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Portfolio Holder

I am delighted that we shall be part of the single national Food Standards Agency, Food Hygiene Rating Scheme. Moreover, we shall be one of the first early adopters in the country to introduce this scheme.

It was important to us as a council to be part of a national scheme that is supported by both the Food Standards Agency and the food business sector and not to introduce an independent scheme of our own. As a consequence of introducing the national scheme both consumers and businesses can have greater confidence that the scheme is operated to well defined and agreed common standards at national level which allows the use of a national brand.

This will benefit all consumers in the East Riding in enabling more informed choices of where they eat and buy food. Customer feedback shows there is significant demand from members of the public for the introduction of a scheme within the East Riding.

Evidence from similar schemes operating elsewhere shows that overall business benefits from such schemes and that standards of compliance improve as a consequence providing greater public protection measures.

Editorial

Food Hygiene Rating Scheme

This special edition of Food Focus gives you all the information that you will need to understand how the Food Hygiene Rating Scheme will operate and how it will affect your business.

We have taken the decision to wait to introduce a scheme within the East Riding until such time as the national scheme introduced by the Food Standards Agency was agreed.

You will have noticed that previous editions of Food Focus have used the expression ‘Scores on the doors’. Following extensive consumer research the Food Standards Agency have adopted the new name of ‘Food Hygiene Rating Scheme’, and all our correspondence, certificates and stickers will from now on use this brand name.

We do see this as a significant initiative that will assist consumers in the East Riding to exercise choice issues as to where they eat or buy food.

Within the current climate we recognise the pressures that businesses face, we have taken this into account when deciding to introduce the scheme in a graduated way, and we will not therefore be using historical data to decide what score a business will be allocated. We have decided to start the scheme from 1 December and the scheme will use information from these ongoing inspections. This means that it may be some time before some businesses receive a score. In the current climate it is better that we take a long term rather than a short term view.

It is important to me as an elected member and portfolio holder that there are built in safeguards for business and that the scheme is applied consistently. This edition of Food Focus provides you with all the necessary information, please do not hesitate to contact the officers of the Food Services Team should you have any queries or concerns.

Stephen Headley
Food Services Manager
Email: steve.headley@eastriding.gov.uk
The purpose of the national Food Hygiene Rating Scheme is to allow consumers to make informed choices about the places in which they eat out and from which they purchase food, and through this, to encourage businesses to improve hygiene standards.

Local authority enforcement officers are responsible for inspecting food businesses to ensure that they meet the legal requirements on food hygiene. Under the national Food Hygiene Rating Scheme, each food outlet is given a hygiene rating or hygiene score that reflects the inspection findings and the business may display this in their premises where customers can see it.

Following a public consultation in the summer of 2008, the FSA Board agreed that a six-tier national hygiene rating scheme should be established in England, Wales and Northern Ireland. The scores given following an inspection will result in a business being allocated a banding between 0 (requiring urgent improvement) and 5 (Very Good). Examples of the door/window stickers and certificate that will be issued to businesses are shown opposite.

A national website will be used to display the scores of all businesses that are included in the scheme; the website will show the business name and address, the date of the last inspection and the latest rating band between 0-5. The website will also include a right of reply for businesses so that they may comment on the banding allocated and any remedial works that have been carried out since the inspection.

Initially, not all councils may take part in the scheme; therefore scores will not be available for all areas. However, East Riding of Yorkshire Council has elected to be amongst the early adopters of the scheme, to the advantage of both local consumers and compliant food businesses.

Ian Pound
Senior Environmental Health Officer (Food Safety)
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Email: ian.pound@eastriding.gov.uk
Example of a window sticker showing the generally satisfactory rating

Example of a rating certificate showing the generally satisfactory rating

**Fraudulent Use Warning**

Food Business Operators are to be aware the FHRS certificates/stickers remain the property of the local authority and that all rights are reserved.

If it is found that a certificate or sticker is being used to mislead the public or misrepresent the food business in any way including by defacing and tampering, then this may constitute an offence under trading standards legislation, for example an offence under the Consumer Protection from Unfair Trading Regulations 2008, which impose a general prohibition on unfair commercial practices.

Any such cases will immediately be referred to the Food Services Team Trading Standards Officers for enforcement action.
All food business premises fall into one of three categories:

1) Those that are included within the scope of the scheme; OR

2) Those that are within the scope of the scheme but are exempt because specific circumstances apply; OR

3) Premises which fall outside the scope of the scheme and are therefore excluded.

During the next food hygiene inspection or audit of your premises the inspecting officer will decide which category your business falls within. Those businesses falling within the scope of the scheme will be notified of their food hygiene rating on receipt of the intervention report letter following the visit. Below are some examples of category 1, 2 and 3 premises.

### Category 1 – Premises included in the scheme

Generally businesses supplying food directly to the final consumer – examples include:

- Restaurants
- Pubs
- Cafes
- Takeaways
- Sandwich shops
- Hotels, guest houses and B&B’s
- Supermarkets
- Schools and nurseries
- Residential care homes and nursing homes
- Hospitals

- Wholesalers and cash & carry premises selling by retail
- Shops and stalls selling food by retail
- Armed forces bases and police stations
- Crown establishments such as prisons

If your business is included in the scheme you will receive the rating certificate and sticker in the post with the usual report letter following the inspection. The FSA’s national FHRS web pages will be updated on a quarterly basis and the food hygiene rating score will be publicly available online. A link to this webpage will also be available from the council’s website (for more information please read the website article in this newsletter).
Category 2 – Premises exempt from the scheme

This category includes premises which are exempt from the scheme due to the business not generally being recognised by consumers as being a food business or it is operating from a private address – examples include:

- Visitor centres selling tinned biscuits or other wrapped goods
- Leisure centre with vending machines only
- Chemist shops
- Newsagents selling pre-packed confectionary
- Childminders

If your business is classed as EXEMPT you will not receive a national Food Hygiene Rating Scheme score, certificate nor sticker with your report of inspection. However, your business name will be displayed on the FSA’s National FHRS web pages indicating the food business is exempt from the scheme.

If as a proprietor you consider that customers perceive your establishment as a food business you may request to have your business included within the scheme.

Category 3 – Premises excluded from the scheme

- Primary producers
- Manufacturers with no retail point of sale
- Packers
- Importers and exporters
- Wholesalers with no retail sale
- Transporters and other inter-business suppliers

If your business is classified as EXCLUDED (category 3) your business is one which is not part of the national Food Hygiene Rating Scheme and therefore will not receive a score, in this case you will just receive the usual report of inspection.

Unfortunately at this time it is not permitted within the scheme for excluded businesses (such as manufacturers) to ‘opt into’ the scheme. This decision may be reviewed by the Food Standards Agency Board in the future.

For further details please do not hesitate to contact a member of the Food Services Team.

Joanne Ellis
Senior Environmental Health Officer (Safety)
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Email: joanne.ellis@eastriding.gov.uk
The FHRS is based on the hygiene risk factors within the Food Standards Agency’s food business risk rating procedures. These procedures are used to determine the frequency and type of intervention-visit Food Authority officers undertake and are set out in the FSA Food Law Code of Practice. They are risk factors that fall directly within the control of Food Business Operators (FBO).

The hygiene risk factors within the risk rating reflect the premises, practices, personnel and management involved in the food operations. Accordingly the FHRS will take account of:

**Premises Hygiene**
The condition of the structure and equipment within your premises – its layout/design, cleanliness, lighting, ventilation and other facilities.

**Practice Hygiene**
How hygienically food is handled – safe food preparation, cooking, re-heating, cooling and storage.

**Confidence in Management**
How you manage and document food safety – implementing HACCP based systems such as ‘Safer food better business’, record keeping, staff training and your compliance history.

### Scores and Risk Bands

The FHRS comprises six rating bands, which in turn are derived from the risk rating scores for each of the three hygiene risk factors described above. The table below shows the breakdown of the scores available for each of the three hygiene risk factors and how these scores then translate into the FHRS Bandings:

<table>
<thead>
<tr>
<th>Hygiene Risk Factor Scores</th>
<th>Factor</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition of the premises structure</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>How hygienically food is handled</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>How you manage and document food safety</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total Score</strong></td>
<td><strong>0</strong></td>
<td><strong>5</strong></td>
</tr>
<tr>
<td><strong>Level of Compliance</strong></td>
<td><strong>High</strong></td>
<td><strong>Low</strong></td>
</tr>
</tbody>
</table>

The Food Hygiene Rating given depends on how well the business does overall and the area(s) that need improving the most (the business may do better in some areas and less well in others).
<table>
<thead>
<tr>
<th>Total factors score Components</th>
<th>0-15</th>
<th>20</th>
<th>25-30</th>
<th>35-40</th>
<th>45-50</th>
<th>&gt;50</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual factors scoring components</td>
<td>No score above 5</td>
<td>No score above 10</td>
<td>No score above 10</td>
<td>No score above 15</td>
<td>No score above 20</td>
<td>–</td>
</tr>
<tr>
<td>FHRS Rating</td>
<td>5 (top)</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>0 (bottom)</td>
</tr>
<tr>
<td>Hygiene Standard</td>
<td>Very good</td>
<td>Good</td>
<td>Generally Satisfactory</td>
<td>Improvement Necessary</td>
<td>Major Improvement Necessary</td>
<td>Urgent Improvement Necessary</td>
</tr>
</tbody>
</table>

**FHRS Examples**

The examples below illustrate how the various hygiene risk factor scores might combine to give certain FHRS ratings/standards. You should note from these two tables the weighting within the scheme given to the management factors. The make-up of the mid-range of the Confidence-in-Management (CIM) component means that premises without satisfactory Food Safety Management Systems or with poor compliance histories risk being penalised, regardless of other component scores (compare examples B and C).

<table>
<thead>
<tr>
<th>Example A</th>
<th>Example B</th>
<th>Example C</th>
<th>Example D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premises Score</td>
<td>5</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Practices Score</td>
<td>5</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>CIM Score</td>
<td>10</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>TOTAL SCORE</td>
<td>20</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>FHRS Rating</td>
<td>4</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Hygiene Standard</td>
<td>Good</td>
<td>Generally Satisfactory</td>
<td>Major Improvement Necessary</td>
</tr>
</tbody>
</table>

**So what can you do to influence your food business’s FHRS Rating?**

Achieving an acceptable FHRS rating is not difficult, providing FBOs take reasonable care to control food hygiene and safety risks. Review the tips below and apply them to your food business to gauge how well you are likely to score and highlight areas where you could make improvements:

**Take care of the management issues and the other issues should follow suit:**

- Ensure you have an appropriately documented food safety management system in place, for most businesses the SFBB or similar will suffice.
- Review your management system and procedures now, make sure they reflect your actual business operations and that they are being implemented.
- Ensure you have a documented cleaning schedule.
- Ensure your staff are appropriately trained, instructed and/or supervised.
- Monitor and record the implementation of critical control measures.
- If problems or issues are identified, get them sorted and record your actions and investments in food safety.

**Ensure the basics (also termed pre-requisites) are in-place:**

- The premises and all equipment are fit for purpose.
- The premises and equipment are clean, and as necessary sanitised or disinfected.
- All food handlers are fit for work, wear suitable clean protective clothing and demonstrate good personal hygiene practices.
- Adequate supplies of clean water and cleaning materials/equipment are available, including a suitable food safe sanitiser, preferably a non-rinse, air-dry type.
- Soap, hand drying materials and as necessary basin plugs and waste bins are provided at hand wash basins.
- The premises are free of and protected from pest infestation or attraction.
- Adequate arrangements for waste storage and disposal are in place.
Ensure control of ‘practices hygiene’ issues can be demonstrated at all times:

- Cross-contamination hazards are controlled by separation of equipment/facilities, of personnel and/or in preparation time between raw and ready-to-eat/cooked foods.
- Ensure separation in storage, and always wrap/cover foods in fridges/freezers.
- Clean and sanitize surfaces and equipment before use for food preparation.
- Ensure thorough cooking throughout your food to a temperature of at least 75°C.
- Ensure safe food storage/holding temperatures – above 63°C for hot foods and below 8°C for cold foods.
- Cool foods rapidly from hot food temperatures (above 63°C) to cold food temperature (below 8°C), within 90 minutes before storage.
- Demonstrate good stock control – by appropriate date marking, first-in/first-out stock rotation and applying safe use-by dates for batch produced or recovered foods.

Ensure control of ‘premises hygiene’ issues are maintained:

- The fabric of the premises is well maintained, all surfaces are in good repair and easy to clean, and where necessary disinfect.
- Ensure surfaces in areas liable to contamination, frequent cleaning and/or damage are constructed of suitably durable materials.
- There is adequate ventilation, and in particular extractor canopy hoods and filters are kept clean and serviceable.
- Ensure adequate general and task lighting, especially in areas where food is handled/prepared.
- Avoid accumulation of materials and equipment which is not suitable, no longer required or not in use, in food rooms, which only serves to hamper cleaning.
- Ensure adequate and appropriately sited sinks and hand wash basins, which are served by hot and cold piped water supplies and suitable drainage arrangements.
- Provide adequate staff toilet/changing facilities and arrangements that promote good personal hygiene and avoid cross-contamination hazards.

In addition to these general matters make sure you have addressed issues that were raised at the time of our last intervention visit. Please also keep us informed of any changes or other issues that may have arisen in the meantime. We want to work with our FBOs to achieve the best possible outcome for them, but primarily for their customers; if we know you have a food safety problem we may be able to help you find a pragmatic solution.

If you want further advice please contact your local Food Services Team.

Andrew Buxton
Senior Environmental Health Officer (Food Safety)
Tel: (01482) 3963223
E-mail: andrew.buxton@eastriding.gov.uk
The fair and consistent assessment of food businesses falling within the scope of the hygiene rating scheme is essential to its success. To ensure we achieve this we have, over a number of years, undertaken extensive training of our officers on the application of the Food Law Code of Practice and in particular Annex 5 which forms the basis of the national Food Hygiene Rating Scheme.

We are therefore confident that the scheme when introduced will be applied consistently and fairly across the East Riding. However there may be occasions when a Food Business Operator may feel that the rating they have received is lower than they had anticipated and that it does not reflect the condition of the premises and/or how it was being run at the time of the inspection or audit. Where this is the case you may discuss your concerns with the inspecting officer when we write to notify you of the rating for your business, which will be within 14 days of the inspection. If during these discussions it is apparent that a particular aspect of the business operation has not been fully considered the officer may agree to amend the rating and confirmation of amended score will be sent to you.

If the inspecting officer disagrees that there are sufficient grounds for changing the rating, and you are still dissatisfied, you may make a written appeal to the Food Services Manager. This must be done within 14 days of the date when you were initially notified of your businesses rating. The appeal will be dealt with immediately and the Food Service Manager’s decision will be confirmed to you within 7 days from the date the appeal is received.

The consideration of the appeal will not normally involve a further visit to the business and will be based upon the information we have already gathered. We will then notify the FSA of how your premises have been rated so that details may be included in the Food Standards Agencies website.

When an appeal has not been received we will automatically notify the Food Standards Agency following the expiration of the 14 day period appeal period.

Beyond the appeals process, Food Business Operators also have a ‘right to reply’ which must be published at www.food.gov.uk/ratings with the food hygiene rating. The purpose being to enable the FBO to give an explanation of subsequent actions that have been taken to rectify non-compliance, or mitigation for the circumstances found at the time of the intervention. Such comments are to be sent initially to the local authority using the ‘right to reply’ form found at www.food.gov.uk/ratings.

The FHRS Appeal form and ‘right to reply’ form can also be found on our website at: www.eastriding.gov.uk/foodhygieneratingscheme

There is also information in the Frequently Asked Questions section on the Food Standards Agency website. This can be found at www.food.gov.uk/ratings

In addition to the hygiene rating appeals procedure the council has in place a formal feedback procedures where anyone who is dissatisfied with the level of service they have received can make a complaint and details of this procedure will be sent out with correspondence following inspection visits.

For further advice please contact your local Food Service Team

John Teahan
Senior Environmental Health Officer
Tel: (01482) 396224
Email: john.teahan@eastriding.gov.uk
Following notification of your premises hygiene rating score you may wish to rectify any deficiencies with a view to having your premises hygiene rating reassessed.

To enable this to happen we will enclose with our inspection reports a form which you may complete identifying what improvements you have made. The form, when completed may be returned to the inspecting officer with a request that a re-inspection be undertaken.

It is important to the success of the scheme that improvements, particularly with respect to how a business is operating, are sustained and are not just carried out to deliver a more favourable rating. For this reason a re-inspection will not be carried out until at least 3 months have elapsed after a request for a re-inspection has been received. After this initial 3 month period the re-inspection will be carried out at any time within the next 3 months and will be made without prior notification. If, having made a request for a re-inspection, you have not been visited within a period of 6 months you should contact the inspecting officer to confirm that your request has been received.

The re-inspection will involve a comprehensive reassessment of the areas of non compliance and it cannot be assumed that the rating will be increased. It is possible that if conditions have declined since the initial assessment the premises rating may drop. However we anticipate that this will only happen on a very limited number of occasions, but food business operators must be aware that re-inspections will not necessarily result in a more favourable rating.

Where an inspecting officer has concerns that food safety is being compromised an enforcement revisit to a business may be carried out at any time to verify specified remedial action has been undertaken. It is very important that food businesses are brought into compliance with the relevant food safety legislation and such enforcement revisits are an important intervention we have used and will continue to use to bring this about. These enforcement revisits, which are triggered by enforcement concerns rather than any request from the food business operator, will not normally result in a rerating of the premises.

To access the form confirming what improvements you have made within your premises visit:
www.eastriding.gov.uk/foodhygieneratingscheme

For further advice please contact your local Food Service Team

John Teahan
Senior Environmental Health Officer
Tel: (01482) 396224
Email: john.teahan@eastriding.gov.uk
Online information about the new food hygiene rating scheme

There is a significant amount of information about the new food hygiene rating scheme currently available from the Food Standards Agency website. It is expected that the information on the website will be updated as the national scheme is implemented.

The website detailed below provides comprehensive information for the public about the rating scheme. On this page is also a search facility which can be used to find out the rating achieved by individual food businesses.

A frequently asked questions page is also available on this page: www.food.gov.uk/ratings

The East Riding of Yorkshire Council’s Food Services website will also be updated with information about the food hygiene rating scheme as the scheme evolves. This will include information relating to the scheme within the East Riding of Yorkshire and will also have a link to the relevant section of the Food Standards Agency website. This website will also provide access to all the documents that support the ratings scheme. This can be accessed at: www.eastriding.gov.uk/foodhygieneratingscheme

We Need You...

...to provide us with your email address because Food Focus will cease to be posted to all food businesses within the East Riding. In order to ensure that you receive the next copy of Food Focus you must ensure that we have your e-mail address.

You can do this by any of the following means:

- Informing the officer who last visited your premises. Details will be on the business card left and the letter sent to you.
- Visiting our website and subscribe to our mailing list at www.eastriding.gov.uk/foodfocus
- Telephoning us on (01482) 396282 or (01482) 396301
- Emailing us at food.services@eastriding.gov.uk

Lorraine Cameron
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Email: lorraine.cameron@eastriding.gov.uk
## Frequently Asked Questions

### Q1. What categories of food business establishments fall within the scope?

**A1.** The categories include caterers such as restaurants, cafes, takeaways, sandwich shops, mobile traders, and other places where people eat food prepared/cooked/served outside of the home. It also includes food retailers such as supermarkets. (See page 4/5).

### Q2. Are mobile food units included within the scope and, if so, which food authority should be responsible for rating them?

**A2.** Generally, yes mobile food units (both retail and catering units) fall within the definition of scope, providing they are registered and operating within the East Riding. (See page 4/5).

### Q3. When should new establishments be rated?

**A3.** New establishments should be rated under the FHRS at the first inspection unless any ‘exemptions’ apply. (See page 4/5).

### Q4. Should the food hygiene rating be notified to an FBO at the end of the intervention or at a later date?

**A4.** The food hygiene rating will not normally be notified at the end of the intervention, but rather the rating will be provided in writing within the context of the intervention visit report generated following the intervention. This will be communicated without undue delay and within 14 days from the date of the intervention. Receipt of the notification of the food hygiene rating triggers the start of the ‘appeal’ period. (See page 4/5).

### Q5. How long does an FBO have to appeal the food hygiene rating before it is published?

**A5.** The appeal has to be made in writing within the period of 14 days beginning with the date of notification, following discussion with the officer conducting the intervention and using the appeal form available at www.food.gov.uk/ratings. After the 14 day period has expired, the food hygiene rating will be published on www.food.gov.uk/ratings if no appeal has been lodged. (See page 9).

### Q6. Do FBOs have a ‘right to reply’ and should this be published at food.gov.uk/ratings?

**A6.** Yes. FBOs have a ‘right to reply’ and this must be published at www.food.gov.uk/ratings with the food hygiene rating. The purpose is to enable the FBO to give an explanation of subsequent actions that have been taken to rectify non-compliances or mitigation for the circumstances at the time of the intervention, rather than to complain or criticise the FHRS or ‘inspecting officer’. Such comments are to be sent initially to the local authority using the form at www.eastriding.gov.uk/foodhygieneratingscheme or www.food.gov.uk/ratings. The text may be edited by the local authority in order to remove any offensive, defamatory, clearly inaccurate or irrelevant remarks before being published to www.food.gov.uk/ratings. (See page 9).

### Q7. When does the re-inspection mechanism apply?

**A7.** It applies where an establishment is given a food hygiene rating, and an FBO has taken action to rectify non-compliances identified and makes a request to the authority to be re-assessed with a view to receiving a higher rating. (See page 10).

### Q8. Where the case for a re-inspection is substantiated, when should this take place?

**A8.** The re-inspection should not in general take place until three months have elapsed (the ‘stand still’ period) since the intervention at which the original food hygiene rating was given. The re-inspection must, however, take place within three months of the end of the three month ‘stand still’ period, or within three months of the request where this is made after the ‘stand still’ period. (See page 10).

### Q9. Must the local authority accede to all requests for re-inspections?

**A9.** No. If the case made by the FBO is not substantiated or insufficient evidence is provided, the local authority can refuse to undertake a re-inspection on that basis. (See page 10).

### Q10. Where a re-inspection is to be undertaken, should this be unannounced?

**A10.** Yes. (See page 4/5).

### Q11. When should ‘awaiting inspection’ certificates and stickers be issued?

**A11.** An ‘awaiting inspection’ certificate and/or sticker may be issued at the request of the FBO in the following circumstances:

- Where a ‘new’ establishment is registered;
- Where there is a change of FBO such that the establishment should be registered and treated as ‘new’;
- Where the FBO moves to new premises, the new establishment should be registered with the local authority and a new rating given at the first inspection, partial inspection or audit;
- Where premises are ‘awaiting inspection’ for the first time under the FHRS.

### Q12. What action should be taken if a certificate or sticker is being used to mislead the public or misrepresent the food business in any way including by defacing and tampering?

**A12.** This may constitute an offence under trading standards legislation for example an offence under the Consumer Protection from Unfair Trading Regulations 2008, which impose a general prohibition on unfair commercial practices. (See page 3).

### Q13. Can FBOs use any of the branding for marketing or advertising purposes?

**A13.** It is recognised that FBOs will wish to capitalise on their rating. Where marketing or advertising by a business misleads the public about their rating or misrepresents the business in any way, this may constitute an offence under trading standards legislation. (See page 3).

### Q14. When will my business receive a rating under the scheme?

**A14.** Your business will receive its rating following the next inspection. This will not necessarily be following our next visit to you, as this visit may not involve an inspection of the business. (See page 4).