larger premises, which would need to be maintained. Their size may also increase the number of consumers that would be impacted were something to go wrong.

"I think it's good that everybody should be treated the same way, but I do feel like the big organisations should be more thoroughly inspected... [because] they're responsible to more people" – Cardiff, C2DE, Wave 1

Conversely, smaller businesses, while having fewer staff to monitor and smaller premises to maintain, are likely to have fewer specialist administrative / support staff to ensure the business is aware of changes in regulation that may influence best practice.

- **Type of food being produced:** The public recognised that some foods are more 'risky' than others. Across groups it was acknowledged early that it may be more appropriate to focus resources on those which handle high risk foods.

"I take it for granted [that a] sandwich shop [is safe], how wrong can they get it?" – Cardiff, C2DE, Wave 1

- **Location:** Some participants reflected that food businesses in more densely populated areas may have different risks, e.g. be at greater risk of rodents, or have higher churn in food businesses.

Even at this stage, and prior to the introduction of the FSA's five principles of change, some believed providing tailored support may offer advantages.

3.2.5 Views on the current role of the FSA and LAs

Once the relationship between the FSA and LAs was explained, most were comfortable with the government being responsible for regulation. Although some were not aware of the FSA, once it had been introduced, most felt the FSA was an appropriate body to ensure consistency in how food businesses are regulated between different LAs.

Participants did not spontaneously mention changing who was responsible for regulation or taking steps to privatise this. When questioned about this (again, prior to the FSA's design

principles being introduced) participants divided when the idea of changing 'who' administered the inspections was raised.

"If someone's doing it, it doesn't matter. Contractors can be professional if they're given the right criteria with which to work." – Bexleyheath, Mixed, Wave 1

"Being outsourced means it just becomes a pound note." – Bexleyheath, Mixed, Wave 1

3.2.6 Views on the role of the customer

Participants were not habitually engaging in the formal complaints process, with only a few having made a formal complaint about a food business through their LA. Instead participants tend to complain directly to the business owner/manager, or spread feedback through their own networks (e.g. telling family and friends, writing reviews online).

However, those who had complained in the past through their LA, or researched how to do so as part of the homework task, describe the steps involved as relatively clear and straight forward. While those who had complained had often not had the outcome they were looking for (they felt it was difficult to prove an illness had been the fault of the food businesses) the process itself was easy to navigate and the organisations involved deemed responsive. However, participants complained that they had not previously been aware of how to complain to their LA or the FSA, or that this was even a possibility. Participants also reported that they were unlikely to come across this, or to seek it out, except in very extreme circumstances (e.g. where food poisoning had resulted in very serious illness or death).

3.3. Priorities for change at the end of Workshop 1

As research participants became more aware of the realities of the current regulatory model, they were able to identify a number of ways existing practices and elements of the current regulatory model could be improved and built upon. However, participants were sceptical about the motives underlying the proposed changes, particularly about whether or not changes were about protecting the public or saving money. At this early stage, they did not spontaneously propose radical changes to the regulatory model as the current regulatory system was not felt to be broken.

At the end of the first workshop (and before they were aware of the principles that will inform the development of a future model), three areas were identified as priorities for change:

- 1. Inspections:** The interval between inspections was a surprise for many participants. There was a general sense that inspections should be more frequent and potentially annual.
- 2. Mandatory display of FHRS ratings:** Participants generally felt these could be more effectively used to inform and educate the public about the outcome of inspections. Even at this early stage participants felt their display should be made mandatory and further explanation given about what different ratings mean. Participants questioned why display was not already mandatory in England.
- 3. Consistency:** Some were concerned that the current funding model meant resources and, as a result, inspections / standards varied nationally. Some felt greater consistency could be achieved if funding was centralised and ring-fenced.

Participants' awareness, knowledge and perceptions of the current regulatory model evolved over the course of the first workshop. While at the start of the session participants were confident that the existing model offered effective protection, as they became more aware of the realities of the current system, participants were able to identify points which could be improved. This change was in part due to the introduction of additional information about the current model and prompted conversations around how the model could be improved. Crucially, the perceived need to change the system and introduce greater scrutiny was underpinned by participants' views on food businesses and the fragile trust they had in them to consistently act in the public's interest. Participants' views on trust are explored in the next section.

4. Participants' trust in food businesses

Participants' views and priorities for a future model were in large part driven by their attitudes towards food businesses and the extent to which food businesses were trusted to act in the public interest. This section details the extent to which participants trust food businesses to prioritise food hygiene and safety, the factors underpinning this and how trust varies by business type.

Key findings:

- Participants **rely on their own judgement and heuristics when deciding if they trust a food business to be a safe place to eat or buy from**, such as cleanliness, reputation, and past experience.
- Whilst the size of the business is taken into account as participants consider whether they trust a food business, **trust is not easily mapped onto business size or type**. This is because trust was influenced by multiple, complex factors, including: the **personality of individuals** running the business; whether the business is perceived to possess and adhere to **processes**; the finance and **resources** of a business and their closeness to or **distance from the consumer**.
- **Customers' trust in food businesses is fragile**. Although feeling the current system is an effective control on food business behaviour, participants recognise that any individual within any type of food business could produce food which is unsafe.

4.1. How participants decide whether or not to trust a food business

Participants considered various factors when buying food. These related to the extent they trust a food business, with participants generally confident in their ability to assess if individual food businesses can be trusted. Although they do consult formal and informal information sources, primarily participants relied on their own judgement when deciding whether or not a business is trustworthy. These judgements are often personal, intuitive and emotional.⁷

Participants in the research understood that there are clear links between food businesses' behaviour and customer safety and use their own senses and judgement to assess this. They look to see whether or not staff or premises appear clean, for instance, and sometimes question food business employees about a food's provenance and ingredients.

"If it looks bad on the outside you know when you're looking through the window, what does the other side look like?" – Cardiff, C2DE, Wave 1

⁷ See, TNS BMRB Research: (2014). Risk and Responsibility. <https://www.food.gov.uk/sites/default/files/risk-responsibility-report.pdf>; (2014). Strategy Research. <http://www.food.gov.uk/sites/default/files/fsa-strategy-research-report.pdf>; 2011. FSA Citizens Forums: Earned Recognition. <http://www.food.gov.uk/sites/default/files/multimedia/pdfs/earnedrecog.pdf>

"If I'd never been there before I'd look at [the food business's] appearance, if it looks clean and if it's busy... but it's just by eye normally" – London, ABC1, Wave 1

Although participants primarily relied on their own senses and judgements, there was a strong recognition that not all elements of food hygiene can be assessed easily by members of the public and that expert insight is required. Participants recognised that they do not have access to all parts of a food business (e.g. kitchens), and that they may not be informed about what constitutes best practice. As a result, participants took into account other sources of information beyond their own personal assessment of food businesses cleanliness. Participants habitually relied on recommendations from friends and family or social media (e.g. TripAdvisor) when deciding where to eat. Although when doing so they primarily look for information on the quality of a business's food, service or venue, they also generally inferred or implicitly assessed a food business's hygiene standards. This is particularly the case if they have not been to the food business before. Some were also aware of FHRS ratings and used these, when they were publically displayed, to inform their decisions.⁸

4.2. Factors determining trust in a food business

As part of this research participants were asked about how they viewed different types of food businesses. Aligned to this were questions on whether participants believed different types of food businesses have different attitudes to food hygiene or priorities when it comes to consumer safety. To understand the diversity of option and factors influencing participants' perceptions, five types of food business were explicitly discussed. These were: small food stalls; take-away kebab shops; local, family run restaurants; restaurant chains; and large meat processors.

From this exercise, it quickly emerged that participants rely on a number of assumptions when considering the extent they trust different types of food businesses. These assumptions related to a business's size and resources, as well as the personality of those working within the organisation:

■ Personality of individuals

Participants thought about trust in terms of the individual people involved in food production (i.e. owners, employees, chefs, factory workers etc.). They strongly believed that how passionate these individuals are about what they are doing influences the extent they will comply and prioritise food safety in their day to day work.

Participants assumed those who are passionate about their food business seek to protect the business' reputation and are likely to prioritise food hygiene as a result. For instance, some assumed business owners would want to protect the reputation of their business by ensuring food safety is a priority. This was often tied to size of business as participants assumed that small business owners are more closely involved in the day to day running of their business (i.e. they may be in the kitchen / business premises) than large business owners (i.e. they may be in headquarters).

"We all know today how easy it is to cut a small business off through a bad review– London, ABC1, Wave 1

⁸ In line with other research ([Mandatory display of FHRS in Northern Ireland, 2013](#)) the public did not typically seek out FHRS ratings if these were not displayed

There were common concerns that employed staff are potentially less passionate and personally invested in protecting either the consumer or the reputation of their employers, and may themselves present a risk. For instance, one participant in Bangor explained how his wife had found chewing gum in her store bought salad. Following an investigation by the LA it was found a member of staff had a problem with the manager and had placed it there as a result. As larger businesses employ more people they are more exposed to this risk.

"I think a local butcher would [care] more, than a butcher in Asda" – Cardiff, C2DE, Wave 1

■ Processes:

Participants assumed that as businesses get larger they are more likely to have processes in place to ensure food hygiene and guarantee that consistent minimum standards are being met. This may include training, employing specialist staff responsible for food hygiene (including cleaners), conducting audits and monitoring their supply chains. As a result, some trusted chains more than independent restaurants as they were expected to offer greater consistency.

"I think because McDonald's is a massive global chain I would expect that to be corporately governed and managed and have their own regulations, whereas a burger van is not necessarily going to have that, are they?" – Cardiff, C2DE, Wave 1

Similarly, there was recognition that certain smaller food businesses (e.g. burger vans, street sellers) may not have the same facilities as larger food businesses. For instance, smaller food businesses may be working out of their home kitchen rather than a professional kitchen or preparing food outside or on a stall. As a result, it may be harder for them to comply with certain regulations.

"Even though it's busy you've still gotta keep things clean. It is difficult on the street." – London, ABC1, Wave 1

■ Distance from the consumer

Participants intuitively felt that businesses selling directly to the public would be more likely to have their interests at heart. This was in part because they believed that businesses selling directly to the public would seek to protect their relationship with their customers. As such, they would take steps to prioritise safety in order to maintain their reputation.

Participants recognised that as members of the public they can play a role in ensuring food businesses produce food that is safe to eat through making complaints. Participants felt businesses preparing and selling food directly to the public (small food businesses, chain restaurants etc.) were thus easier to hold to account through the complaints process, than those that supply ingredients to other businesses (e.g. large meat processors). Although businesses will have contracts in place with those who supply them, the public are less able to hold them to account. The public may not be aware of them or know how to contact them to complain.

"They're just processing and storing the meat and shipping it. They're not actually connected to the customer. I think their responsibility would be more to the person they're supplying to." – Cardiff, C2DE, Wave 1

"I don't think it's that good because ... different food places are doing different things. Some are just dealing with the raw food, some are cooking it, so there would be different risks...someone who's just storing it like supermarkets has different risks, different needs than a different type of food place." – Cardiff, C2DE, Wave 1

■ Finances and resources

Participants recognised that there are clear profit motives guiding food businesses' behaviour and that all businesses, regardless of size, want to make money and may be willing to "cut-corners" to protect the bottom-line. However, there was a common belief that more financially secure businesses (generally those which are larger) were more likely to have the resource in place to institute processes to ensure food hygiene. Similarly, there was also a concern that those who were more financially exposed or vulnerable to the market (generally those which are smaller) may be more exposed to risk and likely to cut corners as a result.

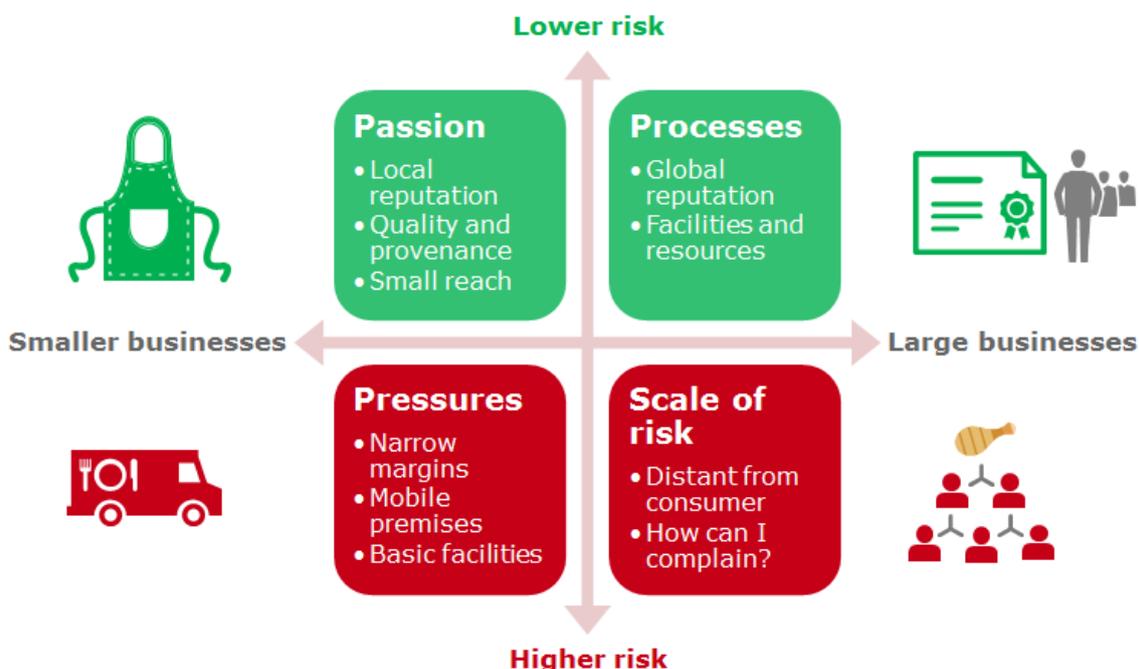
"Ultimately their motivation is to make money, there will always be gaps because they will cut corners to make this money" – Manchester, C2DE, Wave 1

"It's human nature to make shortcuts or they don't have time, they're under staffed and don't have the man power." – Bangor, ABC1, Wave 1

The interplay between the participants' different assumptions makes the extent they trust food businesses very fragile. Participants recognised that there are competing and conflicting influences and pressures which act on *all* food businesses and that these influence the extent food businesses are able, willing or can be trusted to prioritise food safety. However, they also recognised that the risks associated with these influences and pressures can be mitigated against.

As visualised in Figure 4.2.1 below, participants believed there were specific risks related to size, type and distance from the public. However, businesses are often subject to multiple risk factors which could mitigate these risks potential impact. Risks are dynamic, complex and in a state of flux making it difficult for the public to a) assess how much they trust a food business and b) group businesses together on the basis of risk or trust.

Figure 4.2.1 Trust does not easily map onto business size or scale due to complicating factors.



Crucially, when seen in the round, these influences and pressures mean that all food businesses are vulnerable to making poor choices when it comes to food hygiene. As a result, no type of food business can be totally trusted based on any one characteristic. There are pressures and negative risk factors which could influence the behaviour of all food businesses. Ultimately, this had implications for how participants reacted to the FSA's proposals for the new business model and the principles which will inform. These are explored in next section.

5. Reactions to changing the system

This section outlines participants' reactions to the FSA's five principles informing the design of the future regulatory model, and their aspirations for what that future model will look like.

Key findings:

- Participants **recognised that the current regulatory model is not perfect**: the system is complex, inconsistent and subject to financial pressures which mean safety is potentially dependent on budgets.
- However, they **were sceptical about the rationale for change**. They were particularly suspicious about whether or not it is for their benefit, or if it is instead primarily about cutting costs.
- The **five principles** that will inform the design of the future regulatory model were **mostly considered sensible in and of themselves**. However, the extent to which they are different from or would result in benefits compared with the existing model was not always apparent.
- Participants were concerned elements of the five principles could potentially **risk driving non-compliance**. They were particularly concerned about self-certification and changes to how regulation is funded.
- Ultimately, **participants wanted a system which protects consumers** while being **fair, equitable and supportive for all food businesses**.

5.1 Participants reactions to the rationale for change

Participants identified a number of ways in which the current system is flawed or could be improved (see section 3.2). However, having discussed the current system at length, participants remained sceptical about a) the rationale for changing the system and b) the extent to which the key principles informing the design of the future system represented a radical shift.

"Is there not a good reason why the system has not been changed in 30 years... is changing it opening a can of worms? You don't often hear of people dying so they must be doing an ok job." – Manchester, C2DE, Wave 2

As the five principles that will inform the design of the future delivery model were discussed, participants increasingly questioned whether the changes were to support public safety, or whether they were more focused on reducing costs, replacing staff with technology and conducting fewer inspections. The principles, although broadly accepted (see Figure 5.1 overleaf) were not seen as drastically different from the status quo. There would still be inspections, the penalties and rewards would remain broadly the same, businesses would still be responsible.

The only principles participants felt would result in a substantial change were that businesses would meet the costs of regulation and that businesses would be required to submit data, which would entail a degree of self-certification. Both of these elements provoked concern, with participants concerned that they may lead to non-compliance, businesses not registering or a reduction in public safety.

Figure 5.1 Summary of the public's reaction to the FSA's principles for change

Key: ■ High acceptance ■ Moderate acceptance ■ Low acceptance		
1. Pt a: Responsible and Transparent		Common sense hygiene factor
1. Pt b: Demonstrate and / or self-assess		Inspections seen as integral. Full self-regulation not acceptable as FBOs are not trusted.
2. Tailored, segmented approach		Status quo fair as standardised. Public question segmentation's viability.
3. Penalties and rewards		Seen as appropriate. FHSR scores seen as a reward in themselves; penalties should be graded and FBOs supported to improve.
4. Businesses should meet the costs		Public accept but have mixed views on outsourcing
5. Using different information sources*		Seen as common sense but more applicable to large FBOs. Role of customer queried.

5.2 Participants reactions to the FSA's five key principles for change

In the second workshop participants were introduced to the FSA's five key principles for the development of the future delivery model. TNS BRMB presented the principles to participants in two different ways. The principles were first discussed on a conceptual level. Each principle was introduced to the group and discussed in turn. Following this, the principles were discussed on a practical level in the form of 'design fictions'.⁹ TNS BMRB created five 'future worlds' based on each of the FSA's principles as a way to support participants engagement with the subject matter and promote their understanding of how a future model might work (see appendix).¹⁰

While overall reactions to the principles were broadly positive, participants' more detailed responses to each of the principles are discussed below.

⁹ See methodology

¹⁰ These 'future worlds' were not based on plans developed by the FSA or examples from other countries.

5.2. 1 Principle 1: Businesses are responsible and should be transparent

Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so...businesses have a responsibility to be transparent and honest in their provision of that information.

Within this principle, the idea that FBOs would be required to provide evidence of compliance to FSA/LA (e.g. at registration, annual self-certification, in event of complaint or if consistently non-compliant), that inspections may not take place, that data would be submitted to central database, and that there may be multiple private regulators (approved by FSA) were all discussed.

Participants strongly agreed with the overarching principle that businesses are responsible for producing food that is safe and what it says it is. There was also a high level of agreement that businesses should willingly engage in the regulation process and provide regulators with relevant information about their food hygiene. Using technology to support this (e.g. via a central database or automatic submissions) was welcomed. Given that businesses already collect such data, participants did not anticipate that digitising existing processes would result in an undue administrative burden. However, participants expressed discomfort with elements of this principles relating to self-certification, including accuracy and honesty of data entry, use of technology and the introduction of multiple regulators.

Self-certification

Participants were strongly against “self-regulation” or “self-certification”. This was particularly the case if inspections were not taking place or were taking place less frequently, where there were not ‘human’ checks on submitted data, or where businesses were selecting their own regulator. As covered in chapter 4, participants’ trust in food businesses was fragile and did not stretch to believing food businesses would report issues or submit data that could result in loss of business, fines or closure.

Although there was recognition that getting businesses to self-submit this data may reduce the financial and administrative burden on regulators, participants were concerned that not enough adequate safeguards were in place to ensure businesses engaged honestly. There was a strong concern that businesses would pick and choose which data to submit, not comply or deliberately submit inaccurate data, particularly if there would be financial repercussions to being honest. Some were concerned that “honest” businesses – those who are engaging fully in the current model and taking active steps to comply – may become dishonest if incentivised to do so (e.g. they can avoid fines / fees).

“I look at the second point with utter disbelief – they expect self-certification? Do you think anyone that is involved in the food industry is going to say ‘we are not fit for purpose’? They are all going to give you glowing reports on how wonderful they are.” - Bangor, ABC1, Wave 2

“It would be easy to bend the rules; you could lie about what you are doing and make it look better.”- Manchester, C2DE, Wave 2

Participants felt random, unannounced inspections were a critical safeguarding mechanism and should be neither removed nor reduced. Inspections were believed to “keep businesses on their toes”, act as a check against false reporting and provide an opportunity for advice and guidance.

"Whatever industry you work in you know you might be mystery shopped you keep on your toes otherwise standards can slip." – Manchester, C2DE, Wave 2

Creation of a database

Participants felt businesses contributing data to a central database and automating data collection could have positive benefits. It would remove human error and could potentially standardise the timing of submissions. For instance, food businesses would ideally no longer be able to back fill data entries (i.e. completing all entries for a particular time period once a week or month, rather than on a daily basis as is currently required).

However, full automation and data-checking via algorithms were not seen as an appropriate replacement for human checks. In part this was because the efficacy of the system would rely on the quality of the information being submitted. Again, participants questioned whether or not businesses would be honest, particularly if it would negatively impact their business. There was also a sense, however, that businesses themselves may not be aware of best practice. As a result, they may submit inaccurate or incomplete data.

"It probably would depend on the effect [having a publically available database] had. I think some people would perhaps go for it, but if this restaurant put this thing about a mouse and they never had anyone come again, that would be the last time they put something negative down." – Cardiff, C2DE, Wave 2, Response to "Breadchester" Design Future

Some felt that if the FSA wanted businesses to engage honestly with the system they would need to remove severe negative consequences.

"In a sense you'd have to take away the severe consequence, because I think most food oriented businesses are going to try their best. They're going to make mistakes and if you make a mistake and lose your business, it's a bit harsh, isn't it? So you're going to fudge the facts, I would imagine. But you want to try and weed out the people that deliberately trying to con people. So I suppose it's finding that balance between allowing people to be honest and not getting in too much trouble, and catching out the people that are deliberately trying to fudge the system." – Cardiff, C2DE, Wave 2, Response to "Breadchester" Design Future

Multiple providers

Participants' reaction to the idea that there would be multiple, non-governmental inspection providers (e.g. LA, the FSA, third-parties) was mixed. Whereas some were concerned it would negatively impact on public safety, others were indifferent – anticipating that more inspection providers would result in more inspections, specialisation and reduced costs.

Critically, many participants expected introducing a 'market' for inspection providers and requiring businesses to meet the costs of regulation would change the nature of the relationship between food businesses and their regulator. They anticipated that this would negatively impact the public, reduce standards and create inconsistencies, in part because the public would be subject to a double profit motive. Businesses would be seeking to select the most competitive inspection provider, which would be more likely to 'pass' them, and potentially cutting corners elsewhere to make up the costs. The drivers and impact of this are explored below:

- **Inspection providers may become more accountable to businesses than the public:** Underpinning participants' concerns was a general discomfort that in the future model, the inspection provider would be accountable to food businesses (who would be

paying them) rather than the public. Some believe that in the current system the inspectors prioritise the public interest as they are operated through LAs. If there are multiple inspectors operating on a for-profit basis there was a concern they would be more accountable to their shareholders and prioritise profits over public safety. Some felt it would also be harder to hold private companies to account – for example, one participant noted that members of the public will be unable to access information through freedom of information requests as they can now.

"The big businesses' only responsibility is to the shareholders to make profits, legally that's it. They don't have any democratic responsibility to the people in the area." – London, ABC1, Wave 2

"Private can be more corrupt. It's their business. They're there to make money." – Bexleyheath, Mixed, Wave 2

- **Competition between inspection providers may make regulation less consistent and lower standards:** Participants were concerned that different inspection provider may interpret existing regulations in different ways. As a result, regulations may be inconsistently applied, creating confusion for food business operators and potentially exposing the public to risk. Given this, participants identified a clear need for FSA oversight to ensure consistency.
- **Businesses choosing their inspection provider may negatively impact quality:** Participants felt business would most likely choose the inspector that would be lenient and “pass” them or give them a good rating. If providers were competing for food businesses, there was a concern that standards may be lowered to attract food businesses. As a result, allowing food businesses to choose their inspection provider for inspections was strongly resisted.

"Like a referee who may give a penalty and another wouldn't" – Manchester, C2DE, Wave 2, Response to "Chowtown" Design Future
- **Increased risk of collusion:** As businesses are paying for inspections, some research participants were concerned that there would be an increased risk of collusion between inspection providers and businesses.

Although there were concerns relating to the creation of multiple inspection providers, some participants were indifferent about who was conducting inspections: so long as inspections were happening and they were being delivered to a similar standard, they did not care who employed the inspectors. This was particularly the case if the FSA would still be providing oversight and ensuring that there was a broadly consistent approach and interpretation of regulations across inspectors.

Some believed privatising the inspection process would reduce the costs of inspection, increase the number of inspections being conducted and potentially allow regulators to specialise, allowing a more tailored approach. Given the importance participants placed on face-to-face inspections this was seen as a key benefit to increasing the number of providers.

"If it was a company that specifically dealt with that type of business then yeah, it'd be a good idea, cause they know exactly what they're looking for.- Cardiff, C2DE, Wave 2, Response to "Chowtown" Design Future

"It doesn't bother me who is checking, as long as it is being checked," Manchester, C2DE, Wave 2

Some felt having multiple inspection providers could prevent collusion between businesses and inspectors and create a more “neutral” inspection processes. Participants felt this would particularly be the case if inspection providers are randomly allocated and changed or rotated on a regular basis. This would ensure businesses were being “kept on their toes”.

Ultimately, the acceptability of having multiple providers for the delivery of inspections rested on the FSA providing effective oversight and food businesses not being able to select who inspects them.

5.2.2 Principle 2: A tailored, segmented approach

FSA and regulatory partners’ decisions should be tailored, proportionate and based on a clear picture of UK food businesses. There is enormous variation in food businesses... They will need different levels of support, and different levels of scrutiny.

Within this principle, the practicalities of how a segmentation of businesses could work were discussed.

In principle, participants agreed that treating food businesses differently could have advantages. Some assumed this was already happening. Participants recognised that businesses have different needs and capabilities and are vulnerable to different risks as a result (see sections 3.2.4 and 4.2). Developing a more tailored approach may allow resources to be targeted on those who are non-compliant and for regulators (if there are more than one) to develop specialisms, applying regulations in more tailored ways as a result.

However, participants did question how viable developing and delivering a segmented system would be and were concerned it may lead to inconsistency. Participants recognised it was not easy to categorise businesses. Although factors such as size, or cuisine could be taken into account, some felt there were too many variables (e.g. number of employees, profit level, venue, type of business, customer level of footfall) to do this in a viable way, as these factors are not always correlated directly with risk. Further, a business may be small and have a lower turn-over than larger businesses, but serve more customers day to day. Participants recognised this was further complicated by certain business models, e.g. franchises. As a result participants questioned whether these businesses should be classed as a small business, or a large business.

"It's a minefield thinking of different categories and needs, I can see why the system has not changed in 30 years, [I] wouldn't know where to start." – Manchester, C2DE, Wave 2

Although they did question how businesses could be most appropriately grouped and whether segmentation would be workable (see chapter 4), participants identified four factors that should be taken into account in future developments:

- **Distance from consumer:** Businesses which are removed from the public / at the start of the food chain should be more closely regulated than those which sell or engage directly with the public. Errors by these food businesses have wider reaching implications and they lack immediate feedback from customer complaints.
- **Businesses size:** Larger businesses employing more people (which may be less personally invested in the business) have greater risk points. They may also hold more data and have more potential data sources to provide to potential regulators.

- **Turnover:** Businesses with larger profit margins are more able to meet the costs of regulation and should be expected to pay more towards to the cost of regulation as a result.
- **Certain food and premises:** Some foods (e.g. shellfish) and business types (e.g. mobile businesses) are more vulnerable to risk than others. Businesses handling risky foods or operating out of certain locations should be more stringently regulated and / or prioritised.

Overall, if a segmentation were developed there was a sense a set of minimum standards or procedures that are consistent across all food businesses would need to be developed. These minimum standards would be added to depending on the needs of a particular segment/business type.

5.2.3 Principle 3: Penalties and rewards

Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not.

Within this principle, the idea that new rewards for compliance (including less frequent inspections) would be introduced for compliant FBOs was discussed.

Participants understood effective penalties and rewards are necessary to encourage compliance and punish negligent and dangerous business owners. When asked to consider what suitable penalties or rewards should be and in what circumstances they should be applied in the future model, it quickly emerged that participants did not see any immediate change required:

- Participants were generally uncomfortable with rewarding businesses for producing food that is safe to eat. This was seen to be their job, the responsibility of the business owner and not something that merited a reward (see 5.2.1). Receiving a good FHRS rating was seen as a reward in and of itself. Participants spontaneously suggested it could be more effectively used to incentivise businesses to comply with food regulation if its display was compulsory.¹¹

"Why would you reward them, the rules are there and you adhere to the rules, and if you don't adhere to the rules you are penalised." – Bangor, ABC1, Wave 2

"Isn't that already done by giving them a rating?" London, ABC1, Wave 2

- Most saw the existing range of penalties and rewards at the FSA's disposal as comprehensive and appropriate. The existing system of penalties (fines, naming and shaming in local media, prosecution and the threat of closure) were believed to be suitable deterrents, with public naming and shaming seen as particularly punitive and in some instances more so than fines. Likewise, a FHRS score of four or more was seen as a suitable reward with few suggestions made for how these could be extended. However, participants suggested cash rewards, helping businesses with their marketing, mentions on social media, or creating a 'league table'.
- Participants wanted to ensure the system was flexible enough to ensure honest mistakes or accidents do not result in severe penalties. They therefore felt a business's

¹¹ Please note, that FHRS score display is compulsory in Wales.

track record and past behaviour should be taken into account before sanctions are applied.

- Similarly, consistent good behaviour could result in special awards or fewer inspections. However, formally reducing regulatory scrutiny was questioned and wholly removing inspections rejected even for those with a track record of good behaviour. There was a strong concern that if businesses knew they would not be inspected they may reduce investment in compliance and, as a result, standards in businesses officially rated as 'good' would fall.

5.2.4 Principle 4: Meeting the costs of regulation

Businesses should meet the costs of regulation, which should be no more than they need to be... Industry should meet that cost, with those requiring the greatest regulatory intervention/attention contributing the most.

Within this principle, the potential impacts of charging were discussed, whether or not there should be any variations by business type and if there should be a transition period for small businesses.

Participants recognised that there are financial pressures in the current system which means it may be necessary to seek alternative funding models. Participants accepted the general idea that businesses should contribute to the overall costs of regulation, providing these costs were not excessive. Participants anticipated there would be minimal impacts on consumers.

"Probably wouldn't notice [passed on costs] in your shopping bill that much." – Bexleyheath, Mixed, Wave 2

Participants did insist, however, that the following be taken into account to ensure businesses' meeting the costs of regulation does not negatively impact public safety:

- Participants strongly feel that payments should be made by businesses in order to receive a positive service and or support. There was a concern that if payments were punitive, and particularly if they were linked to inspections, there could potentially be a number of negative impacts. For instance, regulators may be overzealous or overly stringent in their interpretation and application of regulation, if it meant they would receive an additional payment. Similarly, businesses may be encouraged to operate outside of the official system and not register, or not report issues, in order to avoid fees / fines.

"If we are expecting businesses to pay it has to be of benefit to them as well, so it can't be all stick and no carrot" – London, ABC1, Wave 2

- Participants felt that businesses paying for regulation had the potential to change the relationship between the regulator and the business (see section 5.2.1). Were businesses to be required to pay per inspection, regulators may be incentivised to re-inspect businesses and be overly rigorous in their application of regulations. As a result participants thought fines were more appropriate.

"I don't think businesses should be made to pay for inspections. If they don't pay for their inspection then there's more emphasis on the FSA or whoever's inspecting to amend the business first time. It would stop there being a profit motive with them doing repeat inspections" – London, ABC1, Wave 2

- Participants felt that fees or charges should be graded by business size or turn over. There was a concern that small businesses may be squeezed out of the market, or discouraged from registering or setting up if costs are too high. As a result, they believed there should be a transition period, or scaled approach to introducing charges.

"You wouldn't want to cripple small businesses" – Cardiff, C2DE, Wave 2

"Depends on the scale of what you're charging them and how big your business is. It should be categories like if you earn this much, pay this much." - Manchester C2DE, Wave 2

5.2.5 Principle 5: Using different information sources

The regulator should take into account all available sources of information

Within this principle, the idea of using third party data and consumer feedback was explored.

Participants understood that information is essential for understanding whether or not businesses are complying with regulatory standards. However, views on the FSA using different information sources were mixed.

Primarily, participants wanted to see better use of existing data and existing data sources. As mentioned above, participants felt information generated through inspections, especially FHS ratings could be more effectively used. Specifically, the public could potentially be better informed if the display of FHS ratings was made mandatory. In addition, participants spontaneously mentioned the display of 'component scores' (e.g. what had been taken into account in the awarding of a score) and felt that explanations should be given about why a food business had been given a poor rating.

"But what does zero stars actually mean?... Does that mean the floors are dirty? Does it mean the food is poisonous? It might not be that bad." – Bexleyheath, Mixed, Wave 1

Similarly, participants thought they could be more effectively engaged in a future regulatory model. Currently, many were unsure how to make a formal complaint, although believed existing feedback mechanisms to be adequate (see section 3.2.6). However, there was general agreement among participants that existing feedback mechanisms are not currently effectively promoted. Participants suggested that people would be more likely to engage if information about how to complain to the LA or FSA was provided on sales receipts, on the FHS rating, or via a complaints app.

"If I had a bad meal, I wouldn't at this moment know what to do." – Manchester, C2DE, Wave 2

It should be noted, however, that participants were concerned about regulators using customer generated data outside of the formal complaints process or solely relying on customer generated data. For instance, participants believed regulators would get a distorted view of businesses were they to rely on social media content / reviews. Likewise, they were reluctant for all customers to be asked for comments or to rate food hygiene. Firstly, the public may not be informed well enough about a business's food hygiene practices. Secondly, the system may be open to abuse and manipulation. Participants reflected on instances they were aware of where customers had extorted goods or services from businesses by threatening a

bad TripAdvisor review. They worried that complaints may be abused in a similar way in the future, which was regarded as unfair.

"[Reviews] tend to be quite polar, you never really get in the middle" – Cardiff, C2DE, Wave 2

"How does she know how clean the kitchen is by just buying some food, how does she know if the meat, the cheese and the milk are all on the same shelf in a fridge?" – Manchester, C2DE, Wave 2

Finally, when the idea of using businesses' own data or third party data was raised, some were concerned it may disadvantage small food businesses. Unlike large food businesses, small food businesses may not be able to afford third party auditor. As a result, unlike larger businesses they would not have a choice over who audits them.

"Sounds like the big businesses just bringing in their own people to do their checks and they could cut corners whereas the smaller businesses might have more stricter organisations coming in." – Manchester, C2DE, Wave 2

5.3 Aspirations for the future regulatory model

To conclude the workshops, participants were asked to reflect on everything they had learnt and discussed and design a new regulatory system. They were asked in particular what they felt should be preserved from the existing model, what should be introduced and what should be avoided.

Three guiding light principles informed participants' aspirations for the future model:

1. **Cultivate fairness:** Participants wanted the future model to be fair to food businesses while ensuring the public are effectively protected. They felt that the different regulatory needs of food businesses should be reflected in the future model. Some felt the development of specialist providers with tailored inspection processes would further improve the rigour of the system. If food businesses will meet the costs of regulation in the future, participants felt that bigger food businesses should pay more than smaller ones (and that this should be linked to profit if possible).

Crucially, participants wanted to ensure that all businesses are held to the same minimum standards. Requiring all businesses to register and maintaining the current system of face-to-face inspections were seen as effective ways to achieve this, although it was accepted that those businesses which represent the greatest risk to participants should be prioritised.

2. **Protect elements of uncertainty:** Participants felt uncertainty is a crucial element of the existing model which helps "keep businesses honest". As a result, they wanted to retain elements of the current system that create uncertainty (e.g. random inspections) and introduce elements to a future model that will create uncertainty (e.g. being allocated a inspector at random). They also want to avoid situations where the food businesses have too much control or power over regulation (e.g. by having choice of provider or inspector).

Effectively, participants wanted to avoid a future model where a) businesses are never inspected; b) there is a high level of self-regulation; c) where businesses can choose their own inspector; and d) businesses have the same inspectors every time they are inspected.

"It is too much based on trust, making the business send their own reports." – Manchester, C2DE, Wave 2

3. **Use more data streams while retaining official human oversight:** Participants wanted to see a more rigorous regulatory process. Primarily, participants want to see more frequent inspections and see face-to-face inspections sitting at the heart of the future regulatory model. However, they also saw a role for the consumer in facilitating the success of the future model. Participants felt they could more effectively be engaged in the regulation process. This could be achieved through promoting awareness of how the public can complain (e.g. through placing information on receipts) and making display of FHRS ratings mandatory. A minority of participants thought there should be increased online guidance for businesses on how to comply with regulation. A few also thought the creation of an online platform containing information on food businesses FHRS scores and the ingredients and allergens they handle would be a useful resource.

"Consumers being more empowered, they know what the food safety standards are, what the different ratings mean and we would want restaurants to have to show their rating." – London, ABC1, Wave 2

The implications of participants' aspirations for the future regulatory model are discussed in the next section.

6. Implications

Although participants were able to identify the need for some changes to the current model, the FSA's proposed changes and the principles informing the redesign did not clearly or explicitly meet those needs.

Given participants' beliefs that unannounced, face-to-face inspections are a critical way to "keep businesses honest", they were **resistant to proposals that would reduce inspection frequency, place an undue burden on the public to monitor compliance, or put too great a trust in businesses to act in the public interest ahead of personal profits.** There were some strong views that introducing multiple, private inspection providers would negatively impact safety and change the nature of the regulator-business relationship, as well as concerns that small businesses would be disadvantaged in the new system.

As such, the **implicit benefits within the FSA's principles for change were not immediately clear to participants.** As a result, they questioned whether changes were more about reducing costs and replacing staff with technology, rather than protecting public health. This demonstrates the importance of appropriately framing the reasons for moving to a new model and **emphasising the benefits to the public in any new model.**

Participants did recognise **a number of ways in which the FSA's principles could positively impact businesses and the public** should businesses meet the cost of regulation. Some accepted that this ultimately achieved one of their priorities: to ensure that inspections actually take place, and take place at a reasonable frequency. However, participants identified the need for a number of mechanisms to protect the public from the risks inherent in a privatised regulatory system.

Participants felt that it was more acceptable for businesses to pay for regulation if it was **experienced as a positive service and system of support they paid into,** rather than a punitive system of fines and itemised fees. They were supportive of businesses receiving more help and having more contact with regulators or experts.

Participants were also **open to digitisation and automation of data collection** where possible, and expected larger businesses to lead the way in this regard. Conversely, participants emphasised that **mechanisms would need to be in place to ensure small businesses were not squeezed out of the market** in a new model. For example, fees and charges for small businesses should be staggered and introduced over time.

Finally, participants felt that **the public as a whole could be better informed and empowered to feed into the system and hold businesses to account.** They felt that the existing infrastructure met their needs, except that the public has low awareness of mechanisms for ratings and complaints. Making FHRS mandatory, as well as more clearly publicising the ways in which the public can report food hygiene issues (e.g. through conspicuous information on receipts or food aggregator sites) were seen as ways to achieve greater consumer empowerment and engagement.

7. Appendices

General Public Workshop Wave 1 topic guide

FSA Regulating Our Future

Workshop guide – Wave 1

2 hours

Background, aims and objectives

The FSA is currently seeking to shape new models for the future of food business regulation, with the key aim of encouraging all food businesses to step up to their responsibility to ensure food is safe and what it says it is. This research aims to explore the public's view on the future of the delivery model for regulating food businesses: the principles underpinning this, their response to possible future models, and their overall priorities and concerns.

Specifically, research with the public will:

- Understand attitudes towards the principle of food businesses taking more responsibility for demonstrating compliance, exploring:
 - Views and levels of trust in different types of food business, to understand particular priorities and concerns about specific types of food business and how they are regulated;
 - Attitudes towards the relationships between food businesses, local authorities, and central government, and how these might change;
- Understanding responses to different examples and other models for delivery – to unpick the principles, priorities and concerns underpinning these views
- Explore attitudes towards changing the system of penalties for non-compliance and rewards for responsible behaviour, including sanctions / reputational recognition – including how these might differ according to the type of food business
- Explore views on the potential role for consumers in data gathering for official controls e.g. reporting incidents or food poisoning, reviews, etc.

The first workshop will:

- gather existing views and experiences on the current model for delivering controls
- introduce information about the current model and the rationale for change

- explore attitudes and levels of trust towards different types of food business
- introduce information on food businesses, including current inspection methods, risk and compliance levels
- explore initial challenges, tensions and principles for future delivery

1. Introduction – 10 mins

Warm up and introduction to the research

- Moderator introduction
- TNS BMRB independent research agency conducting research on behalf of FSA
- The FSA is an independent Government department set up to protect the public's health and consumer interests in relation to food, including risks caused by the way in which food is produced or supplied. The FSA role is to make sure consumers are protected and businesses do the right things for consumers, and encourage them to change their behaviour if they're not.
- The aim of these workshops is to understand the public's views about how food businesses should be regulated in the UK. Their views will feed into the design of how businesses are inspected and regulated in the future.
- Introduce anyone present from FSA – here to listen to their views
- Don't expect them to have any prior knowledge – just their opinions we're interested in
- Consent for recording
- Participation is voluntary and anonymous – their views will be used but they won't be personally identified
- Length: 2 hours, with a break
- Housekeeping

Group introductions – each participant to introduce themselves

- Name, who they live with, if they work what they do
- Favourite place to go out and eat
- How often they tend to eat out/eat whilst on the go
 - At restaurants
 - At sandwich shops/cafés
 - At takeaways

1.

- Exploring for each: what kinds of occasions – who they are with, what they enjoy most, how they feel when eating out
- When they eat out – how do they know that the food is safe to eat
 - Anything they do to check / what sorts of things they look for
 - Places they feel safer/less safe
 - Why
 - What makes them trust a food business (or vice versa) [UNPROMPTED]
 - What information would they want to know – what do they see to be the most important information. What **should** the business let them know?
 - What do they need to know

2. Existing awareness and perceptions about food business regulation – 15 mins

This section will explore participants' spontaneous awareness and assumptions about the current system for regulating food businesses.

IN PAIRS AND THREES

Moderator explain that we want them to work in pairs and think about what is done to ensure food businesses are safe – what do they think happens, how often do they think it happens, who they think is involved / responsible.

[STIMULUS A: SMALL FBOS, RESTAURANTS, LARGE FBOS – with prompts as above]

(5 min task)

Each pair/three to report back - moderator to explore:

- Views/ideas about how businesses are checked
- Who is involved
- Who has ultimate responsibility
 - If they say FSA – gently challenge on prior awareness – who they would have assumed this was if we asked them a week ago
- Differences for different sized businesses
- Reasons for their views / how they came up with their suggestions
- How confident they feel about what they've suggested
- How they think the UK's approach compares to other countries

3. Introducing the current model and context for change – 30 mins

This section will introduce key features of the current system, explore initial reactions and introduce the context for change.

Moderator to explain that the FSA is currently looking at how to change the system, and have created a short video to give a bit of background to the reasons for change.

[PLAY VIDEO]

- Initial responses – what stood out to them most
- Anything unclear / raised any questions

[STIMULUS B - THE CURRENT SYSTEM] – 5 mins to read through individually, then go through as a group

- Discussion of responses to key points in the stimulus:
 - All businesses regulated in the same way
 - Risk is applied to foodstuff, not the business type
 - Frequency of inspection on average 6 months – 2 years
 - Food hygiene inspectors in local authorities – inspection method and data collection overview
 - Currently funded through local authorities; current resourcing pressures resulting in differences by local authority
 - Oversight by FSA
- How different from their expectations
 - Anything unexpected / surprising
 - Anything reassuring
 - Any concerns
 - Any questions or things that are unclear
- Areas they think might need to change
 - What, and why
 - Do they foresee any barriers to change

2.

[STIMULUS B2 – INSPECTIONS OVERVIEW] – Moderator read through

- Responses to this – how it fits with expectations
 - Whether reassuring, whether raises any concerns/questions

- Responses to action being taken – what kinds of penalties do they think should be applied for businesses who fail to comply
- Whether they think businesses with track record of high standards should be rewarded
- What other kinds of information would be useful to reassure them that businesses were taking responsibility
 - E.g. how could food businesses demonstrate that they were taking responsibility for food safety, beyond the inspection

3.

- Whether they have ever made a complaint about a food business to the local authority, to FSA, anyone else
 - Whether/how they think the public could play a role in providing data / evidence
 - How they think this could work
 - Whether they would trust this information – why/why not
 - How could public-generated information be made more trustworthy/robust

Now that they know more about the way food businesses are operated:

- What is most important to them about a future system – bearing in mind that resources are pressured (*Moderator to flipchart – highest importance, less important*)
 - What would reassure them, and why
 - What most worried about, and why
 - Priorities for change

4. BREAK – 10 mins

5. Attitudes towards different food businesses – 30 mins

This section will explore participants' level of trust and perceptions of risk amongst different kinds of food business operator.

[STIMULUS C] – A3 print out of each of the following businesses on the walls.

- Large meat processor supplying major UK retailers
- Restaurant chain selling burgers
- Local, family run restaurant
- Take-away kebab shop
- Food stall selling hot food and meat products prepared in small kitchen

15 mins: In pairs/threes, participants to go around each and think about/discuss their views of each of the food businesses in turn. For each business, they need to imagine WHO is

responsible for food hygiene, the resources they might have to do this, and how able/likely they think they are to comply with the law, and/or exceed requirements. Each to complete a 'report card' for the businesses, recording:

- The person/s responsible for ensuring standards – who are they, what they think about food safety and hygiene requirements, how easy/difficult it is for them (in terms of staff/ resources they might use to support good practice)
- Level of risk posed to the public (high/medium/low) – and why
- Level of trust (scale 1-10) – and why
- Any concerns they have about the FBO's ability/willingness to comply to required standards
- Level of attention/scrutiny they would apply to each (each group has 1 x high, 2 x medium, 2 x low to allocate across the businesses).

Moderator to lead discussion about each business in turn, asking participants to share their reports, exploring reasons for views, and differences and similarities across the groups.

- Reasons for trust/distrust
- Reasons for levels of risk
 - Whether/why these are different
- Whether they all have consumer interest at heart – why/why not
 - How they determine this
- Anything that they had not considered before in relation to these businesses
- Key differences they perceive between food businesses
 - Whether they want/need different things as a result, to reassure them that food is safe
- As a group – rank businesses in terms of trust
- As a group – rank businesses in terms of risk
- Whether they think that there should be a different approach taken to different businesses
 - What and why

6. Introducing food businesses, trust and risk – 10 mins

[STIMULUS D – DETAIL ON THE LIKELY RESOURCES AND PLANS EACH FBO MIGHT USE/ HAVE ACCESS TO, CURRENT COMPLIANCE LEVELS BY TYPE OF BUSINESS, SPECIFIC RISKS PER BUSINESS/FSA RISK RATING:– Moderator to add to each A3 and review each in turn as a group

- How this fits with their expectations
- Explore any surprises
- Whether this changes their views / rankings about businesses
Moderator to change ranking as appropriate
- Whether they have any outstanding questions

7. Initial views and priorities for a new system – 10 mins

Returning to initial discussion –

- How far views have changed
- What has been most interesting/surprising that they have discovered tonight
- Whether they feel there is a need to change the system
- What is most important about a future system, i.e. their priorities

Spontaneous, and probe only if needed:

- whether important for universality / consistency, vs. a tailored approach
- overall oversight of the system
- inspection frequency / quality / independence
- Now – what does it mean to trust a food business – is it different from before
- What questions do they have – that we can answer next time

8. Homework and close – 5 mins

4.

- Introduce homework task –
 - discuss with a family member how they think food businesses are regulated – who they think checks them, and how
 - look up a food business they know and try and find out their food rating OR
 - Find out how you would make a complaint about a food business.
- Reminder of timings for next workshop (and slightly longer)
- Incentives – explain cards
- Thank and close

General Public Workshop Wave 2 topic guide

FSA Regulating Our Future

Workshop guide – Wave 2

2.5 hours

Warm up and introduction to the research

- Moderator introduction
- TNS BMRB independent research agency conducting research on behalf of FSA
- The FSA is an independent Government department set up to protect the public's health and consumer interests in relation to food, including risks caused by the way in which food is produced or supplied. The FSA role is to make sure consumers are protected and businesses do the right things for consumers, and encourage them to change their behaviour if they're not.
- The aim of these workshops is to understand the public's views about how food businesses should be regulated in the UK. Their views will feed into the design of how businesses are inspected and regulated in the future.
- In this workshop we will be looking specifically at **what the future delivery model could look like**. We will be recapping on what the **current system** for regulating food businesses involves, and how food businesses could be regulated in the future – we are using some fictional ideas about what the future could look like to do this, rather than examples from real life. We will then be asking you to build your own regulation models – don't worry, nothing too complicated – to help us think through what matters to you.
- Introduce anyone present from FSA – here to listen to their views
- Consent for recording
- Participation is voluntary and anonymous – their views will be used but they won't be personally identified
- Length: 2 and a half hours, with a break
- Housekeeping

1. Warm-up: setting the context of why regulation is important [20 mins]

This section will summarise why effective regulation is important, draw out the different role for different stakeholders (the public, the business and regulators) in controlling risk

- Participants to re-introduce themselves to the group

- Describe where they've bought food in the last two weeks, what they took into account when deciding where to go, and if they thought about things differently following W1 discussion.

Last time we met we discussed at length what makes you 'trust' a food business. That a food business is clean, staff are trained and know where their food comes from and can answer questions about it were things you found to be particularly important.

- When was the last time they've taken a risk with food. This could be eating a particular food stuff (e.g. oysters), or food vendor (e.g. street vendor while abroad), or behaviour (e.g. not washing food).
- What sorts of things make these actions 'risky'?
 - Moderator to probe with hazards and risks from W1 (include brief explanation of each) and place on flipchart:
 - Hazards
 - Microbiological
 - Chemical
 - Physical
 - Risks
 - Physical environment
 - Personal hygiene
 - Record Keeping
 - Supply chain
 - Cooking
 - Chilling
 - Cross Contamination
- How serious do they feel these risks are? What do they see to be the potential consequences of these risks?
 - Moderator to listen out for and probe around food poisoning and allergic reactions specifically, including asking for mentions on:
 - Who is most vulnerable – NB everyone for food poisoning; those with allergies
 - What the ultimate consequence might be – NB in the most serious cases, death
- ACTIVITY A: How easy or difficult is it for customers, businesses or regulators to mitigate against risks
 - Moderator to get participants to complete the activity sheet in pairs, then lead a short discussion on how easy or difficult it is for each stakeholder to control different risks and what might influence their ability to do so:
 - Business:
 - Attitude
 - Time
 - Money/Resources
 - Size
 - Knowledge
 - Customer: what could they look at and check? What would they have little idea about?

- Knowledge
- Attitude
- Time
- Regulator/LA
 - Money/Resources
 - Number of inspectors

N.B. The aim of this activity is to get people thinking about the roles different people can play in making sure food is safe to eat. Ideas generated here would be referred back to at the end of the session.

2. Changing the system: recap of current system and need for the change [5 mins]

In this section we will recap on the current system and the need for making changes to it.

As you can see making sure risk is controlled is really important – effectively controlling different risks and hazards can literally save lives. Regulation can play an important role in this, as do businesses customers and inspectors.

- Ask participants to:
 - Summarise what they remember about the current system:
 - When and how businesses are inspected
 - What happens in an inspection
 - Summarise the reasons for the change
- [Moderator to note responses on flipchart paper]

- **Moderator to recap on what they learnt last time:** [Stimulus B: Recap slide]

*The system of regulating our food businesses is **set to change**. As mentioned last time there are several reasons for this, namely:*

- *All **businesses regulated in the same way**: it doesn't matter how big or small you are, how many people you employ or what systems you have in place the process you go through is the same.*
- *Frequency of inspection **on average 6 months – 3 years***
- *Food hygiene inspectors are based in local authorities and carry out inspections with FBOs. During an inspection an inspector will:*
 - **Establish whether food is being handled and produced hygienically**
 - *Check the food business's **records** of their safety and hygiene practices*
 - **Talk to employees** to check their understanding and practices around hygiene
 - *May take **food samples** to test for safety*
 - **Offer advice** to encourage safe practices
 - **Discuss any actions** the food business needs to take to comply with the law, and for best practice
 - *An inspection **report is filed and a Food Hygiene Rating Score awarded.***

- Currently **funded through local authorities**; current resourcing pressures resulting in **differences by local authority**
- The **FSA provides oversight** for the inspection system as a whole.
- There are **risks / issues in the current system**:
 - o Business may not register
 - o In the current system, they may go up to three years without an inspection or in some instances never be inspected (particularly if that first inspection is missed!)
 - o New technology is not being utilized
 - o The system – i.e. that LA officers physically inspect businesses - has not changed in 30 years (although the things they look for and what they ask business to do, has changed).

[Play video if time allows – in Manchester video must be played]

3. Changing the system: principles and practicalities [45 mins total]

Introduce participants to the principles which are going to inform the future model for regulation and some of the potential ways in which these could be realised.

Moderator to explain:

The FSA has **identified five principles to develop a future model for regulation**. These have been developed with key stakeholders including industry, consumers, and government.

We would like to understand what you think about these principles, and how these could be realised.

TNS BMRB have created some examples of what this might look like in the future. These are hypothetical examples which are designed to give you something to think about. They are instead meant to give you something to think about and react to.

- [Stimulus C: principles and blueprints listed on cards]

3.1 Food Businesses responsible and transparent: 10-15 mins

Food Business Operators are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of that information.

In a future system, **Food Business Operators may be asked to provide evidence to demonstrate their food safety compliance**, i.e. rather than a food hygiene inspector going to a business and collecting that information, a business may send that information somewhere.

This would be at several points in time:

- o At point of registering a new business
- o To prove ongoing compliance, e.g. annual self-certification
- o To prove compliance in the event of an incident, consumer complaint, or if persistently non-compliant

- Initial response to this
 - What do they think / feel about FBOs self-regulating (i.e. proactively submitting data, rather than relying solely on inspections)?
 - What information do they think businesses could submit?
- What benefits / disadvantages do they see to this?
- What concerns do they have? What risks do they see?
 - How does this differ by FBO type?
- Do they trust businesses to submit information? Why?
 - How does this differ by FBO type?

In the future FBOs may submit data to a central database.

- If this were the case, who should conduct checks?
 - FSA? LA? Third party?
 - Why?
- How often should data be checked?
- Would you be happy for this checking to be automated? Why?

If businesses are submitting data to a central database, inspectors would not necessarily travel to businesses and conduct face to face inspections.

- How do they feel about this?
- In what circumstances should inspections take place?

In the current model businesses submit information to the FSA / LA.

- Should this be the case in the future? Who should FBOs submit information to (FSA, LA, 3rd party) and why? Does it matter why?
- How would you feel about a third party (e.g. an organisation in the private sector) being involved?
 - What advantages or disadvantages do they see to this? Why is that?

Currently, inspectors are employed by the LA. In the future this may not be the case.

- Who should do the inspections? Inspectors employed by the LA, the FSA or a Third Party? Or someone else? Who?
 - Why?
 - What advantages / disadvantages do you see to each of these options?
 - Which would they prefer and why?

In the future, there may be several private inspectors approved by the FSA that are responsible for inspections and regulating businesses. These would all be making sure businesses follow the same laws, but they may do so in different ways.

- What do they think are the potential advantages and disadvantages of having multiple regulators all following the same laws?
- What concerns / risks do you see?
- How could these be controlled?
- How do you feel about businesses being able to choose who regulates them?
 - Advantages / disadvantages of this?

N.B. If participants challenge the viability of such a model explain that this is already happening in the building trade. For instance customers can use LA Building Control officer or private sector Building Control officer to inspect their work.

3.2. Meeting the costs of regulation: 7 mins

Businesses should meet the costs of regulation, which should be no more than they need to be. UK food is some of the safest in the world, and UK businesses benefit from consumers (in home and domestic markets) trusting the food they produce. The industry tells us they value a strong, independent regulator. We believe that the regulatory regime should be as cost-effective as possible, for example by working with others and using a range of sources of information. Industry should meet that cost, with those requiring the greatest regulatory intervention/attention contributing the most.

Moderator to explain the current regulation system is funded through the tax system. Although some optional elements of the regulation process are currently paid for by businesses (e.g. new business advice, to be re-inspected and re-rated, a current ongoing pilot of businesses paying for an inspector to visit prior to an inspection with the aim of getting them up to an FHRS 5), in the future businesses may have to pay: a fee to register a new business; fees for regular inspections, fees for any additional inspections needed (e.g. if an incident occurs), a levy.

- Initial response to idea of charging
- Do they feel there should be any variation by business type? If so, what? Why?
- Response to idea that non-compliant businesses would need to pay more (as they would be required to pay for each intervention)
- Were fees to be introduced, what do participants think about having a transition period in which large businesses pay for inspections but smaller FBOs are exempt?
- As a customer, what do they think would be the impact of charging businesses for inspections etc.?
 - Do they think businesses would pass this on to customers?

3.3. Penalties and rewards: 7 mins

Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not. Many businesses want to produce food that is safe and what it says it is, and do so. They know that consumer confidence in the whole industry is crucial, so are as keen as we are to drive out those who put that confidence at risk. Businesses who put consumers at risk, either deliberately or negligently, need to know that there will be consequences, while businesses who demonstrate to us that they are transparent and prioritise food safety and authenticity will benefit from reduced regulator scrutiny. We are open to using a range of tools to encourage business behaviour change, including reputational recognition and sanctions.

- What do they think about having penalties and rewards?
- Views on what penalties/sanctions should look like:
 - For persistent non-compliance, i.e. the 'bad businesses' who are negligent
 - For failing to submit compliance data (periodically/consistently)
 - For businesses that get something wrong, but who have been otherwise compliant and transparent.

- PROMPT: Spot fines, name and shame, closure, sentences, anything else?
- What should rewards be based on (transparency, compliance, good track record, FHRS 5)
- Views on what rewards/incentives should look like for responsible businesses

3.4 Tailored, segmented approach: 5 mins

FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses. There is enormous variation in food businesses, in their size, the type of food they produce, the processes they use and their attitude to food safety and authenticity. They will need different levels of support, and different levels of scrutiny. One size will not fit all so we will be considering how to segment businesses – and to do that, we will need good quality, up to date information about them.

- What do they think about having a segmented approach?
- What they think FSA needs to bear in mind when designing a system?
 - How do they think businesses should be grouped? Why? (i.e. how specific it needs to be, what should it be based on – activity, food stuff, size, something else?)

3.5. Using different information sources: 10 mins

The regulator should take into account all available sources of information

*Moderator to explain that this is about regulators using data that the industry collects about itself from its own audits and checks, and information from other sources, such as **consumers** and other regulators.*

- What do they think about this idea? Any differences by:
 - Business type?
 - Third party data collectors / auditors?
 - The role of the consumer.

Moderator to explain that in the current system a customer is involved in the regulation of the system by triggering an inspection through complaining to the LA.

[Stimulus D: Customer complaint]

- How do they feel about the way they are currently involved in regulation?
- How do they feel they should be involved in the future? Refer back to thoughts given in the first activity.
- What data do they think they could generate? What information could they submit?
- How would they submit information on businesses?
 - Reviews?
 - Forms?
- What would make them bothered to provide information? What would prompt action?
- How do they feel about customer generated data?
 - Do they trust it? What risks do they see? What benefits?
- Current experience of the complaints process?
 - Has anyone complained?
 - What steps did they have to go through?

3. BREAK [10 mins]

4. A whole new world [40 mins]

The aim of this section is to get participants thinking about what different regulation systems could look like in the future. These are 'designed futures' and hypothetical rather plans developed by the FSA.

[Stimulus E: Designed futures]

When setting up the activity moderator to explain that: These are 'designed futures' and hypothetical, rather than plans developed by the FSA. At present there are no FSA plans as they are at the very early stages and thinking about what consumers would want to see. Moderator presents each of the scenarios in turn and asks:

- What do they love/ hate about this future world?
- What are their biggest concerns?
- What safeguards do they think need to be in place?

If not mentioned spontaneously:

- Grubton:
 - Are they concerned about abuses?
 - Should businesses be inspected even if no complaints are raised?
 - How and who should check the data base?
 - The regulator?
 - The customer?
 - Computer algorithm
- Noshville:
 - What do they think / feel about self-regulation?
 - What should happen with businesses who don't have / can't use technology?
- Chowtown:
 - Should businesses be able to select their own regulator?
 - Benefits may be that regulators specialise and develop expertise?
 - Risk may be that they confer / develop inappropriate relationship
 - What do they think about the risks of this type of competition between regulators?
- Slopston:
 - Should all businesses pay the same?
 - What should the amount businesses pay be based on?
 - Track record
 - Business type
 - Business size (turnover / head count / number of customers / profit)
 - Food handled
 - Whether they sell directly to the public / part of the food chain (i.e. they supply food products to other food businesses)
- Breadchester:
 - Would they check the online system in this world?
 - Why? Why not?

5. Creating the new system [30 mins]

The aim of this section is to get participants to create different regulation system for different business types

[STIMULUS F: Designing a regulation system]

- Participants are divided into pairs / threes and given one of three FOB types:
 - Meat processor
 - Chain restaurant
 - SME – Family run restaurant

- They are reminded of the risks and the importance of getting this right, but also that LA budgets are tight, and inspections are expensive. They are also reminded that SMEs generally have smaller budgets and less time than larger organisations that may have more processes in place / be able to afford an independent auditor

- Using the invented worlds as a base, participants are asked to design the future regulation system for their individual business type taking into account the earlier group discussion and the following:

- Participants to present back their regulation design in the group.
 - After all groups have presented, as them:
 - What advantages / disadvantages do they see?
 - What risks / challenges?
 - How could each system be made even better?
 - How is it going to be paid for?
 - How will we ensure it's a consistent system

6. Close – 5 mins

- If they had one final piece of advice for the redesign of the food regulation system in the UK what would that be and why?
- Incentives – explain cards
- Thank and close

Printed stimulus material from Wave 1 and Wave 2 public workshops

Wave 1

Small Food Business Operators



A

Restaurants



A

Large food business operators



A

How does the current system work?



1. New business registers with their local authority



2. The LA should respond in 28 days



3. Stretched resources means this doesn't always happen, so some business go on trading without inspection



4. Inspections are conducted every 6 months to 2-3 years on average



5. An inspection may also occur if someone complains to the council

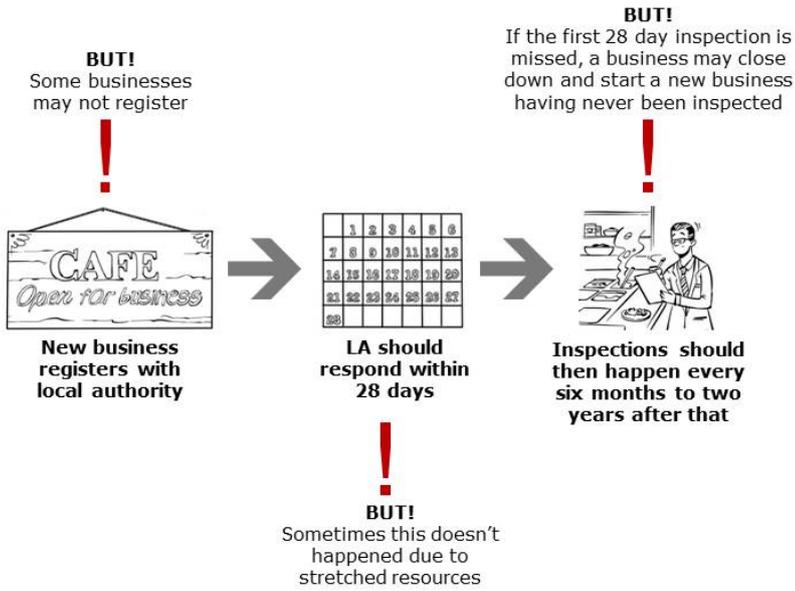


6. LA teams will aim to inspect higher risk businesses first



B1₄

The risk points



TNS

B1

Why change the system?

We currently take the same approach to all food businesses, no matter how big or small they are



Local authorities are under severe pressure



TNS

B1

Why change the system? (2)

The frequency of inspection currently averages 6 months to 2-3 years

OUT OF DATE

We're not utilising new technology



The system is currently funded through local authorities with pressures resulting in inconsistency



TNS

B1₇

Inspections provide a 'snapshot' of the business



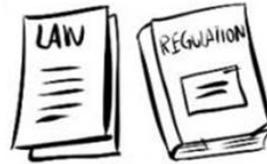
Enforcement officers will:

- ✓ Establish whether food is being handled and produced hygienically
- ✓ Check the food business's records of their safety and hygiene practices
- ✓ Talk to employees to check their understanding and practices around hygiene
- ✓ May take food samples to test for safety
- ✓ Offer advice to encourage safe practices
- ✓ Discuss any actions the food business needs to take to comply with the law, and for best practice
- ✓ An inspection report is filed and an Food Hygiene Rating Score awarded.

TNS

B2₈

Environmental Health Officers offer help and advice on food safety and take action if hygiene standards are not good enough.



They may arrange a follow-up inspection.

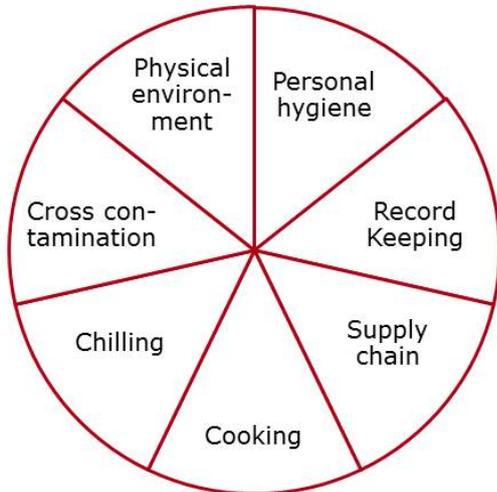
In serious cases, action might include closing the premises or prosecution.

TNS

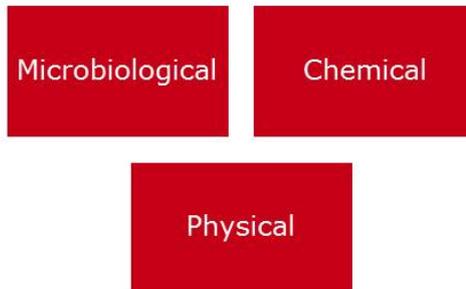
B2

What risks and hazards does any food operational business face?

Some potential risks include:



Some hazards are:



TNS

C

Large meat processor supplying major UK retailers

? Who do you think is responsible for ensuring food safety and hygiene?



How much do you **trust** the business to comply with the law?



What would they think about food safety and hygiene requirements?



How **easy/difficult** do you think it is for them to maintain standards?

e.g. think about staff, resources, any risks or challenges facing this kind of business

TNS

C

11

Restaurant chain selling burgers

? Who do you think is responsible for ensuring food safety and hygiene?



How much do you **trust** them to comply with the law?



What would they think about food safety and hygiene requirements?



How **easy/difficult** do you think it is for them to maintain standards?

e.g. think about staff, resources, any risks or challenges facing this kind of business

TNS

C

12

Local, family run restaurant

? Who do you think is responsible for ensuring food safety and hygiene?



How much do you **trust** them to comply with the law?



How **easy/difficult** do you think it is for them to maintain standards?

e.g. think about staff, resources, any risks or challenges facing this kind of business

?
What would they think about food safety and hygiene requirements?

TNS

C

13

Take-away kebab shop

? Who do you think is responsible for ensuring food safety and hygiene?



How much do you **trust** them to comply with the law?



How **easy/difficult** do you think it is for them to maintain standards?

e.g. think about staff, resources, any risks or challenges facing this kind of business

?
What would they think about food safety and hygiene requirements?

TNS

C

14

Food stall selling hot food and meat products prepared in small kitchen

? Who do you think is responsible for ensuring food safety and hygiene?



How much do you **trust** them to comply with the law?



What would they think about food safety and hygiene requirements?



How **easy/difficult** do you think it is for them to maintain standards?

e.g. think about staff, resources, any risks or challenges facing this kind of business

TNS

C

15

Large meat processor supplying major UK retailers

Large meat processors, such as abattoirs or meatpackers, are likely to have a number of processes in place to control food hazards.

Some of the organisations they supply to (e.g. supermarkets) may have strict conditions in their contracts which they have to meet.

To meet these requirements, businesses may outsource some of the processes involved in preventing food hazards. They may pay for a third party assurance scheme to make sure standards are high.



TNS

D

16

Restaurant chain selling burgers

Restaurant chains might have a number of systems in place to support food hygiene. They might have standardised approaches to how food is treated or prepared, or they might have quality assurance systems internally, or with suppliers. However, they may also sell food products that are more susceptible to certain types of food hazard.

Although they may have strict conditions in place with their suppliers, certain meats are more risky than others. For instance, they may sell rare burgers. Due to the way burger meat is prepared, eating a rare burger comes with a higher risk of food poisoning than eating a rare steak. Similarly, they might sell shellfish, which is more susceptible to certain types of bacterial infection than other types of meat.



TNS

D
17

Local, family run restaurant

The UK has lots of small family run food businesses. Small restaurant owners often have a lot of draws on their time. Aside from the day to day management of their restaurants, they may also have to manage their accounts, source equipment and ingredients and run their own kitchen.

Aside from having the risks associated with serving certain types of food (rare burgers, shellfish etc.), they may also have some additional pressures. Managers can't necessarily be in all places at all times and they may need to trust that their staff are following the correct procedures to avoid hazards. Likewise, they may not keep the correct records about their food (or know they have to), they may not be able to afford specific training for staff, or they may be less able to afford third party assurance



TNS

D
18

Take-away kebab shop

Take-away kebab shops face a number of challenges when it comes to mitigating food hazards. Many of these will be similar to those faced by other food businesses (e.g. risky foods, lower resources for training etc.)

They may find it more difficult to quality assure their supply chain. For example, they may buy more imported meat. Some imported food can have long or complex supply chains, where it is less clear where food has been produced or processed.

As a result, they may not know if the meat they have bought, cook and sell is what it "says on the tin". They may believe they have bought beef, but they may in fact have been sold a mix of pork and beef. The kebab seller may then unwittingly do a number of things which places customers at risk, for example mis-label it as pork.



TNS

D

19

Food stall selling hot food and meat products prepared in small kitchen

Like their larger counter parts, small food stall owners face a number of pressures which may make the food they prepare risky.

Aside from risks associated with the type of food they prepare and owners running a small business being time poor, they may also unknowingly place their stall in a location that has bio-hazards (e.g. pests, sewage). These risks may be harder to control than for those operating in a restaurant environment.

Likewise having a small kitchen (or non-professional kitchen) may make the cross contamination of food more likely and make it more difficult to provide separate sinks for washing hands and washing food.



TNS

D

20

Business type (circle)



Meat processor



Restaurant chain



Family restaurant



Take-away



Food stall

Question	Your response									
Who do you think is responsible for ensuring food safety and hygiene?										
How easy/difficult do you think it is for them to maintain standards?										
What would they think about food safety and hygiene requirements?										
How much do you trust them to comply with the law? – scale of 1-10 and why?	1	2	3	4	5	6	7	8	9	10
	Low trust									High trust
Level of risk posed to the public – write high/medium/low and why?										
Level of scrutiny / attention would you as a customer apply to each business*										

TNS

***Please only use one high, two mediums and two lows across all business types**

21

Businesses responsible and transparent (1)

Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of that information.

TNS

23

Businesses responsible and transparent (2)

In a future system, small businesses may be asked to provide evidence to the FSA/LA to demonstrate their food safety compliance. This would be at several points in time:

- *At point of registering a new business*
- *To prove ongoing compliance, e.g. annual self-certification*
- *To prove compliance in the event of an incident, consumer complaint, or if persistently non-compliant*



24

Tailored, segmented approach

FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses. There is enormous variation in food businesses, in their size, the type of food they produce, the processes they use and their attitude to food safety and authenticity. They will need different levels of support, and different levels of scrutiny. One size will not fit all so we will be considering how to segment businesses – and to do that, we will need good quality, up to date information about them.



25

Penalties and rewards

Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not.

Many businesses want to produce food that is safe and what it says it is, and do so. They know that consumer confidence in the whole industry is crucial, so are as keen as we are to drive out those who put that confidence at risk. Businesses who put consumers at risk, either deliberately or negligently, need to know that there will be consequences, while businesses who demonstrate to us that they are transparent and prioritise food safety and authenticity will benefit from reduced regulator scrutiny. We are open to using a range of tools to encourage business behaviour change, including reputational recognition and sanctions.



26

Meeting the costs of regulation

Businesses should meet the costs of regulation, which should be no more than they need to be. UK food is some of the safest in the world, and UK businesses benefit from consumers (in home and domestic markets) trusting the food they produce. The industry tells us they value a strong, independent regulator. We believe that the regulatory regime should be as cost-effective as possible, for example by working with others and using a range of sources of information. Industry should meet that cost, with those requiring the greatest regulatory intervention/attention contributing the most.



27

Using different information sources

The regulator should take into account all available sources of information



28

Wave 2

How can customers, businesses, or regulators to mitigate against risk? How easy / difficult is it for each?

	Business	Customer	Regulator
Physical Environment			
Personal Hygiene			
Record Keeping			
Supply Chain			
Cooking			
Chilling			
Cross Contamination			

TNS

A

Last session recap



The current regulation system



1. New business registers with their local authority



2. The local authority should respond in 28 days



3. Stretched resources this doesn't always happen



4. Inspections are conducted every 6 months to 3 years



5. An inspection can also be triggered by a complaint



6. LA teams aim to inspect higher risk businesses first

What an inspection to award a Food Hygiene Rating can involve



Establishing if food is handled and produced hygienically



Checking safety and hygiene practice records



Checking staff's food safety knowledge and practice



Potentially taking food samples for testing



Offering advice on best practice and compliance with the law



Failure leads to re-inspection, closure, or prosecution

TNS

B

PRINCIPLE 1: Businesses responsible and transparent (1)

Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of that information.

TNS

C

PRINCIPLE 1: Businesses responsible and transparent (2)

In a future system, small businesses may be asked to provide evidence to the FSA/LA to demonstrate their food safety compliance. This would be at several points in time:

- *At point of registering a new business*
- *To prove ongoing compliance, e.g. annual self-certification*
- *To prove compliance in the event of an incident, consumer complaint, or if persistently non-compliant*

TNS

C

PRINCIPLE 2: Tailored, segmented approach

FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses. There is enormous variation in food businesses, in their size, the type of food they produce, the processes they use and their attitude to food safety and authenticity. They will need different levels of support, and different levels of scrutiny. One size will not fit all so we will be considering how to segment businesses – and to do that, we will need good quality, up to date information about them.

TNS

C

PRINCIPLE 3: Penalties and rewards

Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not. Many businesses want to produce food that is safe and what it says it is, and do so. They know that consumer confidence in the whole industry is crucial, so are as keen as we are to drive out those who put that confidence at risk. Businesses who put consumers at risk, either deliberately or negligently, need to know that there will be consequences, while businesses who demonstrate to us that they are transparent and prioritise food safety and authenticity will benefit from reduced regulator scrutiny. We are open to using a range of tools to encourage business behaviour change, including reputational recognition and sanctions.

TNS

C

PRINCIPLE 4: Meeting the costs of regulation

Businesses should meet the costs of regulation, which should be no more than they need to be. UK food is some of the safest in the world, and UK businesses benefit from consumers (in home and domestic markets) trusting the food they produce. The industry tells us they value a strong, independent regulator. We believe that the regulatory regime should be as cost-effective as possible, for example by working with others and using a range of sources of information. Industry should meet that cost, with those requiring the greatest regulatory intervention/attention contributing the most.

TNS

C

PRINCIPLE 5: Using different information sources

The regulator should take into account all available sources of information

TNS

C

The current complaints procedure



The council receives a complaint about a food business

- Councils will take complaints directly (e.g. via email, telephone, or through the council website)
- The FSA will also pass complaints it received through its website on to the relevant local authority



If it's serious, the council may follow up in a number of ways

- They may ask the complainant further questions about the food
- They may request a sample of the food that led to the complaint and any packaging it was in
- They may inspect the premises as soon as possible (if the complaint is a high risk complaint)



The complainant will then be informed of the outcome

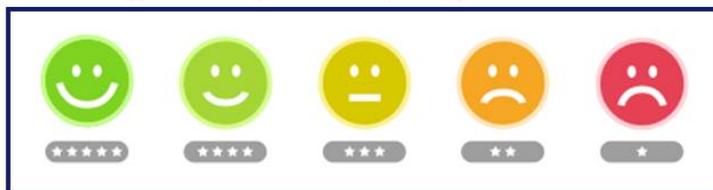
- If the council decides to prosecute the business, the complainant may be asked to give evidence in court

TNS

D

Grubton: the customer is key

- Michelle lives in Grubton and loves it. She's a proper foodie and she loves going to all the different restaurants in town!
- Going out for dinner has changed a lot in recent years. Michelle remembers you used to just be able to rock up to a restaurant, café or supermarket, buy your food, and leave. You used to only leave a review if your service was particularly good (or bad) and you'd only ever complain if something went seriously wrong.
- Now, it's a whole other story! Every time Michelle goes out to buy food she has to rate the business's food hygiene. It's really quick and simple though – there's a new set of buttons on the chip and pin and she selects which represents how she feels about the business's food hygiene before she is allowed to pay.
- Michelle knows that each score she gives is sent to the regulator. If enough people give the business one or two stars, it triggers an inspection. She's not sure if anyone actually checks this information though or if it is just done by an algorithm in the machine.



TNS

E

Noshville: a town with no inspectors

- James finds working in his café very busy and stressful. As a small business owner he has a lot on his plate. He has to source ingredients and equipment, hire staff, wait on tables, train staff and manage his accounts.
- Even though he is really busy, James makes sure he is always up to date with his food hygiene records. He knows that as a business owner he has to be responsible and transparent to make sure his customers are safe and well informed. He also thinks having good records is a great way to make sure he is protected: if someone makes a complaint he can quickly and easily prove he's been doing the right things.
- Every day he completes his food hygiene checks, recording things like the temperature of his fridge and his cold frame and logging each time he has emptied his bins. He does all of this online, sending the data to a central database.
- So long as he does this on time and doesn't miss any information he knows he won't be inspected. To be honest, given how busy he is, an inspection is the last thing he needs! However, he does find submitting the data a bit difficult. Sometimes the online system crashes as lots of people have to log on at the end of the working day to get online. Also he can't access a computer when he's in the restaurant (the chip and pin sometimes doesn't even work), which means he has to wait until he gets back to his home office to complete his online forms.

TNS

E

Chowtown: random regulator

- Martin is in charge of a meat processing plant that employs over 500 people. Some of these people work in the packing department, others slaughter cattle, others work in the back office. Martin has to make sure that food hygiene standards are high and that all employees are following the strict rules and requirements that are in place to keep people safe.
- Every five years Martin is assigned a regulator by the FSA. There are five regulators working across the UK and every business – whether they are large or small – is assigned one randomly. The number of businesses a regulator is assigned is decided by the FSA through a strict tender process.
- Martin misses the days when the LA used to handle all the inspections. He had a good relationship with the LA food hygiene inspectors and thought it was fair that all the food businesses in the local area were regulated by the same people who interpreted the rules in the same way.
- Martin thinks the new system can be really inconsistent. He's just had to change regulator. This new regulator is really strict! Lots of things the previous regulator thought were fine and appropriate, this new regulator does not. He finds this confusing and frustrating!

TNS

E

Slopston: who pays the costs

- Alaine works in the headquarters of a restaurant chain in Slopston as the head of finance. The chain has 30 restaurants across the country and rents most of its buildings from private landlords. They prefer to be in older buildings with lots of character, as this is what their customers like.
- Recently, costs have sky-rocketed and Alaine is pulling her hair out! In the last six months all of Alaine's restaurants have been inspected and she's had to pay an inspection fee every time.
- Not all of the inspections have run smoothly either. 10 of her restaurants have had to be re-inspected. She is really annoyed because some of the issues the inspectors have found and want to be addressed are outside of her control. For instance, one of the restaurants has a floor that is uneven in the kitchen. As they do not own the building they cannot make changes to this. Also the building is Grade 1 listed meaning that even if the landlord was willing to pay to make the changes (and they are not!) they would not be able to get planning permission. They've been given lower FHSR scores as a result, driving down sales.
- Alaine is also annoyed by the new customer complaints systems – some customers just don't seem to understand what they are rating the businesses on. On Saturdays when there are lots of customers, scores tend to be much lower. Alaine thinks this is because people are frustrated by slow service (or they are taking too much advantage of the two for one cocktail policy!). This has triggered 10 inspections in the last month (all of which Alaine has had to pay for and at the higher rate!)

TNS

E

Breadchester: online checking

- Allergies are the bane of Bran's existence: his wife can't eat gluten, shellfish is a no-go for his son, and peanuts could potentially be lethal for his daughter. Understandably, going out for dinner is a nightmare!
- Whenever Bran goes out for dinner he has to plan fastidiously and the new online Food Hygiene and Safety Database is an extremely valuable resource.
- In the past he used to have to phone up restaurants and ask what was on their menu and what ingredients they use or prepare with.
- Now, he can just log on and see a full list of the foods / ingredients restaurants routinely use when preparing food. He can even filter different restaurants based on where they are (e.g. he can just look at those in the local area) and the type of foods they use. This means he can avoid restaurants that use peanut products completely as they are marked as using them online.
- Other than just looking at what food businesses handle, he can also see any food hygiene related incidents that a business has recorded. Whenever a business has a near miss or finds something wrong with some food they've bought they log it and summarise what actions they have taken. For instance, one restaurant recently saw a mouse in their kitchen and logged it. They then logged when they had called the exterminator and when the exterminator had visited.
- This makes Bran feel that he can trust businesses are being responsible.

TNS

E

Creating a new regulation system for: **A Meat Processor**



Which elements from the current system do you want to keep? And which do you want to change?

Which elements from the potential scenarios do you want to introduce?

Which elements from the potential scenarios do you want to avoid?

What else needs to be taken into consideration?

TNS

F

Creating a new regulation system for: **A Chain Restaurant**



Which elements from the current system do you want to keep? And which do you want to change?

Which elements from the potential scenarios do you want to introduce?

Which elements from the potential scenarios do you want to avoid?

What else needs to be taken into consideration?

TNS

F

Creating a new regulation system for: **A Family Run Restaurant**



Which elements from the current system do you want to keep? And which do you want to change?

Which elements from the potential scenarios do you want to introduce?

Which elements from the potential scenarios do you want to avoid?

What else needs to be taken into consideration?

TNS

F