

Freedom of Information and Food Hygiene Standards

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The Freedom of Information Act (FOI) came into full force on 1st January 2005, giving individuals the statutory right to see information held by Government departments and public bodies. In the first month of operation there were 4000 requests for information. Half of these were made by journalists working for the news media. Kensington and Chelsea Council was the first local authorities to release a report on the hygiene standards of the restaurant in Harrods to the Sunday Times newspaper. The Guardian newspaper obtained reports on a number of top restaurants such as the Ivy and Le Manoir Aux Quat Saisons ⁵. "Filthy truth lurking behind Cardiff's kitchens" is the title of an article in the South Wales Echo exposing six Cardiff outlets that were fined or forced to shut down in the last two years to protect customers. The information was obtained from the Cardiff City Council Public Protection department under the FOI.

Consumer confidence is a critical factor for the catering industry. Consumers expect standards of food hygiene to be high. The majority will not return to an eating place they consider to be unhygienic. Many consumers believe that is difficult to find out more information on the hygiene standards of eating places and some claim that if it were easier to access information they would eat out more. Consumers believe that they have the right to know the result of a hygiene inspection. A Which? Survey reported that 95% of consumers wanted to see inspection results published.

The purpose of my case studies was to find out how easy it was to obtain information on the hygiene standards of eating places open to the public and how useful that information would be. I used a letter template designed by consumer organisation Which?, that has been produced to help consumers

compose a letter requesting information from local authorities. I requested information from four adjacent local authorities on the last food hygiene inspection report of a food premises in their area, which I had selected at random.

It was relatively easy to obtain information from two authorities and difficult with the other two.

Complaints had to be made to the FOI commissioner, who then persuaded one authority to comply with the request and had to issue a Decision Notice against the other that formally required it to release the information. The quality of the information released was variable. It ranged from a completed comprehensive inspection protocol to a hand written, illegible, incomplete report that failed to adequately differentiate between hygiene requirements and recommendations. Without some training in food law and food hygiene it would be difficult for consumers to interpret the reports. The case study raised concerns about the effectiveness of the Act for consumers who wished to obtain information about the hygiene standards of food premises. Whilst the specialist information provided by hygiene inspection reports may be useful to businesses it is not helpful for the lay public. Consumers must be prepared to exercise patience and tenacity if they want this information. It was 18 months before the Decision Notice issued by the Commissioner forced one authority to provide me with the requested information.

A second case study conducted a year later, this time involving eight local authorities in Wales found that all but one were willing to comply with the request for information on hygiene inspections. In this study, I identified all the documents I wanted to see, as the previous study had shown that unless specifically requested, a simple summary would be sent, which proved insufficient for analysis.

Numerous pressures on local authorities including an increasing volume of requests from consumers for information on the hygiene of food premises has persuaded many to make their inspection reports available to the public on their council web sites and in the form of a grade or score which is posted in

the food business. This scheme is known as 'Scores on Doors' and more than 150 local authorities now operate one of 30 different variants of the scheme. The Food Standards Agency is currently conducting a public consultation on hygiene disclosure schemes because it wants to see just one system adopted by the UK.

In Scotland, the Highlands Council has put full hygiene reports on the Internet. The council believes that in addition to highlighting the work done by the service it will also reduce the administrative burden of dealing with requests for information under the Freedom of Information Act ¹⁵ The Head of Environmental Health commented; "These inspection reports are public information. Anyone is entitled to see them".

Those who oppose the disclosure of information use several counter arguments such as inconsistencies in hygiene inspections and the perceived impossibility of conveying the complexity of a food operation use of standardised templates. Opponents to disclosure of information point to flawed scoring systems and the public's inability to understand the complexity of a hygiene report. The CIEH, the body that represents the hygiene inspectors, has expressed the view that consumer information drives up hygiene standards. There is now compelling evidence from the UK, Europe and the USA, that public disclosure of hygiene reports leads to an increase in hygiene compliance.

In the absence of a mandatory disclosure system such as 'Scores on Doors' the public should be able to use the FOI to obtain information on the hygiene standards in public eating-places. At present this can be a bit of a lottery. The following statement by the Lord Chancellor Lord Falconer

"We have sown the seeds of cultural change towards a government at all levels that is more open, transparent and accountable", appears to be some what over optimistic.