
FOOD HYGIENE RATING SCHEME – UPDATE AND NEXT STEPS

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1 SUMMARY

- 1.1 The Food Hygiene Rating Scheme (FHRS) for England, Wales and Northern Ireland is now operating in all but one local authority, display of ratings at premises in Wales has been mandatory for over a year, and good progress is being made towards mandatory display in Northern Ireland. Given this, it is timely to update the Board on the scheme's impact to date, and to consider next steps.
- 1.2 This paper includes a report of where we have got to so far with FHRS and outlines the findings of independently conducted research and monitoring activities undertaken to evaluate its impact (and that of the Food Hygiene Information Scheme in Scotland). These findings and direct feedback from consumers, local authorities and industry show that consumer use of the FHRS is steadily increasing and that hygiene standards in food businesses are significantly improving. They also highlight an increasing tension between using the scheme to reduce inspection frequency for compliant businesses and consumers' confidence in 'older' ratings.
- 1.3 The paper also sets out proposed next steps for the short, medium and longer term. These aim to maximise the scheme's potential to deliver consumer benefits, to safeguard its credibility and to ensure its future sustainability.

The Board is asked to:

- **Note:** progress on the roll-out of the FHRS (and FHIS) to food businesses and the impact the scheme has had;
- **Agree:** the support arrangements for FHIS post-April 2015;
- **Agree:** the proposed short and medium term next steps including the approach to developing the case for mandatory display in England; and
- **Agree:** that options for the long term sustainability of FHRS should be developed and tested as part of the Regulatory Strategy and brought back to the Board for consideration.

2 INTRODUCTION

- 2.1 The Food Hygiene Rating Scheme (FHRS) provides transparency about the hygiene standards in food businesses in England, Wales and Northern Ireland. The FSA's objectives in introducing it were to empower consumers by offering them information in a form that helped them make choices and incentivise businesses to improve hygiene standards. The Food Hygiene Information Scheme (FHIS) operating in Scotland has similar aims.

- 2.2 The FHRS was launched in late 2010 and local authority uptake following that progressed rapidly such that the scheme is now well bedded in. All but one authority (Rutland County Council) in the three countries is now operating the scheme and information is available on the FSA website on over 440,000 food businesses. The FHIS is now operating across Scotland.
- 2.3 The FHRS was put on a statutory footing in Wales in November 2013 to provide for mandatory display of FHR ratings at food premises. The transition from the voluntary scheme to the statutory scheme is due to be complete in May this year. Northern Ireland is set to follow suit with draft legislation introducing mandatory display currently being considered by the Northern Ireland Assembly, and the FSA strategy for 2015 to 2020 highlights that pressing the case to extend this to England is a priority.
- 2.4 A major evaluation exercise to explore the impact of FHR has now reported and the findings of this and other research undertaken provide a good picture of how the scheme is working and the challenges that lie ahead. A report has also been presented to the National Assembly for Wales on the first year of operation of the statutory scheme and the changes in the ratings profile over that period.
- 2.5 In light of the above, it is timely to update the Board on the impact of the FHR to date, and to consider next steps. Responsibility for the FHIS will pass to Food Standards Scotland from 1 April so it is also timely to agree ongoing support and liaison arrangements for the FHIS.

3 STRATEGIC AIMS

- 3.1 The FSA Strategy for 2015 to 2020 highlights that we will step up and speak out for consumers about their interests in relation to food and find ways to support them in becoming informed and empowered. The FHR is a key part of this and underpins delivery of 'the right to make choices knowing the facts'.
- 3.2 The transparency the scheme provides aims to drive improved and sustained business compliance and, in turn, public health protection. It is a good example of how we are already using incentives to drive businesses to behave in ways that benefit consumers. As such the objectives set out when the Board first agreed to introduce a national scheme remain valid and relevant.

4 EVIDENCE

- 4.1 The evaluation exercise was commissioned in 2011 and ran to mid-2014. This explored the operation of the FHR (and FHIS) and the views of local authorities, consumers and businesses. It also considered the impact on compliance with food hygiene law and on the incidence of foodborne illness. Additional research over this period was undertaken to monitor the proportion of businesses voluntarily displaying ratings and to explore with businesses the reasons for display or non-display. Consumer awareness, recognition and use has been tracked through the FSA's 'Food and You' surveys and the Biannual Public Attitudes Tracker surveys. The main findings of the evaluation and

research are set out in the FHRS progress report at [Annex A](#). The report to the National Assembly for Wales on the first year of operation of the statutory scheme is available on the [Assembly's website](#).

- 4.2 The picture so far has been broadly positive. Consumer awareness and reported use of the FHRS have steadily increased to 36% and 20% respectively, and 76% of people recognise the distinctive green and black branding. Those consumers that are aware of the scheme and use the ratings information are very supportive. Local authorities also are supportive and have reported that it is providing an effective tool for driving improved hygiene standards. This is borne out by the impact findings. These showed that there was a significant increase in 'broad compliance' (ratings of 3 to 5) in the first year, and a significant increase in 'full compliance' (rating of 5) in the second year in local authority areas after FHRS was introduced, compared with areas where the scheme was not yet operating. There was also a significant decrease in the proportion of very poorly performing businesses in the first two years after launch. Tracking data on published ratings over the last year shows that there has been a marked increase in businesses with the two top ratings and this is particularly notable in Wales. The views of industry on the scheme are mixed. Voluntary display is still less than 50% but those that do display, report that they are benefiting through increased customer confidence, a better reputation and through more customers.¹
- 4.3 The findings also highlight a number of challenges ahead if we are to maintain the scheme's credibility and sustain and maximise its potential to deliver consumer benefits in the future. There is still a great deal to do in terms of consumer awareness and use. The tracking surveys suggest a preference for finding the ratings outside the premises rather than looking online, so display is key. To display, businesses must have confidence in the scheme but some remain concerned that there is inconsistency between local authorities. Consumers using ratings question the validity of ratings with 'older' inspection dates. Reduced numbers of inspections could potentially devalue the scheme and increase inconsistencies. Improving levels of compliance will increase the length of time between inspections and 'old' ratings may reduce trust in the information and devalue the scheme in the eyes not only of consumers, but also industry and third parties, including the media.
- 4.4 The feedback we have received from stakeholders is generally consistent with the evaluation findings. It also highlights that the scheme is being used in ways not necessarily envisaged when it was introduced. It has provided a performance management tool for multi-site businesses which is helping to improve standards across their estates and by some it is being used to show their customers that they are responsible operators. Businesses are also finding competitive advantages in other ways such as reduced insurance premiums for those with ratings of 3 or above, and access to markets, where trading is restricted commercially to businesses with good ratings.

¹ The findings of the latest display audit are not yet available and it is hoped that these may show an increase in voluntary display following work in 2014/15 to encourage this – see [Annex A](#).

5 DISCUSSION

Support for FHIS

- 5.1 FHIS inspection results are currently published at food.gov.uk/ratings together with FHRIS ratings and it is proposed that, subject to the agreement of Food Standards Scotland once established, this continues. This will ensure that consumers continue to have a single point of access to information on hygiene standards of food businesses across the UK and there is a single set of open data which third parties can use, including multi-site businesses that use this for performance management purposes.
- 5.2 In terms of ensuring commonality of approach between the two schemes, where appropriate, it is also proposed that Scotland continues to be represented on the UK-wide Food Hygiene Ratings Steering Group. This Group was set up to provide the FSA with advice and guidance on operation of the schemes.

Next steps for FHRIS – short and medium term

- 5.3 Proposals for meeting the challenges described in paragraph 4.3 are set out below and aim to:
- give consumers and those making decisions on behalf of other people knowledge to recognise and understand the FHRIS and the trust to rely on the information to make better decisions;
 - provide ratings at the right time and in the right place for them;
 - make it easy for local authorities to manage the FHRIS alongside delivery of their statutory food law regulatory services; and
 - give businesses confidence that FHRIS is operated fairly and consistently.
- 5.4 The proposed activities for the short and medium term are set out below.

Giving people knowledge and understanding of FHRIS

- Continue with seasonal reminders/special occasion approach in 2015/16 to promote the FHRIS to consumers.
- Review the provision of the 'ratings breakdown' on the website for each business in Wales, and consider extending this to Northern Ireland and England – see [Annex A](#).
- Review the impact of extending the FHRIS in Wales to business-to-business traders and, if appropriate, extend the scope of the scheme in the other countries.

Providing ratings at the right time and right place

- Improve the open data for third party use e.g. app developers and food review sites, to provide an effective way for people to engage without having to check our website.
- Identify and work with commercial and public sector partners to embed use of FHRIS in their decisions on food.
- Continue to encourage voluntary display of FHRIS ratings in England through a second programme of local authority grant funding.
- Introduce legislation on mandatory display in Northern Ireland.
- Build the case for mandatory display in England – see below.

Making it easy for local authorities to operate FHRs

- Keep the FHRs 'Brand Standard' guidance and other materials under review.
- Continue to provide consistency training to food safety officers.
- Continuously improve the IT for uploading ratings.
- Support a smooth transition to the statutory scheme in Northern Ireland.
- Review the position on charging for requested re-visits in England.

Increase business confidence

- Monitor local authority operation of FHRs by Inter-authority audits, FSA audit and national consistency exercises.
 - Work with Primary Authorities and Enforcing Authorities to ensure that inspection plans and national inspection strategies for their specific industry partners are used to greatest effect.
 - Continuously improve the FHRs open data so that it facilitates increased use by businesses e.g. for performance management.
 - Keep operation of the business safeguards (appeals, requested re-visits, right to reply) in England under review and, where appropriate and practical, align operation of these with the schemes in Wales and Northern Ireland.
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5.5 To build the case for mandatory display in England, it is proposed to include a comparison of the current voluntary scheme with the statutory scheme in Wales. The ongoing/planned work includes:

- analysis of FHRs data from food.gov.uk/ratings and local authority enforcement and monitoring data (LAEMS) to explore the impact on compliance;
- an independently conducted audit of the proportion of businesses displaying ratings at their premises;
- a telephone survey of food businesses to assess attitudes and reported use of business safeguards etc.;
- an FHRs biannual tracker to assess consumer attitudes, awareness and use;
- exploring further the link between FHRs ratings and the level of public health protection; and
- evaluations of campaign activities.

It is anticipated that the evidence will be available in autumn 2015. Evidence from similar schemes operating in other countries will also be explored.

5.6 The costs and benefits will be set out in an impact assessment which will also take account of local authority information on the demand for appeals, requested re-visits and any impact in Wales in terms of the ongoing monitoring and enforcing of the display requirement.

Next steps for FHRS – longer term²

- 5.7 Although there is anecdotal evidence that FHRS and its local/national profile can help maintain local authority food hygiene resources, the fact that the FHRS is fuelled by inspections represents a real challenge for local authorities in the future.
- 5.8 It is proposed that options for the long term sustainability of FHRS should be developed and tested as part of the Regulatory Strategy and brought back to the Board for consideration. Any options will be considered against the backdrop of the wider work programme on effectiveness and sustainability of the current local authority delivery model. They will also take account of the views of consumers and other stakeholders.
- 5.9 For England, the recommendation made by Lord Young in his 2010 report 'Common Sense Common Safety' to open up inspections to accredited third parties should be explored. This could provide a means of obtaining information on compliance that could be used to supplement or complement local authority inspections. This could be used at least in the case of requested re-visits by businesses where improvements have been made but an inspection is not due. It may also be a means for compliant businesses to get more up-to-date ratings. For Wales and Northern Ireland, this is not an option at present as the primary legislation putting the scheme on a statutory footing in both countries prevents this. The legislation does provide opportunities for securing and tying in local authority resource for food safety on an ongoing basis and it will be important to secure this.
- 5.10 Other issues that might be considered as part of the Regulatory Strategy include extending the FHRS to align with other incentives for businesses to comply with other legal requirements such as on allergens.

6 IMPACT

- 6.1 The FHRS has provided an incentive to improve hygiene standards in businesses to the benefit of consumers. The ongoing and any future evaluation and research work, and direct feedback on the scheme, will be used to help ensure this impact continues and is maximised.
- 6.2 As regards mandatory display in England, and any other proposed policy change, the costs and benefits, as well as wider practical and legal issues, will be considered and set out in detail by developing Impact Assessments. For mandatory display in England, it is anticipated that the Impact Assessment will be completed in the autumn once the evidence to build the case is available.

7 CONSULTATION

- 7.1 Formal public consultations were undertaken prior to introducing legislation for mandatory display in Wales and Northern Ireland, and in due course, will be

² This is the period of the FSA strategy for 2015 to 2020.

undertaken in England. Careful consideration will be given on how to ensure that the views of consumers and of small business may be captured.

- 7.2 The UK-wide Food Hygiene Ratings Steering Group, which is independently chaired and includes consumer, industry and local authority representatives, continues to provide the FSA with advice and guidance on operation of the FHRS. It provides a useful forum for discussion of proposed policy changes.
- 7.3 As regards our local authority partners, the FHRS User Group in England and Implementation and Liaison Groups in Wales and Northern Ireland provide discussion fora and a means to identify and disseminate good practice.

8 LEGAL/RESOURCE/RISK/SUSTAINABILITY IMPLICATIONS

Legal

- 8.1 Provision of charging for requested re-visits in England remains an issue - the Act in Wales and the Bill in Northern Ireland provide for this. To charge, local authorities must have a statutory power to do so and the Brand Standard must be revised. The FSA's view has historically been that the necessary statutory powers are not available but this is being reviewed.
- 8.2 Work is ongoing on the Bill and regulations that will put the FHRS on a statutory footing in Northern Ireland, and consideration is still being given in Wales to further regulations to require businesses to display ratings on publicity material etc. Mandatory display in England will require a robust impact assessment to gain government support and then primary legislation will be required to provide the necessary provisions.

Resources

- 8.3 The next steps set out in this paper, and the provision of ongoing day to day support for local authority delivery of FHRS, constitute a significant work programme. The resources for this are already in place and will be provided principally by the FHRS Team and Regional Team in England and the relevant teams in Cardiff and Belfast.

Risks

- 8.4 The introduction of different legislation in each the three FHRS countries could potentially result in differences to the underpinning framework of the scheme but arrangements for close cross working are safeguarding against this.
- 8.5 As already discussed, the credibility of the FHRS may be undermined if local authorities are unable to inspect all businesses that are covered by the scheme, provide them with ratings and to update these regularly. Overall, improved ratings are likely to result in a reduced inspection frequency which may not meet consumer expectations.

9 CONSUMER ENGAGEMENT

- 9.1 The Food Hygiene Ratings Steering Group includes consumer representation and we have and will continue to work closely with Which?. Our ongoing/future evaluation/research will be used to monitor consumer attitudes, awareness etc. which will help inform ongoing work and future policy direction.
- 9.2 The Communications Strategy being developed to underpin the 2015 to 2020 FSA Strategy will set out how we will continue to promote the scheme to consumers.

10 DEVOLUTION IMPLICATIONS

- 10.1 The introduction of mandatory display of FHIS inspection results is a matter for Scottish Government, and it will be for Food Standards Scotland to make any recommendations for its future to its Board.
- 10.2 Ensuring the future sustainability of FHRS in England, Wales and Northern Ireland will need to take account of political considerations in each country and different approaches to achieving the maximum benefits to consumers may emerge.

11 CONCLUSIONS AND RECOMMENDATIONS

- 11.1 The FHRS is working: it is providing transparency to consumers to help inform their decisions about where to eat or buy food; and it is improving hygiene standards. For businesses with the highest ratings, the scheme is giving them the opportunity to show their consumers that they take food hygiene seriously and for those not meeting the grade, it is increasingly putting them in the spotlight.
- 11.2 The proposals set out in the paper aim to ensure that the scheme's value and credibility is safeguarded, its potential to improve public health protection maximised, and its long term sustainability secure so that it continues to drive better outcomes for consumers.

The Board is asked to:

- **Note:** progress on the roll-out of the FHRS (and FHIS) to food businesses and the impact the scheme has had;
- **Agree:** the support arrangements for FHIS post-April 2015;
- **Agree:** the proposed short and medium term next steps including the approach to developing the case for mandatory display in England; and
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ANNEX A

The Food Hygiene Rating Scheme – empowering consumers and improving business standards

Introduction

1. The Food Hygiene Rating Scheme (FHRS) for England, Wales and Northern Ireland is a Food Standards Agency (FSA)/local authority partnership initiative which was introduced in late 2010 with the aim of improving public health through behaviour change. The scheme provides information about hygiene standards in food premises at the time of programmed inspections carried out by local authorities to check compliance with legal requirements. This transparency allows consumers to make informed choices and provides an important incentive for businesses to achieve and maintain compliance with food hygiene law. The overarching aim is to reduce the incidence of foodborne illness and the associated costs to the economy.
2. The FSA Board set out the general framework for the FHRS at its meeting in December 2008 when it agreed that a six tier scheme should be introduced in England, Wales and Northern Ireland.¹ The Board also agreed that the two tier Food Hygiene Information Scheme (FHIS), which had been piloted in Scotland, should continue there. The detailed design of the FHRS was subsequently developed collaboratively through the Food Hygiene Ratings Steering Group and on the basis of independently conducted research with consumers.^{2, 3} The scheme was formally launched in late November 2010.
3. The FHRS in England and Northern Ireland (and the FHIS in Scotland) operate on a voluntary basis while the FHRS in Wales was put on a statutory footing when the Food Hygiene Rating (Wales) Act 2013 came into force on 28 November 2013. A Bill putting the FHRS on a statutory footing in Northern Ireland is currently being considered by the Northern Ireland Assembly.
4. In introducing the schemes, it was recognised that success depended on local authority participation, on food industry support by means of display of ratings at premises, and on consumer awareness, understanding and use of the scheme. This report provides an update on progress to date.

Local authority uptake

5. Local authority uptake of the FHRS progressed more quickly than originally anticipated and illustrates their commitment to improve hygiene standards in food businesses, and this is gratefully acknowledged.

¹ Minutes of the FSA Board meeting, 10 December 2008, Aviation House, London.

² The Steering Group is independently chaired and includes local authority, consumer and food industry representatives. Details are at <http://www.food.gov.uk/enforcement/enfcomm/fhrssteeringgroup/>

³ Communications development research for a national food hygiene rating 'Scores on the Doors' scheme. Navigator/COI, April 2010.

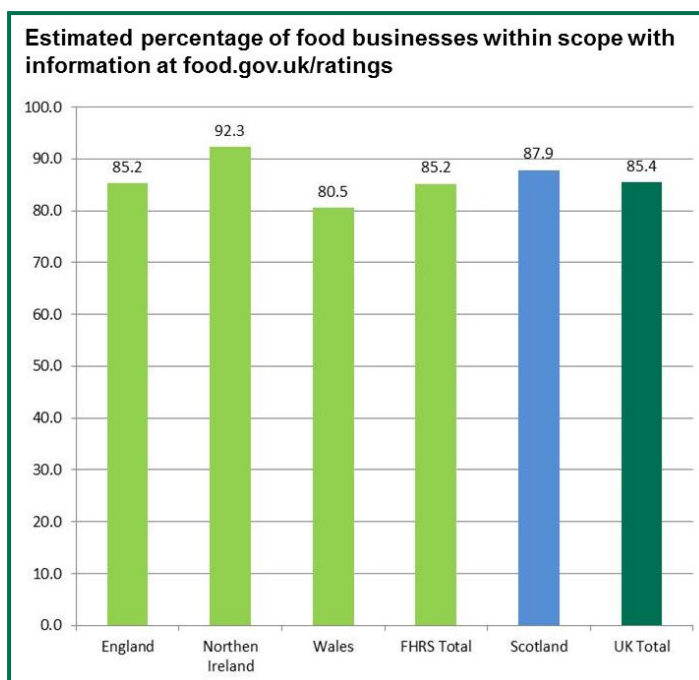
6. In Wales and Northern Ireland, the FHRs is operating nationally as is the FHIS in Scotland. In England, all but one local authority has been operating the FHRs since September 2014. Rutland County Council is the only local authority not to commit to running the FHRs. We continue to encourage participation so that Rutland's residents are not missing out and so that local businesses are not put at a disadvantage to their regional and national competitors.



Roll-out to food businesses

7. The FHRs (and FHIS) covers businesses supplying or serving food direct to consumers such as restaurants, takeaways, cafés, pubs, hotels, schools, hospitals, care homes, supermarkets and other retailers. In Wales, it has also now been extended to cover business-to-business traders.

8. Roll-out to these businesses is progressing steadily and there is currently information at food.gov.uk/ratings on over 485,000 establishments across the UK, an estimated 85% of the businesses that fall within scope of the schemes.⁴



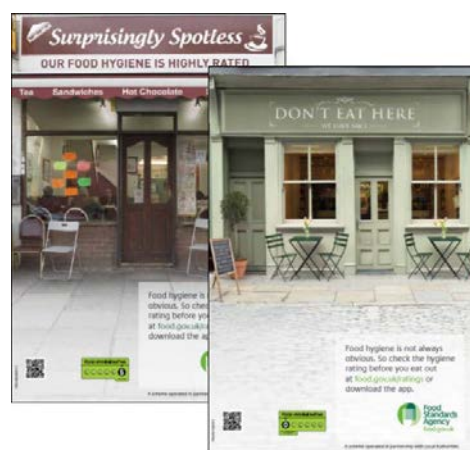
9. Many of the businesses within scope but which do not yet have a rating are low risk and will be brought into the scheme as and when next inspected. Similarly, in Wales, business-to-business traders will be gradually brought in and be given a rating at the next planned inspection.

⁴ The number of businesses within the scope of the FHRs/FHIS is estimated from the 2012/13 LAEMS data. (see <http://www.food.gov.uk/enforcement/monitoring/laems/generalinfo/>). Figures have been rounded and include some groups of food businesses that are 'exempt' from being given an FHRs rating/FHIS result such as newsagents selling only wrapped confectionery.

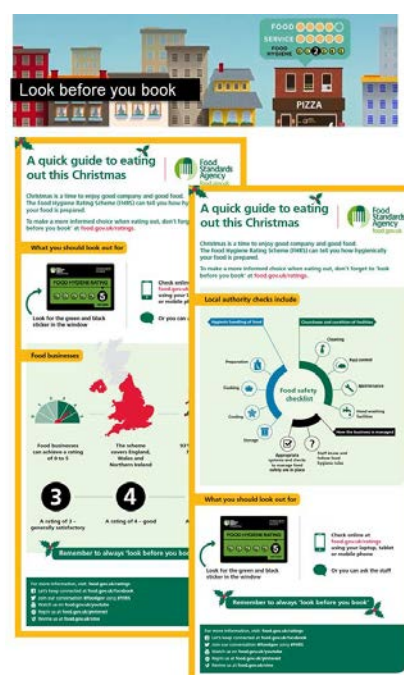
Promotion to consumers

- Success of FHRs (and FHIS) depends on businesses believing that consumers will change their behaviour and use the information to choose places with higher standards and avoid those that do not meet the grade. We recognised that promotion and publicity, particularly at the national level, are critical to raising awareness which is a necessary component for such behaviour change. The activities we have carried out so far have been based on insights from our evaluation and research work.
- The nature and level of the communications activities undertaken have varied in each of the UK countries because of the different ways and timescales in which roll-out of the scheme has occurred. It also reflects Cabinet Office spending controls on marketing activities in England.

12. There was national advertising in Northern Ireland and Wales at launch but the first major UK-wide campaign - 'Where are you really eating out?' - ran in spring 2013. It was designed to challenge people's assumptions that they can use appearance alone as a way of judging hygiene. It was planned to coincide with Valentine's Day and Mothers' Day, times when many people plan to eat out. The campaign was delivered through a variety of channels including national and regional press advertising (e.g. advertorials in the *Metro* and BBC's *Good Food* and *Olive* magazines), outdoor advertising in Wales and Scotland, and desktop and mobile search advertising.



13. Since then much of our activity has continued to be occasion based and set around Christmas and Valentine's Day. This strategy was based on insights from the evaluation work which indicated that people take more care for special occasions and when booking for others. Our 'Recipe for a great meal out' campaign ran in 2013/14 and 'Look before you book' in 2014/15. Our aim has been to encourage consumers to add an extra small step into their planning process and check the rating as well reviews of service, food quality etc. For both campaigns, we used a number of channels but have focused on PR and social media to increase reach. We have created infographics and short videos which may be shared using these routes and are easily adapted for different occasions.



14. All campaign resources were made available to local authorities partners so that they could promote the messages at a local level.
15. The pre-Christmas activity was aimed at women booking meals for family or work colleagues and we gained significant regional media coverage (features on more than ten local radio programmes and over 100 pieces of regional print) and an estimated reach of 25 million people. The pre-Valentine’s Day activity focused on a younger audience and was based around ‘dating disasters’. Hugo Taylor, a TV personality popular with younger people, was commissioned to front the campaign. We also tried a new social media channel for the FSA – BuzzFeed – which is very popular with younger people.



16. Having a celebrity spokesperson opened up media opportunities that would not normally be available to the FSA gaining features in publications such as Female First, Now, OK and Reveal and generating social media activity. The media coverage is still being analysed but we estimate the reach to be more than 25 million on social media alone. A full evaluation report will be available in due course.

Support for businesses

17. We have also been working to encourage more businesses to display their ratings in a prominent place so that consumers can easily see them before going in. In terms of business growth, we are also encouraging them to use their ratings as a marketing tool to increase competition and to help improve consumer confidence. As part of this, we have issued an online ‘How to’ guide’ for businesses to give them ideas and advice about using them to promote their business, for example, through social media (see <http://www.food.gov.uk/policy-advice/hygieneratings/toolkit/>) and created a short video about the scheme.



18. The open data at food.gov.uk/ratings also provides a means for multi-site businesses to monitor performance across their estate and the FSA is aware that the ratings are being used by some as a performance management tool.
19. In England, we have provided grant funding to local authorities to undertake short face-to-face visits to independent businesses with ratings of 3 or above to encourage display at premises. This followed a pilot study that we undertook in collaboration with the Cabinet Office Behavioural Insights Team that tested the impact of interventions aimed at increasing voluntary display. Face-to-face visits resulted in a significant increase in display, most notably for those with a rating of 4.⁵
20. The grant funding programme ran in the second half of 2014/15 with over 120 local authorities participating and reports are now being received. It is estimated that around 17,000 independent food businesses have been visited. Feedback to date has been generally positive and authorities are reporting seeing increased visibility of the scheme locally. A summary report of the programme will be produced in due course.

Measuring success

Independently conducted evaluation and research

21. We have gathered evidence about operation of the FHRs and FHIS and their impact on local authorities, consumers and food businesses through a major independently conducted evaluation exercise and other research – details are provided in the box below.

Evaluation of FHRs and FHIS: This was commissioned with the Policy Studies Institute in 2011 and ran until mid-2014. It explored the impact of FHRs and FHIS on local authorities, consumers, businesses, food hygiene compliance and the incidence of foodborne disease.

Display of ratings at premises: Annual surveys have been conducted by GFK-NOP to establish the proportion of businesses voluntarily displaying FHR ratings or FHIS Pass results at their premises. Telephone interviews with businesses were also conducted to explore the reasons for display/non-display and the perceived impact of display.

Consumer attitudes on additional information: TNS BRMB was commissioned through the Citizen's Forum programme in 2012 to explore consumer views on extending the scope of the schemes to include those involved in business-to-business trade and looked at what they want in terms of food hygiene information and how this should be presented.

Consumer and small business attitudes: TNS BRMB was commissioned through the Citizen's Forum programme in 2013 to gather views from consumers and small businesses on the impact of introducing mandatory display of FHR ratings in Northern Ireland.

Consumer awareness, use and recognition: This has been tracked through the Food and You surveys and through the Biannual Public Attitudes Tracker.

Links to the evaluation and research reports are provided at the end of this Annex.

⁵ Increasing voluntary display of hygiene ratings at food business premises. UK FHR SG May 14-07 (<http://www.food.gov.uk/sites/default/files/multimedia/pdfs/committee/ukfhrsmay1407.pdf>).

22. The findings, summarised below, have helped shape work to continually improve and supplement the resource materials and other support provided centrally to local authorities operating the schemes. They are also being used to inform our work to promote the schemes to consumers and to encourage businesses to display their ratings and use them to competitive advantage.

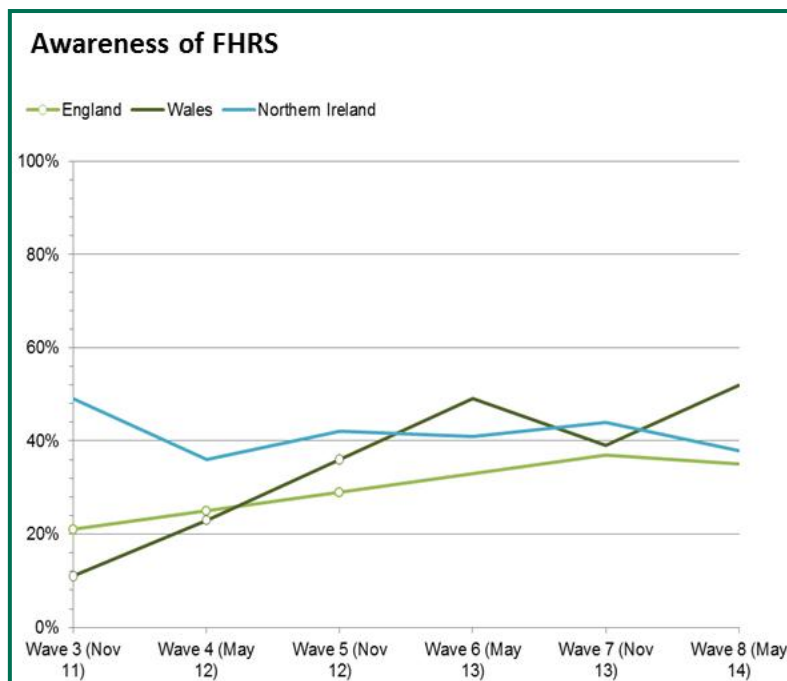
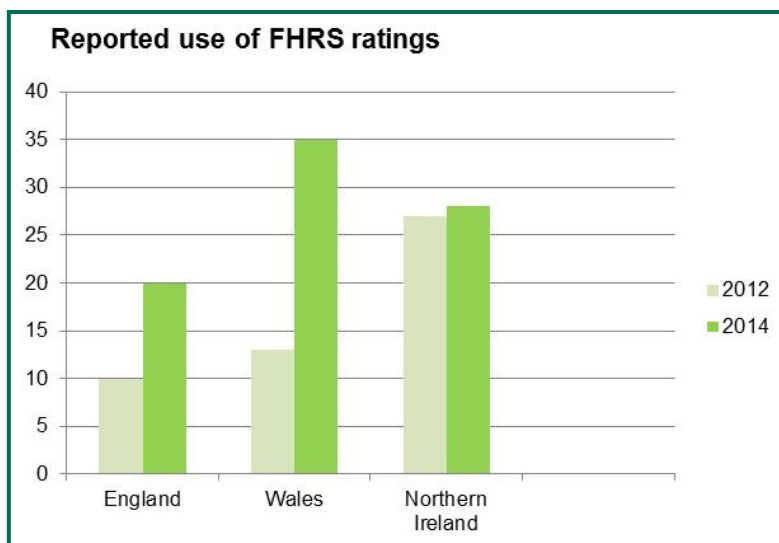
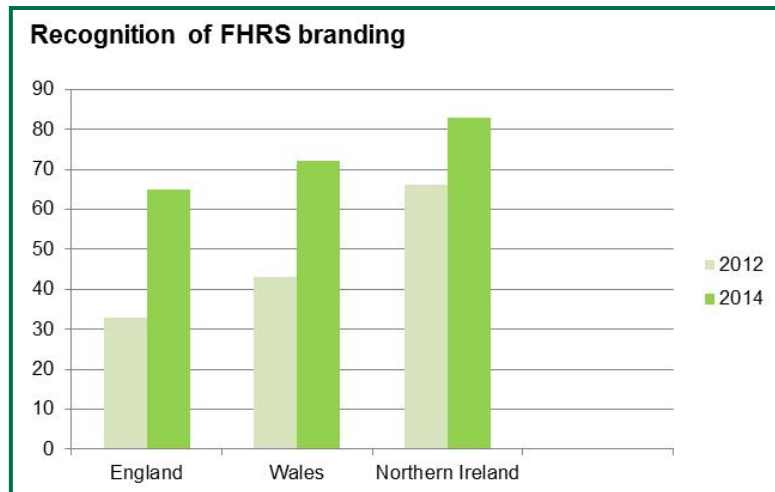
Local authority experience of operating the FHRS and FHIS

23. The main themes to emerge from the evaluation work, which are consistent with the feedback that the FSA has received direct from local authorities, are highlighted below.

- Most are very supportive of the schemes and recognise they provide an effective tool for driving improvements in hygiene standards.
- There is strong support for mandatory display but concerns about the impact on local authority resources.
- Demand from businesses for appeals and re-visits was lower than expected but concern remained that this may change with statutory schemes.
- Some consider charging for re-visits may help.
- There are concerns about being required to rate low risk businesses because of the impact on resources or because they do not consider they should be included in the scheme such as pubs which do not prepare food.
- The schemes have provided a framework and catalyst for improving consistency but concerns remain about potential inconsistencies between officers and local authorities, particularly in England and Wales.
- There is concern about the impact on FHRS ratings of control of cross-contamination guidance and the way that confidence in management/control procedures is assessed.
- Uncertainty about arrangements for inspecting and rating mobile traders.
- Some consider the administration associated with the schemes to be a burden.
- There was a perceived increase in consumer and business engagement but there remained a group of low rated businesses that are difficult to engage with.
- An appetite for the FSA to do more to promote the schemes including TV advertising.

Consumer recognition, awareness and use

24. Data from our monitoring trackers has shown that consumer recognition of the scheme branding is high but the data shows that awareness and use is still relatively low though increasing. There are country specific differences with recognition and awareness highest in Northern Ireland and use highest in Wales.



Consumer insights

25. The evaluation work and Citizen's Forum work have provided and confirmed a number of insights.

- Food hygiene is rarely 'top-of-mind'.
- Consumers expect food premises to be clean and safe to eat at, and assume those that are unsafe are closed down.
- Consumers consider that FHRS ratings of 3, 4 or 5 are acceptable (though this depends on occasion) and in Scotland they are reassured by a Pass result.
- Food outlets are only avoided if poor hygiene is *visible* - consumers subconsciously use visual cues to assess 'quality' or if a low rating is on display.
- 'Quality' takes account of the whole experience, including the standards of food, customer service, price and atmosphere, and views about quality vary according to personal priorities, expectations and the occasion.
- Consumers feel confident in their ability to make a safe choice when eating out.
- FHRS/FHIS have greater relevance for consumers when visiting independent outlets rather than chains where the brand provides a reassurance of quality.
- Deciding where to eat is typically a quick decision and people do not want to spend much time thinking about it unless eating in an unfamiliar location, eating with vulnerable people (young children, pregnant women and older people) or for a special occasion.
- FHRS ratings and FHIS inspection results need to be meaningful so that consumers can understand the differences but any additional information needs to be easy to digest and to support fast judgements.
- Mandatory display of stickers is thought by consumers to be essential.
- The most effective way to influence consumers is for the hygiene rating to be seen from outside so the decision can be made before going in.
- There is concern about how up to date ratings are (this is fuelled by assumed expectations of inspection frequency).

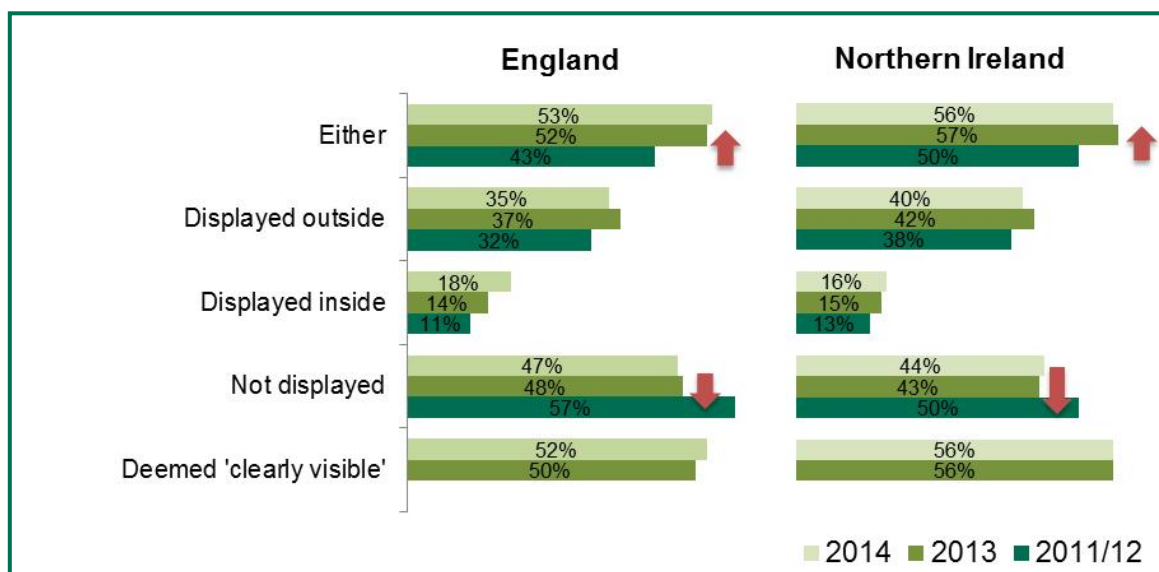
Business attitudes and insights

26. As with local authorities, the main themes to emerge from the evaluation work are consistent with the feedback that the FSA has received direct from food businesses.

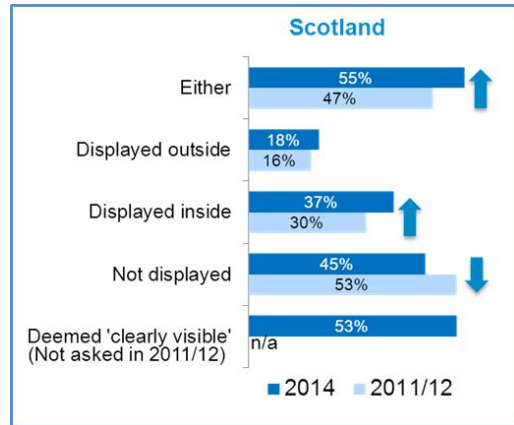
- Positive engagement with the scheme is highest in Wales and Northern Ireland and among businesses rated 4 or 5 while in all four countries, low-rated businesses are not engaged.
- There are concerns about inconsistency of inspection and determination of ratings.
- Awareness of the safeguards such as the right to appeal or the right for a re-assessment if improvements have been made is high but few businesses report using them.
- The most commonly reported reason for displaying FHRs ratings or an FHIS Pass is that it shows customers they have good hygiene standards - others include showing that they have been inspected, thinking it is mandatory or being proud of it.
- Around a third of businesses displaying their FHRs rating report a positive impact of this such as improved reputation or increased customer confidence, or in some cases, more customers.
- Views on mandatory display are mixed but those that supported it tended to be those with higher ratings.

Display of ratings at premises

27. Display of FHRs ratings at premises in Wales is now mandatory but currently remains voluntary in England and Northern Ireland. The annual survey data that we have collected, shows that in these two countries display increased significantly between 2011/12 and 2012/13 but levelled off in 2013/14. Unsurprisingly, the vast majority of those displaying have ratings of 4 or 5. In terms of display in a position that is visible before going in, only 35% of business in England and 40% in Northern Ireland were displaying at the time of the 2013/14 audit. A further audit in these two countries is currently being conducted and findings should be available in April.



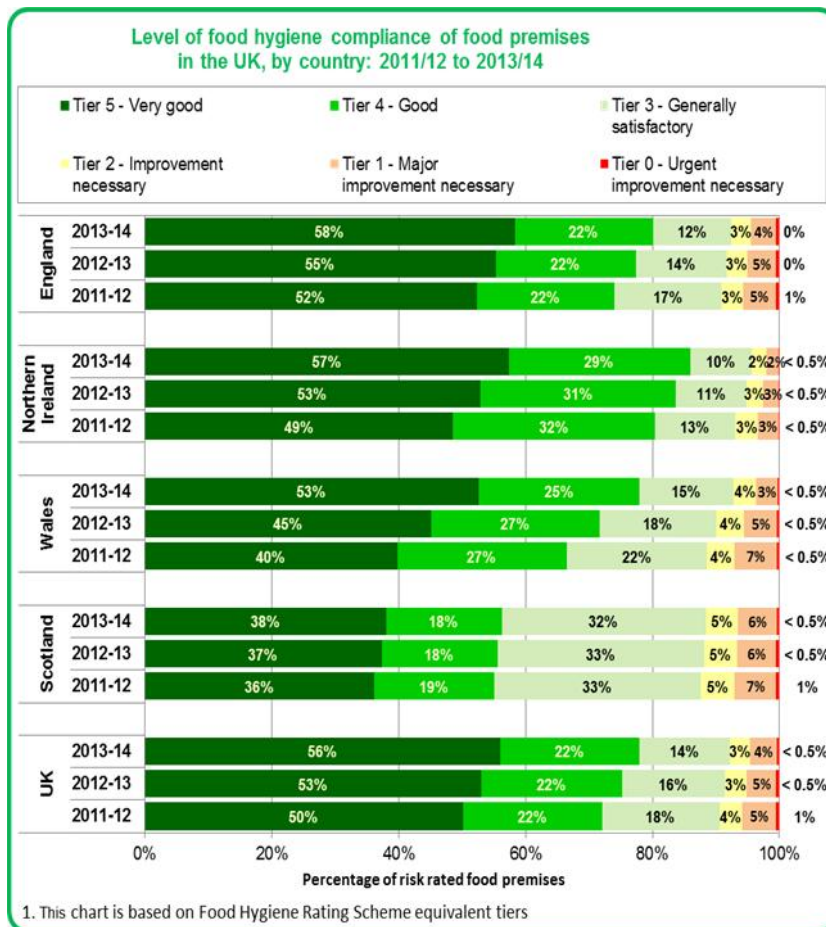
28. For FHIS, a survey in 2012 indicated that 47% were displaying their Pass – see right. By 2014, this had risen to 55%. The proportion of Passes visible before entering the premises remained below 20%.



29. The findings from the telephone interviews that were undertaken show that customer perceptions continue to be one of the main motivations for display. The proportion of businesses saying that there has been a positive impact of display has increased significantly over the period of the surveys from 33% to 47% in England and 48% in Northern Ireland. The reasons for non-display have been similar across this period and include: not compulsory; did not know they should; did not agree with the scheme/rating given; the branding does not suit surroundings; a poor rating was given; or there is a company-wide policy of non-display.

Impact on food hygiene compliance

30. LAEMS data covering the period since the FHRS/FHIS were rolled out shows that compliance levels for all food businesses that local authorities inspect has increased – see below.



31. Northern Ireland has the highest broad compliance rate: 96% in 2013/14 up from 93% in 2011/12. The broad compliance rate in Wales increased from 89% in 2011/12 to 93% in 2013/14. It is recognised that these increases may be due to factors other than FHRS/FHIS.
32. In terms of the specific impact of FHRS/FHIS, local authorities themselves are reporting to the FSA that the schemes have resulted in hygiene standards improving locally. This is borne out by the evidence from the evaluation exercise which compared compliance levels (from LAEMS data) for local authorities that were ‘early adopters’ of the schemes with local authorities that had not yet joined the scheme.
33. For the FHRS the findings showed that hygiene standards improved across all the FHRS bands following the introduction of the scheme (see table below). In the first year, the proportion of premises achieving ‘broad compliance’ significantly improved compared to local authorities not operating the scheme, while in the second year the proportion of ‘fully compliant’ premises increased relatively in FHRS areas. In both years, there was a significant relative decrease in FHRS areas in the proportion of businesses with poor compliance. It is worth noting that all other figures are also in the desired direction even if they aren’t statistically significant.

Time after roll-out	Impact on proportion of ‘poorly compliant’ businesses equivalent to ratings of 0 or 1 (%)	Impact on proportion of ‘broadly compliant’ businesses - equivalent to ratings of 3, 4 and 5 (%)	Impact on proportion of ‘fully compliant’ businesses - equivalent to a rating of 5 (%)
FHRS in England, Wales and Northern Ireland			
1 year	-1.9***	2.0***	1.8
2 years	-1.7**	1.5	3.3**
FHRS in England only			
1 year	-1.7***	1.8***	2.0
2 years	-1.5**	1.2	3.4***

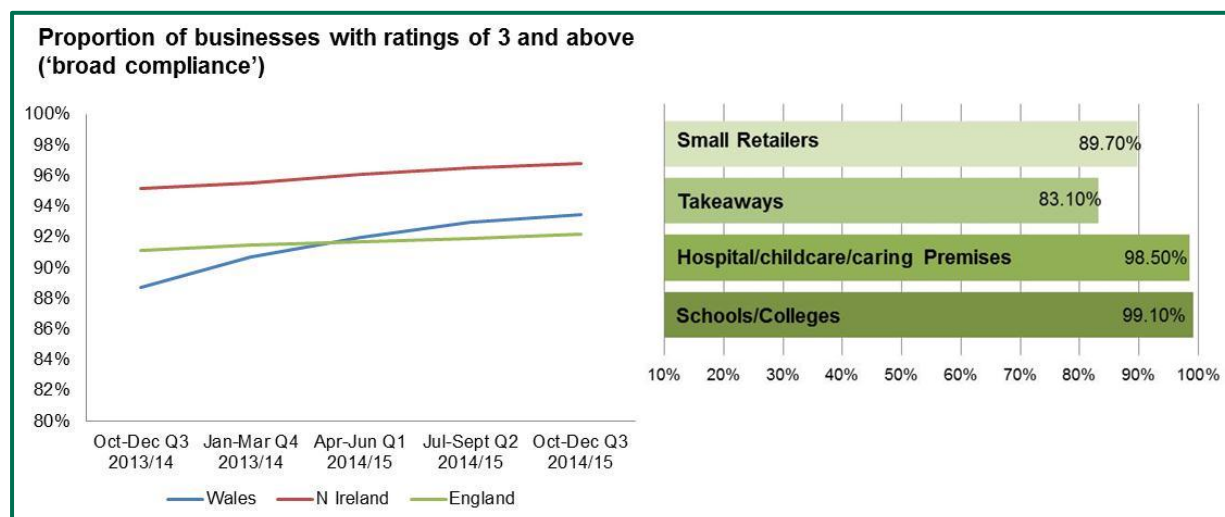
Note - *** and ** denotes statistical significance at the 1 and 5% level respectively

34. Although the general pattern was the same in Scotland for FHIS the changes in compliance were not statistically significant.

Time after roll-out	Impact on proportion of ‘poorly compliant’ businesses equivalent to ratings of 0 or 1 (%)	Impact on proportion of ‘broadly compliant’ businesses - equivalent to ratings of 3, 4 and 5 (%)	Impact on proportion of ‘fully compliant’ businesses - equivalent to a rating of 5 (%)
FHIS in Scotland			
1 year	-1.2	0.8	1.9
2 years	-0.5	0.2	3.4

Tracking FHS ratings

35. Data from food.gov.uk/ratings has been tracked and shows an increase in the proportion of businesses with ratings of 3 or above – see below. Categories with the greatest proportion of establishments with ratings of 3 or above are ‘schools/colleges’ and ‘hospital/childcare/caring premises’.



Impact on foodborne illness

36. It was possible to assess the impact of the FHS on foodborne illnesses jointly for England and Wales, and, separately, for England. In undertaking this work, significant data limitations were acknowledged. This includes significant underreporting and variations in reporting practices in different areas. There is also an absence in most reported cases of information on the location where the illness was contracted.
37. The findings are summarised in the table below. A statistically significant result was found one year after FHS roll-out, which suggests the scheme reduced the incidence of food poisoning but there was no evidence suggesting that the scheme reduced the incidence of either Salmonella or Campylobacter. Given the data limitations, these findings must be treated with caution.

Time after roll-out	Impact formally notified food poisoning reports (per 1,000 population) (%)	Impact on confirmed Salmonella laboratory reports (per 1,000 population) (%)	Impact on confirmed Campylobacter laboratory reports (per 1,000 population) (%)
FHS in England and Wales			
1 year	-0.267	0.002	-0.099
2 years	0.089	0.002	0.082
FHS in England			
1 year	-0.269**	0.003	-0.109
2 years	0.091	0.002	0.077

Note - ** denotes statistical significance at the 5% level

Operation of the statutory scheme in Wales



38. The Food Hygiene Rating (Wales) Act 2013 and associated Regulations came into force on 28 November 2013. The legislation requires local authorities to participate in the FHRs and requires food businesses to display their rating in a prominent position at their premises. Fixed penalties apply where there is failure to do this. The legislation also introduces charging for requested re-visits where improvements have been made.

39. Since November 2014, the FSA has been required by the legislation to publish additional information on each business rated, showing a breakdown in narrative form of how the business performed – see example below. Also since November 2014, business-to-business traders inspected by local authorities are given a rating.

Homepage > Policy and advice > Food hygiene rating schemes > Search all data

Accessibility | A A A

Food hygiene ratings

Viva Brazil Churrascara

Address: St Mary Street, Cardiff, CF10 1GD
Business type: Restaurant/Cafe/Canteen
Date of inspection: 14 April 2014

FOOD HYGIENE RATING
0 1 2 3 4 **5**
VERY GOOD

Area inspected by food safety officer	Standards found
Hygienic food handling Hygienic handling of food including preparation, cooking, re-heating, cooling and storage	Very good
Cleanliness and condition of facilities and building Cleanliness and condition of facilities and building (including having appropriate layout, ventilation, hand washing facilities and pest control) to enable good food hygiene	Good
Management of food safety System or checks in place to ensure that food sold or served is safe to eat, evidence that staff know about food safety, and the food safety officer has confidence that standards will be maintained in future.	Good

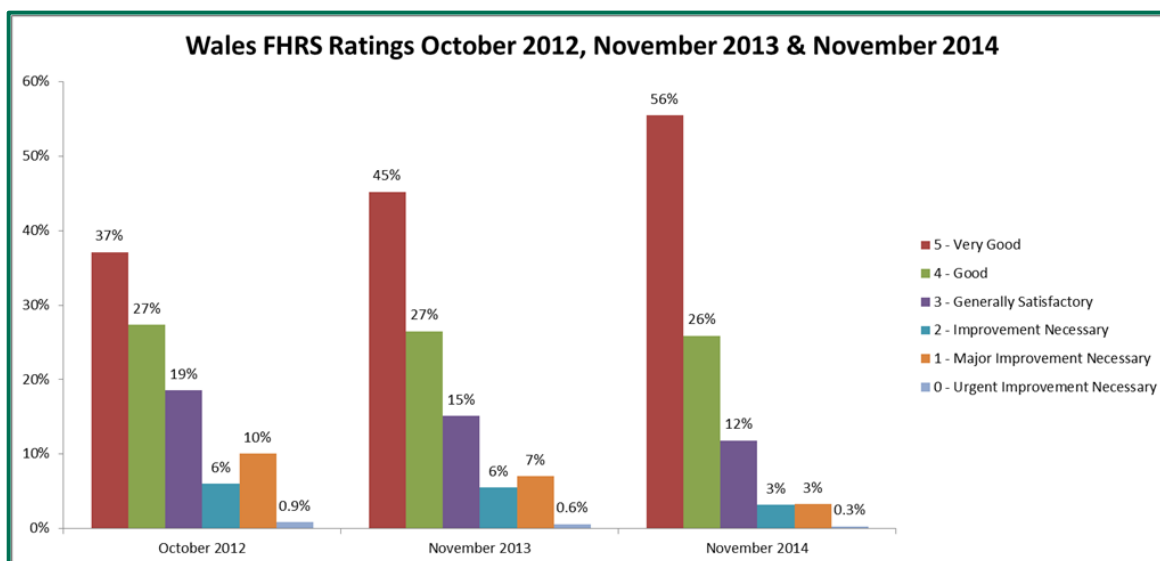
If you wish to see the food safety officer's report on which this rating is based, you can request this from the local authority that carried out the inspection. You can do this by sending an email to the address below. The local authority will consider your request and will usually send you a copy of the report. In some cases, the local authority may decide that they cannot do so but will let you know this and explain why.

Are you the business owner or manager?

If any information on this page is incorrect you can email the correct information to your local authority by using the email address below.

40. The legislation in Wales required the FSA to report to the National Assembly for Wales on the first year of operation of the scheme. The report was presented to the Assembly on 28 February and is available on the [Assembly's website](#).

41. Published ratings for Wales have been tracked since October 2012 and are illustrated below.



Moving towards a statutory scheme in Northern Ireland

42. The Food Hygiene Rating Bill passed both First and Second Stage of the scrutiny process in the Northern Ireland Assembly in November 2014. The Bill is currently progressing through Committee Stage and this will be completed by 8 May 2015.
43. Once Committee Stage has been completed, the Bill will move to Consideration Stage. It is anticipated that where the Bill moves successfully through the final Assembly scrutiny stages, it would receive Royal Assent later this year – see the indicative timeline below. Secondary Rules and guidance would follow.

Bill	
Committee Stage	November 2014 to May 2015
Consideration Stage	September 2015
Further Consideration Stage	September 2015
Final Stage	October 2015
Royal Assent	October 2015
Regulations	
Consultation	October to December 2015
Regulations made	March 2016
Regulations laid	April 2016

Evaluation and research reports

Evaluation of FHRs and FHIS (Policy Studies Institute)

http://www.foodbase.org.uk/results.php?f_report_id=757

Display of ratings at premises (GfK-NOP)

http://www.food.gov.uk/sites/default/files/732-1-1244_FHRS_Report-13_December_2011_-_FINAL.pdf

http://www.food.gov.uk/sites/default/files/758-1-1303_FS244011A_GfK_report_-_FINAL_FOR_PUBLICATION.pdf

http://www.food.gov.uk/sites/default/files/758-1-1495_FHRS_Report_2013_-_FINAL_-_2-July_2013.pdf

<http://www.food.gov.uk/science/research/ssres/foodsafetyss/fs244011a-0>

Consumer attitudes on additional information (TNS BMRB)

<http://www.food.gov.uk/business-industry/caterers/hygieneratings/fhrsbackground/citizens-forums>

Consumer and small business attitudes (TNS BMRB)

<http://food.gov.uk/multimedia/pdfs/citizensforum-fhrs.pdf>

Consumer awareness, use and recognition

Biannual Public Attitudes Tracker Survey:

<http://www.food.gov.uk/science/research/ssres/publictrackingsurvey>

The Food and You Survey: <http://www.food.gov.uk/science/research-reports/ssresearch/foodandyou>



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



CONTENTS

	Page
1. Executive Summary	2
2. Introduction	4
3. Background	5
4. Local authority functions	5
5. FSA duties	6
6. Engagement with local authorities in Wales	7
7. Consistency training for local authorities	8
8. Statutory guidance for local authorities	9
9. Welsh Government grants to local authorities	9
10. Engagement with food businesses	9
11. Communicating with consumers in Wales	10
12. Operation of the Food Hygiene Rating Scheme	11
13. Requests for re-rating inspections	12
14. Right to reply	13
15. Operation of the appeals system	13
16. Compliance by businesses and enforcement	15
17. Consumer awareness – research findings	16
18. Impact of scheme	17
19. Conclusions	18
20. Recommendations	20

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 FHRs 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 FHRs 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 FHRs.
- 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.

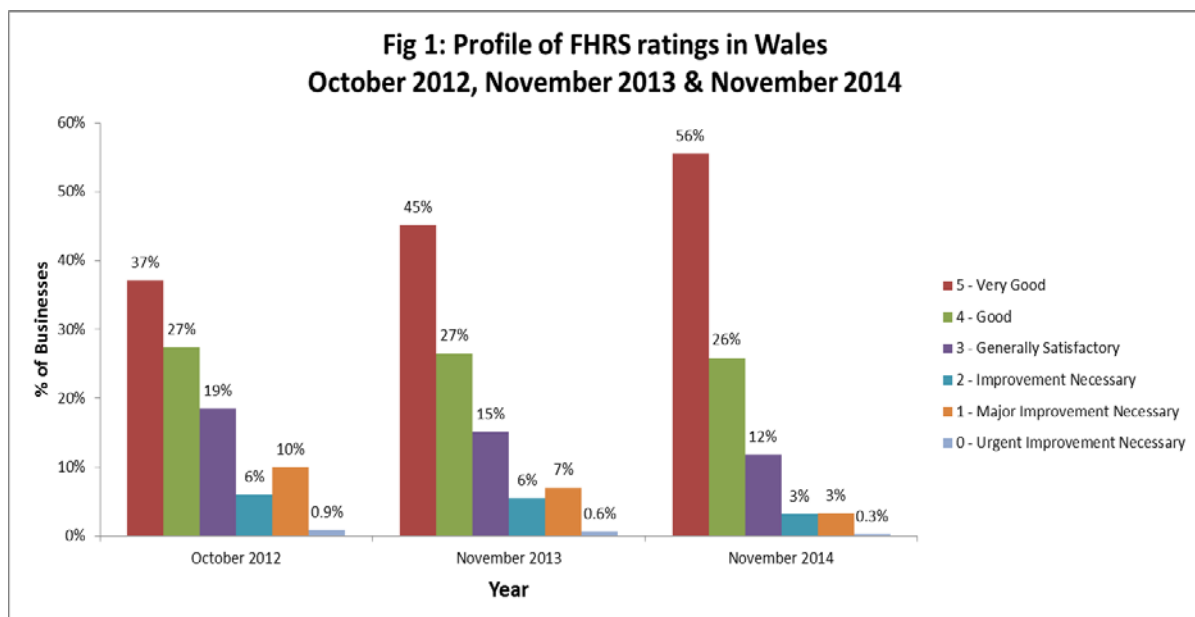
17 Consumer awareness – research findings

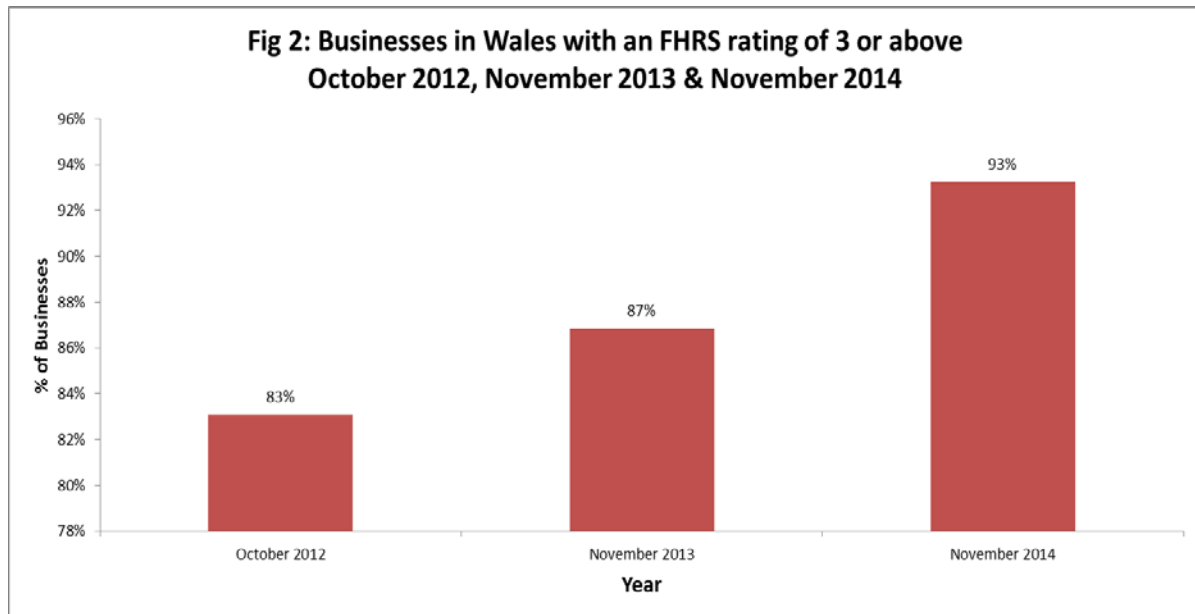
- 17.1 “Food and You” is the FSA’s flagship consumer survey. It is a biennial survey, with previous waves conducted in 2010 and 2012. The survey is used to collect information about reported behaviors, attitudes and knowledge relating to food issues. It provides data on people’s reported food purchasing, 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)**