

Evaluation of the Food Law Rating System: Final Report

Prepared for Food Standards Scotland (FSS)

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Glossary

Technical term	Definition
Annex 5	An annex of the Food Law Code of Practice which deals with the food hygiene and food standards intervention ratings and frequencies for interventions at food businesses.
Authorised Officer (AO)	Any suitably qualified person who is authorised by a local authority in writing, either generally or specifically, to act in matters arising under Food Law. A senior Authorised Officer is also referenced in quotations as a 'Lead Officer'.
Compliance Matrix	The compliance matrix is the scoring mechanism used by local authorities under the FLRS (see Table 2.1).
Desktop Food Law Risk Rating	Under the local authority Recovery Project, local authorities who had not yet been moved into the FLRS, undertook a desktop assessment of food business outlets. These establishments were risk-rated under Annex 5 of the Food Law Code of Practice 2019 and were assigned a group and risk band remotely. Guidance on this process was provided to local authorities by FSS. Following this exercise, in-person interventions under FLRS were scheduled.
Food Business Operator (FBO)	The natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.
Food Hygiene Information Scheme (FHIS)	In Scotland, all food outlets who directly supply the final consumer must have a food hygiene inspection, which is undertaken by the local authority. Following this inspection the food outlet will be given a Food Hygiene Information Scheme (FHIS) rating of Pass or Improvement Required, based on their inspection results.
Higher risk food businesses	Higher risk food business outlets are those that undertake a specific method of preparation, cooking or storage that has the potential to increase the risk to public health beyond that of normal preparation, cooking or storage practices and/or those who handle food at enhanced risk of food fraud, substitution, adulteration or contamination
Food Law Code of Practice	The Food Law Code of Practice ensures an effective, consistent and proportionate approach to the delivery of Food Law and Official Controls by Local Authorities across Scotland, in order to protect food safety and the wider interests of consumers.
Local Authority (LA)	The local organisation that is responsible for providing public services and facilities for a geographical area; a local council. Local authorities are the competent authority for delivering effective, consistent and proportionate official controls for food law across Scotland.
Non-compliant business	Non-compliant businesses are those that fail to comply with the requirements of food hygiene and food standards.
Pre-packed for Direct Sale (PPDS)	Pre-packed for direct sale (PPDS), also known as Natasha's law, is a legislative requirement that applies to any food business that produces PPDS food. This requirement means PPDS food must be labelled with the name of the food, full ingredients and allergens emphasised. PPDS food is food that is packaged before being offered for sale to consumers by the same business on the same site or premises.

Performance Ladder	The performance ladder categorises food businesses into three groups based on the nature of their activity and processes. Within each group, food businesses are assigned a performance band determined by the compliance matrix which establishes the frequency of intervention.
REHIS	Royal Environmental Health Institute of Scotland (REHIS) is an independent, self-financing registered Scottish charity whose main objectives are for the benefit of the community to promote the advancement of Environmental Health.
SFELC	The Scottish Food Enforcement Liaison Committee (SFELC) is a FSS committee with membership drawn from across local enforcement authorities and industry stakeholders. It supports the work of FSS by providing information and expert advice in relation to food and feed law enforcement. SFELC contributes to the development and implementation of FSS strategies and policies for fulfilling its core functions in respect of food and feed safety and consumer protection.

1 Executive summary

Introduction

The Food Law Rating System (FLRS) was introduced in Scotland as part of the Interventions Food Law Code of Practice (Scotland) 2019. The FLRS combines the rating systems for food hygiene and food standards into one regime based upon a new Food Business Performance Model (consisting of a compliance matrix and a performance ladder).

The aim of the FLRS was to reduce duplication caused by the existence of two separate rating systems and to enable local authorities to better target resources on high risk and non-compliant food business establishments.

At the end of 2023, Food Standards Scotland (FSS) commissioned IFF Research to conduct an evaluation of the FLRS. This set out to understand if the FLRS has achieved what it was designed to deliver and to uncover lessons learned, with a view to informing future development of the food law enforcement delivery model.

Underpinned by the design of a logic model, a series of qualitative interviews took place between February and April 2024 with all 32 Scottish local authorities and 8 stakeholders (including current and former FSS staff as well as representatives of industry and professional bodies).

Awareness and understanding

Local authorities and stakeholders generally felt well informed about the FLRS ahead of its implementation. Many local authorities reported that FSS had been 'hands-on' in the lead up to and in the early stages of the system's roll out. Some highlighted the usefulness of resources disseminated by FSS and the workshops and events they chaired.

Most participants reported a good understanding of the underlying objectives of the FLRS and were supportive of these. Specifically, they were generally positive about the consolidation of rating systems into a unified system to reduce duplication and give more focus to food standards, with many of the opinion that this was a logical step to take. Most also supported the concept of targeting high risk and non-compliant establishments.

Some local authorities noted that the objectives of the FLRS were not dissimilar from that of the previous system. Some commented that the aim to target high risk and non-compliant establishments existed under Annex 5 already and others reported that they were already incorporating food hygiene with food standards by conducting inspections concurrently prior to 2019.

Implementation

Amongst those that were able to comment on the experience of piloting the FLRS, there was a general positive sentiment about the process. It was considered to be a sensible step ahead of wider implementation as it offered the opportunity to understand the effect of the system on inspection intervals and staff resources.

However, several pilot authorities reported that their concerns about the potential resource intensity of the FLRS were not taken into consideration. At the time of the pilot and in the early stages of implementation, some fed back that the system was too resource intensive and it was felt that the potential impacts on resourcing were not adequately considered by FSS. A couple of local authorities and stakeholders felt it would have been beneficial to have reflected on the pilot process and the potential resourcing risks of the FLRS more in these initial stages of planning and design.

Most local authorities and stakeholders reported that the initial implementation of FLRS had been a difficult and protracted process. Consequently, some local authorities had only achieved full implementation relatively recently and a few had yet to fully implement the system at the time they participated in the research.¹

Many said the difficulties faced with implementation stemmed from the unfortunate timing of the FLRS' introduction. The Covid-19 pandemic and associated lockdown restrictions began shortly after the system's scheduled national roll-out, which caused significant delays in the number of establishments that could be inspected under the new regime and for a backlog of work for Authorised Officers (AOs) to accommodate.

Local authorities also often highlighted budgetary constraints, staff shortages and the IT requirements of the FLRS as challenges. It was widely reported that resources were strained prior to the introduction of the FLRS – for example, due to a decline in the pool of AOs across Scotland – and further strained since then because of the Covid-19 pandemic and an extended period of high inflation. This made it difficult for local authorities to invest the time and funds required to establish new processes.

Impact

There was mixed feedback from local authorities and stakeholders about the extent to which the FLRS had delivered on its intended outcomes. Many felt that the system had been successful in giving an appropriate level of focus to food standards through the combination of food hygiene and food standards ratings into one unified system.

Linked to this, most stakeholders and some local authorities thought that the consolidation of rating systems had reduced duplication and administrative burden. These participants said that combined inspections – involving a single visit, set of paperwork and data entry –

¹ By 'full implementation' we mean that a local authority has assigned all establishments in their jurisdiction a group and risk band in accordance with the FLRS.

had helped to streamline processes. However, some felt that the broader inspection criteria under this regime had resulted in longer visits and an increase in post-inspection administrative work for AOs.

Where significant issues with food hygiene or food standards are observed, some local authorities perceived that the requirement to conduct a new inspection shortly after the previous inspection was a source of increased administrative burden, in terms of reporting as well as the resourcing and administrative burden of the visit itself. This was a particular issue where a new inspection is required one month or three months after the previous inspection, in the category E and D bands. This requirement was said to add significantly to the caseload of AOs and meant that they were consistently returning to the same establishments. To alleviate this additional burden, some local authorities suggested that the time frame for subsequent inspections should be extended.

Most local authorities and stakeholders reported that the underlying Food Business Performance Model of the FLRS had enabled AOs to dedicate more time to high risk and non-compliant businesses. However, many participants commented that the increased visit frequency outlined has resulted in the system being significantly more resource intensive than the previous system. This is because the FLRS' performance ladder has increased the risk category of many establishments and simultaneously increased the required frequency of inspections for some categories.

Many local authorities reported being unable to meet their inspection / re-inspection targets for high risk and non-compliant establishments under current circumstances. Furthermore, some said the need to spend time frequently re-inspecting high risk and non-compliant establishments had resulted in them being unable to keep up with planned inspection frequencies for lower-risk and broadly compliant establishments. Many feared that in these circumstances, there could be a reduction in compliance levels among this group due to a lack of scrutiny.

There was widespread demand for a review of the performance ladder. Specifically, participants suggested that some refinements to the bandings used on the performance ladder would more accurately reflect the level of risk posed to the public and that reviewing inspection frequencies for each banding, with a view to reducing these overall, is necessary to balance risk and resourcing.

2 Introduction

Background

An effective system, or systems, for ensuring adequate food hygiene and food standards is essential to protect consumers from food-related harms caused by unsafe or 'not as described' food. Local authorities are the competent authority for delivering effective, consistent and proportionate official control for food law across Scotland. It is Authorised Officers (AOs) based in local authorities who carry out inspections of food businesses to ensure that regulations are followed.

An efficient inspection system is particularly important in a climate of constrained resources, including local authority staff shortages. It was in this context, in 2014, that the Scottish Food Enforcement Liaison Committee (SFELC) set up a working group specifically to examine existing arrangements in Annex 5 of the Food Law Code of Practice (Scotland) and to assess whether an alternative regime would deliver more effective prioritisation of Food Law enforcement in Scotland.² They identified that having two frameworks for food standards and food hygiene inspections was overly complex and that the duplication and bureaucracy caused by having two separate inspection regimes could be reduced, in theory freeing up staff time.

The 'horse meat incident' in 2013, and the subsequent Scudamore report were catalysts for this programme of work. The Scudamore Expert Advisory Group was established by Scottish Ministers in February 2013 in response to the 'horse meat incident' with the aim to identify lessons learned and areas for improvement in Scottish food and feed standards. In June of the same year, the Group published its findings and made a range of recommendations.

Upon its inception in 2015, Food Standards Scotland (FSS) used the recommendations made in the Scudamore Report to inform its corporate plan, strategic objectives and work programmes.³ This included the introduction of the revised Food Law Code of Practice (in June 2019), a key component of which was the new Food Law Rating System (FLRS).

The FLRS combined the pre-existing rating systems for food hygiene and food standards into one intervention regime based upon a Food Business Performance Model (consisting of a compliance matrix and a performance ladder).⁴ The aim of the FLRS was to reduce duplication and bureaucracy caused by the existence of two separate inspection regimes and to enable local authorities to target resources on high risk and non-compliant food business establishments.

² [Interventions Food Law Code of Practice \(Scotland\) 2019.pdf \(foodstandards.gov.scot\)](#)

³ [FSS Scudamore Progress Update and Future Handling.pdf \(foodstandards.gov.scot\)](#)

⁴ [Interventions Food Law Code of Practice \(Scotland\) 2019.pdf \(foodstandards.gov.scot\)](#)

The **compliance matrix** is the scoring mechanism used by local authorities under the FLRS (see Table 2.1). The y-axis of this matrix details the seven compliance categories of the rating system, and the x-axis details the five levels of compliance under each category. The individual scores of each compliance category are averaged and rounded to determine the overall compliance level of a food business establishment.

Table 2.1 The FLRS compliance matrix

Compliance category	Average score: 5	Average score: 4	Average score: 3	Average score: 2	Average score: 1
a. Food Safety Systems and Practice Performance b. Cross Contamination Performance c. Structural Performance d. Food Information Performance e. Composition Performance	Serious (willful and/or sustained serious) non-compliance. Any non-compliances that are an immediate risk to consumer health, allow consumers to make unsafe food choices or could give rise to fraudulent gain.	Significant non-compliance. Any non-compliances which may adversely affect consumer health, or which might do so if not remedied quickly. Failure to comply with product or process specific requirements. Food standards non-compliances where the consumer is misinformed or prejudiced.	Minor non-compliance. Technical non-compliances which do not adversely affect consumer health or consumer choice, but which require to be remedied.	Generally compliant. No non-compliance or only very minor non-compliances which the LA has decided should not be pursued until the next intervention.	Full and continuing compliance and/or evidence of going beyond legislative requirements. Evidence of compliance with third party programmes which are recognised as additional or beyond legislative requirements.
f. Food Safety Management Systems (FSMS)	Serious lack of control of food safety and/or standards. No appropriate FSMS	No appropriate FSMS or general/significant failure to follow FSMS. Significant lack of control of	An appropriate FSMS (HACCP based) is in place and is followed but with minor gaps in scope/use.	Fully documented appropriate (HACCP based) FSMS in place and followed.	Fully documented appropriate (HACCP based) FSMS in place with additional 3 rd party accreditation.

Compliance category	Average score: 5	Average score: 4	Average score: 3	Average score: 2	Average score: 1
	or failure to follow FSMS.	food safety and/or standards.			
g. Confidence in Management	No confidence. Unwilling to engage with obligations. Serious formal action required at this visit.	Little confidence. Willing, but largely unable to engage with obligations.	Some confidence. Engage with obligations but gaps in technical awareness. Reliant on LA. New business or FBO.	Confident. Obligations are routinely met. Able to identify and control emerging issues. Good technical awareness.	Full and continuing compliance. Confident proactive approach to food safety management. Own or access to technical expertise. Implementation of externally audited FSMS at least equivalent to HACCP.

The **performance ladder** categorises food businesses into three groups based on the nature of their activity and processes (see Table 2.2). Within each group, food businesses are assigned a performance level determined by the compliance matrix (e.g. compliance level 1 equates to performance level A) which establishes the frequency of intervention. Tables 2.3 to 2.4 present the intervention frequencies by performance level for business groups 1, 2 and 3.

Past compliance levels are a key consideration in the assignment of performance bands. For example:

- any business rated a band E (sustained non-compliance and/or issues of Public Health Significance or Fraudulent Activity) at the previous intervention can only be promoted to band D (significant non-compliance or no confidence in compliance going forward); and
- a business rated as a band B (compliant and confident in compliance going forward) on three consecutive occasions should be promoted automatically to band A (sustained compliance).

Table 2.2 Business groups

Business group	Business type
Group 1	<ul style="list-style-type: none"> • Manufacturer of High-Risk Foods. • Manufacturer, Caterer, Processor or Retailer that undertakes a specific method of processing that has the potential to increase the risk to public health beyond that of normal preparation, storage or cooking. • Manufacturers of Foods for Specific Groups. • All Exporters. • Manufacturers, Processors, Importers, Wholesaler, Distributor, Food Broker, Packers of Food at enhanced risk of food fraud, substitution, adulteration or contamination.
Group 2	<ul style="list-style-type: none"> • All other Manufacturers, Processors, and Caterers. • Importers, packers, wholesalers and distributors of high-risk foods not in Group 1. • Head Office Business that undertakes a regional/national decision making function. • Retailers handling open high-risk foods.

Group 3	<ul style="list-style-type: none"> • All other retailers, Food Brokers, Importers, packers, wholesalers and distributors. • Public Houses and similar Licensed Business not providing catering. • Business providing limited refreshments (e.g. tea, coffee, soft drinks) as an adjunct to main activity. • Childminders. • Supported Living Business. • Business producing low risk food based from a domestic dwelling. • Bed & Breakfasts.
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Table 2.3 Performance level inspection frequencies for group 1 businesses

Performance Levels	Band	Intervention Frequency
Sustained Compliance	1A	18 Months
Compliant and confident in compliance going forward	1B	12 Months
Minor Non-compliance and/or gaps in confidence in compliance going forward	1C	6 Months
Significant Non-Compliance and/or no confidence in compliance going forward	1D	3 Months
Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	1E	Intensive Intervention. 1 Month.

Table 2.4 Performance level inspection frequencies for group 2 businesses

Performance Levels	Band	Minimum Intervention Frequency
Sustained Compliance	2A	24 Months
Compliant and confident in compliance going forward	2B	18 Months
Minor Non-compliance and/or gaps in confidence in compliance going forward	2C	12 Months
Significant Non-Compliance and/or no confidence in compliance going forward	2D	3 Months
Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	2E	Intensive Intervention. 1 Month.

Table 2.5 Performance level inspection frequencies for group 3 businesses

Performance Levels	Band	Minimum Intervention Frequency
Sustained Compliance or Businesses where information available at point of registration, indicates there is minimal inherent risk	3A	No proactive Intervention or 60 months.
Compliant and confident in compliance going forward	3B	36 Months
Minor Non-Compliance and/or gaps in confidence in compliance going forward	3C	24 Months
Significant Non-Compliance and/or no confidence in compliance going forward	3D	3 Months.
Sustained Non-Compliance and/or Issues of Public Health Significance or Fraudulent Activity	3E	Intensive Intervention. 1 month.

The FLRS was ready for launch on 1 April 2019 as planned, with a comprehensive implementation plan in place for all LAs. However, some LAs encountered technical difficulties related to the necessary software upgrades at local level. As a result, the LA Implementation Group and the FSS' senior leadership team decided to postpone the launch to 1 July 2019, providing additional time for the upgrade process. Over the following three months, intensive support was provided to LAs and MIS providers to ensure the systems were fully operational and fit for purpose.

The FLRS was rolled out to all 32 Scottish local authorities on 1 July 2019, following a pilot with 10 local authorities. However, owing to the Covid-19 pandemic, it was necessary to pause the implementation of the new rating system in March 2020. This is because the pandemic resulted in many food business establishments closing, physical distancing requirements preventing AOs from conducting food law interventions of those that remained open and many AOs being deployed in other activities aimed at the suppression of the pandemic.

In December 2020, FSS launched the 'Local Authority Recovery Project' with the aim to enable Scottish local authorities to recommence food law interventions and to deliver a clear and accurate view of the food establishment profile, including the FLRS risk-rating of all establishments. The recovery project set out a four-step programme towards the recommencement of food law interventions by 1 September 2021 (see Table 2.6).⁵

⁵ [Letter RE: COVID-19: Local Authority Recovery Project.pdf \(foodstandards.gov.scot\)](#)

Table 2.6 Local Authority Recovery Project steps

Step	Completion Date
Step 1: Desktop Transfer Desktop (i.e. non-intervention) risk rating under the FLRS of all premises which are currently still risk rated under Annex 5 of the Food Law Code of Practice (Scotland) 2019	1 July 2021
Step 2: Creation of an Intervention Programme The entire Local Authority complement of food establishments (excluding primary production and approved establishments) were set out within a revised Intervention Programme with due intervention dates included.	1 July 2021
Each Local Authority was required to conduct an analysis of the resources required to undertake the entire revised Intervention Programme	1 August 2021
Each Local Authority produced a revised Service Plan in accordance with current service planning guidance and/or the proposed Administration and Service Planning Food Law Code of Practice (Scotland) 2020.	1 August 2021

Research objectives

FSS commissioned IFF Research to conduct an evaluation of the FLRS. This was designed to:

- Understand if the FLRS has achieved what it was designed to deliver and whether it is fit for purpose.
- Pinpoint key facilitators and barriers for successful implementation and delivery of the FLRS.
- Identify any gaps in the food law enforcement delivery model that the FLRS does not address.

- Uncover lessons learned from the impact or the implementation of the FLRS and consider if these can be taken on board for future development of the food law enforcement delivery model.

Ultimately, the findings from this evaluation will help inform FSS' work to identify ways to improve the efficiency and effectiveness of Scotland's future food law enforcement system.

Methodology

To answer the research objectives outlined above, a theory-based evaluation was designed incorporating the creation of a logic model and 40 qualitative interviews alongside a document review.

Logic model

The logic model makes explicit both the objectives of the FLRS and how it is intended to deliver these. It was developed based on a review of documentation - including internal planning documents and decision papers, codes of practice and published reports - and iteratively developed in consultation with FSS, and through a workshop with stakeholders.

Qualitative interviews

Between 14 February and 5 April 2024, IFF conducted **40 qualitative interviews involving 70 individuals in total**. This included interviews with representatives of all 32 Scottish local authorities (involving 61 individuals) and interviews with 8 stakeholders (involving 9 individuals).

In some local authorities, interviews were conducted with multiple individuals at different levels of seniority to gather a range of perspectives on the FLRS.⁶ Of the 32 interviews conducted in local authorities, 15 involved a single participant and 17 involved multiple participants (7 involved 2 individuals, 8 involved 3 individuals and 2 involved 4 individuals). Senior staff members tended to be lead officers with many years' experience in food law and with responsibility for overseeing the AOs who conducted inspections. Interviews with a single individual were typically conducted with lead officers and interviews with multiple individuals tended to involve lead officers and AOs who were actively involved in conducting inspections.

Stakeholders were recruited for interview from a list of relevant contacts prepared by FSS. Everyone who was contacted from the list took part in the research. This list included current and former FSS staff and wider stakeholders from industry and professional bodies involved in the design or implementation of FLRS. Of the 8 interviews conducted with this audience, 7 involved a single participant and 1 interview involved 2 participants.

⁶ All 32 Scottish local authorities had the opportunity to nominate multiple qualitative interview participants.

In interviews that involved multiple individuals all participants were encouraged to talk freely and were asked to share their personal views and experiences on each topic. To counterbalance the potential that AOs might feel uncomfortable sharing their honest views and experiences in front of senior staff members details of a confidential mailbox were shared with all participants.

Interviews lasted around 60 minutes and took place by phone or videoconference, depending on participant preference. The topic guides used to structure interviews (see Annex A) were developed based on the logic model created for the evaluation. The logic model is discussed in the following chapter.

All interviews were written up into an analysis framework, which was structured under headings relating to the objectives, allowing discussions to be compared and judgements made about the commonality of perceptions, experiences and behaviours. The framework also allowed identification of any trends by different subgroups. An analysis session was conducted to discuss initial interpretation of the findings and compare the emerging narratives to understand the key messages from the interviews.

3 Logic model

This chapter introduces the logic model for the FLRS (shown in Figure 3.1). The logic model provides a visual representation of the logic and causal pathways by which the FLRS' inputs and activities translate through to achieving intended outcomes and impacts.

The logic model was first developed by IFF, building on a Theory of Change (ToC) created by FSS and informed by a comprehensive document review conducted between December 2023 and January 2024.

The document review involved analysing and synthesising a variety of evidence sources related to the FLRS. These included implementation plans and strategies; evidence reviews; internal briefing documents and correspondence; comparative and analytical reports; codes of practice; and regulatory and legislative documents.

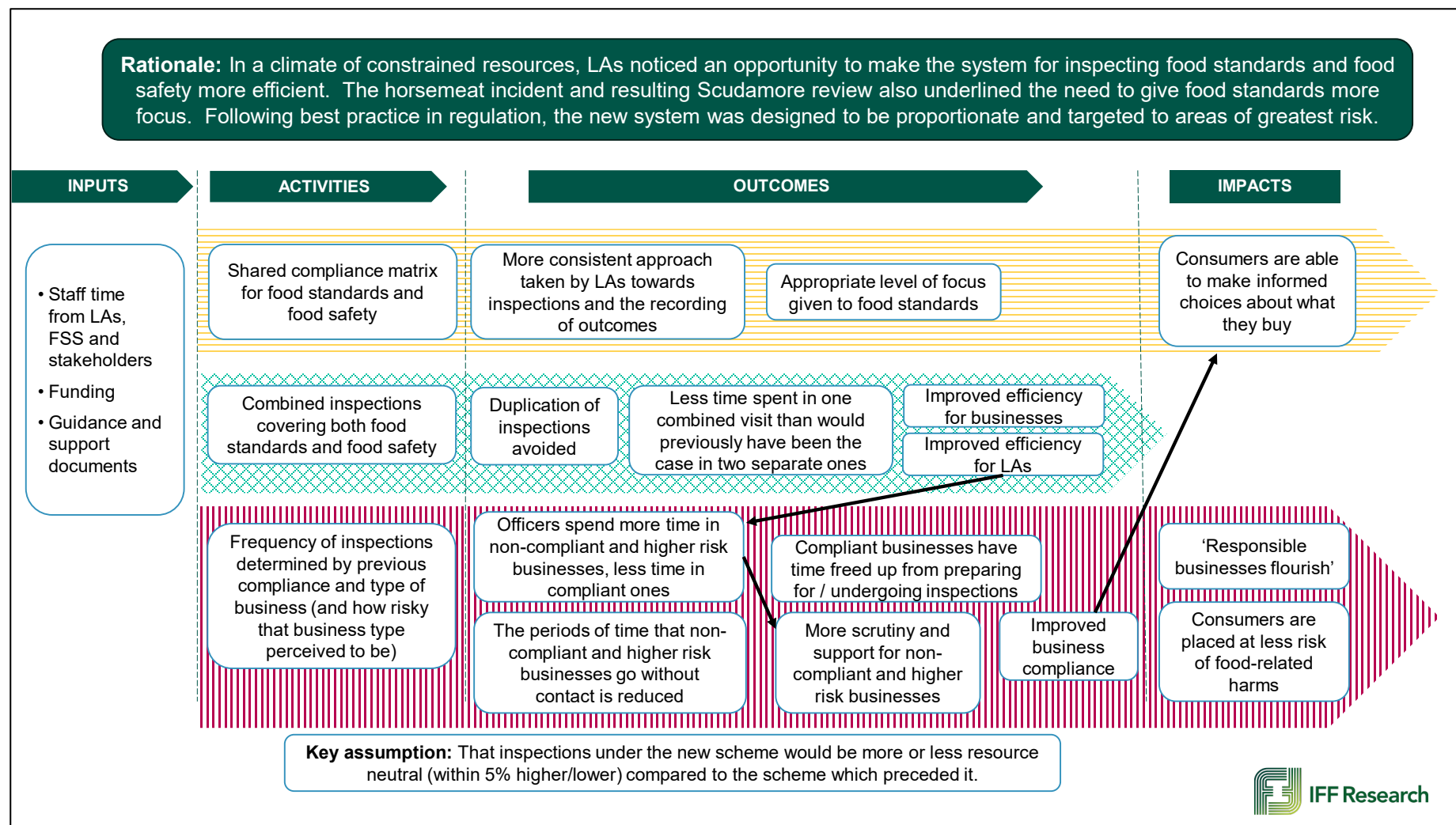
The logic model was further developed in consultation with a range of FSS stakeholders during a workshop chaired by IFF in January 2024. This involved testing that the logic model was accurate, clear and comprehensive through discussions on the background to the FLRS, key aims/intentions and appropriate terminology to use.

The logic model is composed of five key components:

- The **rationale** is the justification for an intervention (the problem or opportunity the FLRS is trying to address);
- The **inputs** and resources that are required to deliver the FLRS;
- The **activities** that are carried out with those resources;
- The **outcomes**: short and mid-term changes resulting from the activities; and
- The ultimate **impacts** of the programme.

To simplify the relationships between outcomes, blocks of colour/shading have been used to show where there are broad 'leads to' relationships, with smaller arrows showing how relationships cut across these broad categories.

Figure 3.1 The FLRS logic model



Rationale

The rationale summarises the ‘case for acting’.

Rationale: *In a climate of constrained resources, local authorities noticed an opportunity to make the system for inspecting food standards and food hygiene more efficient. The horsemeat incident and resulting Scudamore review also underlined the need to give food standards more focus. Following best practice in regulation, the new system was designed to be proportionate and targeted to areas of greatest risk.*

The introduction to this report provides further detail on the background and context for the FLRS as well as what it set out to achieve.

Inputs

The inputs column on the left-hand side of the logic model describes the resources that are required to deliver the key activities of the FLRS and are necessary to bring about the desired outcomes and impacts.

- **Staff time from local authorities, FSS and stakeholders:** This includes time to design the new scheme, consult on its likely impacts and implementation, staff training time and other set-up time.
- **Funding:** Initial investment was needed in order to fund the new programme. This came primarily from Food Standards Scotland who provided £5,000 to each of the Local authorities who took part in the pilot to help with administration such as training and circa £100,000 was provided to fund the necessary changes to local authority’s Management Information Software (MIS) systems.
- **Guidance and support documents were created to define and embed the FLRS:** Most notable is the Interventions Food Law Code of Practice, which includes both the Compliance Matrix, which is the scoring mechanism used by local authorities for food law under the FLRS, and the performance ladder, which categorises food businesses into three groups based on the nature of their activity and determines frequency of inspection, also taking into account current and past compliance levels.

While not a direct input into the development or implementation of the FLRS, the new system resulted in a need for the upskilling of Officers and training was provided by the Royal Environmental Health Institute of Scotland (REHIS). This was required as some Food Safety Officers were not trained to a sufficient level in food standards.

Activities and outcomes

Activities anchor the three main work flows of the logic model (as denoted by the arrows in different shades at Figure 3.1). These activities are intended to lead to a number of changes or 'outcomes', which are indicators of short to medium term success along the way to longer term impacts.

Shared compliance matrix for food law

The compliance matrix includes seven compliance categories¹ including those which relate to food safety in particular (e.g. Food Safety and Practice Performance), to food standards in particular (Food Information Performance) and those which relate to both (Confidence in Management).

Combined inspections covering both food standards and food hygiene

Having one inspection which covers both aspects, rather than two separate visits, should mean duplication is avoided – staff only need to fill in one set of paperwork and food businesses are no longer asked for the same documentation on more than one occasion. This is more efficient for both parties. There should also be less time spent in one combined visit than would have previously been the case in two separate ones - for both local authorities (for example, saving on travel time) and businesses, who will be spared preparation time.

Frequency of inspections is determined by previous compliance level and type of business

As previously mentioned (in the 'inputs' section) under the FLRS, businesses are categorised into groups based on the nature of their business – and how risky that business type is perceived to be. For example, Group 1 contains manufacturers of high-risk foods and distributors of food at enhanced risk of food fraud, substitution, adulteration or contamination while Group 3 contains the lowest-risk businesses such as Public Houses not providing catering. When business type is put together with previous compliance levels, this determines the frequency at which the business will be inspected.

It is intended that Authorised Officers (AOs) target their resources in a risk-based manner. This means AOs spend more time in businesses with significant or sustained non-compliance (and more time in businesses showing minor non-compliance if they are in higher risk categories). This should result in the periods that non-compliant and higher-risk businesses go without contact being reduced and

¹ As listed in ANNEX B- The Compliance Matrix (February 2017). These include Food safety and practice performance, Cross-contamination performance, Structural performance, Food information performance, Composition performance, Food safety management system, Confidence in management.

in AOs focusing on the businesses which are most likely to harm or mislead consumers. More scrutiny and support for these businesses should result in improved business compliance levels overall.

AOs spending less time in compliant businesses – and interventions being less frequent for this group – rewards these businesses through enabling them to save time on preparing for and undergoing inspections.

Key assumption

A key assumption of the FLRS is that, overall, inspections will be more or less resource neutral, taking a maximum of 5% more or less resource than the scheme which preceded it. This takes into account both the length of time spent per inspection and the number of inspections altogether, which is linked to frequency.

Impacts

Long-term impacts are the ultimate, high-level effects that the FLRS is working towards. Contextual factors are likely to have a significant impact on whether these impacts are ultimately achieved, with the FLRS designed to ‘contribute to’, rather than ‘cause’ each impact. The desired FLRS impacts align with outcomes detailed in the FSS Strategy 2021 – 2026 including ‘Food is Safe and Authentic’, ‘Responsible Food Businesses are Enabled to Thrive’ and ‘Consumers are empowered to make positive choices about food’. ²

Consumers are able to make informed choices about what they buy

An appropriate focus on food standards and a consistent approach taken by local authorities towards inspections, which should happen at a suitable frequency (targeted to non-compliant and higher-risk businesses), should improve business compliance overall and result in better food safety and standards performance. This means that food labelling and information on menus or at the point of sale should contain all the information consumers need to make decisions about whether to buy a product (including accurately reflecting the composition of foods).

Responsible businesses flourish

With AOs spending less time in compliant businesses, these businesses are freed up from the time associated with undergoing inspections. This time can be spent on other aspects of their business (including those more directly related to profitability) and flourish as a result.

² [Food Standards Scotland Strategy for 2021–2026 \(consult.foodstandards.gov.scot\)](https://consult.foodstandards.gov.scot/)

As a note, there is a counterargument to this that some businesses are likely to benefit from the assurance provided by frequent inspections. However, this does not form part of the logic or causal pathways of the logic model, so is not shown visually.

Consumers are placed at less risk of food-related harms

When AOs spend more time with non-compliant and higher-risk businesses, they will support these businesses in meeting legislative requirements to provide accurate food safety, nutritional and allergen information so their overall compliance with food law should improve. This reduces the risk to consumers of being exposed to unsafe or 'not as described' food.

Scope of the evaluation

This evaluation of the FLRS focuses on whether short to medium term outcomes have been achieved, to give a sense of whether longer-term impacts are on track to being achieved. As mentioned in the introduction, the evaluation is qualitative and therefore focused on experiences and perceptions of factors such as staff time, efficiency and business compliance.

In the chapters that follow, qualitative evidence from interviews with local authority staff and stakeholders is used to assess the:

- awareness and understanding of the FLRS' rationale, inputs and activities (Chapter 4).
- experience of FLRS activities (Chapter 5).
- perceptions on the extent to which the FLRS has delivered on its intended outcomes (Chapter 6).

4 Awareness and understanding of the FLRS

This chapter covers the awareness and understanding of the Food Law Rating System's (FLRS) rationale, inputs and activities amongst local authorities and stakeholders gathered from qualitative interviews. The chapter outlines when and how local authorities and stakeholders first became aware of the FLRS and how information has continued to be shared. It also covers to what extent they understood and agreed with the purpose of the FLRS. Finally, the chapter outlines the levels of understanding which food business operators have of the FLRS as reported by local authorities and stakeholders.

Awareness of the FLRS

Local authorities and stakeholders generally felt well informed about the FLRS and reasonably well prepared for its implementation. Some stakeholders became aware of plans to overhaul the code of practice and intervention regime as early as 2014.

"There was a stakeholder event held in in Edinburgh by FSA Scotland in 2014 ... effectively all the local authorities got together to have a discussion about the implications of the Scudamore report, and the use of the Code of Practice (which effectively is what FLRS is implemented through) and it was at that meeting where there was a decision made that a working group would be set up to look at how to address Recommendation 57 [in the Scudamore report]."

Stakeholder, FSS Staff

A few local authorities became aware of the FLRS closer to when they helped pilot the system in 2016, while most became aware between 2017 and 2018 through communications about plans to introduce the new system from Food Standards Scotland (FSS), either directly or via liaison groups and committees. A couple of local authorities reported that they did not hear about plans to introduce the FLRS until 2019.

"The first time we saw it in its proposed form was probably about 2017 or 2018. There were people from FSS that did a tour of the local authorities and explained the ideas behind it, why they chose particular things and how it was going to work."

Local Authority, Lead Officer

"In 2019... it was a course that was run by FSS, I remember attending a one-day course where it got introduced, and they explained the ladder and how the scoring side of things was going to change."

Local Authority, Authorised Officer

Stakeholders who were previous or current FSS staff were, as might be expected, more involved in the development in the early stages of the FLRS, for example through being involved in the early discussions of SFELC or working groups.

Many local authorities perceived FSS to be very involved and 'hands-on' initially when the FLRS was first rolled out. Several mentioned they had participated in workshops or events led by FSS, and that they had received and used resources and guides about the new system which were also produced by FSS. These workshops, events and guides were widely considered by local authorities to be helpful in supporting them to implement and deliver the FLRS.

"The guidance that is there is quite comprehensive. It was really just officers getting confident and once they had a cycle of it, it bedded in."

Local Authority, Authorised Officer

"The [FSS] Roadshow training, what it did was that it gave us a heads up for what was coming and allow us to tell the staff 'this is what's coming and this is the reasoning behind it'."

Local Authority, Lead Officer

However, some mentioned they would have liked more sessions and events led by FSS to help further develop their local authority's knowledge and confidence with the new system.

Some local authorities also conducted internal workshops and collaborative sessions with other local authorities to develop a shared understanding and ensure a consistent approach. Many also mentioned a culture of knowledge sharing between pilot authorities and non-pilot authorities, especially via liaison groups and even WhatsApp group chats. These liaison groups and networks were used by many to benchmark and share experiences and strategies for implementing the FLRS, as well as to warn each other about the potential resource intensity of the scheme.

Despite the positive engagement between FSS and local authorities, one industry representative suggested there could have been increased consultation with industry.

"What tends to happen when these new schemes come into play is that the authorities decide this is what we are doing, and there is not that level of engagement with industry."

Stakeholder, Industry Representative

Understanding and perceptions of the purpose of the FLRS

Most local authorities and stakeholders reported an understanding of the objectives of the FLRS – avoiding duplication between the food standards and food hygiene regimes, increasing focus on food standards and prioritising high risk and non-compliant businesses. Several local authority staff and stakeholders could also cite the broader context of the FLRS, mentioning the Scudamore report and the horse meat incident as catalysts for moving to this type of approach.

Local authority staff and stakeholders were generally positive about combining the food hygiene and food standards systems, with most feeling that this was a logical thing to do. Local authority staff felt that food hygiene had been prioritised for too long, perhaps at the expense of food standards, so the new scheme should allow for Authorised Officers (AOs) to better balance food hygiene and food standards.

"It was widely recognised that having separate inspection regimes for food standards and food hygiene wasn't working."

Local Authority Lead Officer

"[FLRS] was intended to be a more all-encompassing inspection regime...a combined food hygiene and food standards inspection every time an FBO is visited makes sure that things aren't being missed. Things like allergens."

Stakeholder, Professional Body Representative

"I suppose that we probably used to focus on hygiene over food standards, which is probably wrong, but it's just how you've trained and what we've kind of always done. So, food standards were always like an afterthought, I suppose. Whereas the FLRS system because it's all combined, you're doing it together...."

Local Authority, Lead Officer

Several local authorities were already trying to synthesise food hygiene and food standards inspections by conducting inspections concurrently if timings allowed for them, so formalising that process with the arrival of the FLRS seemed to be a natural next step.

"We always did joint inspections, so we always based it on the higher risk which was usually hygiene. We always inspected using the premises at the higher frequency between standards or hygiene, so if hygiene was due and standards not for another two years, we would just score it and do it along with the hygiene inspection. I think FLRS simplified this."

Local Authority, Lead Officer

Local authority staff and stakeholders also referred to the objective of targeting higher risk businesses, and whilst they caveated this was always the case under the old Annex 5, they felt concentrating resources on higher risk businesses continued to be a common sense, sound notion.

"I think it was to try and get the premises that would have been poorly compliant to comply more by putting more resources in for that short intensive space of time."

Local Authority, Authorised Officer

Some local authority staff and stakeholders also thought the change was needed to reflect changes in domestic and European legislation with regards to allergens and allergen labelling.

Some local authority staff also mentioned perceived improvements under the FLRS as part of the aim of the system, for example the system giving recognition for doing re-visits, with each re-visit being viewed as a separate inspection under the FLRS, rather than being classed as one intervention under the old system. They felt that this allows officers to feel more appreciated under the FLRS, as the effort they have put into inspections is more visible to others.

Perception of food business operators' awareness of the FLRS

Both local authorities and stakeholders were clear that food business operators (FBOs) were unlikely to have recognised the change of inspection system, but this was not felt to be a problem.

There was a general sense that FBOs cared primarily about their own inspections and scores, the frequency of re-inspection and what they could do to stop inspectors coming back. Local authorities noted that FBOs were unlikely to ask questions about the rating system or to say anything which suggested that they had noticed the rating system had changed substantially.

"I'd say if you asked the vast majority of operators, they wouldn't realise things have changed too much, they're getting asked the same things on visits just in a combined nature. They're not aware the system has radically changed."

Local Authority, Lead Officer

Local authority staff stated there wasn't any type of formal or broad effort to inform FBOs about the FLRS. Some local authorities informed FBOs that they were now inspecting both food standards and food hygiene concurrently, but it was more common not to explain how the system had shifted from the previous one. Officers on the ground stated all FBOs would usually ask is about why they are being visited

more, or why inspectors were asking questions they had not previously if they were non-compliant.

"We don't share it with them as routine. They are aware that they are scored on a risk basis and most of them know that if things are not so good we will be in more often, but we don't share anything unless somebody asks. The vast majority would not be interested."

Local Authority, Lead Officer

"I don't think they are aware, and I don't think they need to be aware necessarily."

Stakeholder, Professional Body Representative

Some industry representatives felt the lack of understanding of the FLRS scoring system was a deficiency, especially when businesses are being inspected more if they are non-compliant. It was also mentioned that businesses need to be able to understand why they have failed in order to see if they have a chance to appeal. However, this latter point would arguably also apply to the previous inspection regimes. The lack of food business operator awareness on inspection regimes, especially with regards to allergens, represents a gap in evidence and a potential area for future research to explore.

5 Implementation and delivery

This chapter covers the experience local authorities have had implementing the Food Law Rating System (FLRS). The chapter begins by covering the experiences of local authorities that participated in the pilot, before moving on to cover the experience of implementing the FLRS since its formal introduction in July 2019. The chapter concludes with a short section on the perceived experience of Food Business Operators (FBOs).

Experience of the FLRS pilot

Food Standards Scotland (FSS) ran a pilot of the FLRS between September 2016 and October 2017 with 10 local authorities to test the new integrated inspection system ahead of a national roll-out. This pilot aimed to evaluate the practicality and effectiveness of combining food hygiene and food standards inspections into one single streamlined inspection. It also aimed to determine how well the new system could focus regulatory efforts on higher-risk or non-compliant businesses to enhance overall food law compliance.

Eight local authorities that were interviewed as part of the evaluation reported having participated in the pilot. In some instances, there had been turnover in staff within the local authority since then, which meant interviewees could not comment comprehensively about the experience because they themselves had not personally been involved. It is assumed this is the reason why some local authorities that are known to have participated in the pilot did not report doing so.

Amongst those that were able to comment on the experience of piloting the FLRS, there was a general positive sentiment about the process. It was considered to be a sensible step ahead of wider implementation to compare the FLRS against the previous food hygiene and food standards systems, especially to understand the effect this would have on overall inspection intervals and staff resources. Some local authorities felt that participation was advantageous for them as it offered them the opportunity to familiarise themselves with FLRS processes before it became a legal requirement. Several authorities highlighted the support from FSS during the process as helpful.

"I mean there was pretty good guidance on what we were supposed to be doing. I thought it was quite a good pilot."

Local Authority, Authorised Officer

However, several authorities pinpointed weaknesses and drawbacks of the pilot. For some, the pilot felt particularly resource intensive given that trialing the new system came with added requirements. Specifically, these authorities mentioned that

running the old system concurrently with piloting the FLRS involved scoring businesses twice, which proved difficult to manage.

"We did our inspections as normal. But when it came to scoring them, we basically scored them twice, once under the new way, once under the old way."

Local Authority, Authorised Officer

There was also a broader sense from multiple pilot authorities that their concerns about the potential resource intensity of the FLRS were not taken into consideration. At the time of the pilot and in the early stages of the FLRS roll-out, some fed back that the system was too resource intensive but felt that this wasn't listened to by FSS. A couple of local authorities and stakeholders felt it would have been beneficial to have reflected on the pilot process and the potential resourcing risks of the FLRS more in these initial stages of planning and design.

"I was feeding back that we predicted a 40 percent increase of businesses needing a higher frequency and I didn't really feel like I was listened to. They [FSS] got a [Scottish Government] statistician to come in and do work and said it was resource neutral and that's proven not to be the case."

Local Authority, Lead Officer

"The pilot showed that [being resource neutral] was not what was going to happen. Instead of pausing, FSS just carried on with it."

Stakeholder, Industry Representative

Experience of formal implementation

Most local authorities reported that the initial implementation of the FLRS had been a challenging and protracted process, with some authorities having only achieved full implementation relatively recently.

A couple of local authorities had yet to fully implement the FLRS at the time they were interviewed. While all new inspections were being done under the FLRS, those who did not feel they had fully implemented it reported that not all FBOs had been 'moved across' to the new system and assigned a business group and risk band.

Challenges faced in terms of the implementation of FLRS included its timing, IT issues and the level of resource needed. Each are discussed in turn below.

Timing

Some felt that the timing of the implementation of the new system was poor (or rather unfortunate) given how it coincided with unexpected macro-economic factors (such as EU Exit and Covid).

Difficulties with implementation were often attributed to the Covid-19 pandemic, which began soon after the scheduled nationwide roll-out. During the pandemic many food business establishments closed, physical distancing requirements prevented Authorised Officers (AOs) from conducting inspections of those that remained open and many AOs were deployed to other activities aimed at the suppression of the pandemic. Consequently, there were significant delays in the number of inspections being carried out.

“In terms of FLRS, it's been really unfortunate in its circumstances... you get six months in and then [lockdown] restrictions started. Even before lockdown officially came in, the types of businesses we could inspect became restricted because nobody wanted to go into nurseries or care homes in early 2020.”

Local Authority, Authorised Officer

Local authorities also described how the pandemic, alongside rising prices due to high inflation, contributed to stretched local authority budgets and to impacts on food business operators which created additional work for AOs, for example higher levels of churn of food businesses and suppliers, lower quality ingredients being used etc.

In terms of scheduling, one local authority made the point that implementation of FLRS had to be accommodated within existing resources as timetabling and resource planning are only done twice a year and so were already set. This suggests that planning the implementation further in advance to accommodate existing timetabling and resource planning constraints may have made it easier to implement.

“If you're going to introduce anything, the two dates that you have are the 1st of April and the 1st of October. Introducing mid fiscal year was a disaster.”

Local Authority, Authorised Officer

IT issues

Many local authorities reported that the IT requirements of the FLRS hindered the roll-out of the system in the early stages. Local authorities were required to update their Management Information Systems (MIS) to store data collected during inspections. Pilot, and early adopter LAs were required to manually input data to these new systems from existing records. This was widely reported to be a complicated and time-consuming task. Some authorities reported their MIS systems were not set up in time for the rollout of the FLRS which caused delays and a backlog of data to build up. Reflecting on this experience, some authorities said they would have benefited from clearer and more advanced notice of the changes they were required to make to their MIS.

“Because the databases weren't ready, we had everybody trying to store it on paper, there were paper copies and there were spreadsheets trying to record

who's doing what and because everything was on a spreadsheet it wasn't getting pulled from the database."

Local Authority, Lead Officer

"We had 32 local authorities across Scotland who all do things in slightly different ways. So, if you're implementing a new process and you use digital systems to record the data that comes out of that process, then there are going to be 32 different ways of interpreting the process of the systems and using them and that's a challenge that we still have."

Stakeholder, FSS staff

While some IT issues were specific to the early roll-out of the FLRS, others were experiencing ongoing issues, including the lack of a digitalised system for them to use or references to a particular provider's system being slow and poor in function.

"I mean that to me is a massive amount of time-wasting going on. We're back to actually using a carbon block of all things to do our FLRS inspections, which is just nuts, drives me up the wall to think we're going back to something in the 80s."

Local Authority, Authorised Officer

Lack of existing resource and time needed for training and familiarisation with new resources

Many local authorities said that implementation of the FLRS had been made challenging by budgetary constraints and staff shortages – both of AOs and, less often, of admin staff for helping out with post-inspection tasks. A stakeholder mentioned that the rate of AOs retiring has been exceeding the rate at which new AOs are qualifying, causing particular pressure. And one local authority mentioned that they needed about 11 more Environmental Health Officers dedicated to food alone to meet statutory requirements.

Local authorities reported having very limited resources even prior to the FLRS, so the additional workload created through needing to both learn and implement a new system proved very difficult to manage.

"We have an FLRS programme ready, if only we had the people to do the work!"

Local Authority, Lead Officer

The transition to the FLRS was delivered within existing resources, with few changes to staff numbers or staff roles or responsibilities being reported. That said, one local authority speculated that it may have contributed to staff leaving:

"I think it's one of the things that broke the camel's back with a lot of officers who just decided to leave ...because it wasn't implemented very well. There wasn't coherence. There wasn't a clear vision with it..."

Local Authority, Authorised Officer

Some local authorities reported that they were required to invest time and funds into training staff about the FLRS and to ensure all staff were equipped to conduct both food standards and food hygiene inspections.

Outside the formal training needed, some staff also reported time needed to get to grips with the new system and iron out areas of confusion around how the system should be implemented, for example around the definition of bandings. Something that once was intuitive for them and their colleagues they were now having to think about, which slowed things down. This was a particular challenge in the early stages of implementation.

There was evidence of ongoing learning and development in relation to the FLRS, with some local authority staff consistently re-visiting guidance and attending working groups where staff across local authorities share tips and tricks. Where relevant, local authorities considered the available guidance and workshops as highly useful. There is scope for further targeted research to explore the extent to which guidance is fit for purpose and identify potential areas for improvement.

Implementation going forwards

The challenges posed by the Covid-19 pandemic, including the IT requirements around completing desktop inspections as part of the FLRS, were widely felt to have passed by the time local authorities participated in interviews as part of this evaluation. Most local authorities reported having systems and processes established and relevant staff adequately trained. However, there is ongoing uncertainty about the definition of some bandings and some local authorities are still struggling with IT issues.

There were also ongoing resource concerns – particularly to do with frequency of inspections required under the FLRS – which are covered further in the next chapter. Importantly, because of these concerns, some local authorities do not believe they will be able to keep up with the schedule of visits the FLRS demands so the system is not currently working as intended.

Perceived experience of food business operators

Many local authorities did not have any direct feedback from Food Business Operators (FBOs) about the FLRS specifically. As reported in Chapter 4 on Awareness and Understanding of FLRS, many felt that food business operators are generally aware of food standards and hygiene requirements and know that they will get inspected but are largely unaware of the details of the FLRS, for example their classification on the performance ladder.

"They are aware there is a food rating system, and if they ask us specific questions, we'll answer them, but I don't think the vast majority of FBOs have time to care that they're in a Group 2B premises etc."

Local Authority, Lead Officer

Some local authorities felt that they would have heard if FBOs did have any concerns about the FLRS and so suggested that the absence of feedback shows that food business operators have not experienced any issues. Others believed that, excluding those inspected more frequently, many food business operators might not have noticed a change.

"In the authority I was, we were actually doing the intensive inspections for failing food businesses before the introduction of the pilot, so it didn't make that much difference...And in terms of the other types of business...doing the food standards and the food hygiene together again they I don't think they noticed any difference."

Local Authority, Authorised Officer

A few stakeholders felt that the use of visuals such as the performance ladder and compliance matrix should make the FLRS conceptually easier for food business operators to understand and then comply with if they were to look into the detail of the system.

"I think the use of visuals and the visual approach that we took with the ladder and the compliance matrix was the big improvement and that's something that as a concept we introduced quite early on and then continued through so if an FBO is looking at the code of practice the first thing they do when you open it up is you see the ladder and the compliance matrix on the page and you've got a clear visual way of identifying and saying, well, I'm a restaurant I should sit here."

Stakeholder, FSS Staff

6 Impact

This chapter covers local authority staff and stakeholder perceptions of the impact of the FLRS on local authorities and food businesses. In particular, it assesses the extent to which the FLRS has delivered on its intended outcomes of:

- giving an appropriate level of focus to food standards
- reducing duplication and administrative burden, resulting in improved efficiency for local authorities and businesses
- officers spending more time in higher risk and non-compliant businesses – to increase overall business compliance – in a way which is overall time neutral compared to existing demand.

Focus on food standards

There was a general feeling that the FLRS has led to an increased level of focus on food standards.

"Because we are discussing food standards issues more during the inspection than we used to, yeah, I would say it's bringing that more to the fore..."

Local Authority, Authorised Officer

Several local authorities felt that awareness of PPDS legislation had increased.³ The allergy matrix, included in PPDS guidance, was also referenced as being very useful and there were reports of officers spending more time filling this out.

However, several local authorities and industry representatives felt that it was a missed opportunity when reforming the system not to incorporate the food hygiene information scheme (FHIS) into the FLRS. They mentioned that it is a deficiency that the FLRS and FHIS are not aligned with each other and that the FHIS does not include food standards (so consumers do not have information on how businesses are performing in this regard).

"Some businesses you could report on 20 contraventions, but nineteen were related to food standards and one related to food hygiene, but they were still achieving a pass."

Local Authority, Authorised Officer

³ [Pre-packed for direct sale \(PPDS\) allergen labelling changes for restaurants, cafés and pubs \(food.gov.uk\)](https://www.food.gov.uk/pre-packed-for-direct-sale/ppds-allergen-labelling-changes-for-restaurants-cafes-and-pubs)

Stakeholders also felt FBOs did not necessarily understand how the FHIS relates to the FLRS – and felt that the FLRS would give more incentive to businesses to improve if consumers could see their score.

Reducing duplication and administrative burden

Through the FLRS, it was intended that having one inspection which covers both food hygiene and food standards, rather than two separate visits, should mean duplication is avoided and efficiency enhanced – staff only need to fill in one set of paperwork and food businesses are no longer asked for the same documentation on more than one occasion. There should also be less time spent in one combined visit than would have previously been the case in two separate ones - for both local authorities (for example, saving on travel time) and businesses, who will be spared preparation time.

Stakeholders, who were more often one step removed from the day-to-day administrative processes of the scheme, broadly seemed to think that this objective had been met. One stakeholder even went as far as to say the time spent on inspections had exactly halved administrative burdens. In contrast, local authorities had mixed views on whether the FLRS had led to reduced duplication and administration burden but overall felt that the system is not working as intended in terms of improving efficiency.

Those who felt that the FLRS had reduced duplication cited that having one data management system is 'neater', and that having just one form and one scoring system is more efficient.

"You've got one inspection form and you're scoring it all together so it's less time-consuming."

Local Authority, Authorised Officer

However, others commented that as the combined visit is now assessing more criteria, including newly introduced allergen criteria, this results in both a longer inspection and more administration to do afterwards.

"The actual inspections are longer when you're actually out there, and then when you come back for your admin, the scoring is a bit longer, and the letters tend to be a bit longer because you are actually focusing on both areas, and you may have a lot more points in your letter than what you maybe previously did before."

Local Authority, Lead Officer

A further element of the system contributing to increased administrative burden was the new requirements for re-visits. Under the old system, staff would go back to the premises and information on the re-visit would be appended to the bottom of the existing risk assessment. However, under the FLRS, the re-visit becomes a whole

new inspection, with a new form and risk assessment, which is more time-consuming.

While there were a few references to the time-saving benefits of not having to do food standards and food hygiene inspections in two separate visits (including through reduced travel)

"You are no longer getting inspections which are running inconsistent with each other... I do see it as reducing the regulatory burden."

Local Authority, Lead Officer

It should also be noted that a substantial proportion of local authorities already combined inspections under the previous systems. These local authorities conducted the inspection that was due (either standards or hygiene) and then immediately conducted the remaining inspection, even if it was not due yet to prevent re-visiting that same premise again within short proximity to the first inspection.

"We would say to officers if it [an inspection] was due for food standards prior to the next hygiene inspection, do them both together, so it takes away that having to think about it actually having to remind everybody to do both... it was just done as one."

Local Authority, Authorised Officer

Combined inspections were also considered more resource efficient under the previous system for local authorities in rural or island locations due to the travel time required to get to food businesses.

While many of these local authorities who already combined inspections felt that the FLRS doing so more formally made sense, it does also mean that they saw less impact in terms of reduced duplication.

More time directed towards higher risk and non-compliant businesses – to increase overall business compliance – in a way which is overall time neutral

This sub-section covers to what extent we can say whether the FLRS has improved overall business compliance, the effect of how time is spent under the FLRS on likely business compliance and the implications of how time is spent under the FLRS on local authorities and their ability to keep pace with the system.

Increasing overall business compliance

While the FLRS is intended to improve overall business compliance, through targeting higher risk and non-compliant businesses, this is something that it is not

possible to definitively answer through this evaluation. Many local authorities did not want to comment on the extent to which the FLRS was likely to have impacted food businesses' compliance on the basis that:

- they do not have the quantitative data to comment on this, so would rather not make a judgement.
- timings make it complicated to attribute causality due to the introduction of the FLRS overlapping with the Covid-19 pandemic.
- it is too early to say - there are many businesses that local authorities have not yet inspected (for reasons already mentioned, including but not limited to the Covid-19 pandemic, and the increased frequency of re-visits) so staff were unable to comment on large portions of the sector's compliance.

Some stakeholders and local authorities were rather cynical about the likely effect of the FLRS in terms of overall business compliance, feeling that regardless of the scheme, business behaviour would tend to be consistent.

"There's always going to be businesses that want to comply and strive to comply and look for advice and guidance all the time, then you're going to get your middle of the road businesses that are always going to need your help and spoon-feeding, and then there are the ones that just comply to get pass certificates, they're the yo-yo businesses that are going up and down a lot"

Local Authority, Authorised Officer

"We do have an educational role. But I sometimes think the good premises will always be good and the bad premises will always be bad. It's not quite as black and white as that but that's where you are with them."

Local Authority, Lead Officer

Where local authorities believed food business compliance may have improved, they linked this to the increased frequency of visits for high risk food businesses but were less sure about how these increased levels of compliance would hold over longer periods.

"Now, you don't go away until you're completely satisfied, so you're leaving them on a better standard. Where it will really be telling, is once they get out of those Ds and Es, once they're into the C cycle, will they be able to maintain it for a year, or will they drop."

Local Authority, Lead Officer

Implications of the FLRS' risk-based approach for likely business compliance

While most participants in the evaluation considered that a focus on risk-based regulation was nothing new, some local authorities commented that the grouping of

establishments under the performance ladder based on the nature of their activity and processes was a more effective means of determining risk than the previous system. It should be noted that the effectiveness of these groupings for different types of businesses within each group was out of the scope of this evaluation. This is an area that could be explored through additional research.

Most local authorities and stakeholders did feel that the FLRS had ensured officers spent more of their time in non-compliant and higher risk businesses than previously, giving increased scrutiny and support to those more likely to need it.

Many local authorities referenced that the FLRS reduces the burden on lower-risk premises, and some even mentioned that the new business groupings helped them shift focus away from lower-risk businesses onto higher risk, for example through removing some businesses from proactive inspection altogether e.g. childminders. However, some felt that the performance ladder could go further in terms of lengthening out inspection intervals for broadly compliant or low risk businesses.

"It would be about rejigging the terminology and recognising there are some businesses that are broadly ok, they might have a couple of wee things wrong, but you've got the confidence to fix them. You don't need to go to them every 12 months, it was previously shown you could go every 18 months and you'd get that improvement."

Stakeholder, Industry Representative

The system also ensures a focus of resource on non-compliant businesses through giving timescales of a three-month follow-up where a business receives a risk rating of D (significant non-compliance) or a one-month follow-up where a business receives a rating of E (sustained non-compliance).

"The risk profile that FLRS gives you, I do you think it gives a tool to local authorities - a risk matrix of where to target your resources. I would say it's probably done that objective."

Local Authority, Authorised Officer

Some felt that more intensive work with non-compliant establishments was appropriate and one local authority referenced how frequent follow-ups had been a strong incentive for non-compliant food businesses to get their act together.

"I personally like the fact that it encourages intensive intervention. So, if there have been serious issues identified [AOs] are required to go in. It can be very quick interventions with those businesses.... I think that was really the point of why [FSS] changed the system and I do think it works with that side of it."

Local Authority, Authorised Officer

"It's a good threat to [FBOs] when you're out saying if you don't want to see me, get it right because I'll be back here in a month or I'll be back here in three months."

Local Authority, Authorised Officer

However, others felt the three-month timescale between inspections was too soon, especially in cases where interventions were still ongoing (where it was felt that an inevitable second 'fail' would result) or only recently concluded.

"You've literally just finished your interventions, and then you're back out doing a full one in like 3 months... They [AOs] may be still coaxing them along and may have only just been in the week before doing a re-visit and you've got to do an inspection from scratch again; so that can be a bit tricky."

Local Authority, Authorised Officer

"I felt under the old scheme, the six-monthly visit was about right for some of the worst places because it gives them time. I mean, you've already done maybe two or three re-visits to get them up to standard, but then they need to be given six months to see if they deteriorate again or not. After three months, you don't know."

Local Authority, Authorised Officer

A refinement suggested was to allow officers more flexibility to move businesses rated 2D (medium risk business with significant non-compliance) onto a 12-month inspection rather than a 3-month inspection if they have made major improvements at a re-visit. The number of businesses assigned to bandings with higher visiting frequency requirements also increases the resource burden on local authorities.

Guidance legislates that AOs have to do a full assessment before they can re-score the premises. However, if they could re-score at the re-visit it was felt that this would allow officers a lot more flexibility, without increasing risk. An example of this kind of case is mentioned below.

"This was a business that had a beetle infestation which required their premises to be shut for a week while they dealt with the issue. The business owners took the problem very seriously and did the necessary work to deal with the issue to bring them back up to standard. However, they still needed to go on a three-month inspection, whereas they could have gone onto a 12-month cycle as they were previously."

Local Authority, Lead Officer

Further suggestions for amendments to the performance ladder included:

- Reconsider where to put exporters on the performance ladder and whether their frequency of inspections could be amended to better align with export

risks and whether to differentiate between large and small FBOs. It was commented that some exporters were previously subject to an alternative enforcement strategy (as they were rated low risk) and just had to fill out a questionnaire, whereas under the FLRS they are in Group 1 (high risk) and getting assessed the same as major manufacturers.

- One local authority suggested the FLRS could be improved by considering the scale and size of the business within the visiting criteria, commenting that there is no differentiation between businesses which supply 10 sandwiches a day or 10,000.
- Consider moving playgroups and ice cream vans selling hot dogs into Group 3 (low risk).
- Consider adding extra bandings:

“We could probably just do with a few more bandings. What we're finding is a lot are falling into the B category, either 2Bs or 3Bs. A 2B could actually be a reasonably OK premises or it could be a really not great premises, it's a case of making more space here.”

Local Authority, Lead Officer

Whether the FLRS is time neutral

It was commonly reported that the frequency of inspections demanded under the FLRS performance ladder has led to the system being significantly more demanding than the previous one. As an example, one local authority mentioned that the number of visits carried out by their team had increased from around 50 a month to as much as 70. Many commented that while the actual number of premises visited has decreased, the number of visits has increased because of the required frequency of visits to non-compliant premises (every one or three months).⁴ A stakeholder also mentioned that a lot of the premises under the old Annex 5 which were considered to be broadly compliant went from an 18-month frequency to needing to be visited every 12 months instead.

A common observation from the interviews was that a higher number of food business operators were now classed as greater risk than previously, which required them to have more frequent inspections. This was largely attributed to classifications on the performance ladder (for example those with cold stores or exportation are deemed to be higher risk than they were previously) but some also

⁴ It should be noted that this research did not involve the collection of quantitative data on the number of visits made by local authorities under FLRS nor did it involve analysis on how the number of visits under FLRS compare to the previous system.

mentioned a fall in standards due to the Covid-19 pandemic exacerbating the impact.

"The problem was at the very beginning, all the bad premises were 6 months, now overnight you're back in there much more frequently. This was compounded by Covid, with the programme winding down for a year and some businesses being offline for about 2 years, when we went back the standards had slipped. There was a double whammy."

Local Authority, Lead Officer

As well as the FLRS requiring more staff time, some mentioned a potential impact on cost due to the travel associated with more frequent visits.

"Every authority's totally different in how they travel, but we allow mileage, so probably there's more mileage for staff to do, more frequent visits and more time spent travelling."

Local Authority, Authorised Officer

A knock-on impact of local authorities devoting more time to re-visiting non-compliant establishments more frequently is that some are unable to keep up with the expected inspection frequencies for lower-risk and more compliant businesses, which in turn means that they are unable to move these businesses to an appropriate FLRS banding.

This means that these local authorities are not seeing the reduced burden that they should expect under the rationale of the FLRS. For example, some local authority staff mentioned that, in theory, if a business stays at a B rating (compliant and confident in compliance going forward) for three visits in a row, then it should go up to an A (sustained compliance), which would reduce the frequency of their inspections. However, because of resource issues and the front-loading of inspections, local authorities have not had the time to visit the premises three times so they cannot go up that band rating. This means some businesses have sustained compliance but have not positively shifted bands yet.

As a result of the more frequent visits required under the FLRS, many local authorities reported not being able to meet the inspection targets expected of them and being unable to return to businesses for re-inspections under current resource levels. Few reported being on top of the more frequent inspections.

"Even prior to Covid we were struggling with the numbers...the scoring didn't make it easier and didn't reduce the time we were with businesses; it has even increased the number of visits required in some instances which we are just unable to deliver."

Local Authority, Lead Officer

Many also felt this focus on high-risk food business establishments stopped resource being given to lower risk establishments, with a backlog thought likely to build up over time.

"If on their inspection list, officers have got a mixture of high and medium risk, they will focus on the high and work down, and if anything is going to get missed because, for example, a high risk turns into an intensive intervention... if anything gets missed, it will be one of the medium risk businesses further down."

Local Authority, Lead Officer

This was considered concerning by many local authorities who cited the following potential impacts:

- **Decline in the morale of AOs** by only visiting non-compliant FBOs and only delivering bad news.
- **Reduction in AO's abilities to pass on best practice and tips.** Through inspecting fewer highly compliant FBOs they witness fewer examples of best practice to pass onto other FBOs.
- **Potential for bad practices in 'low risk' businesses to become more prevalent** due to reduced inspections and scrutiny; some citing the Covid-19 pandemic as a known period where standards dropped due to reduced scrutiny.

"Previously you were given an inspection list and you completed it. But [AOs] are not feeling that sense of achievement anymore. They're never getting to complete it because of the amount of re-visits... you could have a business you have to visit it three times in that quarter depending on how compliant it is, which then knocks off two-year inspections for that quarter."

Local Authority, Authorised Officer

"Officers are not getting much variety. They used to know that they've got a couple of visits in there that are going to be nice visits. You go in, you do the visit, you can have a chat with the food business operator: 'Any changes? Anything you're thinking and doing?'. Maybe give them a wee bit of advice about something. Now all you're dealing with is premises that are poor and you're constantly finding problems. You're not getting to any nice visits."

Stakeholder, Professional Body Representative

7 Conclusions and recommendations for further research

Conclusions

The introduction of the FLRS in 2019 was the culmination of several years of planning, with local authorities having recognised an opportunity to combine the food standards and food hygiene regimes in Scotland. This was then given further impetus by recommendations made following the ‘horsemeat incident’, which highlighted the need to give more focus to food standards.

Most local authorities and stakeholders agree with the thinking behind the FLRS and believe it to be a logical thing to do. They believe it to be in line with best practice principles in terms of regulation – targeting resources towards areas of greatest risk i.e. visiting businesses with a higher risk profile due to their business activity or with current/sustained compliance issues more frequently.

The key objective of FLRS to combine food standards and food hygiene inspections into one visit rather than two was considered desirable as it would reduce duplication and save local authorities administration and travel time, as well as businesses’ preparation time. However, there were mixed views as to whether this is actually happening: while a combined visit under the FLRS takes longer than either of the previous separate visits individually, it is not entirely clear whether it takes longer than the sum of the two separate visits combined.

The local authorities and stakeholders interviewed for this project identified that the increased frequency of visits under the FLRS compared to the previous system was presenting a more significant issue. A widely expressed view was that the resource intensity of the FLRS was far in excess of what was anticipated when the system was designed. Some participants implied that concerns raised on resource impacts were not adequately assessed during the pilot stage, suggesting that this should be a key focus for evidence gathering to inform any future review of the food law inspection regime.

The increased resource intensity has been a major challenge for local authorities in implementing the FLRS. It comes against a backdrop of existing staff shortages in the sector, backlogs of work created by the Covid-19 pandemic and challenging conditions for food businesses creating more work for AOs.

The impact of the FLRS demanding more resource than is available is that it is not currently working as intended – backlogs are building up and few are confident that they will be able to keep up with the frequency of visits outlined by the performance ladder. Many feared that because of this there could be a reduction in compliance

levels among medium-risk businesses and those who are currently broadly compliant, due to a lack of scrutiny.

It is clear, in these circumstances, that a review of the inspection frequencies outlined in the performance ladder is needed – and some would also like to see amendments made to the bandings used to categorise certain types of businesses. It was widely felt that changes to the ladder make sense in terms of proportionality and what is needed to ensure overall business compliance as well as to better match the system to available resourcing.

It was out of scope of this evaluation to conduct a comprehensive review of exactly how things should change – however, mentioned particularly frequently was the need to review the frequency of re-visits; to identify which businesses need visiting (or re-visiting) every one or three months as well as, at the other end of the spectrum, considering the types of very low risk businesses which could be visited less, or not at all.

While FSS was widely felt to have communicated well about the FLRS, there was some criticism that the pilot was a missed opportunity to refine the scheme in line with resourcing levels. This evaluation presents another moment to take stock and consider how best to move forwards with a system which stakeholders and local authorities are very much still behind in principle.

As a final thought, looking at how FHIS and FLRS might fit together was felt to be worthwhile to increase the focus on food standards even further: making food standards feed into information visible to consumers may in turn act as an incentive for FBOs to raise their game.

Recommendations for further research

This evaluation identified several areas of interest that were outside its scope, but which might be explored through additional targeted research. These include:

- **Assessing the proportionality and accuracy of business groups.** This could involve analysing the distribution of businesses across groups and evaluating whether local authorities are categorising businesses correctly and consistently. This analysis should include an assessment of the effectiveness of groupings for different types of businesses within each group.
- **Analysis on the length of time inspections are taking.** Some stakeholders and local authorities reported that a combined visit under the FLRS takes longer than separate visits. Further research and analysis could be undertaken to verify this claim and to determine the average inspection length under the FLRS.

- **Investigating the effectiveness of FLRS guidance.** By assessing staff feedback on guidance and workshops, further areas for improvement could be identified, ensuring resources are tailored to enhance compliance and operational efficiency across local authorities.

8 Annex A: Topic guides

Local Authority Topic guide

FLRS Evaluation

LA topic guide

J12823

Telephone/Video Call

Aim and objectives

FSS require an evaluation of FLRS to understand how the intervention regime has been implemented and to assess whether the regime has achieved its intended outcomes. The findings from this evaluation will help inform the FSS' work to rebuild a more efficient and effective food law enforcement system.

The specific objectives of the evaluation are to:

- Understand if FLRS has achieved what it was designed to deliver and whether it is fit for purpose.
- Pinpoint key facilitators and barriers for successful implementation and delivery of FLRS.
- Identify any gaps in the food law enforcement delivery model that FLRS does not address.
- Uncover lessons learned from the impact or the implementation of FLRS and consider if these can be taken on board for future development of the food law enforcement delivery model.

A Background

A1 To start, can you tell me a bit about your Local Authority?

- Can you provide an overview of the size and structure?
- How many staff are involved in food law enforcement activities?
- Roughly how many food businesses operate within your jurisdiction?

A2 And can you tell me about your role within the Local Authority?

- What is your job title?
- How long have you been in the role?
- What responsibilities does the role involve?

B Awareness and understanding of FLRS

B1 As mentioned at the outset, we're having this discussion today to help evaluate the Food Law Rating System (FLRS). To kick things off, we would like to get an idea of your own experience with FLRS. Did you have any involvement in its design or in piloting its use?

IF YES:

- What did this involvement look like?
 - When did it start?
 - What was your experience of the design/pilot process?
 - What worked well?
 - What worked less well?
 - What could be improved in terms of *how* the system was developed?
 - What information or guidance was made available to you to help you to understand the FLRS and the reasons for moving to the system?

IF NOT INVOLVED IN FLRS PILOT

B2 How did you first become aware of FLRS?

- Can you recall the approximate time when you first became aware?
- What information or guidance did you use to help you to understand the FLRS and the reasons for moving to the system?
 - To what extent was the information / guidance helpful?

B3 From your perspective, what was the aim behind the introduction of FLRS?

- What was your initial reaction to the concept?
 - Has this changed since you started using FLRS in your day-to-day work?
- How knowledgeable do you feel about how the system should be working?
 - Is anything less clear to you?
 - What further information would be helpful? Who should this come from?

B4 To what extent do you think food business operators are aware of and understand FLRS?

- How, if at all, was information about the system shared with businesses?
- Have they expressed any views on the usefulness of this information?
- Are there specific aspects of FLRS that businesses find it easier / more difficult to understand versus the previous intervention process?
 - What they need to do to prepare for inspection
 - What will happen during an inspection
 - Frequency of inspections (and, related to this, which compliance category they are in and why)
 - What will/could happen after an inspection.
- IF ANY DIFFICULTY: what effect has this had on the Local Authority?
- What is this view based on? Can you share any specific experiences that informed this view

C Implementation and delivery

I'd like to move on now to discuss the process and experience of implementing the Food Law Rating System (FLRS).

C1 Can you tell me about how FLRS has been introduced by your Local Authority?

- Has your Local Authority been able to fully implement FLRS?
 - If NO: what has prevented this? What progress have you made to date?
- What activities were / are being undertaken to accommodate the new system?
 - Training; comms; new processes / systems; resourcing (staff time and funds) etc.
 - Can you talk me through the activities step-by-step?
- What resources, if any, did you engage with to inform how the system was introduced?

C2 Overall, how would you describe your Local Authority's experience of introducing FLRS?

- What worked well in terms of how it was introduced?
- What challenges, if any, did you encounter?
 - What did you do to try to overcome these challenges?
 - How successful were you in overcoming them?
- What, if anything, would have made the introduction easier?
- IF TOOK PART IN DESIGN/PILOT: What have you learnt or changed as a result of being involved in the design and piloting phase which informed your approach?

C3 How would you describe your Local Authority's experience of delivering the system day-to-day?

- How does FLRS compare to the previous food hygiene and food standards regimes?
- What works better, if anything?
- What challenges, if any, do you face?
 - Are these challenges new or did they also exist under the previous systems?
 - What have you done to try to overcome these challenges?
 - How successful have you been in overcoming any challenges?
- How, if at all, has your experience of FLRS changed over time?
- What, if anything, would make FLRS easier to implement?

C4 And with regards to food business operators, have you had any feedback from them about how they find the FLRS?

- How did you obtain this feedback? (anecdotal or systematically collected)
- Generally positive or negative feedback?
- From their perspective, how does FLRS compare to the previous food hygiene and food standards regimes?

- What challenges, if any, do they face?
 - Are these challenges new or did they also exist under the previous system?
- How, if at all, has their experience of FLRS changed over time?
- What, if anything, could be done to improve the experience of businesses?

D Impact

Let's shift our focus now to think about the effect the Food Law Rating System (FLRS) has had on your Local Authority and food business operators.

D1 Overall, how would you describe the effect the introduction of FLRS has had on your Local Authority?

- How does this compare to the effect you expected FLRS to have?

D2 One of the original objectives of FLRS was to reduce duplication and administrative burden caused by two separate inspection regimes for food safety and food standards. To what extent, if at all, do you think the system has achieved this objective?

- What is this view based on?
 - Can you share any examples where FLRS has successfully streamlined procedures and reduced administrative burden?
 - Can you share any examples where FLRS has had the opposite or no effect in this regard?
- What could be done to make (more) progress towards this objective?

D3 Another one of the original objectives of FLRS was to support a more risk-based approach to inspections - enabling Local Authorities to target resources on high risk and non-compliant businesses, for example through officers spending more of their time in these businesses compared to previously. To what extent, if at all, do you think the system has achieved this objective?

- What is this view based on?
 - Can you share any examples where FLRS has been successful in enabling you to target resources on high risk and non-compliant businesses?
 - Can you share any examples where FLRS has had the opposite or no effect in this regard?
- What could be done to make (more) progress towards this objective?

D4 What effect, if any, has the introduction of FLRS had on....?

- Overall number of visits your officers are undertaking and time associated with inspections
 - Including time to undertake inspections themselves (on site and travel to/from) and any associated administration and enforcement actions.
- Staff roles / responsibilities
 - Any change or expansion in roles and responsibilities
- Recruitment / training
 - Any challenges recruiting staff because of FLRS (e.g. change to time or role)
 - Have staff required further training / support etc
- Costs
 - Both in terms of financial costs and resourcing (numbers of staff, types of staff involved)
- Other

- Attention which officers are giving food standards (compared to food hygiene)
- Relationships with food business operators
- Food business operators' awareness and attitudes towards the legal requirements that apply to food standards and food hygiene

D5 What effect, if any, has the introduction of FLRS had on levels of food business compliance with food hygiene and food standards?

- Have overall levels of compliance improved, worsened, or stayed the same?
- How have you measured this? Have you noticed any change in the balance of non-compliance for food hygiene vs food standards?
- IF INCREASED/DECREASED: What has caused this? Anything specific to FLRS?
- Have FBOs noticed any changes to the way they are inspected since FLRS was introduced?
- Any types of businesses which are doing better or worse under FLRS compared to the previous system?
 - IF SO: Why? What is this view based on? What could be done to help businesses who are finding it more difficult?

D6 Has the introduction of FLRS had any other effects on the Local Authority or food business operators, aside from those we have discussed?

- For whom?
- What has caused this?

Stakeholder Topic guide

FLRS Evaluation Stakeholder topic guide

J12823

Telephone/Video Call

Aim and objectives

FSS require an evaluation of FLRS to understand how the inspection regime has been implemented and to assess whether the regime has achieved its intended outcomes. The findings from this evaluation will help inform the FSS' work to rebuild a more efficient and effective food law enforcement system.

The specific objectives of the evaluation are to:

- Understand if FLRS has achieved what it was designed to deliver and whether it is fit for purpose.
- Pinpoint key facilitators and barriers for successful implementation and delivery of FLRS.
- Identify any gaps in the food law enforcement delivery model that FLRS does not address.
- Uncover lessons learned from the impact or the implementation of FLRS and consider if these can be taken on board for future development of the food law enforcement delivery model.

Interview principles

This guide does not include an exhaustive list of follow-up questions like 'why', 'when', 'how', etc. as participants' contributions will be fully explored in response to what they tell us throughout in order to understand how and why views and experiences have arisen. The order in which issues are addressed and the amount of time spent on different themes will vary between interviews but the key areas for discussion are the same.

Questioning and probing will be framed to ensure we understand participants' situations as they view them. Researchers will adapt the approach, as much as possible, to suit the needs of each participant. The prompts provided are indicative of the types of content we would expect to be covered – this may vary across participants with different characteristics. It is important to note that the direction of the interview will be led by the participant(s) and be conversational in nature.

A Introduction (2-3 mins)

- Good morning / afternoon. My name is [NAME] and I work for IFF Research, an independent research company.
- IFF Research have been commissioned by Food Standards Scotland (FSS) to evaluate the Food Law Rating System (FLRS); to understand how the inspection regime has been implemented across different parts of Scotland and to assess whether the regime has achieved its intended outcomes.
 - IF NECESSARY: The FLRS is the system set up by FSS and Local Authority Environmental Health Services in 2019. It is a new way of evaluating compliance against requirements of food safety and food standards law. Under this system, Environmental Health Officers (EHO) or Food Safety Officers (FSO) visit and assess businesses and the score achieved determines the frequency of future inspections.
- The interview will last up to 60 minutes and will explore your views and experiences to understand the process of FLRS implementation and its impact on organisations like yours, food business operators and consumers.
- **IF PROFESSIONAL BODY REP:** We're aware that some people taking part in these discussions will be coming at FLRS from multiple angles. Please try as best you can to answer questions during this interview from the perspective of your role in [STAKEHOLDER ORG/BODY]. We are also speaking with lead food officers from all 32 Scottish Local Authorities as part of this evaluation (including the one you work/worked for), so we will be covering the experiences of local authorities in other interviews.
- Please be assured the research is not a test of your knowledge or compliance with the regulations within your area. We're just keen to hear your honest views and experiences. If there are any questions you don't know the answers to or you don't want to answer, that's fine. There are no right or wrong answers.
- We also have a mailbox available where you can send feedback on FLRS via email if there is anything that occurs to you after our conversation, or if there is anything you don't feel comfortable sharing during the discussion:
FLRS@Iffresearch.com
- IFF Research is an independent market research company, operating under the strict guidelines of the Market Research Society's Code of Conduct. Any information you provide will be used for research purposes only.
- If you'd like a copy of your data, to change your data, for your data to be deleted or to lodge a complaint, then please follow the process outlined on our webpage: www.iffresearch.com/privacy-policy/
- Check permission to record.

- ADD IF NECESSARY: The recording will be stored on an encrypted area of our server at IFF and only the IFF researchers and IFF's in-house quality assurers will have access to it.
- Any questions for me before we start?

B Background (2-3 mins)

B1 To start, can you tell me a bit about the organisation you worked for at the time of your involvement with the Food Law Rating System (FLRS)?

- Do you still work for this organisation?
IF INDUSTRY/PROF BODY:
- How would you sum up its primary purpose?
- What relationship, if any, did/do you have with:
 - FSS,
 - Local authorities,
 - Food business operators,
 - Consumers.

B2 And can you tell me about your role within the organisation?

- What was/is your job title?
- How long had/have you been in the role?
- What responsibilities did/does the role involve?

C Awareness and understanding of FLRS (10 mins)

C1 Could you tell me how you first become aware of the concept of the FLRS?

- Can you recall the approximate time when you first became aware?
- What information or guidance did you use to help you to understand the FLRS and the reasons for moving to the system?
 - To what extent was the information / guidance helpful?

C2 Just to check, were you involved with any working groups associated with the design and development of the FLRS?

- The Scudamore WG or the FLRS WG.

IF INVOLVED IN WORKING GROUP

C3 Can you talk me through your involvement in the design of FLRS?

- What was your experience of the design process?
 - What worked well?
 - What worked less well?
 - What could have been improved in terms of the design process?

IF NOT INVOLVED IN WORKING GROUP

C4 Were you consulted on the design of FLRS?

- What was your experience of the consultation process?
 - What worked well?
 - What worked less well?
 - What could have been improved in terms of the consultation process?

C5 From your perspective, what was the aim behind the introduction of FLRS?

- What was your initial reaction to the concept?
 - Has this changed since FLRS became operational?
- How knowledgeable do you feel about how the system should be working?
 - Is anything less clear to you?
 - What further information would be helpful? Who should this come from?

IF INDUSTRY REP

C6 To what extent do you think food business operators are aware of and understand FLRS?

- Have they expressed any views on the usefulness of this information?
- Are there specific aspects of FLRS that businesses find easier / more difficult to understand versus the previous inspection regime?
 - What they need to do to prepare for inspection
 - What will happen during an inspection

- Frequency of inspections (and, related to this, which compliance category they are in and why)
 - What will/could happen after an inspection.
- What is this view based on? Can you share any specific experiences that informed this view?
- To what extent were you aware and/ or knowledgeable of the previous inspection regime?

D Implementation and delivery (15 mins)

I'd like to move on now to discuss your organisation's experience around the implementation and delivery of the Food Law Rating System (FLRS). By 'organisation' I am referring to [STAKEHOLDER ORG/BODY]. Throughout this section I'd like you to answer questions from the perspective of your role in [STAKEHOLDER ORG/BODY] at the time of your involvement with the FLRS.

D1 Can you tell me about your organisation's involvement in the introduction and/or roll-out of FLRS?

- What activities were / are being undertaken to accommodate the new system?
 - PROBES: training; comms; new processes / systems; resourcing (staff time and funds) etc.
 - Can you talk me through the activities step-by-step?
- What resources, if any, did you engage with to inform how the system was introduced?

D2 Overall, how would you describe your organisation's experience of the transition to FLRS?

- What worked well in terms of how it was introduced?
- What challenges, if any, did you encounter?
 - What did you do to try to overcome these challenges?
 - How successful were you in overcoming them?
- What, if anything, would have made the introduction easier?

D3 How would you describe your organisation's experience of the system day-to-day, if any?

- How does FLRS compare to the previous food hygiene and food standards regimes?
- What works better, if anything?
- What challenges, if any, do you face?
 - Are these challenges new or did they also exist under the previous systems?
 - What have you done to try to overcome these challenges?
 - How successful have you been in overcoming any challenges?
- How, if at all, has your experience of FLRS changed over time?
- What, if anything, would make FLRS easier to implement?

IF INDUSTRY REP

D4 With regards to food business operators, have you had any feedback from them about how they find the FLRS?

- How did you obtain this feedback? (anecdotal or systematically collected)
- Generally positive or negative feedback?
- From their perspective, how does FLRS compare to the previous food hygiene and food standards regimes?

- What challenges, if any, do they face?
 - Are these challenges new or did they also exist under the previous system?
- How, if at all, has their experience of FLRS changed over time?
- What, if anything, could be done to improve the experience of businesses?

E Impact (25 mins)

Let's shift our focus now to think about the effect the Food Law Rating System (FLRS) has had on your organisation, local authorities and food business operators. As a reminder, by 'organisation' I am referring to [STAKEHOLDER ORG/BODY]. Throughout this section I'd like you to answer questions from the perspective of your role in [STAKEHOLDER ORG/BODY] at the time of your involvement with the FLRS.

E1 Overall, how would you describe the effect the introduction of FLRS has had?

- How does this compare to the effect you expected FLRS to have?
- Has your level of involvement in food safety and standards changed as a result of the introduction of FLRS?
- *IF INDUSTRY REP*: what effect has it had on your members?

IF PROF BODY, CURRENT FSS STAFF OR INDUSTRY REP

E2 One of the original objectives of FLRS was to reduce duplication and administrative burden caused by two separate inspection regimes for food safety and food standards. To what extent, if at all, do you think the system has achieved this objective?

- What is this view based on?
 - PROBE FOR SPECIFIC EXAMPLES / EVIDENCE
 - Can you share any examples where FLRS has successfully streamlined procedures and reduced administrative burden for local authorities or food business operators?
 - Can you share any examples where FLRS has had the opposite or no effect in this regard?
- What could be done to make (more) progress towards this objective?

IF PROF BODY, CURRENT FSS STAFF OR INDUSTRY REP

E3 Another one of the original objectives of FLRS was to support a more risk-based approach to inspections - enabling Local Authorities to target resources on high risk and non-compliant businesses, for example through officers spending more of their time in these businesses compared to previously. To what extent, if at all, do you think the system has achieved this objective?

- What is this view based on?
 - PROBE FOR SPECIFIC EXAMPLES / EVIDENCE
 - Can you share any examples where FLRS has been successful in this regard?
 - Can you share any examples where FLRS has had the opposite or no effect in this regard?
- What could be done to make (more) progress towards this objective?

E4 What effect, if any, has the introduction of FLRS had on....?

- Recruitment / training of staff
 - Any challenges recruiting staff because of FLRS (e.g. change to time or role)
 - Have staff required further training / support etc
- Costs
 - Both in terms of financial costs and resourcing (numbers of staff, types of staff involved)

IF PROF BODY, CURRENT FSS STAFF

- Food business compliance with food hygiene and food standards
 - Any types of business which are doing better or worse? What is that view based on?
- Staff roles / responsibilities
 - Any change or expansion in roles and responsibilities

IF INDUSTRY REP

- Other
 - Relationships with food business operators
 - Food business operators' awareness and attitudes towards the legal requirements that apply to food standards and food hygiene

E5 Has the introduction of FLRS had any other effects on your organisation, local authorities, or food business operators, aside from those we have discussed?

- For whom?
- What has caused this?

F Close (5 mins)

F1 If you were to suggest one change about how to improve FLRS, what would it be?

- What effect would this have?
 - Your organisation
 - Local authorities
 - Food business operators
 - Consumers

F2 Thank you for your time before we finish, do you have any other comments that you would like to add about what we've discussed today?

- We also have a mailbox available where you can send feedback on FLRS via email if there is anything that occurs to you after our conversation, or if there is anything you don't feel comfortable sharing during the discussion:
FLRS@lffresearch.com

F3 Would you be willing for us to call you back if we need to clarify any of the information you have provided today...?

Yes	1
No	2

F4 Would you be willing for us to use quotations from this discussion? These would be included in any reporting on an anonymised basis, so you won't be identifiable from what you say.

Yes	1
No	2

On behalf of IFF and the FSS, thank you very much for participating in the research.

I declare that this interview has been carried out under IFF instructions and within the rules of the MRS Code of Conduct.		
Interviewer signature:	Date:	
Finish time:	Interview Length	Mins

“

IFF Research illuminates the world for organisations businesses and individuals helping them to make better-informed decisions.”

Our Values:

1. Being human first:

Whether employer or employee, client or collaborator, we are all humans first and foremost. Recognising this essential humanity is central to how we conduct our business, and how we lead our lives. We respect and accommodate each individual's way of thinking, working and communicating, mindful of the fact that each has their own story and means of telling it.

2. Impartiality and independence:

IFF is a research-led organisation which believes in letting the evidence do the talking. We don't undertake projects with a preconception of what “the answer” is, and we don't hide from the truths that research reveals. We are independent, in the research we conduct, of political flavour or dogma. We are open-minded, imaginative and intellectually rigorous.

3. Making a difference:

At IFF, we want to make a difference to the clients we work with, and we work with clients who share our ambition for positive change. We expect all IFF staff to take personal responsibility for everything they do at work, which should always be the best they can deliver.



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