

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Cabinet Member for Health &amp; Well Being</b>
2.	<b>Date:</b>	<b>12<sup>th</sup> September 2011</b>
3.	<b>Title:</b>	<b>Food Hygiene Rating System (FHRS)</b>
4.	<b>Directorate:</b>	<b>Neighbourhoods and Adult Services</b>

### 5. Summary

The Authority currently operates a food hygiene rating scheme known as Scores on the Doors. This scheme is run in partnership with Transparency Data. It is a web based platform which links to the Council internet publishing the risk scores determined after food hygiene inspections have been undertaken.

There is now a National Food Hygiene Rating Scheme run by the Food Standards Agency (FSA) which has been adopted by 150 councils up to June 2011.

The report highlights the differences between the scheme Rotherham operates and the actions needed to migrate to the national scheme. It outlines funding available to the four South Yorkshire Authorities to assist migration to the FHRS and the cost benefits of adopting the new scheme using this funding.

### 6. Recommendations

- **THAT CABINET MEMBER NOTES THE UPDATE REPORT REGARDING IMPLEMENTATION BY THE FSA OF A NATIONAL SIX-TIER FOOD HYGIENE RATING SCHEME (FHRS) AND THE “BRAND STANDARD”.**
- **THAT CABINET MEMBER APPROVES THE DECISION TO MIGRATE TO THE FHRS SCHEME SUBJECT TO THE FUNDING BID BEING ACCEPTED.**
- **THAT THE AUTHORITY CONTINUES TO SUPPORT THE SCORES ON THE DOORS SCHEME UNTIL THE CONTRACT WITH TRANSPARENCY DATA EXPIRES IN FEBRUARY 2012.**

## **7. Proposals and Details**

Hygiene Rating schemes are designed to provide consumers with information about the standards of hygiene at food business premises found by local authority officers when they undertake inspections to check compliance with the legal requirements. Rotherham implemented a scheme called Scores on the Doors (SotD) in March 2007 which is operated in partnership with Transparency Data.

The Food Standards Agency (FSA) has developed a national six-tier scheme which is similar to the one operating in Rotherham. In September 2010 the steering group appointed by the FSA published a document entitled 'the Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation – the 'Brand Standard''. This Guidance represents the 'Brand Standard' for the Food Hygiene Rating Scheme (FHRS) and local authorities operating the FHRS are expected to follow in full.

The scope of the scheme set out in the guidance extends the premises included in the SotD scheme run by Rotherham which currently includes only caterers. The FSA scheme includes establishments that supply food direct to consumers, including retailers. Certain exemptions are proposed, for example, primary producers, packers, importers, manufacturers, exporters, etc. and groups such as childminders which are operating from private addresses and 'low-risk' establishments such as chemists and newsagents selling pre-wrapped confectionery.

The FHRS broadens the higher rated scores which will impact on the better premises in Rotherham and alters the descriptors published on the web. This will mean that some premises will alter their star rating, some will go up and others will go down. The descriptors of the premises would alter to very good, good, generally satisfactory, improvement necessary, major improvement necessary and urgent improvement needed.

If Rotherham adopts the scheme the FSA requires the local authorities participating in the FHRS to sign a formal agreement based on the 'Brand Standard'.

If Rotherham migrates to the FHRS system this could be undertaken in a staged gradual approach or via a critical mass approach. There are advantages and disadvantages to both, but migration by critical mass is favoured. The suggested launch time across the Four Authorities is March 2012.

The change will be communicated to the businesses in a number of ways, during inspections, in letters, on the website, newsletters etc. The funding from the FSA covers the cost of the letters, postage involved in the migration, etc.

The cost of running the FHRS will be less than running the SotD scheme as there is no annual cost. The running costs will be the same.

The Authority successfully bid for funding from the FSA with the other South Yorkshire Authorities. The total amount awarded between the Authorities is £131,488. If the Authority accepts the funding it is committed to join the national scheme. The cost of transferring to the new scheme is covered in the funding bid; however, has to be completed by April 2012.

The bid covers funding to change all the certificates and to inform businesses about their new score rating. Currently only premises with 3 stars and above receive a certificate in Rotherham. Under the FHRS all establishments rated under the scheme must be issued with a certificate and sticker.

The new scheme includes an 'awaiting inspection' certificate and sticker to be provided to new food business operators (FBO) upon request and the rating for the previous FBO removed. This could encourage certain unscrupulous FBOs to change the name of the FBO. Currently there are approximately 10 new premises which register each month, but numerous businesses change their food business operator each year.

The new scheme is likely to generate a number of enquires that will require a response. The risk ratings of a number of premises will alter and it is envisaged that some food business operators would seek clarification of their new star rating. However, the information sent to FBOs would give a full explanation of the new rating system; this funding is also covered in the bid. An FBO can request a revisit; this request must be made in writing to the local authority within 14 days and the local authority has to respond to this request. The FBO can make only one request prior to the next primary visit.

Currently we do not risk rate premises after a revisit to ensure the food hygiene standards are maintained. Many businesses put in place food safety management systems at the time of the revisit, but fail to maintain them at the time of the next inspection. Appropriate resources would need to be allocated to undertake these additional requests.

Revisits should be undertaken within 3 months but a stand still period of 3 months has been introduced before the premises are risk assessed. Currently premises are revisited at different frequencies depending upon the contraventions found.

The guidance states that 'local authorities may only impose charges for such re-inspections/revisits if they have the statutory powers to do so'. It also states that 'It is the FSA's views that such powers do not exist in domestic food law'.

The FHRS is voluntary; it will alter the symbols and introduce standardised certificates and window stickers. The FSA has produced a local authority Communications Toolkit available on the website which has template leaflets, web banners, posters, etc. However, printing costs will need to be included. Branding details for the new scheme are included in the guidance document, which will be offset by the cost of not having to purchase the certificates.

The table below summarises the main differences between the schemes:

Scores on the Doors	Food Hygiene Rating Scheme
Annual fee of £3,220	No annual fee
Includes caterers	Includes caterers and retailers
Only 3 star and above receive a certificate. No "awaiting inspection" certificate provided.	All premises in the scheme receive a certificate and sticker. New businesses receive an "awaiting inspection" certificate.
The higher star rating is narrower	The higher star rating is broader

Currently all four authorities in South Yorkshire operate the same rating scheme and launched the SotD scheme together. Consideration should be given to local liaison when considering migrating to the FHRS scheme and ideally agreeing a joint date for launch.

It is recommended that Rotherham continues to use the Transparency Data Scores on the Doors Scheme until the contract expires in February 2012 and then launch the new scheme in March/April 2012.

Lord Young's report has recommended that consideration should be given to implementing a similar scheme for health and safety inspections and the Authority will need to consider this in due course.

## 8. Finance

The cost of purchasing the web-based system which Rotherham is currently using is £3,220 per annum; the new scheme does not have an annual fee. The cost of the scheme is contained within the existing revenue budget of Neighbourhoods and Adult Services by making corresponding savings in other areas, such as supplies and services.

To migrate to the new Food Standards Agency scheme, however, would have cost implications such as undertaking database checks and establishing IT links. This work would need to be undertaken in conjunction with RBT.

The Authority has bid in conjunction with the four South Yorkshire Authorities for funding to migrate to the system. The FSA has awarded £131,488 to be used across South Yorkshire. However this can only be used if all four Authorities accept the conditions of the bid and migrate to the FHRS. This funding covers the costs of migrating to the new scheme.

The workload of the staff operating the system will not change as the premises are inspected at the same frequency.

This bid has to be accepted and completed by April 2012 and therefore it would be beneficial to migrate during 2011/2012 financial year.

## **9. Risks and Uncertainties**

A range of risks were initially identified and highlighted in the previous reports; all were discussed with Legal and a decision made to support the local scheme. Actions were taken to mitigate some of the risks such as consistency training.

The FSA's six-tier scheme should mean that the transition for customers in Rotherham should be fairly easy to understand. There will be some minor changes to the descriptors and some scores will alter slightly, hence the banding publicised will change for a number of premises. Affected premises will be notified by letter and FBOs will have the opportunity to discuss any changes with the Manager of the team as they currently do in the Scores on the Doors Scheme. Only a small number of businesses have so far queried their rating. The majority of premises affected will increase their rating and therefore there are likely to be very few queries.

## **10. Policy and Performance Agenda Implication**

Strategic Objective 5 states that 'We will ensure that Citizens are satisfied with their community as a place to live. The proposal of migrating to the FSA's FHRS and contributes to part of the review of the functions undertaken by Regulatory Services.

## **11. Background Papers and Consultation**

We considered the views of the public and businesses with regard to launching the scheme in Rotherham in 2007.

The public have expressed an interest in seeing the scores for all food premises. Businesses have also supported the scheme, particularly those who are trying to improve their standards.

The FSA undertook consultation between May and August 2008 and received 414 responses across the UK and has received numerous comments which have reflected changes in the scheme.

### Background Papers

- Food Law Code of Practice and Associated Guidance, Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement
- FSA website for the FHRS platform and associated documents ([www.food.gov.uk](http://www.food.gov.uk))
- Third party supplier of software platform ([www.scoresonthedoors.org.uk](http://www.scoresonthedoors.org.uk))

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