

## Food Hygiene Rating Scheme (FHRS) Safeguards for Business

### Issue

1. This paper provides a general update on the use of the FHRS safeguards across England, Wales and Northern Ireland. This is consistent with the terms of reference of the Steering Group, one of which is to consider information about the ongoing use and delivery of the safeguards.

### Steering Group action

2. The Steering Group is asked to:
  - **Note** and **comment** on the information provided.

### Background

3. In [the review of policy and procedures for the Food Hygiene Rating Scheme \(FHRS\) safeguards for food businesses](#) (2019) it was recommended that 'mechanisms should be put in place to collate and analyse relevant data for Wales, Northern Ireland and England 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. It should be noted that these mechanisms were being implemented to collect data for 2019/20 but collection and analysis of these data were put on hold due to the COVID-19 pandemic. From June 2021, following the worst of the pandemic and the start of a return to normal, the Agency implemented a recovery plan to aid local authorities to return to business as usual by March 2023. The recovery plan was withdrawn in March 2023 following the excellent efforts of colleagues in local authorities to return to business as usual ahead of both schedule and expectations.
5. Limited information on the use of safeguards was reported to the steering group in [the general update at the meeting on 22<sup>nd</sup> May 2023](#) and we advised that the collection of full data would resume for 2023/24.

### Appeals

6. If a food business operator thinks that their rating is unfair or wrong, they can appeal in writing to their local authority. This must be done within 21 days of being notified of the rating.
7. The following table shows the outcomes of FHRS appeals for each country:

<b>FHRS appeal outcomes</b>	England <sup>1</sup>	Wales <sup>2</sup>	Northern Ireland <sup>3</sup>
Rating went up	23%	20%	12.5%
No change	75%	79%	87.5%
Rating went down	2%	1%	0%

8. Table 1 of appendix A shows the information by [government office region in England](#).
9. We will continue to monitor the use of appeals and follow-up where there are any issues.

### **Requested re-rating inspections**

10. Food Business Operators can request a re-rating inspection where the necessary improvements to address non-compliances identified during the local authority's planned intervention have been made.
11. The following table shows the outcome of these requests for each country:

<b>FHRS re-rating inspections outcomes</b>	England <sup>1</sup>	Wales <sup>2</sup>	Northern Ireland <sup>4</sup>
Rating went up	94%	94%	-
No change	5%	3%	-
Rating went down	1%	3%	-

12. Table 2 of appendix A shows the information by [government office region in England](#)
13. Under the statutory schemes in both Wales and Northern Ireland, a charge is made for delivery of requested re-rating inspections. This is currently £180 in Wales and £150 in Northern Ireland.
14. In England, where the scheme is operated on a voluntary basis, local authorities may use the powers available to them under the Localism Act 2011 to recover the cost of delivering requested re-rating inspections. Charges range from £90 to £359 with the average charge being £190.

### **Right to reply**

15. Food businesses can tell customers how the business has improved its hygiene standards or if there were unusual circumstances at the time of inspection by means of a 'right to reply' comment published on [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings). Comments must be submitted in writing to the local authority responsible for the food hygiene inspection and rating the business.

<sup>1</sup> Appeals and requested re-rating inspections for period 01/04/2023 – 31/03/2024 as recorded on the FHRS system

<sup>2</sup> Appeals and requested re-rating inspections for period 28/11/2022 – 27/11/2023 reported [for the Senedd Cymru - Review of the Operation of the Appeals System in Wales](#)

<sup>3</sup> Appeals for period 01/04/22 -31/03/23 based on returns from the NI District Councils

<sup>4</sup> Data on the outcomes of requested re-ratings are not collected for Northern Ireland

16. As of 31<sup>st</sup> March 2024, 66 right to replies were published on [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings). 61 related to businesses in England and 5 businesses in Wales. There were no comments published for businesses in Northern Ireland.

### **Early publication of ratings**

17. The review recommended that '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'.
18. The facility to publish ratings before the end of the appeal period was implemented for England and Wales in September 2019. This is done at the request of the food business operator and does not require the right to appeal to be waived.
19. The Food Hygiene Rating Act (Northern Ireland) 2016 does not currently allow for this approach.
20. During the period 01/04/2023 – 31/03/2024 ratings for 1823 food businesses in England were published before the appeal period had elapsed.
21. During the period ratings for 28/11/2020 - 27/11/2023, as published in the three-year review of the implementation and operation of the statutory FHRS [for the Senedd Cymru - Review of the Operation of the Appeals System in Wales](#), 187 food businesses in Wales were published before the appeal period had elapsed.

**FHRS Steering Group Secretariat  
September 2024**

## FHRS safeguards 2023/24 by Government office region

**Table 1**  
**FHRS appeals by Government office region in England for 2023/24**

Region	Rating improved	Rating unchanged	Rating went down
East Counties	28%	69%	3%
East Midlands	12%	88%	0%
London	18%	79%	3%
North East	23%	77%	0%
North West	15%	83%	2%
South East	28%	70%	2%
South West	33%	67%	0%
West Midlands	27%	73%	0%
Yorkshire and Humberside	32%	68%	0%
<b>Total for England</b>	<b>23%</b>	<b>75%</b>	<b>2%</b>

**Table 2**  
**Requested re-rating inspections by Government office region in England for 2023/24**

Region Name	Rating improved	Rating unchanged	Rating went down
East Counties	95%	4%	1%
East Midlands	94%	6%	0%
London	95%	4%	1%
North East	98%	2%	0%
North West	90%	9%	1%
South East	95%	3%	2%
South West	97%	3%	0%
West Midlands	94%	4%	1%
Yorkshire and Humberside	97%	2%	1%
<b>Total for England</b>	<b>94%</b>	<b>5%</b>	<b>1%</b>