

THURROCK COUNCIL NATIONAL FOOD HYGIENE RATING SCHEME POLICY

Introduction

Thurrock Council is committed to publishing food hygiene inspection results of food businesses in the borough. These have been published on the national site “Scores on the Doors” since 2008. The scheme allows members of the public to make informed decisions on places to eat or purchase food based on hygiene standards. The information has been accessible to the public via the internet and by issuing certificates for businesses to display in a prominent position within the premises.

Approximately 180 Local Authorities across the U.K. displayed their hygiene ratings on the above website. A number of other Local Authorities have operated similar schemes. Since 2010, however, the Food Standards Agency (FSA) has developed its own Food Hygiene Rating Scheme website, with the intention that all Local Authorities will adopt a single national scheme and that consumers will be able to view this on one national website. Thurrock Council has made the decision to adopt this system from 1st May 2012.

This document outlines the principles adopted by Thurrock Council and these are based on the application of the FSA ‘s guidance on the implementation and operation of its national scheme: the Food Hygiene Rating Scheme (FHRS): Guidance for local authorities on implementation and operation – the Brand Standard.

Aim

The aim of the scheme is to provide information to enable consumers to be able to make informed choices about where they purchase food. In addition it has been found that such schemes improve food safety and hygiene standards within those businesses. This benefits consumers, the businesses themselves and the local economy by driving up standards and making Thurrock a safer place to eat and drink.

The principles behind the scheme are:

1. To provide customer access to information to enable them to make an informed choice about where to eat or purchase food in the borough,
2. To provide positive encouragement for businesses to improve their standards of food hygiene,
3. To promote transparency and consistency in food hygiene inspections,
4. To raise the profile of the work of Thurrock Council and its Public Protection department.

The Scheme

Under the Food Safety Act 1990, Local Authorities have a duty to inspect food businesses in their area to ensure that food hygiene standards are maintained. These inspections are carried out in accordance with the Food Law Code of Practice and the FSA Framework Agreement on Food Law Enforcement.

The Environment Information Regulations 2004 introduced the opportunity for Local Authorities to provide this information to the public without it being requested.

Research undertaken by Local Authorities, the FSA and consumer groups has demonstrated widespread support by customers and businesses for publication of the food hygiene scores. It is also in line with the principles of the Freedom of Information Act.

The Rating Scheme

Following an inspection or audit, a food officer will rate the business for food hygiene standards using the Food Law Code of Practice (England) Annex 5. The rating for food hygiene procedures, structure and confidence in management will be extracted to provide the score used for the public Food Hygiene Rating Scheme, as these are the elements under the direct control of the food business operator. The overall score of 0 is the lowest score indicating "Urgent Improvement Necessary" and the score of 5 is the highest indicating "Very Good". A score of 3 equates to "broadly compliant" with legal requirements.

Information about the rating scheme and how it has been determined will be provided to help the businesses understand what they need to do to improve.

The scheme includes a right of appeal by the food business operator to the Principal Environmental Health Officer – Food Team, to ensure a consistent approach. This appeal must be submitted within 14 days of the notification and determined within 7 days. Only the latest rating will be available on the website. The rating is valid until the next inspection or audit.

The website on which the information is displayed will include a "right to reply" section for the use of food business operators. Any responses will be vetted by the Local Authority before they are placed on the website.

The Local Authority also has the right to determine whether the rating of premises should not be supplied.

Re-visits and Re-rating

Officers will re-visit businesses which are not broadly compliant with food hygiene legal requirements and will work to ensure standards are improved. This ensures that enforcement action is focused on the worst performing businesses, which is in line with the principles of the Hampton review.

(<http://www.berr.gov.uk/files/file22988.pdf>). Action will include help and advice and,

where appropriate, enforcement action in accordance with the Public Protection Enforcement Policy (<J:\THURROCK\EXCHANGE\Sustainable Communities\Public Protection\Policies and Strategies\Public Protection Enforcement Policy June 2010>). These businesses can be re-rated during this process if an assessment of the level of compliance overall is made (i.e. the visit constitutes a full or partial inspection under the terms of the Food Law Code of Practice) and the risk scores have changed. Once the score has been re-rated any further request for rescores will be dealt with as in the paragraph below.

A re-visit can be made at the request of the food business operator any time after the inspection. The request must be in writing and must state what steps the business has made to improve its food hygiene. The re-visit will not normally take place until three months after the inspection; the 'stand still' period. The requested re-visit must then take place within three months from the end of the 'stand still' period, or within three months of the date of request if this is made after the 'stand still' period. This means that six months is the maximum amount of time a business should have to wait for a re-inspection/re-visit after making a request. Only one revisit is allowed under the national scheme. Businesses will be aware the score can go up or down or remain the same as a result of this re-visit.

An exception to the above 'stand still' period may be made where the non-compliances identified at the programmed inspection concerned only the need for permanent structural improvements or repairs or upgrading of equipment.

Where a business applies for a rescore but the case made is not substantiated or insufficient evidence is provided then the request can be refused and the reason why will be explained.

A business can also be rescored following any intervention that comprises an inspection, partial inspection or audit by an authorised officer in accordance with the Food Law Code of Practice.

Method of Publication

The score will be published on the Thurrock Council's website www.thurrock.gov.uk/food and will be available via the FSA's national website www.food.gov.uk/ratings.

Scope

The rating shall apply to establishments supplying food direct to consumer. This includes restaurants, cafes, takeaways, hotels, bed-and-breakfast, staff canteens, care homes, sandwich shops, delicatessen, schools, pubs, bars and food retailers such as supermarkets and convenience stores.

Certain premises may not be inspected due to the low risk of the food sold or prepared there. These may be subject to alternative enforcement strategies and will therefore not receive a rating. Some of these premises may be exempt from the scheme as they are not seen by consumers as being food businesses because the food activity is only a small element of the business in comparison with its main activity. Examples of this will include leisure centres with vending machines selling drinks or low risk food, newsagents selling pre-packed confectionery, chemist shops

selling pre-packed confectionery and/or health foods, visitor centres or similar establishments selling tins of biscuits or other wrapped goods amongst a range of other goods.

Businesses which do not provide food to the final consumer are excluded from the scheme, for example: manufacturers (who only sell to other businesses), packers, importers and exporters, warehouses.

Some businesses are considered “sensitive” because they provide childminding or caring services in a home environment. Sensitive businesses are also excluded from the scheme.

Businesses which prepare food in a domestic premise or store their mobile food vehicle at a domestic premise will have the address listed on the website as “Known to Thurrock Council” for security reasons. These businesses will be included on the FHRS website, once the database supplier has provided upgraded software to enable this feature.

Changes in Ownership

When a notification of a change of ownership is received, via a food registration form, the rating will be removed from the website until the premises have been inspected. The website will display a “waiting to be rated” message against the premises.

Where the change of ownership is identified during an inspection the rating will be calculated on the risk rating carried out at the time of the visit.

If a premise is no longer trading, the premises details will be removed.

Appeals

The food premises will have the right to appeal a decision. In the first instance the business should discuss the rating with the inspecting officer. If this does not resolve the issue the business may appeal to the Principal Environmental Health Officer – Food Team. The appeal must be within 14 days of the business being informed in writing of the rating and should be in writing. Thurrock Council will respond within 14 days of receiving the appeal. No earlier than 7 days after this period, the score will be published. Appeals can only include the circumstances at the time of the inspection and not what may have occurred since. That would be a request for a re-visit.

Right of reply

A “right of reply” facility is provided on the FSA website for food businesses to use to indicate the improvements they have made following the last rated visit. All entries for the website will be vetted by the local authority before they are displayed. A ‘contact us’ facility will also be available on the national website so that the business can provide feedback to the FSA. This mechanism will also be available to consumers.

Consultation/Awareness Raising

The Chartered Institute of Environmental Health, the Food Standards Agency and other Local Authorities have undertaken extensive consultation previously. Therefore it is not the intention that further detailed consultation is undertaken.

Letters have been sent to all existing businesses which will come under the scheme, to make them aware of the change from the Scores on the Doors website to the FSA website and their current rating score. Catering businesses in Thurrock are experienced in having their hygiene scores placed on a national website since 2008.

The FSA has undertaken a national campaign to raise consumer awareness of the scheme since autumn 2010.

The scoring process

Thurrock Council undertakes risk ratings of all food businesses following a food hygiene inspection in accordance with the Food Law Code of Practice Annex 5. The following table outlines the elements which are extracted to determine the food hygiene rating which will be given to the premises.

Risk rating categories	Excellent ----- Poor					
Food Hygiene and Safety	0	5	10	15	20	25
Structure and Cleaning	0	5	10	15	20	25
Management and Control	0	5	10	20	30	

These risk ratings are the only ones which are directly controllable by the food business.

The total score from the 3 categories in the above table is then used to determine the rating as set out in table one below.

Annex 5 scores	0 - 15	20	25 - 30	35 - 40	45 - 50	> 50
Additional scoring factor	No score > 5	No score > 10	No score > 10	No score > 15	No score > 20	
Tiers	Top – Very Good	Second – Good	Third – Generally satisfactory	Fourth – Improvement necessary	Fifth – Major improvement necessary	Bottom- Urgent improvement necessary
Score	5	4	3	2	1	0

Note - Where any individual score (from the three elements in the COP) exceeds the additional scoring factor, the rating of the business will drop accordingly e.g. if a premise has good food handling procedures and overall management but very poor structure, it may only receive a score of 0 to 1.

Consistency

Thurrock Council will operate the scheme in line with the national guidance to ensure consistency. www.food.gov.uk/fhrs-brand-standard. Officers who undertake risk rating inspections will be competent and have received appropriate training.

Review

Thurrock Council will undertake a review of this policy at any time which is appropriate, such as amendments to the Food Law Code of Practice or national advice from the FSA.