



## Table of contents

<b>1. Executive Summary</b>	<b>3</b>
<b>2. Introduction</b>	<b>5</b>
<b>3. Impacts of COVID-19 on the Scheme</b>	<b>7</b>
<b>4. Review of the delivery of the Functions of Welsh Ministers and the FSA</b>	<b>10</b>
Review of the Statutory Guidance	10
Implementation of the Scheme	10
Right to Reply	11
Food Law Code of Practice (Wales) (The Code)	11
Reviewing the Implementation and Operation of the Scheme and Operation of the Appeals System	12
Promotion of the Scheme	13
<b>5. Review of Local Authority Duties</b>	<b>14</b>
Consistency	15
<b>6. Review of the Operation of the Appeals System</b>	<b>17</b>
Appeals	17
Request for Early Publication of a Rating	18
Right to Reply	18
Requests for Re-Rating Inspections	19
<b>7. Enforcement</b>	<b>20</b>
<b>8. Impact of the Scheme</b>	<b>22</b>
Food Business Compliance and Attitudes	22
Consumer Awareness	25
<b>9. Future Developments</b>	<b>27</b>
Statutory Scheme in England	27
Online Display of Ratings	27
Review of Childminder Exemption	27
Achieving Business Compliance	28
Use of remote assessment for the Scheme	28
Register a Food Business	29
<b>10. Conclusions</b>	<b>30</b>
<b>11. Recommendations</b>	<b>31</b>
Recommendation 1:	31

Recommendation 2: .....	31
Recommendation 3: .....	31
Recommendation 4: .....	31
Recommendation 5: .....	31
Recommendation 6: .....	31
Recommendation 7: .....	31
<b>Annex 1. Actions in Response to Recommendations in Earlier Reports .....</b>	<b>32</b>
2018 – Review of the Implementation and Operation of the Statutory Food Hygiene Rating Scheme and the Operation of the Appeals System in Wales .	32
2019 – The Food Hygiene Rating Scheme: Review of the Operation of the Appeals System in Wales .....	35
2020 – The Food Hygiene Rating Scheme: Review of the Operation of the Appeals System in Wales .....	36

# 1. Executive Summary

The mandatory display of food hygiene ratings has been a success in Wales driving improved and sustained food safety compliance by food businesses and providing greater transparency for consumers in Wales.

- 1.1. This report has been prepared to meet the requirement for the Food Standards Agency (FSA) to undertake a three-year review of the implementation and operation of the statutory Food Hygiene Rating Scheme (the Scheme) in Wales from 28 November 2017 to 27 November 2020, and a further annual review of the operation of the appeals system to 27 November 2020.
- 1.2. The report presents an overview of the activity of Welsh Ministers and the FSA and how local authorities (LAs) have discharged their responsibilities and provides information on engagement with consumers and food businesses.
- 1.3. The COVID-19 pandemic has meant LA officers in Wales have been called upon to assist in the response. In line with FSA advice, that took account of the pressure they were under, LAs could temporarily deviate from prescribed intervention frequencies as set out in the Food Law Code of Practice (Wales) (the Code) for some planned official controls. Whilst the operation of the Scheme in accordance with the Food Hygiene Rating (Wales) Act 2013 (the Act) fundamentally continued during 2020, the report confirms that the deferral of interventions has led to an increase in the number of businesses awaiting rating or businesses displaying ratings where inspections are overdue. It has also restricted the ability to gather data, from March 2020 to November 2020, which would have been used to inform the findings of this report.
- 1.4. The report confirms the continuing role the FSA has in facilitating consistency exercises and training in support of the Scheme and that participation in consistency exercises, prior to the COVID-19 pandemic, remained a priority for all LAs in Wales.
- 1.5. Reporting on the operation of the appeals system between 28 November 2019 and 27 November 2020 has been impacted by the COVID-19 pandemic. Recognising the challenging circumstances that LAs faced the FSA did not ask them to submit data in May and November 2020 and has used the information it holds to inform the review. The review found that 32 appeals were recorded by LAs and all were determined within 21 days in accordance with the Act, the Food Hygiene Rating (Wales) Regulations 2013 and Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016: Guidance for Food Authorities (the Statutory Guidance).

- 1.6. The Scheme in Wales continues to have a positive impact with the proportion of food businesses achieving broad compliance during the period of this report continuing to rise from 95 per cent to 97 per cent with the numbers of food businesses achieving the highest rating increasing by more than four percentage points to nearly 70 per cent. Research published in 2019 has also established a continuing increase in consumer awareness in Wales with 94 per cent, compared to 89 per cent in 2017, recognising images of the ratings (see Chapter 8 – Consumer Awareness).
- 1.7. The report also outlines key future regulatory developments and acknowledges the need to consider the impact of these on the application of the Scheme in Wales. These include:
  - Statutory Scheme in England
  - Online Display of Ratings
  - Review of Childminder Exemption
  - Achieving Business Compliance
  - Use of Remote Assessment
  - Register a Food Business
- 1.8. This report makes seven recommendations about the ongoing implementation and operation of the Scheme in Wales, as well as providing an update on action taken to address the recommendations of previous reports.

## 2. Introduction

- 2.1. [The Act](#)<sup>1</sup> established a statutory Scheme in Wales. The Scheme helps consumers choose where to eat out or shop for food by giving clear information about food businesses' hygiene standards and, in Wales, is run in partnership with LAs and Welsh Ministers.
- 2.2. The Scheme gives businesses a rating, determined by LAs following inspections, from '0' (urgent improvement necessary) to '5' (very good). This must be displayed, using a prescribed sticker, at customer entrances or in a conspicuous place (Figure 1). Ratings are also available on the FSA's [ratings website](#)<sup>2</sup>. Businesses that supply takeaway food direct to consumers are also required to publish a bilingual statement on publicity materials directing consumers to food hygiene ratings information.

Figure 1. Food Hygiene Ratings



- 2.3. The Act places a duty on the FSA to review the implementation and operation of the Scheme at the end of the period of 1 year beginning with the commencement of the Scheme, and each subsequent period of three years. The report of the review must be laid before the Welsh Parliament no later than three months after the end of the period to which the review relates and a copy sent to Welsh Ministers.

<sup>1</sup> Food Hygiene Rating (Wales) Act 2013:

<https://www.food.gov.uk/sites/default/files/media/document/food-and-you-wave-5-combined-report.pdf>

<sup>2</sup> [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings)

2.4. This report has been prepared to meet the requirement for the period from 28 November 2017 to 27 November 2020. It follows two earlier reports:

- [Review of the Implementation and Operation of the Statutory Food Hygiene Rating Scheme in Wales and the Operations of the Appeals System - February 2015](#)<sup>3</sup>
- [Review of the Implementation and Operation of the Statutory Food Hygiene Rating Scheme in Wales and the Operations of the Appeals System - February 2018](#)<sup>4</sup>.

---

<sup>3</sup> <https://senedd.wales/laid%20documents/gen-ld10113%20-a%20report%20for%20the%20national%20assembly%20for%20wales%20review%20of%20the%20implementation%20and%20operation%20of%20the%20statutory%20food/gen-ld10113-e.pdf>

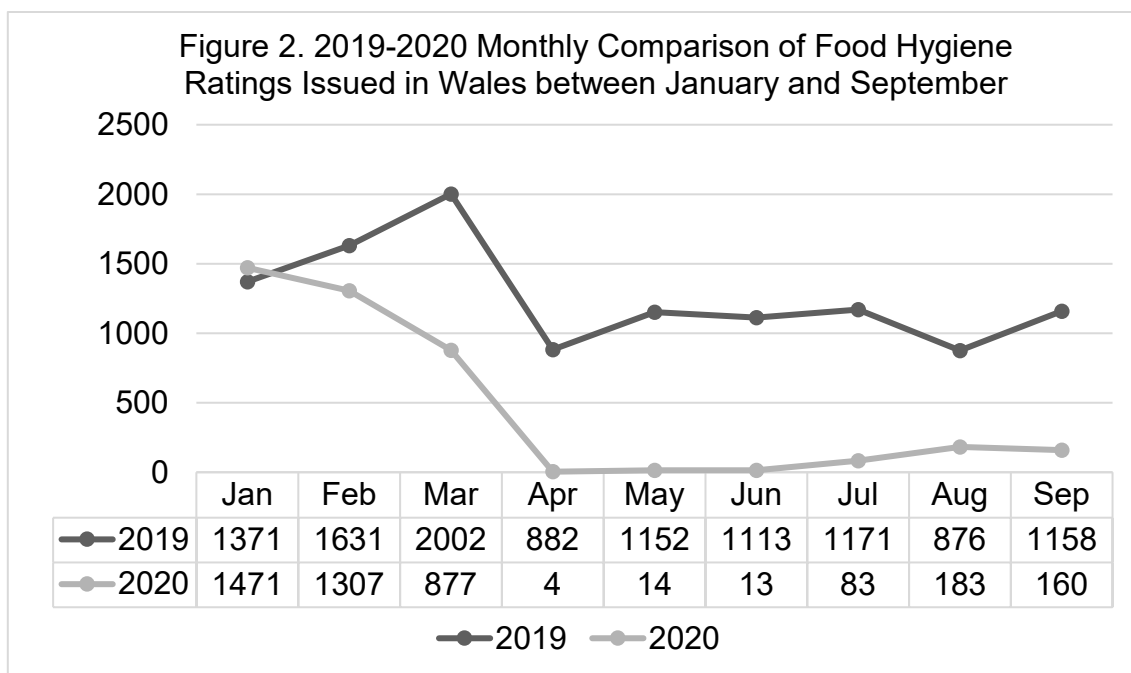
<sup>4</sup> <https://senedd.wales/laid%20documents/gen-ld11433/gen-ld11433-e.pdf>

### 3. Impacts of COVID-19 on the Scheme

- 3.1. The FSA recognises the challenging circumstances that COVID-19 has created and the critical role that LAs in Wales are playing in the wider public health response required to control the pandemic. Throughout 2020, LAs have demonstrated their agility, flexibility and sincere commitment to keeping food safe. For many LAs in Wales this had been preceded by severe, 100-year event, storms and subsequent flooding in the winter leaving them little time to recover.
- 3.2. This chapter outlines the FSA's advice to LAs in Wales in response to the COVID-19 pandemic and the impact on the operation of the Scheme. That advice was issued to all LAs across Wales, England and Northern Ireland and set out the FSA expectations that LAs risk assess their approach to the delivery of official controls enabling them to take account of local differences and resource.
- 3.3. When restrictions were put in place in March 2020 to reduce the spread of COVID-19, the FSA provided advice to LAs regarding prioritisation of food and feed official controls. Initially, the FSA advised that programmed food official controls and any requested re-rating inspections be deferred. This was to ensure that footfall in food businesses was kept to a minimum and to enable LAs to divert resources to urgent reactive work needed to address potentially serious food related public health risks and to other wider public health actions required locally during the response to the COVID-19 pandemic. The advice was that initial interventions within food businesses should, wherever possible, be undertaken remotely to inform the need for and to focus any onsite visit.
- 3.4. It was recognised that the deferral of planned interventions would have an impact on the routine operation of the Scheme. LAs were advised to continue to operate aspects of the Scheme where possible and where resources permit and to implement some changes in operation. Advice provided to LAs included:
  - when a new business registers they were to be recorded at [food.gov.uk/ratings](https://www.food.gov.uk/ratings) as 'awaiting inspection' until they are inspected
  - deferring requests for inspection for re-rating purposes but if the supporting documentary evidence indicated that the necessary improvements had been made, and the business had a rating of '0', '1' or '2', the online record should be updated to show 'awaiting inspection'
  - continuing to publish existing ratings at [food.gov.uk/ratings](https://www.food.gov.uk/ratings) for all businesses including those that were temporarily closed during the restrictions
- 3.5. The requirement that food hygiene risk ratings must be issued following on-site visits and interventions that are inspections, partial inspections or audits was unchanged and remains so.



3.6. The deferral of interventions resulted in a sharp decline in the number of ratings issued in Wales during the period from April to September 2020 compared to the same period in 2019. It can also be seen that the COVID-19 pandemic started to have an impact in February and March 2020.



3.7. The number of businesses published on the ratings website as ‘awaiting inspection’ has significantly increased during this period from 731 businesses in March 2020 to 2249 in November 2020. This increase coincides with the advice issued by the FSA as outlined in paragraph 3.4 above.

3.8. Given the changing business landscape and easing of some restrictions, the FSA updated the advice to LAs in late June 2020. The focus of this advice, taking account of COVID-19 restrictions and local risk assessments, was on resuming physical inspections for poorly compliant and high-risk businesses, including those that had changed activities during the COVID-19 pandemic or had reopened after prolonged closure. The advice was that initial remote assessment, where appropriate, should be used in those cases to target areas to focus on during the subsequent onsite visit. This aimed to facilitate effective use of available resources and minimise the time required onsite. It also facilitated more routine operation of the Scheme. That advice covered the period to September 2020. In September 2020, the FSA reviewed and renewed the advice for the period to 31 January 2021<sup>5</sup>.

<sup>5</sup> At the time of publication, the FSA has further extended this advice to 30 June 2021

Recommendation 1: The FSA, Welsh Government, Directors of Public Protection Wales (DPPW) and Safe, Sustainable and Authentic Food Wales (SSAFW) collaborate to develop a forward plan for future inspections and food hygiene ratings.

## **4. Review of the delivery of the Functions of Welsh Ministers and the FSA**

- 4.1. This section reports on review of the delivery of the functions of the Welsh Ministers and the FSA, as it relates to their powers and functions set out in the Act, during the three-year period this report covers.

### **Review of the Statutory Guidance**

- 4.2. Under section 23 of the Act “the Welsh Ministers may issue guidance a) to the FSA and, b) to the food authority, in relation to the exercise of their functions under this Act”. During 2020, the FSA reviewed and updated the statutory guidance on the operation of the Scheme. This was followed by an extended period of consultation with the Wales Steering Group<sup>6</sup> to reflect the pressure LAs were under. Changes include providing clarification on, for example, the visibility of the rating when a business is open, provision of a rating for mobile traders and aspects of the business safeguards, amongst others. Formatting changes to comply with accessibility requirements were also included which affected tables and flowcharts included in the guidance. Welsh Ministers will be asked to issue the revised guidance for publication in early 2021.

### **Implementation of the Scheme**

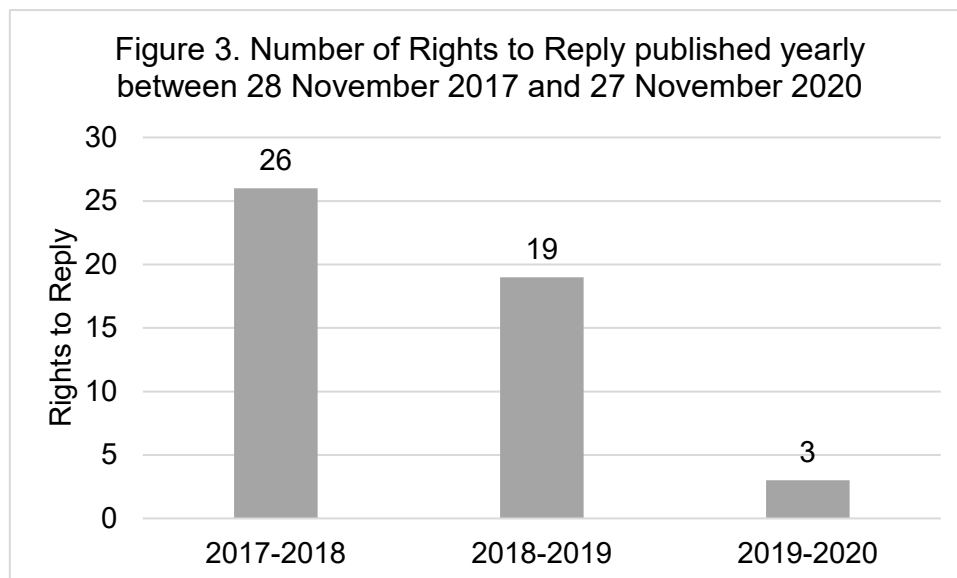
- 4.3. The FSA continues to comply with the requirements of the Act. LAs were supported in the effective implementation of the Scheme, through the publication of food hygiene ratings on its website within seven days of being informed by LAs and through the provision of food hygiene rating stickers at no cost as required by 14(1)(h) of the Act .
- 4.4. During the period of this report there were around 417,500 visits to the ratings website ([food.gov.uk/ratings](http://food.gov.uk/ratings)) from locations in Wales with a total of over 2.5m page views on the site. Weekends proved to be the most popular time for users to visit, with over 72 per cent of those using the website doing so from a mobile phone. In Wales, users were most often directed to the website from Google (over 250,000), with direct visits totalling nearly 155,000. Around 15,000 visits came via food ordering platforms and a smaller number of visits came via LAs own websites (approx. 5,000).

---

<sup>6</sup> The Wales Steering Group, comprising of the FSA, Welsh Government and local authority representatives, was set up to coordinate the effective implementation of the Scheme.

## Right to Reply

- 4.5. The 'right to reply' enables the food business operator (FBO) to explain the actions that have been taken following the inspection at which the rating was given or to provide information on circumstances at the time of the inspection.
- 4.6. Under section 11(3) of the Act, "a food authority must forward any such comments to the FSA who may publish the comments on their website with the food hygiene rating to which the comments relate".
- 4.7. There were 26 right to reply comments published between 28 November 2017 to 27 November 2018, 19 between 28 November 2018 to 27 November 2019 and 3 between 28 November 2019 to 27 November 2020 (Figure 3). This accounts for 58 Rights to Reply compared to the 26 reported for the preceding three-year period (2014-2017).



## Food Law Code of Practice (Wales) (The Code)

- 4.8. The Code provides instructions which LAs must have regard to when enforcing food law. The Code sets out risk rating criteria for determining intervention frequencies for food official controls.
- 4.9. The Code was reviewed and an updated version published in August 2018. The changes included updated advice and additional clarification of risk descriptors.

4.10. The FSA is currently reviewing the Code and associated guidance, in order to make recommendations to the Welsh Ministers. The [consultation on the Review of the Food Law Code of Practice, Food Law Practice Guidance and implementation of the Competency Framework](#)<sup>7</sup> was issued in December 2020.

### **Reviewing the Implementation and Operation of the Scheme and Operation of the Appeals System**

4.11. The second Review of the Implementation and Operation of the Scheme, published in February 2018, concluded the Scheme continues to be effective in raising awareness of food hygiene standards, delivering tangible benefits for consumers and providing an incentive for food businesses to improve compliance with food safety law to reduce the risks to consumers from foodborne illness.

4.12. This review identified 14 recommendations about the ongoing implementation and operation of the Scheme in Wales.

4.13. The FSA has carried out annual reviews of the Operation of the Appeals System in Wales which were published in February 2019 and February 2020. The reports confirm that, in the majority of cases, LAs are operating the appeals provisions in accordance with their statutory obligations and outline the actions taken by the FSA. The rate of appeals against ratings remains low, averaging 0.3 per cent between the two years. On average 18.5 per cent of the appeals received by LAs resulted in changes to food hygiene ratings. There were seven recommendations arising from these reviews.

4.14. All reports were completed within the timescales set out in the Act, laid before the Welsh Parliament and copies provided to the Welsh Ministers.

4.15. All the recommendations arising from the reviews are detailed in [Annex 1](#) together with the action that has been taken to address them.

---

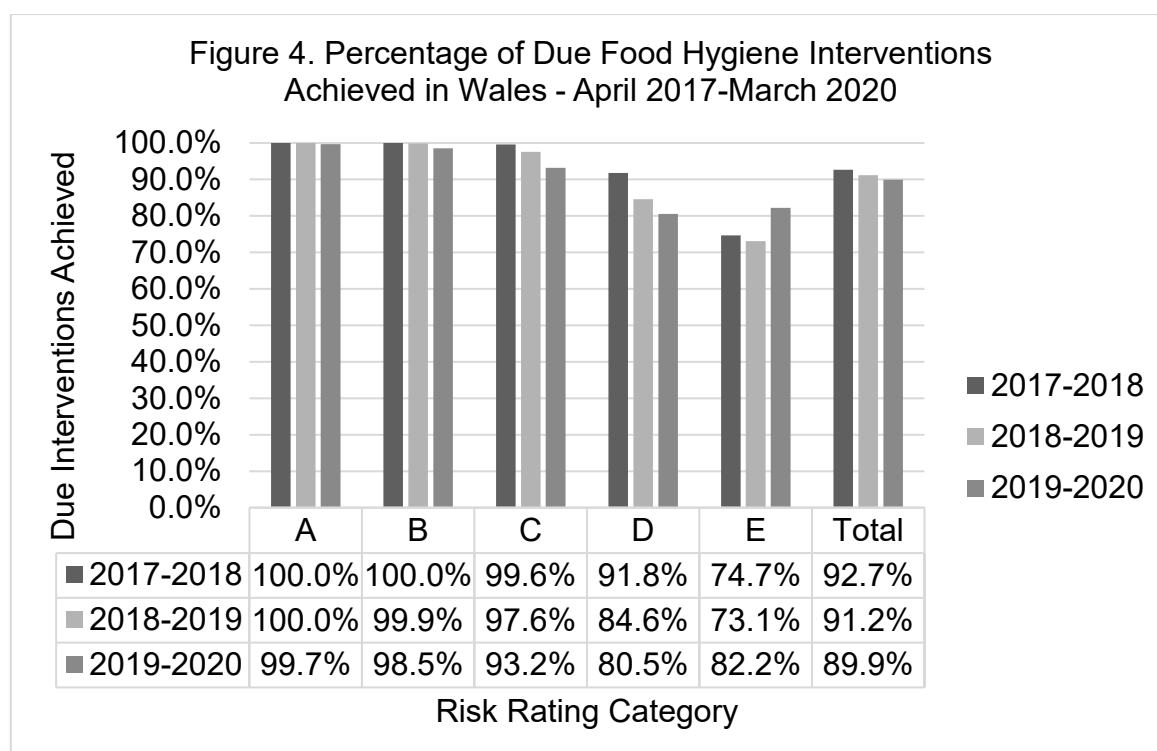
<sup>7</sup> <https://www.food.gov.uk/news-alerts/consultations/review-of-the-food-law-code-of-practice-food-law-practice-guidance-and-implementation-of-the-competency-framework-wales>

## Promotion of the Scheme

- 4.16. The FSA continues to be proactive and regularly promotes the Scheme to consumers in Wales through social media and other activities. The FSA's presence at national events such as the Eisteddfod and the Royal Welsh Agricultural Show (excluding 2020) continues to have a focus on the Scheme, explaining to consumers how the Scheme operates and the benefits to them. Cultural, sporting events and occasions such as Christmas, Valentine's Day, Dydd Santes Dwynwen and Shrove Tuesday have also been used as a focus for promotional activities, especially on social media channels.
- 4.17. Social media messaging was targeted, with consumers being encouraged to check food business ratings before visiting the business or reporting it to the LA if a rating could not be seen; and FBOs being advised to look at training videos which may help them improve their ratings. The FSA posted over 100 pieces of content on the Scheme across its social media channels, namely Facebook, Twitter and Instagram.
- 4.18. National and regional print and equivalent online reporting continues to provide column inches and articles on the Scheme. This ranges from a complete review of food businesses in an area to highlighting those businesses that have a rating of '3' or below and reporting on prosecutions for failure to display a rating sticker in line with the mandatory requirement. The FSA responds to media enquiries as appropriate, working with the LAs as required.
- 4.19. The Scheme celebrated ten years of existence in late November 2020, with the mandatory scheme in Wales coming into force in 2013. The FSA has worked with publications such as Environmental Health News, Food Manufacture and others to secure coverage of the Scheme and acknowledge the role that the food safety teams in the LAs in Wales have taken in ensuring the Scheme's success.

## 5. Review of Local Authority Duties

- 5.1. The Scheme relies on LAs carrying out food hygiene inspections using a risk-based approach to assess business compliance with the legislation and generate ratings.
- 5.2. In exercising its function of monitoring LA performance, the FSA collects annual data on enforcement activity at food businesses, using the Local Authority Enforcement Monitoring System (LAEMS). This data includes details of the number of programmed food hygiene inspections and other types of interventions undertaken at food businesses. It should be noted that LAEMS data is collated for the year from April to March, compared to the reporting period of 28 November – 27 November for the Scheme.
- 5.3. An analysis of this LAEMS data for the periods April 2017- March 2020 has confirmed that LAs in Wales reported completing most of their programmed food hygiene interventions. Where LAs reported shortfalls, the data demonstrates that a risk-based approach had been adopted to undertaking interventions in accordance with the Code.



- 5.4. Figure 4 above sets out the LAEMS data by risk category over the last three years. This shows a decrease over the three years from April 2017 to March 2020 in the delivery of food hygiene interventions across Wales. However, there has been a slight improvement, from the three-year average of 89 per cent reported for 2014–2017 to a three-year average of 90 per cent from April 2017 to March 2020.

- 5.5. Eight LAs in total have, over the course of the three years, reported outstanding inspections in their annual LAEMS returns which required consideration by the FSA. Three in 2017/18, four in 2018/19 and six in 2019/20. Some LAs have reported outstanding inspections in more than one year. These were predominantly lower risk establishments and unrated establishments. The FSA has a graduated approach to performance management and worked with these LAs to assist in addressing the intervention backlogs. This included visiting LAs, as necessary, to discuss their statutory responsibility for the timely delivery of food hygiene interventions. The FSA will continue to work with LAs during the recovery of official controls following the COVID-19 pandemic and emphasise the importance of inspections for ensuring the ongoing success of the Scheme.
- 5.6. The Act sets out a number of functions around notification of ratings, and other specified information, to food businesses and the FSA, together with the method and prescribed timescale. The FSA monitors the timeliness of ratings data and, in general, is content LAs have provided ratings information in accordance with the legislation.

## **Consistency**

- 5.7. The Act makes it a requirement for LAs to review the operation of the Scheme in its area periodically with a view to ensuring that the rating criteria are assessed fairly and consistently.
- 5.8. Consistent implementation and operation of the Scheme is critical to ensuring that businesses are treated fairly and equitably and in ensuring that consumers are able to make meaningful comparisons of hygiene ratings both within a single LA and across different LAs.
- 5.9. To ensure consistency LAs are required to have regard to the Statutory Guidance, undertake internal monitoring arrangements that include taking action to address inconsistencies identified and participate in training and consistency exercises.
- 5.10. The FSA has facilitated national consistency activities across Wales, England and Northern Ireland and funded training events during the period of this report. These include the fourth national consistency exercise launched in November 2018 for six weeks. Outcomes for this exercise were outlined in the reports on the review of the operation of the appeals system in Wales published in February 2019 and February 2020. A fifth national consistency exercise was launched in September 2020 and, due to anticipated LA resource constraints, has run for a period of 12 weeks to the end of December 2020. The FSA will collate the results and provide these to LAs together with the expected scores, rating and rationale. The FSA will also prepare a summary report which will be published in 2021.



5.11. The FSA continues to fund consistency training for LAs in Wales led by a Senior Environmental Health Officer at Powys County Council. The courses delivered during 2018 and 2019 were attended by 211 officers. During these events, officers consider a number of real-life food safety scenarios and were asked to provide the component scores that make up a hygiene rating. These events have demonstrated a high level of consistency in Annex 5 scores and food hygiene ratings. Where differences were encountered, group discussion was followed by an opportunity for officers to re-score the scenario. This made it possible to capture the benefit of the event as scores/ratings became more consistent on re-scoring. There were no FHRS training events organised to support the Scheme in 2020 due to LAs' involvement in the COVID-19 response.

**Recommendation 2:** The FSA continues to provide support to ensure that all LA officers who issue ratings to food businesses under the Scheme continue to engage in consistency exercises.

5.12. The Wales Steering group, set up to coordinate the effective implementation of the Scheme, provide strategic direction and facilitate consistency, continued to meet quarterly and held eight meetings during 2018 and 2019. In 2020 the March, June and November meetings were postponed in response to members requests as a result of the competing COVID-19 response priorities faced by LA officers, the September meeting did take place.

**Recommendation 3:** The FSA continues to facilitate and support the work of the Wales Steering Group to ensure the ongoing success and development of the Scheme.

## 6. Review of the Operation of the Appeals System

- 6.1. The Act provides a number of safeguards for food businesses to ensure the Scheme is fair. They include the right for an FBO to appeal against a rating, a 'right to reply', and the opportunity to request a re-rating inspection. A detailed analysis for all of these are included in this section.
- 6.2. Information following the reviews for the period 28 November 2017 to 27 November 2019 were provided in the [annual report of February 2019](#)<sup>8</sup> and the [annual report of February 2020](#)<sup>9</sup>. The report on the review for the period from 28 November 2019 to 27 November 2020 is included below.
- 6.3. The FSA collates data provided by all 22 LAs in Wales at six-month intervals to supplement its own data and help inform the review. These would have been requested in May and November 2020. Recognising the challenging circumstances and the critical role that LAs are playing in the wider public health response required to control the COVID-19 pandemic, following discussion with LA representatives, it was agreed that the data in 2020 would not be requested. The information provided by LAs is important to ensure a full and accurate picture is included in the statutory reports. The decision not to request the information in 2020 should be viewed as exceptional.
- 6.4. The summary provided below is from the information the FSA holds and may not be complete.

### Appeals

- 6.5. Appeals can be made, free of charge, to the establishment's LA within 21 days of the date of receipt of the notification of the rating. The rating can be appealed where the FBO does not agree that the rating properly reflects the food hygiene standards at the establishment at the time of inspection and/or the rating criteria were not applied correctly when producing the food hygiene rating. The LA must determine the appeal and notify the FBO and FSA of its decision within 21 days of receipt.
- 6.6. The FSA's advice in respect of appeals during the COVID-19 pandemic is that, as it should not be necessary to visit the premises to determine an appeal, these can continue to be considered by LAs and should be carried out in accordance with the legislative requirements in Wales.

---

<sup>8</sup> <https://senedd.wales/media/rkfb4ija/gen-ld12230-e.pdf>

<sup>9</sup> <https://senedd.wales/media/ua4nfwul/gen-ld13059-e.pdf>

- 6.7. From the information held by the FSA, a total of 32 appeals across 11 LAs have been recorded for the period 28 November 2019 to 27 November 2020. The majority of these were received before March 2020. All appeals were determined within the required 21-day period. Following determination of the 32 appeals raised, 31 ratings remained the same and one rating was revised resulting in an improved rating.
- 6.8. These numbers are significantly lower than in previous years. Whilst the FSA advice was that appeals can continue to be considered by LAs, it would appear the FSA advice to defer interventions which led to a reduction in the number of completed routine inspections from which a rating is generated, may have in turn reduced the number of appeals against these rating changes.

### **Request for Early Publication of a Rating**

- 6.9. In 2019, the FSA introduced a new process that enabled FBOs to have their rating ('0' – '4') published on the ratings website early by submitting a form requesting early publication to their LA. Previously, ratings lower than '5' could not be published on the ratings website until the 21-day appeal period had elapsed. This does not affect the FBO's right to appeal. Since its introduction in October 2019 there have been 46 requests for early publication across LAs in Wales. Thirty of these came from businesses with a '4'; 14 from businesses with a '3'; one from a business with a '2'; and one from a business with a '1'.
- 6.10. The report on the review of the appeals system published in February 2020 recommended "that the FSA carries out a review of the use of the Request for Early Publication function and assesses the impact on LAs in Wales." This work has not started as LA resource constraints mean they are currently unable to participate. The FSA considers LAs views a critical part of the review and will undertake the review at an appropriate time.

### **Right to Reply**

- 6.11. The purpose of the right to reply is to enable businesses to explain the actions they have taken following the inspection at which the rating was given or to give information about the circumstances at the time of the inspection. FBOs have the right to reply and these may be published alongside the rating to which the comments relate on the FSA website.

- 6.12. There were only three right to reply comments received and published from FBOs during the period 28 November 2019 to 27 November 2020. Whilst the right to reply function is the least used of the safeguards this is still significantly lower than in previous years (19 reported in February 2020 and 26 reported in 2019). The deferral of inspections has led to a reduction in the number of food hygiene ratings changes, and it is possible, for those businesses that did receive a rating change, their focus has been on other priorities this year.
- 6.13. The report on the review of the appeals system published in February 2020 recommended “that the FSA explores the reasons for the low use of the right to reply safeguard in Wales.” This work will be undertaken at an appropriate time.

### **Requests for Re-Rating Inspections**

- 6.14. The Scheme’s safeguards include the FBO’s right to request an inspection for re-rating purposes, where they have undertaken the necessary improvement. This safeguard allows the business to rectify contraventions and to have their rating reassessed in advance of their next programmed inspection. Re-rating inspections must be undertaken no later than three months after the request was received. A fee is applied by the LA for these requests and certain conditions need to have been met by the FBO before an inspection for re-rating purposes can be undertaken. The Act provides an LA must calculate the reasonable cost of the re-rating and LAs in Wales have collectively agreed the fee of a re-rating inspection, which currently stands at £180. This cost is kept under review and LAs last increased the fee in April 2019.
- 6.15. The FSA’s advice dated 20 March and 21 April 2020, in respect of re-rating requests was that these should be deferred. Whilst the FSA’s advice was updated in June 2020 with the aim of, amongst other things, facilitating the more routine operation of the Scheme, this has not had time to have an impact on re-rating requests to 27 November 2020.
- 6.16. During the period 28 November 2019 to 31 March 2020, from the information held by the FSA, 77 requests for re-rating purposes were received by LAs in Wales. Forty-nine of these were considered, 45 were re-rated within the three-month timeframe and four outside the statutory timeframe. All 49 requests for re-rating inspections resulted in a new rating; 46 received an improved rating and three received a lower rating. The remaining 28 re-rating requests were postponed or abandoned due to COVID-19. Data beyond April 2020 has not been collected.

**Recommendation 4: The FSA provides any additional data for the period 28 November 2019 to 27 November 2020 at the earliest opportunity.**

## 7. Enforcement

- 7.1. LAs have a number of options available to them to ensure the requirements of the Scheme are implemented by food businesses. Issues of non-compliance should initially be resolved informally through constructive dialogue between the LA and the food business concerned, in accordance with the Code.
- 7.2. Where non-compliance is not resolved easily or quickly using an informal approach, authorised officers have the discretion to issue a fixed penalty notice (FPN). This offers a FBO the opportunity to discharge any liability to conviction for an offence by payment of a fixed penalty fee (section 21 of the Act). FPNs may be issued for offences such as, failure to properly display a valid rating sticker, failing to provide the correct rating information verbally on request, failure to provide the prescribed statement on publicity materials in the manner required and for displaying invalid rating information on publicity materials.
- 7.3. Where an FPN is issued, a fee of £200 is payable, discounted to £150 if payment is made within 14 days. No proceedings may be instituted for the offence before the end of a period specified in the notice.
- 7.4. Initially, receipts from FPNs for food hygiene rating offences were required to be returned to Welsh Ministers. However, the Public Health (Wales) Act 2017 introduced an amendment requiring LAs to retain these receipts to support activities in relation to the enforcement of the Act.
- 7.5. The FSA, in collaboration with LAs in Wales, agreed the capture and reporting of enhanced data from November 2018. This enabled better evaluation and assessment of the impact of LAs being able to retain receipts from FPNs.
- 7.6. The baseline data provided by LAs in the year from November 2017 indicated that 162 FPNs were issued, which had increased from 59 FPNs during the previous year. The increase in the number of FPNs may have reflected the end of the transitional period afforded to businesses to comply with the requirement to include a bilingual statement on certain publicity materials following the introduction of the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016. LAs also collectively agreed to serve FPNs for all offences where a business had already received a warning.

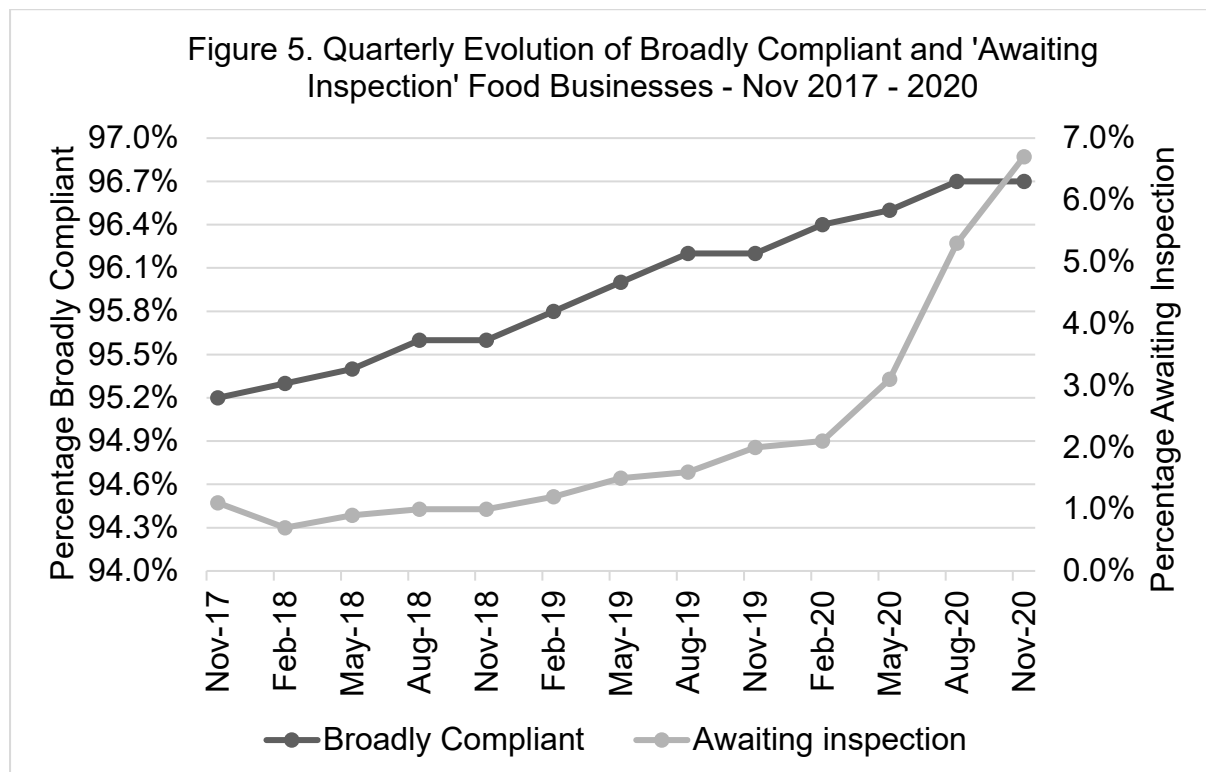
- 7.7. LAs have advised that 195 FPNs were issued in the year from November 2018, when enhanced data collection commenced. Payment was received for 86 per cent of FPNs issued with the majority of payments (73 per cent) received early at the lower discounted rate. In the 14 per cent of cases where payment was not received, reasons provided by LAs included that FBOs were prosecuted for the offence, that prosecutions were being considered or prepared or that the FPN was withdrawn due to the business no longer trading or due to a change in FBO. The reason for issuing FPNs related, in 86 per cent of cases, to sticker-display issues, with the remaining cases related to issues concerning publicity materials. The category of business which attracted most FPNs was take-aways (33 per cent), followed by restaurants/cafés/canteens (30 per cent).
- 7.8. In the year from November 2019, limited data is held due to the effects of the COVID-19 pandemic. Some data were voluntarily returned by a total of nine LAs for the initial six-month period ending 31 May 2020, which indicated 23 FPNs had been served. Enforcement activity, particularly for the later part of 2020, is likely to have been significantly affected by the impact of the COVID-19 pandemic.
- 7.9. LAs may instigate prosecution proceedings and have advised of several successful prosecutions over the three-year period. These included prosecutions for offences relating to the failure to properly display a valid rating and for the failure to provide the prescribed statement on publicity materials. In some instances, offences under the Scheme were included with prosecutions brought for food hygiene offences under other legislation.

Recommendation 5: The FSA requests more detailed information from LAs in relation to prosecutions in their data returns relevant to the Scheme to improve the level of reporting and allow greater analysis.

## 8. Impact of the Scheme

### Food Business Compliance and Attitudes

- 8.1. Between November 2017 and November 2020, the proportion of broadly compliant food businesses (with a rating between '5' and '3') has increased from 95.2 per cent to 96.7 per cent. (Figure 5). Whilst this demonstrates the Scheme continues to have a positive impact on business compliance, it needs to be acknowledged that some LA planned official controls were deferred from March 2020 in line with FSA advice and there is an increase in the numbers of food businesses awaiting inspection.

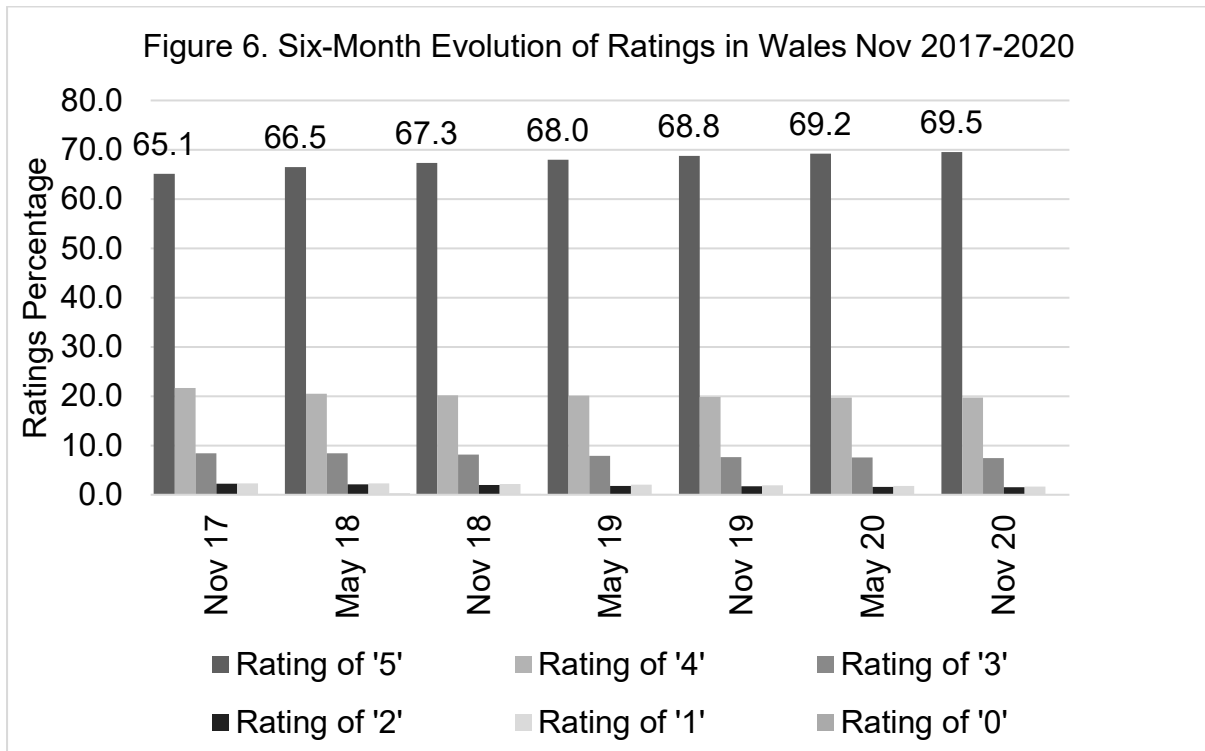


- 8.2. This is supported by a reduction in the proportion of non-compliant businesses (with a rating between '2' and '0'), decreasing from 4.8 per cent to 3.3 per cent.

- 8.3. The change in proportion for each rating is as follows, and is illustrated in Figure 6 on a quarterly basis: -

- Businesses with a rating of '5' have increased from 65.1 per cent to 69.5 per cent
- Businesses with a rating of '4' have decreased from 21.7 per cent to 19.7 per cent. Businesses with a rating of '3' have decreased from 8.4 per cent to 7.5 per cent

- Businesses with a rating of '2' have decreased from 2.3 per cent to 1.5 per cent
- Businesses with a rating of '1' have decreased from 2.3 per cent to 1.7 per cent
- Businesses with a rating of '0' have decreased from 0.2 per cent to 0.1 per cent



- 8.4. The FSA continues to provide grant funding to LAs on an annual basis to carry out targeted interventions at non-compliant food establishments. The provision of this funding is aimed at increasing business compliance through improvements in Food Safety Management (FSM) arrangements.
- 8.5. Between the 2018-2019 and the 2019-2020 financial years, multiple Welsh LAs bid for this grant funding. Activities carried out included coaching visits and on-site interventions to non-compliant businesses, delivering seminars and translating information packs on the management of allergens for the benefit of businesses where English is not the first language.
- 8.6. The Wales Steering Group agreed that, due to work re-prioritisation related to the COVID-19 pandemic, LAs would lack the necessary resources to bid for funding and carry out targeted interventions at non-compliant food businesses for the 2020-2021 financial year.



- 8.7. In 2019, the Wales Steering Group agreed to set up an online task group comprised of FSA and regional LA representatives to carry out a review and an evaluation of previous FSM projects. The review aims to provide LAs with examples of good practice in Wales to assist with bids for future grant funding.
- 8.8. The review process is temporarily on hold due to work re-prioritisation related to the COVID-19 pandemic.
- 8.9. The FSA has also commissioned research reports assessing the display of ratings by food businesses across Wales, England and Northern Ireland:
- [Research Report: Display of food hygiene ratings in England, Northern Ireland and Wales - 2018](#)<sup>10</sup>
  - [Research Report: Display of food hygiene ratings in England, Northern Ireland and Wales - 2019](#)<sup>11</sup>
  - [Research Report: Display of food hygiene ratings in England, Northern Ireland and Wales - 2020](#)<sup>12</sup>.
- 8.10. The research included checking the rate of display of food hygiene stickers at food businesses and a telephone survey to explore business attitudes towards the Scheme.
- 8.11. The research found that, in Wales, in 2020, 89 per cent of the businesses surveyed were displaying their food hygiene rating stickers as required by law. This was an increase on previous years (87 per cent in 2019 and 84 per cent in 2018) and continues to demonstrate the positive impact of a mandatory scheme.
- 8.12. Food businesses reported that the most common driver, at 62 per cent, for display in 2020 remained the mandatory nature of the Scheme (compared with 71 per cent in 2019 and 64 per cent in 2018), with the second most common driver, at 58 per cent, being consumer assurance (compared with 47 per cent in 2019 and 37 per cent in 2018). Pride in their rating was cited by 29 per cent of businesses.

---

<sup>10</sup> [https://www.food.gov.uk/sites/default/files/media/document/Display%20of%20Food%20Hygiene%20Ratings%20in%20England%2C%20Wales%20%26%20Northern%20Ireland\\_0.pdf](https://www.food.gov.uk/sites/default/files/media/document/Display%20of%20Food%20Hygiene%20Ratings%20in%20England%2C%20Wales%20%26%20Northern%20Ireland_0.pdf)

<sup>11</sup> [https://www.food.gov.uk/sites/default/files/media/document/food\\_hygiene\\_ratings\\_display\\_england\\_northern\\_ireland\\_wales\\_2018\\_0.pdf](https://www.food.gov.uk/sites/default/files/media/document/food_hygiene_ratings_display_england_northern_ireland_wales_2018_0.pdf)

<sup>12</sup> <https://www.food.gov.uk/sites/default/files/media/document/display-of-food-hygiene-ratings-in-england-northern-ireland-and-wales.pdf>

- 8.13. There was also a seven per cent increase in the numbers of businesses reporting that the display of their rating had had a positive impact on their business in 2020, up to 38 per cent from 31 per cent in 2019. Two per cent of businesses reported that the display of their rating had had a negative impact on their business in line with results from the previous years.
- 8.14. Those businesses with a rating below '5' that reported taking action to improve their rating remained constant across all three years (81 per cent in 2020, 82 per cent in 2019 and 81 per cent in 2018).

## **Consumer Awareness**

- 8.15. In 2019 the FSA published its report on the fifth biennial '[Food and You](#)' [survey](#)<sup>13</sup> research, which monitors and tracks changes in consumer attitudes towards food. This survey provides key data on the public's knowledge, attitudes and behaviours in relation to food safety and food related matters.
- 8.16. The survey consisted of 536 interviews of individuals aged 16 and over and was carried out between June and December 2018 across Wales. One of the themes in the survey is eating out and it questions awareness and use of the Scheme.
- 8.17. The main findings in Wales were as follows:
- Continuing increased recognition of the Scheme with 94 per cent of those surveyed recognising the Wales rating stickers (an increase from 89 per cent in 2016).
  - A good hygiene rating was, for 71 per cent of the respondents, the most important factor influencing decisions about where to eat out.
  - Younger people between the ages of 16 and 44 years old are more likely to mention the Food Hygiene Rating Scheme.
- 8.18. The FSA's Food Hygiene Rating Scheme Biannual [Public Attitudes Tracker](#)<sup>14</sup> was carried out in November 2019 involving face-to-face interviews with 2,101 adults aged 16 and over. Respondents who reported being aware of hygiene standards in the places they eat out or buy food from most cited the food hygiene rating stickers as their source of reference (64 per cent). This is consistent with earlier waves of the tracker.

---

<sup>13</sup> <https://www.food.gov.uk/sites/default/files/media/document/food-and-you-wave-5-combined-report.pdf>

<sup>14</sup> <https://www.food.gov.uk/sites/default/files/media/document/fhrs-consumer-tracker-report-wave-8.pdf>

8.19. In March 2020, the FSA announced it would combine the 'Food and You' and the 'Public Attitudes Tracker' into a new modular biannual survey called 'Food and You 2'. This will provide access to the most representative and accurate consumer data.

8.20. Wave '1' was conducted between July and October 2020 and the FSA will publish the report in early 2021. However, the Scheme and 'eating out' elements of the research will be part of Wave '2' and the results are expected to be reported in April/May 2021.

## 9. Future Developments

### Statutory Scheme in England

- 9.1. The FSA is pursuing its ambition for mandatory display of ratings in England and in March 2020 submitted the case to the Department of Health and Social Care (DHSC) Ministers for consideration. A response has been delayed due to the COVID-19 pandemic.

### Online Display of Ratings

- 9.2. The FSA has started work to identify options for introducing a proportionate requirement for the provision of food hygiene ratings online. The objective is to provide credible and meaningful information to consumers about food businesses operating online ensuring any requirement allows for consistent enforcement. Work to April 2020 focused on scoping and evidence gathering through four key workstreams concentrating on consumers, food businesses/industry, LAs and the digital solution.
- 9.3. The FSA anticipated the scoping phase would be completed by late summer 2020. This work has, however, been put on hold recognising that both LAs and food businesses' focus will be elsewhere as a result of the COVID-19 pandemic. The FSA will keep matters under review and will resume work once we consider it appropriate to do so.

Recommendation 6: The FSA will work with the Centre for Digital Public Services to ensure digital solutions developed in support of an online Scheme in Wales meets the Welsh Government's Digital service standard.

### Review of Childminder Exemption

- 9.4. Childminders operating from establishments also used as a private dwelling are exempt from the Scheme. In the interest of ensuring parents and guardians are provided with relevant information, the 2018 report included a recommendation for the FSA to work with relevant stakeholders to review the current exemption for childminders and provide appropriate recommendations to the Welsh Ministers.

- 9.5. The FSA has commissioned an independent research project to explore extending the scope of the Scheme to include childminders. The project, which commenced in October 2020, consists of a series of workshops and in-depth interviews with key stakeholders comprising of childminders, parents, LAs, Welsh Government and the Professional Association for Childcare and Early Years. The aim is to gather views and evidence, explore potential options and identify the challenges and barriers to help inform any future recommendations to the Welsh Ministers.
- 9.6. The research is expected to conclude with a report in Spring 2021 that will help to inform the next steps.

### **Achieving Business Compliance**

- 9.7. In January 2020 the FSA Board considered the current status of the Regulating Our Future programme and proposed next steps for the second phase of work to be titled 'Achieving Business Compliance'. The FSA Board agreed on a refreshed programme of work that focuses on the following key priorities:
- Ongoing mapping of the system across the domains of the state, market and consumer
  - Evolution and refinement of the current local authority-based system
  - Approaches that build on data and digital opportunities starting with the segments of the market (for example platforms or major retailers) where a premises-based approach might not be the most appropriate

### **Use of remote assessment for the Scheme**

- 9.8. As part of the response to COVID-19, LAs have been able to use remote assessments to inform the need for an onsite intervention or to help focus a subsequent onsite intervention. The FSA commissioned an independent evaluation of the use of remote interventions and the report is currently being considered.

**Recommendation 7: The FSA takes account of the statutory Scheme and the views of key stakeholders in Wales when considering any of its proposals on the future of the regulatory system.**

## **Register a Food Business**

- 9.9. In September 2018 the FSA launched the Register a Food Business (RAFB) digital online registration service. RAFB provides a consistent user journey and is quick and easy to complete from any mobile device. The user receives immediate confirmation that their registration has been received along with contact details of their LA. The RAFB service also provides FBOs with useful food safety guidance, including information on the food hygiene rating scheme to help them set up their food business.
- 9.10. LAs are offered different connection options to suit their IT systems and those using the service have indicated that RAFB provides a good way of working and reduces the need for paper handling. It is not mandatory for LAs to use the RAFB service, but the FSA continues to encourage LAs to use the service and supports those that do. Currently, over 50 per cent of LAs in Wales are connected.
- 9.11. The FSA is developing a Welsh language version of RAFB that will be introduced in the spring of 2021. This will enable FBOs to register and receive information on the Scheme in Welsh.
- 9.12. The FSA recognises the importance of early engagement and a programme of work is planned to raise awareness of the requirement to register and the benefits of doing so. In addition, we will work with third parties to help signpost new food businesses to the registration service and relevant support and guidance available to them. As part of the future development of the service the FSA is considering how useful information about online businesses that are within scope of the Scheme can be captured.

## 10. Conclusions

- 10.1. The COVID-19 pandemic has had an impact on the operation of the Scheme in Wales. LA officers have been called upon to assist in the response which has reduced the available LA resource to undertake programmed food hygiene official controls in Wales. During 2020 this has meant a reduction in the numbers of food hygiene ratings being awarded and a substantial increase in the numbers of businesses awaiting a new or programmed inspection.
- 10.2. Welsh Ministers and the FSA continue to support the effective and consistent operation of the Scheme in Wales and fulfil their functions as set out in the legislation.
- 10.3. The review found that LAs remain highly committed to delivering the Scheme and play a significant role in ensuring it remains credible, current and equitable for all food businesses in Wales. Overall, prior to March 2020, LAs were delivering the Scheme in accordance with legal requirements and guidance.
- 10.4. Research findings provide evidence that the Scheme continues to be effective in raising awareness of food hygiene standards with 94 per cent of consumers recognising rating stickers. Food business display rates have also reached an all-time high with 89 per cent of establishments displaying ratings in accordance with the law.
- 10.5. The Scheme continues to provide an incentive for food businesses to improve compliance with food safety law with the proportion of businesses with the highest food hygiene rating continuing to rise year on year and reaching 69.5 per cent in November 2020 (65.1 per cent in 2017).

## 11. Recommendations

11.1. The FSA is making the following recommendations:

### **Recommendation 1:**

The FSA, Welsh Government, Directors of Public Protection Wales (DPPW) and Safe, Sustainable and Authentic Food Wales (SSAFW) collaborate to develop a forward plan for future inspections and food hygiene ratings.

### **Recommendation 2:**

The FSA continues to provide support to ensure that all LA officers who issue ratings to food businesses under the Scheme continue to engage in consistency exercises.

### **Recommendation 3:**

The FSA continues to facilitate and support the work of the Wales Steering Group to ensure the ongoing success and development of the Scheme.

### **Recommendation 4:**

The FSA provides any additional data for the period 28 November 2019 to 27 November 2020 at the earliest opportunity.

### **Recommendation 5:**

The FSA requests LAs to provide more detailed information in relation to Prosecutions in their data returns relevant to the Scheme to improve the level of reporting and allow greater analysis.

### **Recommendation 6:**

The FSA will work with the Centre for Digital Public Services to ensure digital solutions developed in support of an online Scheme in Wales meets the Welsh Government's Digital service standard.

### **Recommendation 7:**

The FSA takes account of the statutory Scheme and the views of key stakeholders in Wales when considering any of its proposals on the future regulatory system.



## Annex 1. Actions in Response to Recommendations in Earlier Reports

### 2018 – Review of the Implementation and Operation of the Statutory Food Hygiene Rating Scheme and the Operation of the Appeals System in Wales

- A1.1. **Recommendation 1** – That the Food Hygiene Rating (Wales) Regulations 2013 are amended to reflect changes to the Children and Families (Wales) Measure 2010.

**Ongoing** – FSA is in discussion with Welsh Government’s legal services to implement this change in an amending Regulation. Legislative priority is currently given to EU transition and COVID-19 related work. Therefore, legislative change is unlikely to happen before end of 2021.

- A1.2. **Recommendation 2** – That the FSA evaluates the impact of the amendment to the Scheme introduced by the Public Health (Wales) Act 2017 in relation to the retention of FPN receipts, at the end of the period of 1 year of commencement.

**Complete** – The Wales Steering Group has discussed and confirmed that FPN money received by LAs is retained for Scheme related activity.

- A1.3. **Recommendation 3** – That LAs ensure food hygiene interventions are carried out at the minimum frequency set-out in the Food Law Code of Practice (Wales).

**Complete** – The FSA issued a letter to all local authority Chief Executives in this regard. The FSA has monitored local authority performance in delivering interventions to ensure appropriate action can be taken where shortfalls are identified.

- A1.4. **Recommendation 4** – That the FSA continues to facilitate and support the work of the Wales Steering Group to ensure the ongoing success and development of the Scheme.

**Complete** – The FSA has held quarterly Wales Steering Group meetings, with the exception of the period between March and September 2020 due to the COVID-19 pandemic. Quarterly meetings have now been resumed and hosted virtually. The FSA will ensure these continue to take place with the same frequency.

A1.5. **Recommendation 5** – That the FSA publishes a report on the findings of its audit of local authority delivery of the Food Hygiene Rating Scheme by May 2018.

**Complete** – The FSA published the report on the '[Focused Audit of Local Authority Implementation and Operation of the Statutory Food Hygiene Rating Scheme in Wales](https://www.food.gov.uk/other/focused-audits)',<sup>15</sup> on 18 March 2019, which is available in the FSA's website.

A1.6. **Recommendation 6** – That LAs ensure ratings information is provided to the FSA in accordance with the requirements of the Act.

**Complete** – LAs have been providing updated lists of rated businesses to the FSA through the ratings website platform within the frequency requirements set out in the Statutory Guidance.

A1.7. **Recommendation 7** – That the FSA, in collaboration with the Welsh Government and LAs, consider options for providing consumers with further assurance in respect of lower-risk food businesses, which may have been subject to an intervention (other than inspection) since the rating was issued.

**Ongoing** – The FSA is setting up a task group of key stakeholders to explore options.

A1.8. **Recommendation 8** – That the FSA continues to provide support to ensure that all local authority officers who rate food businesses under the Scheme continue to engage in activities that promote consistency.

**Complete** – The FSA have run consistency exercises across Wales, England and Northern Ireland in 2018 and 2020. Consistency exercises have also been organised and carried out at a national and regional level in Wales in 2018 and 2019. The FSA will continue to organise and support LAs in the organisation of consistency levels across the three nations, as well as at a national and regional level.

---

<sup>15</sup> <https://www.food.gov.uk/other/focused-audits>

A1.9. **Recommendation 9** – That LAs ensure all appeals are determined and the FBO and FSA notified of the outcome within 21 days of the appeal being received. Where delays have occurred, the FSA should ascertain the reasons for these delays and remind LAs of their statutory obligations.

**Complete** – The FSA has implemented an improved method to record appeals which allows rapid identification of appeals determined after 21 days. In the events where this has happened, the FSA has contacted the relevant local authority and ascertained the reason for the delay and the local authority has confirmed that a corrective action has taken place.

A1.10. **Recommendation 10** – That the FSA continues to support LAs in securing improvements in business compliance through targeted intervention activities.

**Complete** – The FSA has provided further grant funding to LAs in 2018 and 2019 to carry out targeted interventions at non-compliant food establishments with the aim of increasing business compliance through improvements in FSM arrangements. This has not been carried out in 2020 due to implications of the COVID-19 pandemic, with the agreement of LAs.

A1.11. **Recommendation 11** – That the FSA commissions further research to determine the level of food business compliance with the requirements of the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016.

**Complete** – Fieldwork was completed in June 2018. The FSA published the report on its internal communication platform for local authority officers involved in the Scheme.

A1.12. **Recommendation 12** – That the FSA works with relevant stakeholders to explore the feasibility of introducing a requirement for the provision of ratings information on online food ordering platforms.

**Ongoing** – The FSA has developed a project plan involving consumer research, engagement with the industry, a workshop with LAs and a discovery project to develop the relevant digital tools. The project has been put on hold to avoid adding unnecessary pressure to stakeholders during the COVID-19 pandemic.

A1.13. **Recommendation 13** – That the FSA works with relevant stakeholders to explore options for improving information for consumers in respect of food business arrangements for the control of allergens.

**Ongoing** – The FSA Board discussed allergens in March, May, June and September 2019, and March 2020. The FSA Food Hypersensitivity Strategy includes a commitment to consider options for an “allergy safe scheme”, not unlike the Scheme, to provide information on allergen management. Social research to consider how FSA might provide consumers with better information on a business allergen management practices has been commissioned. The Wales Steering Group will monitor developments.

A1.14. **Recommendation 14** – That the FSA works with relevant stakeholders to review the current exemption for childminders and provides appropriate recommendations to Welsh Ministers.

**Ongoing** – The FSA has commissioned a research project to explore the views and impact of extending the scope of the Scheme to include childminders. The FSA will receive an independent report that will be used to make a recommendation to the Welsh Ministers.

## **2019 – The Food Hygiene Rating Scheme: Review of the Operation of the Appeals System in Wales**

A1.15. **Recommendation 1** – That the FSA reminds LAs of the need to have suitably robust arrangements in place to determine appeals and notify FBOs of the outcome within the required 21-day period.

**Complete** – The FSA has implemented an improved method to record appeals under the Scheme received by LAs. This allows rapid identification of any appeals that may have been determined after 21 days so that the FSA can contact the local authority to help determine whether a corrective action is required.

A1.16. **Recommendation 2** – That the FSA reviews the results of the fourth National Consistency Exercise for LAs in Wales and works with the Wales Steering Group to identify the need for additional support or guidance, as necessary.

**Complete** – The FSA shared the results of the fourth National Consistency Exercise with LAs in June 2019. Almost three quarters of LAs submitted the expected result, and, for the remainder, disparity was attributed to the scoring for Confidence In Management originated from the limitations of any scenario-based exercise. The Wales Steering Group agreed that additional support would not be necessary and the FSA committed to consider removing any disparity between guidance documents in each country as part of the review of the Statutory Guidance in Wales.

A1.17. **Recommendation 3** – That the FSA continues to provide support to ensure that all local authority officers who rate food businesses under the Scheme continue to engage in activities that promote consistency.

**Complete** – The FSA ran consistency exercises across Wales, England and Northern Ireland in 2018 and 2020. Consistency exercises have also been organised and carried out at a national and regional level in Wales in 2018 and 2019. The FSA will continue to organise and support LAs in the organisation of consistency levels across the three nations, as well as at a national and regional level.

## **2020 – The Food Hygiene Rating Scheme: Review of the Operation of the Appeals System in Wales**

A1.18. **Recommendation 1** – That the FSA carries out a review of the use of the Request for Early Publication function and assesses its impact on LAs in Wales.

**Ongoing** – The function is currently available for food businesses in Wales. Due to the impact of the COVID-19 pandemic, the FSA has delayed the review of the early publication function.

A1.19. **Recommendation 2** – That the FSA explores the reasons for the low use of the right to reply safeguard in Wales.

**Ongoing** – Due to work re-prioritisation and resource limitations as a consequence of the COVID-19 pandemic, the FSA has postponed this exercise and will keep its decision under regular review.

A1.20. **Recommendation 3** – That the FSA, in collaboration with LAs, will review and amend, as necessary, the Statutory Guidance in 2020 on behalf of Welsh Ministers.

**Ongoing** – The FSA, in collaboration with LAs, completed the review of the Statutory Guidance during 2020. The revised Statutory Guidance will be submitted to the Welsh Minister for approval prior to publication early in 2021.

A1.21. **Recommendation 4** – That the FSA continues to provide support to ensure that all local authority officers who rate food businesses under the Scheme continue to engage in activities that promote consistency.

**Complete** – The FSA have run consistency exercises across Wales, England and Northern Ireland in 2018 and 2020. Consistency exercises have also been organised and carried out at a national and regional level in Wales in 2018 and 2019. The FSA will continue to organise and support LAs in the organisation of consistency levels across the three nations, as well as at a national and regional level.