

**To:** Feed and food law enforcement authorities in England.  
Port Health Authorities in England.

<b>Title:</b> Review of policy and procedures for the Food Hygiene Rating Scheme (FHRS) safeguards		<b>Date:</b> 10 June 2019
<b>Summary:</b> Publication of the report from the independent review of FHRS safeguards and the Food Standards Agency response to the recommendations		<b>Notification:</b> <ul style="list-style-type: none"> <li>• FHRS</li> <li>• Hygiene</li> </ul>
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Dear Colleague,

We are pleased to let you know that we have today published the report: '[A review of policy and procedures for the Food Hygiene Rating Scheme \(FHRS\) safeguards for food businesses](#)'. We have also published the FSA's response to the recommendations that are made in the report (this is also appended to this letter).

This independent review, undertaken by John Barnes of Enmoore Ltd, extended to the operation of the FHRS in England, Wales and Northern Ireland and considered the right to reply, requested re-inspection and appeal safeguards. The review took place between October 2018 and January this year and evidence was gathered from a wide range of stakeholders.

The report of the review concludes that the FHRS safeguards are generally being operated in accordance with the Brand Standard in England and with the statutory guidance in Wales and in Northern Ireland. The evidence gathered indicated that, while many local authority regulatory services are experiencing pressures on resources, they are prioritising FHRS activity and the associated safeguards are overall being delivered effectively and within the required time limits. Although no systematic failings in delivery of the safeguards were found, a number of areas where improvements could be made are identified and associated recommendations made.

We have considered the recommendations and are committed to making improvements to the safeguards. Our proposed actions are outlined in the appended FSA response to this

letter. We will work with our stakeholders to deliver the improvements and will provide regular updates on progress.

If you have any comments or questions regarding the report of the review or our response to the recommendations made, please send them to [hygieneratings@food.gov.uk](mailto:hygieneratings@food.gov.uk).

Please let me know if you have any questions.

Yours sincerely,

Michael Harding  
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## Review of policy and procedures for the Food Hygiene Rating Scheme (FHRS) safeguards for food businesses – FSA response to the recommendations for improvements

### Introduction

The review was undertaken by John Barnes, Food Safety Consultant, Enmoore Ltd between October 2018 and January 2019.

The terms of reference were to review the FHRS business safeguards, with the primary focus on appeals, and to make recommendations for improvements as necessary.

The report of the review is published on the [FSA website](#).

### Recommendations made in the review report

The report made the following recommendations:

No.	Recommendation
1	The FSA should remind local authorities of their obligation to communicate ratings for individual outlets to Head Offices in the case of multi-site businesses and follow up with authorities failing to adhere to this obligation.
2	The FSA should as a priority consider mechanisms to revise the current arrangements so that local authorities in England [in line with Wales and Northern Ireland] routinely provide information on requested re-rating inspections and appeals to the FSA. Arrangements should be automated as far as possible to avoid burdens on individual local authorities.
3	Mechanisms should be put in place to collate and analyse data on implementation of FHRS safeguards in England, Wales, and Northern Ireland to ensure the safeguards are being applied objectively and fairly to provide the FSA with a good evidence base and learning, and to support proposals for a statutory scheme and mandatory FHRS display in England.
4	The UK FHRS Steering Group should be reconvened and qualitative and quantitative information on the ongoing use and delivery of safeguards generated from improved reporting and oversight arrangements should be routinely considered by the Group.
5	Consideration should be given to an annual FHRS Report or similar which includes collated and robust information on the take-up, use and outcomes of the FHRS safeguards across Wales, Northern Ireland and England.

No.	Recommendation
6	There should be more FSA oversight of local authority delivery of FHRS safeguards. Any future local authority Balanced Scorecard should include relevant Performance Indicators relating to safeguard processes such as adherence to time limits, participation in consistency training, and required data reporting.
7	The FSA should as a priority consider mechanisms to get routine data for England on the adoption by authorities of powers under the Localism Act 2011 to provide a charge based requested re-rating service, and on the charge being applied by individual authorities. This information should be published to provide greater transparency and challenge to the process.
8	The FSA should consider appropriate non-burdensome mechanisms to routinely collect data on the number and outcome of requested re-rating inspections to help track and monitor the business use of this safeguard and its effective implementation by authorities.
9	In advance of any statutory scheme in England, the FSA should consider mechanisms to encourage and monitor local authority adoption of the Localism Act 2011 powers with the aim of improving transparency and consider providing further guidance and benchmark information to reduce the variation in both access to, and the cost of, requested re-rating inspections.
10	Consideration should be given to the scheme having greater flexibility for businesses to formally waive their right to appeal allowing the new rating to be published online without undue delay.
11	The FSA should consider providing businesses with an opportunity to request that an appeal be considered by a different local authority to provide a further degree of peer review to the current appeal arrangements and help address some of the remaining concerns a number of industry stakeholders have about the independence of the process.
12	FSA should consider mechanisms through which it can better monitor and review - but not re-determine – relevant local authority documentation relating to all appeals to improve central oversight and where appropriate provide challenge.

## Food Standards Agency (FSA) actions in response to the recommendations

Recommendation	FSA actions	Anticipated timescales
Recommendation 1	<p>We will write to all local authorities in England, Wales and Northern Ireland to highlight the importance of communicating ratings for individual outlets to Head Offices in the case of multi-site businesses and remind them of their obligation to do so.</p> <p>We will follow up with individual local authorities if it is brought to our attention that they are failing to meet their obligation to communicate ratings for individual outlets to Head Offices in the case of multi-site businesses.</p>	<p><b>By end June 2019</b></p> <p><b>Within ten days of being notified of failures</b></p>
Recommendations 2, 7 and 8	<p>We will work with the FHRS User Group for England to identify and explore options for local authorities in England to routinely provide data to the FSA on:</p> <ul style="list-style-type: none"> <li>• numbers and outcomes of requested re-rating inspections and appeal;</li> <li>• local authority adoption of powers in the Localism Act 2011 to charge for requested re-rating inspections; and</li> <li>• charges made for requested re-rating inspections.</li> </ul>	<p><b>We will start to collect data during 2019/20</b></p>
Recommendation 3	<p>We will collate and analyse data on use of FHRS safeguards in Wales and Northern Ireland, and in due course in England, and we will present our analysis to the Food Hygiene Ratings Steering Group (see Recommendation 4) and include the data in the FHRS Annual Report (see Recommendation 5).</p>	<p><b>By end March 2020</b></p>
Recommendation 4	<p>We will reconvene the Food Hygiene Ratings Steering Group with refreshed membership comprising food industry, local authority and consumer representatives</p>	<p><b>First meeting to be held in early September 2019</b></p>

Recommendation	FSA actions	Anticipated timescales
	<p>and with a remit extending to England, Wales and Northern Ireland.</p> <p>The terms of reference, working arrangements and work programme will be considered at the first meeting.</p>	
Recommendations 5 and 7	We will produce an annual FHRs Report including information on the use of safeguards across England, Wales and Northern Ireland and information on charges applied for requested re-rating inspections.	<b>We will produce a report for the year 2019/20 by end July 2020</b>
Recommendation 6	We will develop Key Performance Indicators (KPIs) relating to local authority delivery of FHRs safeguards, required data reporting and participation in consistency training. These will be considered as part of the Balanced Scorecard approach to monitoring and assessing local authority performance. We will consult local authorities on the proposed KPIs before they are applied.	<b>We will develop indicators be end March 2020</b>
Recommendations 9	We will also work with the User Group to develop guidance to facilitate greater access to timely requested re-rating inspections and greater consistency in charges made.	<b>By end December 2019</b>
Recommendation 10	We will identify and explore options to enable more timely publication of ratings on the FSA's website.	<b>By end September 2019</b>
Recommendation 11	We will identify and explore options to strengthen the guidance given in the FHRs Brand Standard for England and in the statutory guidance for the schemes in Wales and Northern Ireland in relation to a different local authority determining an appeal and will and present these to the	<b>We will present options for consideration by steering group in September 2019</b>

Recommendation	FSA actions	Anticipated timescales
	Food Hygiene Ratings Steering Group for consideration.	
Recommendation 12	We will identify and explore mechanisms for monitoring and reviewing relevant local authority documentation relating to appeals to improve central oversight and where appropriate provide challenge and we and present these to the Food Hygiene Ratings Steering Group for consideration.	<b>By end March 2020</b>