



A REPORT FOR THE NATIONAL ASSEMBLY FOR WALES

Review of the Implementation and Operation of the Statutory Food Hygiene Rating Scheme in Wales and the Operation of the Appeals System

FEBRUARY 2015



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Review of the implementation and operation of the statutory Food Hygiene Rating Scheme in Wales and the operation of the appeals system

1 Executive Summary

1.1 The Food Standards Agency (FSA), created in 2000 as an independent government department, is responsible for food safety and hygiene across the UK.

1.2 One of the key outcomes the FSA aims to deliver is that consumers have the information they need to make informed choices about where and what they eat and that regulation and enforcement is risk-based and focused on the protection and improvement of public health.

1.3 In November 2013 The Food Hygiene Rating (Wales) Act (“the Act”) established a statutory Food Hygiene Rating Scheme (FHRS) which, amongst other requirements, made participation in the scheme compulsory for local authorities and the display of food hygiene ratings mandatory for food establishments. Local authorities worked in partnership with the FSA and Welsh Government to successfully implement the statutory Food Hygiene Rating Scheme (FHRS).

1.4 The Act places a duty on the FSA to conduct a review of the implementation and operation of the scheme one year after its commencement, with further reviews following each subsequent period of three years. There is also a duty placed on the FSA to review the operation of the appeals system annually.

1.5 This report fulfils the duties placed on the FSA to review the implementation and operation of the FHRS and the operation of the appeals system.

1.6 The review of the implementation and operation of the FHRS has found that:

- Food business compliance with food safety law has increased since the introduction of the statutory scheme and there is evidence that the scheme is a motivating factor in raising food hygiene standards.
- Consistency in the application of the statutory scheme across Wales has been facilitated through local authorities, the FSA and Welsh Government working collaboratively.
- Consumer awareness and use of the scheme has increased.

- 1.7 The review of the operation of the appeals systems set up under the Act has found that:
- All appeals have been determined in accordance with legislative requirements.
 - Appeals against ratings have been made in 0.5% of cases.
 - 21% of appeals resulted in changes to food hygiene ratings.
- 1.8 As a result of the findings of this review, nine recommendations have been made in connection with the ongoing operation and monitoring of the Food Hygiene Rating Scheme.

2 Introduction

- 2.1 The Food Hygiene Rating (Wales) Act 2013 established a statutory Food Hygiene Rating Scheme (FHRS) in Wales which came into force on the 28th November 2013. The details of how the statutory food hygiene rating scheme (FHRS) would operate in Wales were contained in Food Hygiene Rating (Wales) Regulations 2013 (“the Regulations”).
- 2.2 The Food Standards Agency report must review the implementation and operation of the food hygiene rating scheme established under the Food Hygiene Rating (Wales) Act. The FSA must also review the operation of the appeals system. The two reports have been presented in this one document for ease of reference.
- 2.3 Food authorities (local authorities) are required to inspect food business establishments in their area and produce food hygiene ratings for them, using criteria published by the FSA. The operator of an establishment that has been rated is provided with a sticker (or stickers) showing their food hygiene rating which they are required to display in one or more prescribed positions at their establishment. The FSA is required to publish the rating and other information on its website.
- <http://ratings.food.gov.uk/>
- 2.4 In addition, the operator is required to ensure that anyone who asks for verbal confirmation of a rating is given that information. The Regulations make provision for the effective operation of the statutory scheme.
- 2.5 The Act also places a number of duties on the FSA including that of reviewing the implementation and operation of the FHRS established under the Act at the end of the first year of the operation of the scheme and to lay a report before the National Assembly for Wales. A copy of any such report must be sent to Welsh Ministers.
- 2.6 This report has been drafted to meet the requirements of the Act referred to above.
- 2.7 Although this report relates to the first 12 months of the operation of the scheme, it should be noted that some significant changes came into effect immediately on the anniversary of the introduction of the statutory scheme in Wales. These were the extension of the scheme to include business to business trade establishments, and commencement of the publication by the FSA of a narrative breakdown of the ratings on the food hygiene rating website. This enables consumers to see how well businesses did in relation to each of the three rating criteria and to make informed choices.

3 Background

- 3.1 The FSA had originally developed a non-statutory food hygiene rating scheme in consultation with consumer, industry and local authority stakeholders for implementation across Wales, England and Northern Ireland. (A different scheme operates in Scotland). The aim of the scheme was to provide information to consumers on the hygiene standards of food businesses. The FSA Board approved the scheme in November 2008. The FSA produced guidance for local authorities in order to aid consistency. When developing the statutory FHRS in Wales the Welsh Government modelled it on the non-statutory scheme already operational in Wales. This scheme was working well in Wales and it seemed sensible to adopt it as a statutory one as far as was practicable but with significant developments.
- 3.2 All Welsh local authorities implemented the non-statutory scheme from 1 October 2010, and it applied to all businesses selling food directly to the public. The scheme became known in Wales as the “non-statutory” scheme in order to distinguish it from the statutory scheme introduced by the Act in 2013. Although the display of FHRS stickers was optional for food businesses, they had no choice about whether they were included in the scheme or having their rating published on the FSA website.
- 3.3 On 12 July 2011 the First Minister announced the Welsh Government’s intention to introduce a new statutory Food Hygiene Rating Scheme to help improve food safety and provide consumers with easily understandable information about food hygiene standards

4 Local authority functions

- 4.1 Under the Act local authorities are required to inspect food business establishments in accordance with a programme they have prepared and kept under review, having regard to matters specified by the FSA and approved by Welsh Ministers. The matters specified by the FSA must include an assessment of the levels of risk to public health:-
- (a) associated with the type of food handled by an establishment,
 - (b) associated with the method of handling the food, and
 - (c) arising from the record of compliance with food hygiene law at the establishment.
- 4.2 Where a food business establishment has been inspected in accordance with the Act, a local authority must assess the food hygiene standards of

the establishment and produce a food hygiene rating (a “rating”) for that establishment scored against criteria set out by the FSA (the “rating criteria”).

4.3 Ratings are determined by local authority food safety officers after they have examined three specific areas of compliance with food hygiene legislation that the Food Law Code of Practice (Wales) requires them to consider when carrying out inspections as part of their statutory obligations. The frequency of inspections is set out in the Food Law Code of Practice (Wales). Ratings are determined by the mapping of three Food Law Code of practice “scores” to one of six food hygiene ratings. All businesses should be capable of achieving the top rating. The three areas examined, to which the scores relate and which determine the FHSR rating are:-

- how hygienically the food is handled – how it is prepared, cooked, reheated, cooled and stored;
- the condition of the structure of the buildings – the cleanliness, layout, lighting, ventilation and other facilities;
- how the business manages and records what it does to make sure food is safe.

4.4 Local authorities are required to send food business operators notification of their rating within 14 days of the inspection, the reasons for the rating and an appropriate food hygiene rating sticker. They must also notify them of their right of appeal, their right of reply, and their right to request a re-rating inspection.

4.5 By 28 May 2015 local authorities are also required to “migrate” any businesses to the statutory scheme which are not due to be inspected by that date, and which have a sticker determined under the non-statutory scheme. As a result of consultation responses on the Regulations the period for completion of this exercise was extended from 12 months to 18 months. Local authorities have reported that this is not always a straightforward administrative exercise and that some additional visits are being made as part of the migration process.

5 FSA duties

5.1 The Act places a number of duties on the FSA and requires it to have regard to guidance issued by the Welsh Ministers in exercising these functions. These are;

- To publish the matters to which a local authority must have regard when preparing and keeping under review an inspection programme.
- To publish the rating criteria against which a food hygiene rating is determined.
- To conduct a review of the operation of the appeals process at the end of the period of 1 year beginning with the commencement of the scheme, and each subsequent period of 1 year.
- To review the implementation and operation of the FHRs at the end of the period of 1 year beginning with the commencement of the scheme, and each subsequent period of 3 years.
- To make recommendations to local authorities to assist them to comply with their responsibilities under the scheme.
- To promote the scheme to food business establishments and consumers in Wales.
- To supply food hygiene rating stickers in the prescribed form to local authorities without charge.

5.2 The FSA must lay the reports referred to above before the National Assembly for Wales no later than 3 months after the end of the period to which they relate.

5.3 The reports will contain;

1. Details of the reviews that were undertaken.
2. The recommendations for change, if any, to the FHRs it considers appropriate and its reasons for reaching that conclusion.
3. The recommendations for change, if any, to the appeals process it considers appropriate and its reasons for reaching that conclusion.

5.4 The FSA must send a copy of each report to the Welsh Ministers.

6 Engagement with local authorities in Wales

6.1 The Welsh Food Hygiene Rating Group (consisting of FSA and local authority representatives) was established in November 2009, before the introduction of the non-statutory scheme in 2010. Its work has continued since with the introduction of the statutory scheme. It meets on a quarterly basis. Welsh Government officials have attended meetings since 2012 in order to brief the Group on the requirements of the Act, discuss the

implementation of the statutory scheme and issues of mutual interest, for example consistency in local authority delivery of food law enforcement inspections.

- 6.2 In addition, between 2012 and 2014 there have been three meetings for the lead food safety officers of all Welsh local authorities and the statutory FHRIS scheme is a standing item on the agendas of all three local authority regional liaison group meetings. Welsh Government officials also attended lead officer meetings to assist with the implementation of the statutory FHRIS in Wales.

7 Consistency training for local authorities

- 7.1 It is recognised by all parties, including consumers, businesses and local authorities that consistency amongst those determining ratings is vital to the success of the scheme. Prior to the implementation of the statutory scheme the FSA held four training courses which were attended by more than 160 local authority officers. This training included practical workshops designed specifically to consider the three Food Law Code of Practice criteria that are used to assess compliance and determine ratings. There was also focus on the legal obligations that the Act places on local authorities and the FSA as well as businesses.
- 7.2 Other training courses, such as those on the FSA's control of cross contamination guidance have included content relevant to the FHRIS.
- 7.3 Local authorities continue to carry out consistency exercises. In addition to many that have taken place within individual local authorities, a national programme has been implemented. This has been led by a senior food safety officer working for Powys County Council with the full endorsement and support of the FSA. Three courses have been held in venues in south east, south west and north Wales and they have been attended by 139 officers. These courses have featured a number of workshop scenarios on different types of food businesses with varying levels of compliance with food hygiene legislation.
- 7.4 The aim of the events was to ensure the consistent application of the scheme by officers within authorities and across Wales, who were able to discuss and agree appropriate ratings for a variety of scenarios.

Recommendation 1

Local authorities should continue to engage in consistency training exercises with the assistance of the FSA.

8 Statutory guidance for local authorities

8.1 The FSA and the Welsh Government have jointly produced comprehensive statutory guidance for local authorities on operating the FHRS.

<http://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/fhrs-wales-food-authorities-guidance.pdf>

9 Welsh Government grants to local authorities

9.1 To assist local authorities with their implementation of the statutory FHRS in Wales a total amount of £110,000 each year was made available as grants for 2013-14 and 2014-15. Of this total amount, each local authority was allocated £5,000 each year. In addition, a further £25,000 for the whole of Wales was made available to local authorities over the two years. This was proportionally allocated according to the number of relevant food businesses per local authority.

10 Engagement with food businesses

10.1 As the coming into force date of the Act approached there was an enhanced desire amongst many businesses to improve their standards of food hygiene and achieve a higher rating before they were compelled to display their rating stickers. This was reflected by increasing numbers of requests for re-rating visits to local authorities under the non-statutory scheme. A total of 1,588 re-rating inspections were made between 1 January and 28 November 2013, an increase of 673 on the previous year.

10.2 The FSA has provided ongoing support for local authorities to help businesses meet their obligations regarding documented food safety management procedures. This is an area where smaller businesses sometimes have difficulties and which impact on FHRS ratings. This work is in addition to the statutory duties of local authorities.

10.3 The FSA has also supported Welsh food businesses and local authorities by making copies of “Safer food, better business” (SFBB) packs available

free of charge. SFBB was developed by the FSA to help smaller food businesses with their legal obligations regarding food safety management procedures.

11 Communicating with consumers in Wales

11.1 Since the Act came into force at the end of November 2013 there has been publicity building upon the foundation of earlier awareness-raising campaigns.

11.2 With an overarching campaign headline of 'Recipe for a great meal out' the first focus was on eating out at Christmas and promoting that when planning a festive meal out with family or friends, or just seeking a quick lunch while Christmas shopping, consumers shouldn't just be considering the menu – but making sure the food hygiene rating was checked too. Running from early December 2013 this campaign used paid-for advertorial and editorial print and social media coverage. Toolkits were also provided for local authority use with their local media. This has been an effective way of reaching consumers through regional media who appreciate the local dimension brought by comments from elected council members.

<http://www.food.gov.uk/news-updates/news/2013/5889/christmas>

11.3 The second phase was in February 2014, in the run up to Valentine's Day. This campaign took the same approach when focusing on restaurant bookings for celebrations with loved ones. Again this utilised a paid-for advertorial route with social media and toolkits provided for local authority use.

<https://www.food.gov.uk/news-updates/campaigns/valentines>

11.4 A final phase in this activity targeted people planning staycations or days out in Wales. Good food is an integral part of leisure occasions and the campaign was designed to encourage visitors, as well as local residents, to keep food hygiene standards and the rating scheme in front of mind when deciding where to eat out in unfamiliar surroundings during their days out or holidays in Wales. Toolkits were made available to local authorities and for tourism leads. Social media and digital platforms were also utilised, targeting not only consumers in Wales, but also those in England searching online for key destinations in Wales within a four hour drive.

<https://www.food.gov.uk/news-updates/campaigns/staycation-toolkit-2014>

- 11.5 In November and December 2014 a further campaign encouraged consumers to 'Look before you book' when planning office Christmas parties and meals out with family and friends. As well as social media being a key channel for this campaign, a public relations exercise focused on securing messaging coverage in more traditional channels such as broadcast and print. Local authorities were also important in securing coverage in local papers.

<https://www.food.gov.uk/news-updates/news/2014/13198/look-before-you-book>

12 Operation of the Food Hygiene Rating Scheme

- 12.1 Immediately prior to the commencement of the statutory FHRS there were some 19,500 food businesses in Wales with ratings on the FSA website. The total number of Welsh food businesses with ratings on the FSA website is now 25,274. Of these 13,865 statutory ratings were issued by Welsh local authorities in the first 12 months of the statutory scheme. Any business that currently has a rating under the non-statutory scheme, and which has not or will not be inspected by 28 May 2015, will need to be “migrated” to the statutory scheme within 18 months of the commencement of the scheme in accordance with the legislation. Local authorities have reported that the migration process is not always straightforward and sometime requires additional visits to food businesses to be made.

Recommendation 2

This report is statistically updated with regard to migration, ratings issued, requests for re-rating inspections and appeals within three months of 28 May 2015.

- 12.2 Local authorities report that some low risk businesses may not be inspected or have their rating determined due to risk based prioritisation of their work. This may not always be in conflict with the requirements of the Food Law Code of Practice (Wales) which allows for local authorities to adopt alternative enforcement strategies.
- 12.3 Local Authorities have commented on the demands to maintain some elements of the scheme, for example, carrying out requested re-rating inspections and completing the migration process. There have also been

comments made about the time consuming nature of taking enforcement action to ensure that stickers are displayed.

Recommendation 3

The FSA considers the requirements of the Food Law Code of Practice (Wales) with regard to the approach for managing interventions at low risk food establishments.

- 12.4 As a result of making improvements and achieving higher FHRs ratings some businesses are likely to be scored differently under the Food Law Code of Practice and inspected be at a different frequency. Typically this could be from an annual frequency of 12 months to 18 months or from 18 months to two years. It is not possible at this stage to quantify this movement but it will enable food authorities to focus even more on those businesses with a rating of less than 3 and continuing to reduce their number.

Recommendation 4

The FSA and local authorities consider the impact of changes to inspection frequencies.

13 Requests for re-rating inspections

- 13.1 Welsh food businesses have made 718 requests for re-rating inspections with 604 being carried out in the 12 month period of this review. The majority of the remainder of the requests were made towards the end of the first 12 months of the operation of the scheme, and re-inspections are required to be made within three months of these requests. There were a small number of requests made which did not meet the conditions of the Act. In total 94.8% of businesses making and paying for a re-rating visit made food hygiene improvements that resulted in a higher FHRs, with 3.8% staying the same and 1.4% resulting in a lower rating where compliance with food hygiene legislation had in fact deteriorated.

14 Right to reply

- 14.1 The Act provides food business operators with an additional safeguard, through the “right to reply” facility. The purpose of this is to enable the food business operator to give an explanation of actions that have been taken following the inspection at which the rating was given, or to give any information on particular circumstances at the time of the inspection, rather than to complain or criticise the FHRS or ‘inspecting officer’. The “right to reply” comments must be made in writing and submitted to the local authority. A standard template form is available although there is no requirement for this form to be used. Food business operators are free to submit their comments in a different written format, clearly marked as their “right to reply” comments. The text will be published by the FSA at www.food.gov.uk/ratings
- 14.2 Any “right to reply” that contains offensive, defamatory, clearly inaccurate or irrelevant remarks is unacceptable. In such cases the food business operator will be advised that the text does not meet the requirements and will be invited to revise.
- 14.3 During the first 12 months of the operation of the scheme, eight “rights to reply” were made. Although businesses are informed of this facility when they are notified of their rating the use is very low.

Recommendation 5

Local authorities and the FSA should further promote and support food business operators to make use of the “right to reply” facility.

15 Operation of the appeals system

- 15.1 The Act places a duty on the FSA to conduct a review of the operation of the appeals system. This is to be carried out one year after the commencement of the Act and at each subsequent year.
- 15.2 The Act also sets out when appeals may be made and how they are to be considered by local authorities.
- 15.3 An operator of a food business establishment may appeal to the local authority against a food hygiene rating given to the establishment on the following grounds:
- that the rating does not properly reflect the food hygiene standards at the establishment at the time of the inspection;

- that the rating criteria were not applied correctly when producing the food hygiene rating.
- 15.4 An appeal must be made within 21 days from the date of receipt of notification of the food hygiene rating and must be made in writing on the prescribed form.
 - 15.5 The local authority must determine the appeal and notify the operator of the establishment and the FSA within 21 days from the date on which the appeal was received. A local authority may conduct a further inspection of the establishment for the purpose of considering matters raised in an appeal.
 - 15.6 The Act requires the appeal to be conducted by an authorised officer who was not involved in the assessment of the food hygiene rating that is being appealed
 - 15.7 Welsh Ministers may, by regulations made under the Act, provide for an appeal to be determined by a person other than the local authority.
 - 15.8 Between the coming into force of the Act on 28 November 2013 and 27 November 2014 there were 71 appeals made by businesses regarding FHRS ratings. This represents 0.5% of the total of 13,865 ratings that were issued in the period. Local authorities have submitted copies of the relevant documentation to the FSA.
 - 15.9 The FSA has considered this information in accordance with Welsh Government legislation.
 - 15.10 Each of the appeals was made in accordance with the legislation, determined within the required 21 day period and by an officer not involved in the assessment of the food hygiene rating that was being appealed.
 - 15.11 Of the 71 appeals made, 56 (approximately 79%) remained the same, 14 (approximately 20%) resulted in a higher rating, and one (approximately 1%) resulted in a lower rating.
 - 15.12 A small number of businesses have contacted the FSA with observations that the FSA website does not immediately reflect an improved rating, for example, as a result of a successful appeal or improvements made prior to a re-rating inspection. This is because the new rating, unless it is a 5 rating, does not become valid until the appeal period has expired, and the FSA website will continue to display the previous rating. In order to aid clarity the FSA plans to make changes. Website entries for these businesses will include the wording “new rating to be published soon”.

- 15.13 The system is being implemented in accordance with the requirements of Welsh Government legislation. Of those that appealed 21% resulted in revised ratings.

Recommendation 6

The current appeals system is maintained and further reviewed by the FSA in 12 months in accordance with the Act.

16 Compliance by businesses and enforcement

- 16.1 Welsh Government and FSA statutory guidance for local authorities on enforcement suggests that they should work with food businesses wherever possible to resolve issues voluntarily and that formal enforcement action should only be taken when informal approaches of education and advice have failed. Local authorities have issued increasing numbers of warnings for non-display of stickers. There have been individual cases of businesses either refusing to display their sticker or placing it in such an inconspicuous position that it is not considered to be displayed in accordance with the requirements of the Act and Regulations. This has led to the service of 43 fixed penalty notices and seven successful prosecutions with fines ranging from £150-£200.
- 16.2 Emerging evidence from recent research carried out for the FSA indicated that some businesses continue to display their non-statutory sticker after being sent their statutory sticker, with a small number displaying both. In the majority of cases the ratings were the same. There is also evidence that a number of businesses, especially those with 0, 1 or 2 rated stickers are failing to display them.

Recommendations 7, 8 and 9

Local authorities should ensure that all businesses are aware of the requirement to display the statutory sticker even when the rating remains unchanged from the non-statutory scheme.

Local Authorities should ensure that businesses are informed and aware of the need to remove previously issued non-statutory stickers.

Local authorities should consider expanding their approach to monitoring the display of stickers, and use a proportionate enforcement approach to ensure that businesses, particularly those rated 0, 1 and 2, display their statutory stickers.

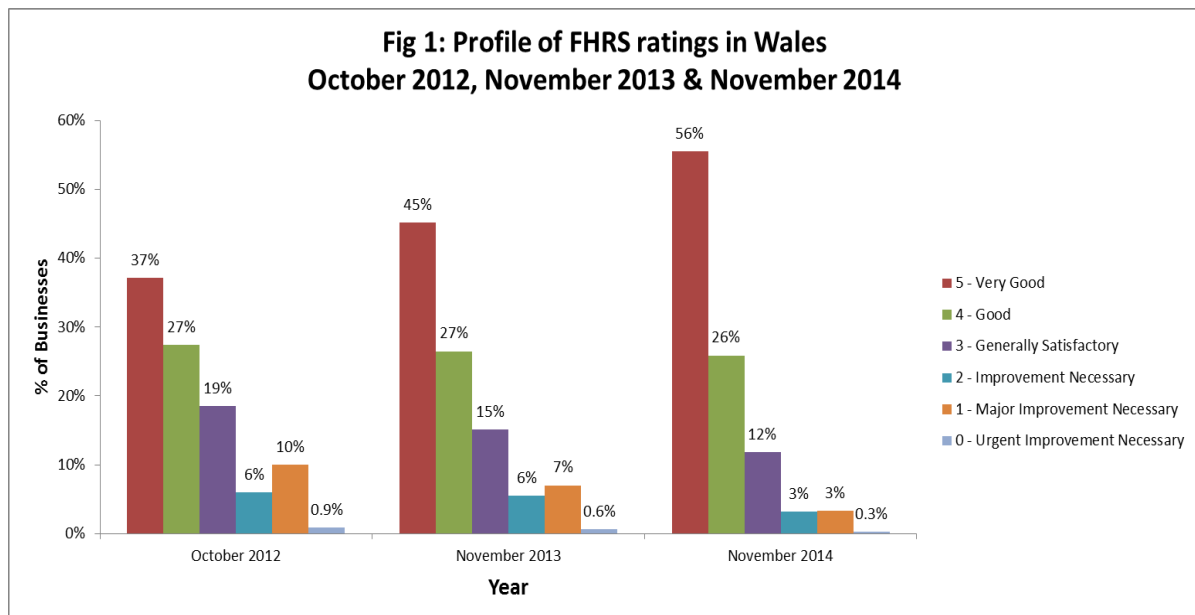
17 Consumer awareness – research findings

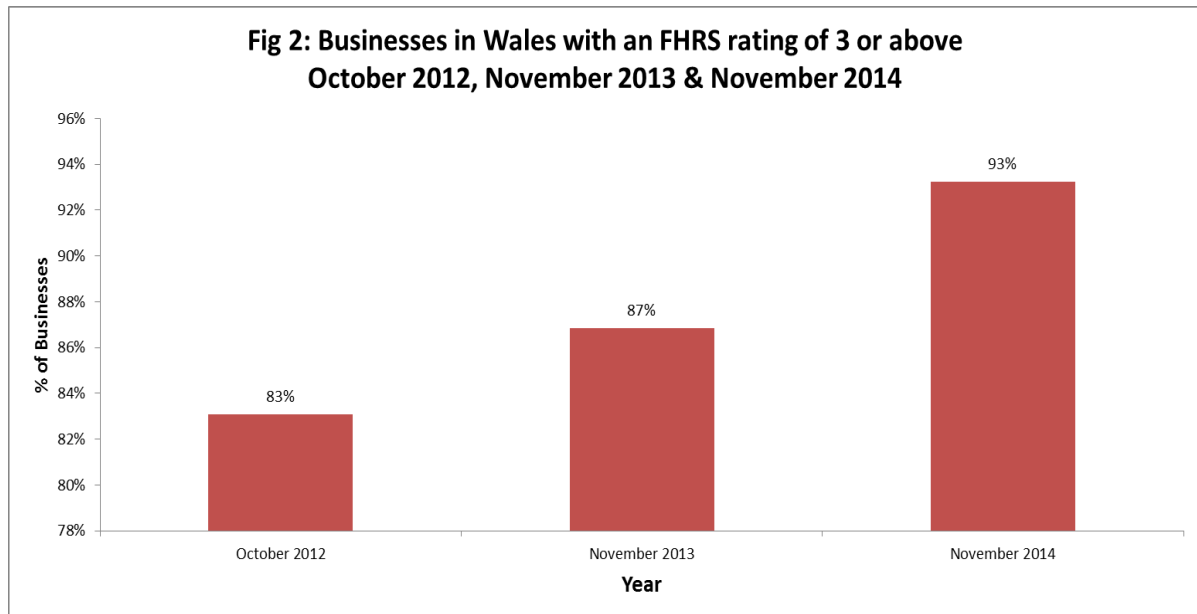
- 17.1 “Food and You” is the FSA’s flagship consumer survey. It is a biennial survey, with previous waves conducted in 2010 and 2012. The survey is used to collect information about reported behaviors, attitudes and knowledge relating to food issues. It provides data on people’s reported food purchasing, storage, preparation, consumption and factors that may affect these, such as eating habits, influences on where respondents choose to eat out and experiences of food poisoning. Wave 3 of the survey consisted of 3,453 interviews across the UK among a representative sample of adults aged 16 and over. The samples in Wales were boosted to enable more detailed analysis at a country level. Fieldwork was carried out between March and August 2014.
- 17.2 Part of the survey reports findings relating to eating outside the home. This includes frequency of eating out and the types of establishments visited; perception of food standards and hygiene when eating out; and awareness and use of hygiene standard indicators, including the FHRS.
- 17.3 In the 2014 “Food and You” survey, recognition of the FHRS in Wales was reported by 72% of respondents. The vast majority (94%) who recognised the associated sticker said that they had seen it in the window or door of a food establishment. Around a third of respondents (35%) reported having used the hygiene rating scheme in the past 12 months to check an establishment’s rating before deciding to eat there. In earlier research carried out in 2012, when display was voluntary, this figure stood at only 13%.
- 17.4 Among respondents using the scheme, 83% said they had used the information on the establishment’s door or window and 29% reported that they had checked the rating on the internet. Of those who had used the scheme, 94% said they found it helpful.
- 17.5 The FSA also conducts a tracking survey among consumers in order to monitor consumer attitudes towards the FSA and food-related matters. The most recent Tracker survey was carried out in November 2014.
- 17.6 Some 75% of Welsh respondents reported having seen the FHRS sticker, suggesting that the visual appearance of the sticker is key to awareness of the scheme. A total of 89% of respondents were in favour of mandatory display and 85% reported seeing a business displaying a rating.
- 17.7 Respondents were more likely to use the FHRS in relation to restaurants and take away businesses.

18 Impact of Scheme

18.1 An assessment of the impact of the statutory scheme should not be restricted to the first 12 months of its operation. This is because many businesses were motivated to make improvements in the months before the legislation came into force. From January 2013 until the Act came into force on 28 November, some 1,588 requests were made for a re-rating under the non-statutory scheme, a significant increase on the 918 that were made the previous year. The requirement for food businesses in Wales to display their food hygiene rating sticker has built significantly on the positive effects of the non-statutory scheme.

18.2 In October 2012 the number of Welsh food businesses with a rating of 5 was 37% with 83% having a rating of 3, 4 or 5. By November 2013, just prior to the coming into force of the legislation, the number of businesses with a 5 rating was 45% with 87% having a rating of 3 or above. Since the statutory scheme was introduced the ratings of Welsh food businesses continues to rise significantly. By the end of the first 12 months of the operation of the scheme 56% of Welsh food businesses had a rating of 5 (fig 1) with 93% having a rating of 3, 4 or 5.(fig 2).





18.3 Since the statutory scheme came into effect the number of businesses with a 0 rating has fallen from 0.6% to 0.3%.

18.4 It should be noted that local authorities will take follow up action in relation to businesses that have been rated as 0, 1 or 2 rated in accordance with an enforcement re-visit policy agreed by all Welsh local authorities.

18.5 Local authorities have adopted policies of requiring mobile food establishments to have a minimum FHRs rating of 3 when attending local authority sponsored events in their area. This gives greater assurance on the standard of food hygiene at these events.

19 Conclusions

19.1 Wales has led the way in the UK by introducing a statutory FHRs and the operation of the first 12 months can be considered as highly successful in terms of raising food hygiene standards and consumer awareness.

19.2 All Welsh local authorities are operating the FHRs scheme and the appeals system in accordance with the Act and statutory guidance. Their commitment in delivering the scheme for consumers is to be commended.

19.3 The statutory scheme has built significantly on the non-statutory scheme that was introduced across Wales in 2010. It has removed what was seen by consumers as a considerable disadvantage of that scheme, i.e. the ability of a food business operator to choose not to display their sticker. FSA research has indicated that consumers are far more likely to look for and use FHRs sticker information at the premises than to search for ratings on-line.

- 19.4 The FHRS is considered an extremely valuable addition to Welsh local authorities carrying out their statutory food hygiene functions. Operation of the scheme has now become “business as usual” though it is recognised that additional resources have been needed to implement and operate it.
- 19.5 The ratings of Welsh food businesses, and hence the food hygiene standards in those food businesses, rose significantly in the lead up to the Act coming into force and in the first 12 months of its operation.

20 Recommendations

20.1 The FSA is making the following recommendations:

- 1. Local authorities should continue to engage in consistency training exercises with the assistance of the FSA. (paragraph 7.4)**
- 2. This report is statistically updated with regard to migration, ratings issued, requests for re-rating inspections and appeals within three months of 28 May 2015. (paragraph 12.1)**
- 3. The FSA considers the requirements of the Food Law Code of Practice (Wales) with regard to the approach for managing interventions at low risk food establishments. (paragraph 12.3)**
- 4. The FSA and local authorities consider the impact of changes to inspection frequencies. (paragraph 12.4)**
- 5. Local authorities and the FSA should further promote and support food business operators to make use of the “right to reply” facility. (paragraph 14.3)**
- 6. The current appeals system is maintained and further reviewed by the FSA in 12 months in accordance with the Act. (paragraph 15.13)**
- 7. Local authorities should ensure that all businesses are aware of the requirement to display the statutory sticker even when the rating remains unchanged from the non-statutory scheme. (paragraph 16.2)**
- 8. Local Authorities should ensure that businesses are informed and aware of the need to remove previously issued non-statutory stickers. (paragraph 16.2)**
- 9. Local authorities should consider further ways of monitoring the display of stickers, and use a proportionate enforcement approach to ensure that businesses, particularly those rated 0, 1 and 2, display their statutory stickers. (paragraph 16.2)**