



FSA Citizens Forums: Earned Recognition

TNS-BMRB Report

JN 225301

September 2011



Contents

1.	Introduction	1
1.1	Background to Earned Recognition	1
1.2	Aims of the research	2
1.3	Approach	3
1.4	Report outline.....	4
2.	Context to views about Earned Recognition	5
2.1	Perceptions of food risk.....	5
2.2	Understanding of food regulation	7
2.3	Understanding of risk-based regulation – “Compliance”	8
2.4	Overview	9
3.	The principle of Earned Recognition.....	11
3.1	Initial reactions	11
3.2	Key issues.....	12
3.3	Overview	16
4.	Earned Recognition in practice.....	17
4.1	Third-party assurance schemes	17
4.2	Primary Authority scheme membership	22
4.3	Compliance performance history	23
4.4	Overview	25
5.	Broader considerations	26
5.1	Maintaining oversight	26
5.2	Fairness	28
5.3	Consumer information	30
5.4	Overview	34
6.	Conclusions	35

Executive summary

TNS-BMRB was commissioned by the Food Standards Agency (FSA) to conduct a nationwide series of 'citizens forums', with the goal of establishing an ongoing dialogue with the public on food standards. The programme is now in its fourth year, with this year's focus exploring consumers' views about changes to food business regulation under Earned Recognition. The format was nine workshops, each comprising groups of approximately 10 participants, held in seven locations across the UK and convened over three waves between June and August 2011.

Context to views about Earned Recognition

Three themes appeared to inform subsequent views about Earned Recognition – perceptions of food risk, understanding of food regulation, and understanding of risk-based regulation.

- **Food risk** – Participants had a broad and fluid interpretation of food risk, incorporating issues of quality and nutritional value of food quality, ahead of concerns about safety and hygiene. Associations with safety and hygiene included: visible risks (e.g. dirty tables in restaurants and sell-by-dates on food packaging); certain types of food (e.g. meat, fish, shellfish and bean sprouts); and certain types of food business (e.g. fast food takeaways and mobile operators). These indicate a fairly narrow focus on consumer-facing issues.
- **Food business regulation** – Food business regulation was largely taken for granted by participants. It was not an area they had given much thought to, or indeed were overly concerned about prior to the workshops. This reflected an expectation that most businesses would ensure food safety as a matter of course and that there would be some form of regulatory oversight in place to enforce this. Current food business regulation was broadly in line with participants' expectations and was therefore considered to be sufficient. However, concerns were raised about extended intervals between inspections, potentially missing any business changes and encouraging complacency.
- **Understanding of risk-based regulation** – Where participants had personal experiences of risk-based regulation in their own industries, this was generally viewed as sensible, enabling more efficient, cost-effective and

strategic regulation. In these cases, participants' expressed stronger understanding and acceptance of the need for similar regulatory approaches in the food industry. However, participants also cited examples of areas where reduced regulation led to a perceived reduction in standards, such as in banking and finance. Overall, there was a feeling that the food industry required higher levels of regulation than other industries, owing to the direct effect that a reduction in standards could have on human health.

The principle of Earned Recognition

Discussions around the principle of Earned Recognition suggested that this would be a positive direction for the FSA to take, providing opportunities for more cost-efficient use of resources for regulators and businesses, and acting as a further incentive for businesses to comply with regulatory standards. However, support was contingent on specific details about how the system would work in practice. In particular, participants sought assurance that food businesses that had gained Earned Recognition would still be regulated sufficiently and would maintain relationships with regulators, rather than being left to 'self-police' over substantial periods of time.

Earned Recognition in practice

Overall, participants were broadly in support of the approaches to gaining Earned Recognition, providing that considerations of how they would work in practice were taken into account:

- **Third-party assurance schemes** – participants' concerns about this approach were three-fold: ensuring the independence of schemes to minimise potential risk of abuse by powerful businesses; continuing involvement of regulators to provide accountability and additional guidance to businesses; and ensuring the approach encapsulated information sharing with local authority regulators.
- **Primary Authority Schemes** – Considerations about this approach revolved around the need to assess whether businesses' internal systems reflected actual practice. A secondary concern was that the scheme would be applicable to different types of food businesses, such as franchises and smaller businesses.
- **Compliance performance history** – This was viewed as the 'cornerstone' of Earned Recognition, and was deemed to be a useful prerequisite for gaining

Earned Recognition under alternative approaches. Key areas of concern centred on ensuring a sufficient and longstanding history of compliance and continued contact with regulators to allow for intervention following business changes that could potentially affect compliance.

Broader considerations for Earned Recognition

A number of cross-cutting issues concerning the management and regulation of Earned Recognition were found to impact on consumer confidence in the proposals. To address these concerns, participants suggested that the FSA and local authority regulators should consider the following:

- Continued regulatory oversight and maintaining contact between regulators and businesses via:
 - 'Light touch' inspections to maintain contact and oversight of businesses between standard inspections;
 - Maintaining the role of local authority inspectors as providers of advice and guidance about food regulation (as part of their main role of ensuring compliance);
 - Conducting random and unannounced 'spot check' inspections; and
 - Regulators responding to 'trigger points' such as outbreaks of food-borne illnesses or high numbers of customer complaints.
- Ensuring a fair and 'level playing field' for all businesses seeking to gain Earned Recognition. The FSA were expected to be involved in establishing business eligibility criteria and minimum level inspection criteria for approaches to gaining Earned Recognition. Consumers were also concerned that costs associated with third-party assurance scheme membership would not disadvantage small businesses.
- Providing consumers with information about how the proposed changes would work. Notwithstanding an acceptance that apathy and lack of awareness could impact on some consumers' engagement with information, the provision of simple information about high-level issues related to Earned Recognition and less commonly, more detailed information on specific business inspection outcomes was wanted by some consumers. In addition, some consumers felt the use of an Earned Recognition logo or kite-mark

would be useful to highlight the changes to consumers, and encourage businesses to meet and exceed compliance standards¹.

Overall, Earned Recognition was considered a positive direction for the FSA to take, on condition that regulatory oversight was maintained between businesses and regulators, that information about food safety was communicated to consumers, and that the system was applied fairly across the industry.

¹ Whilst consumers did want a logo to highlight businesses that had adopted Earned Recognition, both to increase their assurance in the business and to act as an incentive for businesses to achieve the status, it is possible that some participants were confusing Earned Recognition with the Food Hygiene Rating Scheme (FHRS), which also displays logos on food business premises.

1. Introduction

In December 2005, the Food Standards Agency (FSA) Board agreed to develop more creative and experimental ways of engaging directly with individual consumers and to construct a new model for consumer engagement. Central to this aim was the establishment of a nationwide series of consumer forums to enable the FSA to launch an ongoing dialogue with the public on food standards.

The forums provide the opportunity for the FSA to innovate in the way it makes decisions to protect public health and consumer interests in relation to food safety. In particular, the forums help to frame issues the FSA focuses on, and ultimately the advice its gives, from a consumer perspective. Specifically, the forums aim to:

- understand the ‘top of mind’ concerns of UK consumers;
- develop deeper understanding about particular concerns that consumers have in relation to food;
- test FSA policy and ensure that the views of consumers are taken into account at all stages of the policy making process.

This report outlines findings from the fourth year of the citizens’ forums, exploring consumers’ views about possible modifications to food business regulation contained within the principle of ‘Earned Recognition’.

1.1 Background to Earned Recognition

Food businesses in the UK are legally responsible for ensuring their products are safe to eat and that labelling and presentation is not misleading to consumers. These laws apply to caterers, primary producers, manufacturers, distributors and retailers. Under current regulation, inspectors from local authority Environmental Health teams, the FSA, and other agencies are responsible for checking that businesses are following food hygiene laws.

The FSA is exploring possible changes to food business regulation under the principle of Earned Recognition. This principle aims to ease the regulatory burden on compliant food businesses by reducing the frequency and type of interventions they receive, such as the number and type of regulatory topics covered by an inspection. This has the potential to improve targeting of intervention activity so that resources

are concentrated where improvement is most needed, for example on businesses that are less compliant and/or higher risk.

Recognition can be earned in a number of ways:

- Taking account of the **compliance performance history** of individual business premises;
- Taking account of businesses' own internal assurance, data and management systems for those businesses with multiple premises within the jurisdiction of more than one local authority through a **Primary Authority Scheme**. A Primary Authority would be adopted and provide a statutory framework for regulatory partnerships between local authorities and national food businesses; and
- **Third-party assurance schemes** which would verify, through regular independent inspections, that businesses are meeting stated standards (where those standards satisfy the requirements of the relevant food and feed law).

1.2 Aims of the research

The over-riding aim of the research was to explore consumer views of Earned Recognition. The FSA is developing a strategy on this area and the views of consumers will be used as part of a wider evidence base that will be presented to the Board.

Specifically, the research sought to:

- identify what principles consumers want the FSA to have in place to underpin the strategy of Earned Recognition;
- explore how consumers see the regulatory role of the FSA, and how the FSA should deal with Earned Recognition when something goes wrong;
- establish the level of information consumers want on this area of their food and whether they want to be made aware of these strategic changes;
- identify the aspects of Earned Recognition considered important to communicate to consumers; and,
- explore whether Earned Recognition is seen as a positive direction for the FSA to take.

In order to respond to these objectives, the study explored participants' reactions to the current system of food business regulation; their views on the principle of, and approaches to Earned Recognition, such as third-party assurance scheme membership, Primary Authority scheme membership and compliance performance history; and considered overarching issues that could affect participants' support for Earned Recognition.

1.3 Approach

The Citizens' Forums use a deliberative method which, during the first workshop, starts by gathering data from participants providing only minimal background information as would be the case in any normal focus group. However during the reconvened sessions, additional contextual and in-depth information is provided, informing participants' discussions. Therefore the deliberative method gains a much deeper understanding of consumer attitudes than traditional focus group discussions.

The methodology for this research into Earned Recognition involved a series of nine workshops, each convened over three waves. These were held in seven locations across the UK – Brighton, Wakefield, Dundee, Stirling, Blackpool, Cardiff, and Maidstone. Each workshop comprised a group of approximately 10 participants, and discussions in each wave lasted two hours. The first wave of meetings focused on current food business regulation and introduced the principle of Earned Recognition; the second wave focused more specifically on the approaches to earning recognition; the third wave explored broad issues affecting people's views about these issues and sought to understand consumer information priorities.

Each group was moderated by an independent facilitator, and representatives from the FSA were on hand to answer questions and help clarify any areas of uncertainty. Stimulus materials and expert presentations were used to encourage discussion and provoke debate (see appendices 2, 3 and 4). The findings were subject to a full analysis, which forms the basis for this report. A full methodology can be found in appendix 1.

1.4 Report outline

Following this introduction, the second section of this report explores contextual issues informing participants' views about Earned Recognition. Section three outlines reactions to the principle of Earned Recognition, focusing on participants' views about the impact of Earned Recognition on resources, compliance and regulatory oversight. Section four considers participants' views about the three approaches to gaining Earned Recognition – third party assurance schemes; Primary Authority schemes; and compliance performance history. Section five draws together some broader considerations that participants raised across each of the three approaches, focusing particularly on consumer information requirements; the role of regulators; and the fair application of Earned Recognition across the food industry. Finally, research conclusions are outlined in section six.

All findings represent the views of the participants who attended the workshops and do not necessarily reflect the views of the FSA or emulate FSA policy.

All quotations are verbatim, drawn from transcripts of the group discussions.

2. Context to views about Earned Recognition

This section explores some of the issues that appeared to be informing participants' views about Earned Recognition. Three areas in particular were identified as contributing to and contextualising people's perceptions of Earned Recognition – perceptions of food risk, understanding of food regulation, and understanding of risk-based regulation.

2.1 Perceptions of food risk

It was apparent that participants had a broad and fluid interpretation of food risk. Spontaneous associations with the term ranged across three distinct areas:

- **Quality of food** – risks of food being of poor quality (e.g. poor taste, low quality ingredients, badly processed, lacking in freshness)
- **Healthiness and nutrition of food** – risks of food encouraging poor diet and therefore damaging health (e.g. products containing high levels of fat and salt, poor labelling of product ingredients)
- **Food safety** – risks of food being unsafe (e.g. unhygienic premises and food preparation areas, use of ingredients that are hazardous to health)

Over the course of the workshops, participants continuously moved across and between these three areas when discussing food standards and food risks. This fluid interpretation perhaps highlights participants' broader concerns associated with food, whereby diet and food quality are foremost in consumers' minds, ahead of concerns about safety and hygiene.

When prompted to focus specifically on safety and hygiene, participants' understanding of 'food risks' remained broad, incorporating potential consequences that may or may not arise. For example, poor food preparation that could potentially, but not inevitably, lead to food poisoning. By contrast, the term 'food hazard' had more specific connotations, such as products containing nuts being an inevitable hazard to people with nut allergies. The relatively more inclusive interpretation of 'risk' meant that this was considered a more appropriate and inclusive term to use when describing issues of food safety and hygiene. One participant summarised the difference between risks and hazards as:

“A risk is something that might happen, a hazard is something that exists and can make something happen.”

(Male participant, Stirling)

Participants typically identified visible food risks, such as dirty tables in restaurants and sell-by-dates on food packaging. However, these were felt to be a possible indicator of less visible risks, such as bacteria in food preparation areas and the cleanliness of equipment used to prepare and cook food.

“If what you can see doesn’t look good, you can guarantee that what you can’t see is ten times worse.”

(Female participant, Stirling)

Particular products and businesses were identified as being more or less risky. For example, products using meat, fish and shellfish were considered higher risk due to assumptions about these ingredients having more adverse effects on human health if poorly prepared. Similarly, fast food takeaways and mobile operators were considered to be higher risk, as these tended to be more transient and therefore less responsible than long-running and established businesses. Participants expressed conflicting views over whether smaller or larger businesses posed a greater risk for consumers. Smaller businesses were less likely to have robust internal systems and processes for ensuring standards than bigger businesses. However, the wider distribution networks of large businesses meant that more people would be affected, should something go wrong.

These top of mind considerations about food risk indicate that participants were quite narrowly focused on consumer-facing aspects. For example, despite efforts to broaden discussions, participants focused primarily on businesses with which they had most direct contact, such as restaurants, takeaways and supermarkets, rather than primary producers or manufacturers. This focus is perhaps inevitable given participants’ limited experience of the food industry. However it is important to acknowledge the extent to which this frames their subsequent views.

2.2 Understanding of food regulation

Food business regulation was largely taken for granted by participants. It was not an area they had given much thought to, or indeed were overly concerned about prior to the workshops. Underpinning this lack of consideration was an expectation that most businesses would be ensuring food safety as a matter of course and that there would be some form of regulatory oversight in place to enforce this.

“Do you actually honestly go in there and sit down and think ‘Hmm, have they been washing their hands?’ We don’t think about it.”

(Female participant, Wakefield)

When participants were made aware of current food business regulation processes, these were broadly in line with their expectations. This correlation between assumptions and actual practice meant that, on the whole, the current system was considered to be a sufficient response to regulating food businesses. However, information about the current system prompted one main concern, specifically that some food businesses may currently only be inspected once every three years.

“The three year visit is surprising. I can’t believe a business can be left for up to three years.”

(Female participant, Stirling)

Underpinning this concern was the view that three years was too long for a business to be ‘left to their own devices’ or ‘unregulated’. Participants believed that substantial changes could occur during that period, which could affect a business’ compliance risk, such as changes to key staff, processes or products. In addition, there was concern that a three year hiatus could encourage complacency, even if there were no significant changes in the food business.

“You would expect them to be with food, you would expect them to be at least a yearly thing... concerning any kind of food, just to prevent things happening.”

(Female participant, Dundee)

Beliefs about the nature of the food industry underlined the perceived need for regular and continuous regulatory oversight. Specifically, the direct link between food and health, combined with the perceived high rate of change in the sector (both in terms of product development and business turnover) meant that close supervision was deemed to be important. These views perpetuated throughout the research and the issue of regulatory oversight was a key consideration that participants repeatedly returned to.

2.3 Understanding of risk-based regulation – “Compliance”²

Despite a lack of prior consideration about food business regulation, participants cited knowledge of regulation in other areas as relevant comparisons. This included personal experiences of regulation in their own industries, as well as broader perceptions of regulation in other areas. This was particularly pertinent in cases where industries had applied risk-based approaches to regulation and increased reliance on internal processes. Ultimately, these experiences and perceptions informed participants’ views, both in support of and against Earned Recognition.

Where participants had personal experiences of risk-based regulation in other areas, such as plumbing and construction, this approach was generally viewed as sensible, enabling more efficient, cost-effective and strategic regulation. This was particularly appealing in the context of the current economic climate, whereby both businesses and regulators would benefit from more efficient use of resources.

“I’m in the plumbing business. Now the company that I’m with... they’ve reached their recognition. They can now self-certify their own work [but] if it’s found to be non-compliant then they’ll get pulled up. I see that as being similar to that.”

(Male participant, Dundee)

“It’s happening in all types of businesses now, all businesses are now having this Earned Recognition, all different areas are having it because it’s a way of showing that they’re good places to go, and it’s mainly due to the fact that there isn’t resources to do the checks.”

² Risk-based regulation is an approach in operation in the food sector, such as giving more attention and inspections on non-compliant businesses than those that are meeting and exceeding the required standards.

(Male participant, Cardiff)

Where able to draw on these personal experiences, participants' expressed stronger understanding and acceptance of the need for similar regulatory approaches in the food industry. However, this was by no means universal. Indeed, participants cited examples of other areas where reduced regulation led to a perceived reduction in standards, such as in banking and finance. These examples tended to be based on beliefs and media reports rather than direct experiences.

"It's just everything that seems to be deregulated seems to fall down somewhere along the lines because you can't police yourself, this self policing doesn't work because they try and get away with things... they're just swept under the carpet.. If you're self policing you never police yourself that well, from time to time you let yourself off with a lot more."

(Male participant, Stirling)

2.4 Overview

Perceptions of risk and understanding of regulation were key factors affecting views about Earned Recognition. Participants understood 'risk' to be the most appropriate term to describe issues of food safety and hygiene, and associated risk with ideas about quality, nutrition and safety of food. However, issues of safety were not top-of-mind when considering food risk. Food risks were most commonly perceived in relation to visible risks, but participants acknowledged that these risks could also indicate non-visible risks, such as the presence of bacteria. In addition, perceptions of risk were also associated with types of food considered to have the greatest adverse effects on health; types of food business that were considered transient and less established; and for different reasons, particular sizes of food businesses.

Participants were not overly concerned with food regulation and this was demonstrated through low levels of awareness and knowledge. Instead, food business regulation was considered in relation to other forms of regulation, such as in banking, finance and construction, and this influenced subsequent perceptions. Participant expectations about the current system of regulation were broadly met and this led to an acceptance that the system was sufficient, except for the notion that some businesses may not be visited for up to three years, which caused some

concern. Participants felt that numerous changes to a business could occur in such a period and were concerned by compliance standards becoming complacent. There was a general feeling that the food industry required higher levels of regulation than other industries such as construction, owing to the direct effect that a reduction in standards could have on human health.

3. The principle of Earned Recognition

This section explores participants' initial reactions to the idea of Earned Recognition, providing insight into consumers' views about the rationale for Earned Recognition and key issues associated with the proposed changes. (NB. more considered views about the practicalities of Earned Recognition are explored in section 4).

3.1 Initial reactions

Prior to introducing the idea of Earned Recognition, the concept was spontaneously raised in several groups as a sensible approach for improving the efficiency of the current system. Even in those groups where it was not spontaneously raised, once it had been explained (see appendix 2), participants expressed surprise that this was not already driving current practice.

Underpinning this broad support was widespread acceptance that resources should be targeted at higher risk businesses and those unable to demonstrate compliance with legal standards. As noted previously, this reflected acceptance of similar approaches in other industries. Along these lines, it made sense to participants that both the frequency and scope of inspections should be linked to businesses' compliance records. Such an approach was described as 'logical', 'sensible' and 'practical'.

"If someone's being checked and it's up to standard every time, I think you can more or less trust them to keep it up to standard rather than someone that's been told two or three times it was still not coming up to what you would expect."

(Male participant, Maidstone)

However, this support for more targeted, risk-based inspections did not necessarily equate to an acceptance of lower levels of regulation for compliant businesses. As with other industries, reduction in regulatory oversight prompted concerns about greater complacency and lower standards within food businesses. Indeed, for those participants who were particularly concerned about the current system allowing some businesses to be inspected at three year intervals, there were calls for an increase in the amount of overall checks on food businesses. For this group, there was a

suggestion that businesses demonstrating non-compliance should be targeted with additional inspections, rather than compliant businesses having a reduction in checks.

3.2 Key issues

Beyond their initial reactions, participants identified a number of perceived benefits and concerns associated with the principle of Earned Recognition. Specifically, these related to the following:

- potential impact on resources (both for regulators and businesses)
- potential impact on compliance
- potential impact on regulatory oversight

Potential impact on resources

The primary benefit associated with the principle of Earned Recognition was the view that it would result in greater efficiency, particularly for regulators and inspection teams, but also for the food businesses themselves.

In terms of being a more efficient process for regulators, participants recognised that the regulatory burden of inspecting all food businesses would be considerable. This view was confirmed by information provided during the workshops outlining that there are approximately 600,000 food businesses in the UK and fewer than 3,000 local authority inspectors.³ Such information strengthened views about the need for more targeted and efficient use of resources.

“600,000 places and... you’ve got 2,000-odd people looking after it, that’s the problem you’ve got to deal with. You just haven’t got the resources to do it, so that’s why you need to change it.”

(Male participant, Brighton)

When combined with assumptions about wide variations of standards within the food industry, the perceived lack of sufficient resources prompted further support for more efficient targeting of regulation. For many participants, the principle of Earned

³ A summary of the video on the current system of food business regulation, where this information was given to participants can be found in appendix 3

Recognition was therefore considered a logical and responsible approach for managing tight resources.

“I would have been disappointed if a business that had a good track record of hygiene was inspected the same amount as a business that had perhaps had failings or recommendations.”

(Male participant, Stirling)

In addition to making the work of regulators more efficient, participants more exceptionally felt that Earned Recognition would also improve the efficiency of food businesses. This was based on the assumption that once a business had gained the accreditation, there would be less regulatory burden on them due to fewer and less thorough inspections. For example, it was assumed that Earned Recognition would have a lower impact on compliant businesses due to the frequency and time taken over inspections. Some participants felt that larger businesses, such as supermarkets and chain restaurants, would particularly benefit from Earned Recognition as it was assumed that current inspections would be time consuming given their size and range of products.

“What do we like about [Earned Recognition]? It minimises impact on businesses. We thought maybe larger businesses and supermarkets and things where people [inspectors] are coming in for the day or whatever.”

(Female participant, Wakefield)

Potential impact on compliance

Another perceived benefit associated with Earned Recognition was that businesses could use the accreditation as a marketing tool to encourage consumer confidence in products and services. This would in turn incentivise businesses to maintain compliance with regulatory standards.

This perception highlighted widespread expectations that Earned Recognition would be supported by a label or logo, similar to those used by third-party assurance schemes or the Food Hygiene Ratings System (FHRS) (see section 5.3 for more considered views about this). Participants felt that gaining Earned Recognition should be viewed as a sign of quality to consumers and an indicator that the business was taking regulatory standards seriously. In turn, it was believed that consumers would

have more confidence in a business that had gained Earned Recognition than in one without.

“Well I understand it more within my own industry so I know what effect it can have, so the principle is exactly the same. It would give me consumer confidence if I knew that particular firm had its own [earned] recognition.”
(Male participant, Cardiff)

“It’s like a unique selling point. If they’ve got the logo on, the people recognise the egg Red Lion and the Red Tractor, and it’s all good, isn’t it? It’s positive. It’s reassuring for the customer.”
(Female participant, Wakefield)

The general perception was that as Earned Recognition became more widely used it could become an industry standard and would in turn, give businesses an incentive to comply with and exceed current regulations.

“An achievement award that [when] earned would give them an incentive to come up to standards and that would be easily recognised, like a 5 star hotel.”
(Female participant, Blackpool)

“I think you’ve also got to give businesses something to aim for.”
(Male participant, Brighton)

Potential impact on regulatory oversight

As noted above, despite acceptance of risk-based regulation, participants were still concerned about the loss of oversight for compliant businesses. Underpinning this view was the idea that businesses that had gained Earned Recognition would be largely ‘left to their own devices’, receiving minimal involvement from regulators.⁴ This prompted fears that businesses would become complacent in upholding their standards, particularly if they were only subject to infrequent inspections.

⁴ This is despite participants being shown a presentation highlighting that Environmental Health Officers and Food Safety Officers would still be conducting inspections and involved in the regulatory process – see appendix 3 for a copy of this stimulus material

As mentioned previously, the direct link between food and health meant that any reduction in regulatory processes prompted some concern, regardless of whether similar changes made sense in other industries. For example, the potential consequences of non-compliance were felt to be more substantial in the food industry than other areas, due to their potential to directly affect human health. Advocates of this view commonly recounted food-related 'health scares' and suggested that the risks posed by poor hygiene and food safety practices were too high to allow food businesses to 'self-regulate' in any form.

"I think where food and that's concerned, maybe [inspections] should be more regular, on a yearly basis."

(Female participant, Dundee)

In addition, perceptions of broad variations within the food industry prompted queries about how Earned Recognition could work across the industry. This related not only to the wide range of businesses and products within the industry, but also the high degree of change. For example, changes in management, staff, products and processes meant that infrequent inspections would not be able to take into account of the impact of these changes on regulatory compliance. This was felt to be particularly concerning in relation to change of business management or ownership, where business systems and processes could be affected.

"You know if they get Earned Recognition, how long is the period between when they would have an inspection? Because potentially a lot could change, you could have a really good manager who was really strict and he might leave, you might get someone else in who was not as vigilant and because they have got this Earned Recognition it could then be five years until they get inspected again."

(Female participant, Wakefield)

These concerns were reduced where participants assumed that ongoing contact would be maintained between businesses and regulators under Earned Recognition. Participants suggested that this contact should include spot checks to test how the system was working, ongoing 'light touch' inspections to maintain oversight of businesses between standard inspections, and 'trigger points' at which businesses would be re-inspected, such as when there was a change in management or a

change in the type of product being sold by the business. These suggestions are discussed in more detail in section 5.1.

“I think it's a good idea to have the Earned Recognition, but it would have to be policed properly.”

(Female participant, Stirling)

3.3 Overview

On the whole, discussions around the principle of Earned Recognition suggested that it would be a positive direction for the FSA to take, providing opportunities for more cost-efficient use of resources for regulators and businesses, and acting as a further incentive for businesses to comply with regulatory standards. However, there were strong caveats to this support around how the system would be managed. In particular, participants sought assurance that food businesses who had gained Earned Recognition would still be regulated sufficiently and would maintain relationships with regulators, rather than being left to ‘self-police’ over substantial periods of time. Reflecting these caveats, participants stipulated that their support for Earned Recognition would be contingent on specific details about how it would work in practice. These concerns primarily focused on how the new system would respond to the variety and changeability of businesses involved in the food industry. These areas are explored in subsequent sections.

4. Earned Recognition in practice

This section of the report focuses on reactions to more detailed information (provided during the second and third waves of the study – see appendices 3 and 4) about the practicalities of Earned Recognition. This information specifically focused on three approaches for businesses to achieve Earned Recognition: third-party assurance schemes; Primary Authority schemes; and compliance performance history. The section discusses participants' views and considerations in relation to each of these approaches and explores their views about how Earned Recognition could work in practice.

4.1 Third-party assurance schemes

Third-party assurance schemes would verify, through regular independent inspections, that businesses are meeting stated standards (where those standards satisfy the requirements of the relevant food and feed law).

Participants described awareness of systems similar to third-party assurance schemes operating in their own industries, such as independent auditors conducting regular compliance checks on financial services providers, as well as existing schemes within the food industry, such as the Red Lion mark on eggs. These were primarily viewed as a useful way of giving consumers confidence about the products they were buying.

“When you buy the eggs with the lion and you think, oh my God, that's reassurance.”

(Female participant, Dundee)

Proposals to extend these schemes across the food industry were therefore broadly welcomed. In particular, participants valued the idea that third-party assurance scheme inspections could be conducted more frequently and perhaps more thoroughly than current inspections.

There were also assumptions that such schemes would make use of logos, labels or kite-marks, similar to those of existing Red Lion or the Red Tractor schemes. Participants valued the idea that consumers would be better informed and more

confident about safety standards, ensuring greater transparency in the system. Consumer information was therefore considered to be an integral part of third-party assurance schemes (see section 5.3 for further details about consumer information expectations).

When explored in greater detail, a number of issues were raised in relation to how third-party assurance would work in practice. These issues were typically focused around three main 'sticking points':

- Independence of schemes from business interests
- Incentives for businesses to get involved
- Information-sharing with regulators

Each of these issues is explored below.

Independence

A key issue for participants was whether third-party assurance schemes would be genuinely independent from food businesses. The idea that the schemes would be 'profit driven' and paid for by businesses prompted concerns that the system would be open to abuse. In particular, concern was expressed about the perceived power of supermarkets and large restaurant chains, which could be used to distort inspection findings either by paying 'backhanders' for desired results or by manipulating the market.

"I think if you are paying someone to come in, it is really easy to give them a backhander."

(Female participant, Maidstone)

"They're getting paid to do it, therefore if they give them bad reports then they're not... they're not going to be invited to come back and they'll get someone else to do it."

(Male participant, Wakefield)

These concerns were less prominent where participants had experience of similar schemes in other industries. For these participants, the schemes were felt to be robust, with 'too much at stake' for either party to abuse the system.

“It does work, you know, because you’ve got to work hard to get that accreditation, they don’t just give it to you because they want your money, you’ve got to earn it...”

(Male participant, Cardiff)

Concerns about independence were further reduced by information provided during the workshops that all schemes would be UKAS accredited and assessed by the FSA. Notwithstanding this, there was still a feeling that government regulators should maintain their presence in the regulatory system. Maintaining contact with businesses and third-party assurance schemes was felt to be crucial to building consumer confidence in this approach. This reflected a sense that, irrespective of their accreditation, third-party assurance schemes were felt to be less authoritative than government regulators.

“I still think you would view these companies [third party assurers] with a wee bit of suspicion and not give them the credibility that you would give the Food Standards Agency.”

(Female participant, Stirling)

Incentives for businesses

A key issue that participants struggled with was why businesses would want to join third-party assurance schemes. While it was recognised that membership of such schemes, if publicised, could boost consumer confidence and potentially sales, this was felt to be undermined by the costs associated and the assumption that schemes would not provide the same level of advice and guidance that businesses currently received from local authority inspection teams.

In relation to costs, participants were concerned that smaller businesses would be less able to afford membership of third party schemes, leading to a two-tier system benefiting larger businesses. In order to create a more ‘level playing field’, participants suggested pricing structures that would attempt to counteract these effects (see section 5.2). If such structures were in place, participants were better able to appreciate the benefits third-party scheme membership could bring to businesses, such as marketing opportunities to raise consumer awareness and confidence.

“You do it to promote your own business because it is, it’s almost like advertising, you know if you are aware of what these signs mean then you know that they are important and you know they are there for a reason and there for a meaning and you will have more confidence in them, you know, so it’s in their own interests.”

(Male participant, Cardiff)

“Well, I think, the argument is the company pays because they’re buying into an image, to raise public awareness that they’re a good business, clean, healthy, that’s what I think.”

(Male participant, Stirling)

Concerns about advice and guidance related to recognition that third-party assurance assessors may not offer the same degree of feedback as some local authority inspectors. This was felt to be detrimental for businesses to maintain compliance with regulations. Furthermore, it was suggested that businesses would not see the value in additional payments for less feedback.

“If I was paying someone to come and inspect and they just said ‘that’s wrong’ and left it at that, I’d want to know what was wrong with it and how I could put it right, especially if I was paying them.”

(Male participant, Maidstone)

A final concern that participants levelled at third-party assurance schemes was that it would cost money for food businesses to gain membership and that these costs would be passed on to consumers. Participants wanted reassurance that they would not be indirectly subsidising food businesses to gain Earned Recognition through this approach.

Information sharing

The idea of using third-party assurance scheme membership as a basis for Earned Recognition prompted a range of views about how information should be shared with regulators and consumers.

Initially, participants queried the point of adopting this approach to regulation unless outcomes were shared with regulators. The primary purpose of sharing information would be to use the findings to help target local authority inspections.

“But don’t you think they should share the results with the likes of the FSA? Give more guidance to them.”

(Male participant, Dundee)

This point was extended in some cases to making scheme inspection outcomes public. This reflected wider claims that consumers should be informed about all compliance issues. [see section 5.3].

“But if the findings of what they do, if they’re not very public and there’s not a way that the public can find out what’s going on...then there’s no point.”

(Male participant, Brighton)

However, further consideration prompted concerns about the potential sensitivity of inspection findings, and the fact that businesses had paid for this data. Views were therefore split between those who wanted openness and transparency about scheme inspections, and those who felt that as long as businesses had achieved the required standards there was no obligation for details to be shared with external agencies or consumers beyond the overall inspection outcome.

Overall, participants found it difficult to agree on how this issue should be resolved. Participants recognised the benefits of using third-party scheme inspections to guide, focus and hone local authority inspections so they could be used more cost-effectively. However, it was felt to be important to reassure businesses that this information would be treated sensitively. Despite being unable to resolve this issue, participants clearly recognised the importance of information sharing between third-party schemes and regulators and felt this area required careful consideration by the FSA.

4.2 Primary Authority scheme membership⁵

Taking account of businesses' own internal assurance, data and management systems for those businesses with multiple premises within the jurisdiction of more than one local authority through a Primary Authority Scheme. A Primary Authority would be adopted and provide a statutory framework for regulatory partnerships between local authorities and national food businesses.

Participants were initially wary of using Primary Authority schemes as an approach for gaining Earned Recognition. This, at least in part, reflected the relative complexity of the scheme and participants' initial confusion about how it would work in practice. Indeed, as participants considered the approach in more detail they increasingly valued its potential to encourage good practice across a chain and could see how it could be used in partnership with other approaches.

"I think that shows commitment to a certain level of standards if they've got policies and procedures in place"

(Female participant, Stirling)

However, initial concerns persisted throughout the research; specifically relating to an overriding view that a business' internal systems did not necessarily reflect actual practices across different premises. Indeed, staff working 'on the ground' were perceived as the most important variable affecting how individual outlets performed. For example, participants recounted how outlets of large supermarket chains could vary considerably across the country, both in terms of product and service quality. This was a serious concern for participants, prompting anxiety about the possibility that inspection plans would be based on centrally held records and systems alone. This approach was felt to be the most dependent on trust, and therefore 'too risky' to be adopted on its own.

"Just because the one in Ashby is fine doesn't mean the one in Maidstone is fine. It is different store, different people."

(Female participant, Maidstone)

⁵ Please note that, at the request of the FSA this approach was only briefly explored in the Dundee and Stirling workshops owing to Primary Authority scheme membership not being applicable in Scotland.

While participants appreciated the value of using internal systems to plan and target inspections, concerns about the potential to ‘miss’ ground level variations prompted suggestions that outlets of a chain should be treated as separate entities for inspection purposes.

“My first reaction is what often is said at board level doesn’t actually filter through to take place on the factory floor, so although going through it with the management you’re able to tick all these boxes, the actual proof of the pudding is whether at the end of the day all the practices said to be ticked off are actually happening. What you are often finding, certainly in big companies is that doesn’t happen.”

(Male participant, Dundee)

A further query raised throughout the groups was how Primary Authority Scheme membership would work across the food industry as a whole, particularly in relation to smaller and franchised businesses. Participants were aware that many high-street food businesses are franchises and were interested to know how Primary Authority Schemes would work with these. Importance was placed on ensuring that the process of gaining Earned Recognition through this approach would be fair for businesses across the industry. (Issues of fairness and accessibility are discussed further in section 5.2).

4.3 Compliance performance history

Taking account of the compliance performance history of individual business premises.

Participants’ views about compliance performance history reflected a number of issues raised in relation to both the principle of Earned Recognition and also other approaches to gaining Earned Recognition. For example, the principle of targeting inspections based on previous performance was widely accepted in other industries, and underpinned people’s support for more efficient regulation focusing on non-compliant businesses.

Compliance history was considered as useful background information for regulators wishing to understand more about a business’ compliance risk. This approach was,

in some cases, referred to as the 'cornerstone' or 'basis' of Earned Recognition, whereby a positive demonstration of complying to regulations over time should be an essential prerequisite for all businesses seeking to gain Earned Recognition.

"I think it should be glanced at as a guideline... I think what went on in the past is very important."

(Male participant, Blackpool)

In spite of this general support, participants queried how this approach would work in practice. In particular, two issues were raised across the workshops: first, participants wanted to better understand what would constitute sufficient compliance history; and second, how this approach would take account of business changes.

In relation to what constitutes compliance history, participants felt basing inspection plans simply on the latest inspection would not be sufficient. This reflected a sense that businesses should have to demonstrate more long-standing compliance before they could be trusted to maintain standards. In line with this view, participants suggested a number of successful inspections should be taken into account. Where businesses had not been inspected frequently within a recent period, they should be required to undergo additional inspections to ensure their compliance history was both up-to-date and long-standing.

"If they'd been good for three consecutive visits, that sounds a reasonable starting point."

(Male participant, Wakefield)

A secondary concern related to how this approach would account for changes within a business. As mentioned previously, changes in management, products and processes were felt to negate previous inspections and risk assessments. To some extent these concerns were alleviated if compliance history was used in conjunction with other approaches, such as third-party assurance schemes. It was felt that combining historical compliance with practical inspections would be a sufficient approach to reassure consumers.

"[It's] risky.... [just] because they've performed well in the past doesn't mean they're going to perform the same in the future... [issues that could affect the

levels of compliance include] change in management, a change of staff. Standards might drop."

(Male participant, Dundee)

"I wouldn't say just looking at the records to say you actually get Earned Recognition [would be sufficient], you'd have to go in and do an inspection as well."

(Female participant, Stirling)

4.4 Overview

Overall, participants were broadly in support of the approaches to gaining Earned Recognition, providing that certain considerations about how they would work in practice were taken into account.

- **Third-party assurance scheme** membership was arguably perceived as the most robust approach, primarily due to awareness that participants had of similar systems in other industries and other food industry assurance schemes, such as Red Lion. Participants' concerns about how third-party membership would work in practice were based around ensuring the independence of the scheme to minimise the risk of abuse; the continued involvement of regulators to provide additional guidance to businesses; and ensuring an approach encapsulated information sharing with local authority regulators and a 'level playing field' for all types of business.
- Considerations for **Primary Authority scheme** membership were based around ensuring the theory of the systems were being applied in practice; and that the approach would also be accessible to smaller and franchised businesses.
- **Compliance performance history** checks were viewed as the 'cornerstone' of Earned Recognition, and were deemed to be particularly useful when combined with other approaches.

5. Broader considerations

This section highlights some of the higher level issues, working across all aspects of the proposals for Earned Recognition that affected participants' views. These cross-cutting issues were felt to be key considerations in order for consumers to feel confident about the overall direction of change in this area. Specifically, these included the following issues:

- How public sector regulators would maintain oversight of the regulatory system
- How these proposals would work across the food industry as a whole
- How consumers would be informed about food regulation issues

Each of these areas are explored below.

5.1 Maintaining oversight

Ensuring that local authority inspectors and the FSA maintained an active role in regulation under Earned Recognition was a key concern for participants (see section 3). As mentioned previously, some degree of continued oversight by government regulators was desired by participants, irrespective of their acceptance of more targeted, risk-based inspections and their support for accredited third-party assurance schemes. This desire was underpinned by the sense that government regulators would provide structure and accountability to Earned Recognition. In particular, participants identified four key roles for government regulators:

- ***Conducting 'light touch' inspections to maintain links with businesses*** – Participants supported suggestions for ongoing 'light touch' inspections by government regulators, which would maintain links with businesses whilst reducing burden on resources. Under this approach, regulators would be able to target their attention on underperforming and 'yo-yo' businesses that failed to consistently meet regulatory requirements, whilst maintaining contact with and oversight of compliant businesses. Maintaining contact with compliant businesses was felt to be important, not only to ensure standards were being maintained but also to provide opportunities for businesses and regulators to share information and keep up to date with changes on either side.

"[Earned Recognition for compliant businesses should focus on] just checking certain areas, not check every single thing, they just check like the meat counter, they don't have to check everything so it's still checking but not as much as you would do for a proper check."

(Male participant, Maidstone)

- **Acting as a reliable source of advice and guidance for businesses** – The opportunity for government inspectors to provide information, advice, and guidance to food businesses was felt to be important and participants wanted this to continue under Earned Recognition. In particular, concerns were raised about businesses with memberships to third-party assurance schemes, where inspectors may not fulfil this role. For these businesses, and businesses that may be inspected less frequently, participants felt that 'light touch' inspections should be used to ensure that up-to-date advice on compliance was provided.
- **Conducting unannounced inspections (or 'spot checks') to test the system is working properly** – Conducting unannounced inspections on businesses operating under Earned Recognition was viewed as a key function to ensure the system was working properly. This applied to all approaches to gaining Earned Recognition, and would minimise the risk that those businesses that were inspected less frequently would become complacent towards safety standards. It was important that these inspections were random and unannounced as it was felt that this would encourage businesses to maintain standards at all times, rather than working towards expected re-inspection dates.

"If you are spot checking [businesses] to make sure that they are doing their job properly it is bound to help out."

(Female participant, Cardiff)

- **Responding to 'trigger points' at which point businesses would be re-inspected** – Participants discussed the importance of government regulators being able to respond quickly to any issues that indicated the need for re-inspection. Suggested 'trigger points' for re-inspection included: incidents, such as outbreaks of food-borne illnesses; higher than normal volume of customer complaints; and significant management or product changes within

a business. Participants emphasised the importance of government regulators maintaining links with businesses and sharing information with third-party inspectors in order to respond rapidly to these issues. It was expected that regulators would respond to any compliance failures with strong sanctions, such as fines and loss of Earned Recognition status.

“I think that you need to know that, if there are problems, the FSA will jump on them as fast as possible and make sure that they get sorted out as fast as possible.”

(Male participant, Wakefield)

5.2 Fairness

Fairness emerged as a key consideration throughout the research. Specifically, participants were concerned that Earned Recognition should be open to all businesses, regardless of size or type. This concern stemmed from assumptions that only certain businesses would have the resources or funds to gain Earned Recognition status, and would therefore be able to benefit disproportionately from subsequent reduced interference and greater marketing opportunities (see previous sections).

“Fairness across the board, from big businesses to little businesses... I’m not saying it’s going to be the same, but it needs to be fair.”

(Female participant, Wakefield)

Participants identified two main areas where it was felt to be important to ensure a ‘level playing field’: eligibility criteria for gaining Earned Recognition; and the use of third-party regulators. The first of these areas related to all three approaches to gaining Earned Recognition. It was recognised that businesses’ eligibility for Earned Recognition would need to be assessed according to a range of criteria, reflecting the wide range of businesses operating within the sector. However, it was felt to be important that decisions were transparent and that businesses were aware of the eligibility criteria being used. In this sense, it was important that decisions about eligibility reflected compliance and standards rather than business size.

“Why shouldn’t the corner shop have Earned Recognition just as much [as the supermarket], they have been clean and they are inspecting it... They should still be able to gain recognition if they have been good.”

(Female participant, Maidstone)

A second area of concern focused on the idea that introducing a market for third-party regulators could affect businesses in a potentially unequal way. Specifically, participants were concerned about the how these schemes would be paid for and how they would be regulated.

In relation to paying for third-party assurance scheme membership, there was general consensus that costs should be structured according to business size or turnover. Participants were worried about ‘pricing out’ smaller businesses, placing them at a competitive disadvantage to bigger businesses who could better afford to pay in order to achieve Earned Recognition status.

“I was also thinking how unfair it was that what happens like with the big supermarkets and then you come down to your local shops and they can’t afford to buy the assurance to come in so, therefore, are they gonna be frowned upon [by consumers for not having Earned Recognition]?”

(Female participant, Stirling)

“We want to make sure that the smaller businesses, there is some sort of sliding scale from the small business to the large business how it’s funded... because with smaller businesses you can’t necessarily set it up for a small business for the amount of people, so you might have to do the size of the property, premises, the turnover and a combination of things.”

(Female participant, Brighton)

Connected to this point, participants were worried that a market for third-party assurance schemes would result in a hierarchy of schemes, whereby different schemes would operate according to different standards. On one hand, participants expressed mixed views about the impact of such a market – for example, schemes with more stringent standards becoming more desirable to consumers and therefore encouraging businesses to pursue higher standards. However, participants were concerned that this would create confusion for consumers, and would primarily benefit those businesses that could afford to spend more on their membership of the

more desirable schemes. It was for this reason that participants suggested that government regulators should set minimum inspection criteria under Earned Recognition to ensure a degree of standardisation.

5.3 Consumer information

Throughout the study, participants spontaneously and repeatedly claimed that consumers should be informed about food business regulation. This was expressed in the broadest sense, relating to information about specific inspection outcomes as well as any changes to the system, such as those proposed under Earned Recognition. The need for consumer information about this area was felt to be justified by the perceived importance of food safety issues and the view that consumers would be interested to know how food businesses were ensuring safety.

“It has to be drummed into people how important that is.”

(Female participant, Brighton)

To some extent, these views suggest a research effect, with stimulated discussions temporarily raising the interest and importance of the topic. Attempting to get beyond this, participants were repeatedly challenged about their views and asked to reflect on their experiences both prior to the research and in the intervening periods between workshops. Prior to attending the workshops participants admitted to having given very little consideration to this area and had not sought information either about inspection outcomes or regulatory processes. When pressed further, participants acknowledged that they were generally apathetic to issues of food business regulation and felt this was probably a typical response for most consumers. Furthermore, some participants conceded that even after discussing these issues, they still lacked interest in issues of food business regulation.

“Without being awful, for me, it’s all a bit boring... At 22, if I’m going to go to a restaurant to book a meal, I’m not going to go trawling through the Food Standards Agency website.”

(Female participant, Wakefield)

Despite these admissions, participants still claimed that consumers should be informed about food business regulation issues, as they impacted directly on their

purchasing behaviours, and potentially, their health and wellbeing. Even when challenged about the apparent contradiction this raised, it was felt that information should be available to encourage both consumers and food businesses to acknowledge the importance of food safety.

“Publicising any system, whatever system [is important]... we know nothing about it, we all clearly said that we don’t see any [Food Hygiene Rating Scheme] stickers on doors when we walk into cafes if they are there, so isn’t it about more awareness for the consumers?”

(Male participant, Brighton)

In order to explore priorities for consumer information, participants undertook an exercise to identify key issues that would be relevant to consumers. This involved ranking a range of topics on Earned Recognition and the approaches to gaining it, and discussing the extent to which they should be communicated to consumers.

Overall, this exercise highlighted that participants wanted information that affects them personally, potentially affecting their dealings with food businesses. This included both high level information about food business regulation (including changes such as Earned Recognition) and more detailed information about specific businesses (see box below for list of top priorities).

Top five priorities for consumer information:

1. Where members of the public can go to find inspection scores
2. What Earned Recognition is and seeks to achieve
3. Details of how frequently a business is inspected under Earned Recognition
4. How a business can lose its Earned Recognition status
5. Details of how a business achieved Earned Recognition status

In terms of the level of detail that participants thought would be appropriate, this varied according to the type of information. For high level information about regulatory processes, such as what is Earned Recognition, and how can businesses achieve or lose this status, it was clear that participants only wanted very basic information, sufficient for consumers to understand an outline of how the system worked. More granular details, such as what third-party assurance scheme

inspections might involve, were only felt to be relevant to businesses and other interested parties.

“Just a basic overview...you wouldn’t look into any more detail than that.”

(Female participant, Wakefield)

In contrast, participants felt that consumers would be interested in more detailed information about inspection results of individual food businesses. This type of information was considered to be most relevant to consumers, as it could affect people’s views about certain businesses and therefore decisions about whether to buy their products. Yet, as mentioned above, participants admitted to being unlikely to engage with this information in reality. This was supported by a general lack of engagement with existing schemes, such as Scores on the Doors and the Food Hygiene Ratings System, which already provided this type of information.

Once again, when challenged about this apparent contradiction, it was felt that lack of engagement merely reflected a lack of awareness. For example, in areas where similar schemes already operated, participants claimed that they were more likely to engage with the information in future, after having been made aware of the issues through their participation in the research.

“This Scores On The Doors [FHRS] thing I found quite interesting. I’m going to have a look at that, just to have a look at the local businesses within the area, just out of nosiness really... to have a look and see how a business that I use, how it scores.”

(Female participant, Dundee)

It is difficult to evaluate the validity of such claims within the scope of this research. However, it is interesting to note that participants were generally unwilling to withdraw their claims about the need for consumer information, even when challenged about the likelihood of their engaging with it. This perhaps indicates the importance accorded to food safety, whether or not people are actively considering it.

Regardless of its practicality, participants’ suggestions for communicating information about food business regulation were wide ranging and combined both sources of specific information (such as inspection findings), as well as broader marketing approaches aimed at raising awareness. For example, suggestions included: a TV

programme similar to *Food Fighters*⁶; an iPhone application providing information about businesses' inspection histories; information displayed on certificates throughout food business premises themselves; a mixed media advertising and awareness campaign; and an information website.

In terms of an advertising campaign, participants felt it useful to communicate the importance of Earned Recognition to generate awareness and foster a sense of assurance and credibility in the process amongst consumers. Television was specifically mentioned as a medium through which to advertise, signposting consumers to further information, such as through an Earned Recognition website, should they want to find out more.

“A few adverts on television about how important it is... Whether it is an advertising campaign or whatever.”

(Female participant, Brighton)

Specifically in relation to Earned Recognition, participants spontaneously discussed the idea of using a recognisable logo or 'kite mark' to identify businesses that had achieved the status. It was felt that businesses would want to publicise their status to customers, reinforcing their reputation for regulatory compliance and using it to increase consumer confidence in their products. In order to be meaningful to consumers, however, this would need to be accompanied by awareness-raising approaches, so that consumers understood the significance of the logo.

“It's the business buying into a standard, a public image and, I think, that's the good side of it.”

(Male participant, Stirling)

“Consumers have got to be aware of what [Earned Recognition] is and its importance. Again, there's no point in having it if you don't know what it actually means.”

(Female participant, Cardiff)

⁶ Food Fighters is a BBC One fly-on-the wall documentary series following Local Authority EHOs as they conduct inspections on food businesses around the country.

Connected to this point, participants felt that if consumers were more aware of Earned Recognition, they would be able to support regulators in driving the process. For example, it was suggested that consumers could act to report businesses they felt were demonstrating non-compliance to regulators to assist them in reacting to incidents and complaints.

5.4 Overview

Overall, participants highlighted a variety of cross-cutting issues that could affect consumer confidence in Earned Recognition. Maintaining regulatory oversight for businesses that had gained Earned Recognition was felt to be crucial to allaying concerns that these businesses would be left to 'self-regulate'. Sufficient regulatory oversight included regulators maintaining contact with businesses through light touch inspections, random and unannounced spot checks, and responding to 'trigger points', such as the outbreak of food-borne illnesses or substantial business changes. Ensuring a 'level playing field' for Earned Recognition so that all types and sizes of food businesses had equal access to the scheme was also considered important. Participants were keen for the system to be inclusive to ensure that smaller businesses were not at a competitive disadvantage. As such, it was suggested that regulators should have roles in setting eligibility and inspection criteria and ensuring the pricing structure for membership to third-party assurance schemes. Finally, consumer information about these changes and other regulatory issues was felt to be important. Providing simple information about high-level issues related to Earned Recognition and more detailed information on specific inspection outcomes was felt to be required. This was despite general acceptance that some consumers would not engage with such information, either owing to apathy or a lack of awareness about food business regulation more generally.

6. Conclusions

The principle of Earned Recognition was generally supported by participants, and perceived to be a sensible approach for improving the efficiency of the current system of food regulation. It made sense to participants that resources should be targeted at higher risk businesses and those unable to demonstrate compliance with legal standards. However, an acceptance of more targeted, risk-based inspections did not necessarily equate to acceptance of compliant businesses being 'left to their own devices'. Indeed, confidence in Earned Recognition was contingent on how it would be managed in practice. In particular, participants highlighted concerns about how sufficient regulatory oversight could be guaranteed, the extent to which consumers would be informed about food safety issues, and how Earned Recognition would be applied fairly across the food industry.

Ensuring the continuation of regulatory oversight by government inspectors was considered important to reassure consumers that businesses would not be left to 'self-police' under Earned Recognition. Ongoing 'light-touch' inspections, random and unannounced 'spot check' inspections, and responses to 'trigger points' was all felt to be ways in which regulatory oversight should be maintained within Earned Recognition.

Providing information to consumers about food business regulation was also perceived to be important to the success of Earned Recognition. Providing simple and easy to understand high-level information regarding the proposed changes, such as an explanation of what Earned Recognition is and seeks to achieve, and more detailed, granular information on how specific businesses were performing in inspections were felt to be important. This contrasted with apparent levels of engagement with existing information of this nature. However, the importance accorded to food safety, combined with a desire for better public education in these areas, prompted calls for more transparency in the system.

The findings suggest that Earned Recognition would need to be applied fairly across the food industry, to allow a 'level playing field' for all types and sizes of food businesses. To achieve this, participants suggested that eligibility criteria for each of the approaches for earning recognition should be transparent and accessible. For example, by creating a fair pricing structure for businesses seeking membership of

third-party assurance schemes to ensure smaller businesses were able to benefit from any regulatory changes. In addition, participants suggested that minimum inspection criteria should be set by government to ensure standards were applicable across the three approaches.

Overall, Earned Recognition was considered a positive direction for the FSA to take, on condition that regulatory oversight was maintained between businesses and regulators, that information about food safety was communicated to consumers, and that the system was applied fairly across the industry.