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## **The national 'Food Hygiene Rating Scheme' - safeguards for food businesses**

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### **Introduction**

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The 'Food Hygiene Rating Scheme' is a local authority/Food Standards Agency partnership initiative. The scheme provides consumers with information about hygiene standards in food premises at the time they are inspected by local authority food safety officers to check compliance with legal requirements – the food hygiene rating given reflects the inspection findings. The purpose is to allow consumers to make informed choices about the places where they eat out or shop for food thereby encouraging businesses to improve their hygiene standards.

In order to ensure that the scheme is fair to businesses, it has been designed to include a number of safeguards. These are: an appeal procedure; a 'right to reply'; and an opportunity to request a re-visit when improvements have been made in order to be re-assessed for a 'new' rating. Information for food businesses about these different safeguards is provided below.

### **Appeals explained**

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#### **What is the purpose of the appeal process?**

Following a hygiene inspection of your premises by a food safety officer from your local authority you will be told in writing - either at the time or within 14 days (this includes weekends and public holidays) - what your food hygiene rating is.

If you think that the rating is wrong or unfair – in other words it does not reflect the hygiene standards at the time of inspection – you can appeal against this.

#### **What should I do if I want to appeal my food hygiene rating?**

It is a good idea to speak informally first of all to the food safety officer that undertook the inspection of your premises - you will be given the contact details for this officer when you are notified about your rating. This will help you to understand how your rating was worked out and to see if you can resolve the matter without having to appeal.

Following that, if you still think the rating given is wrong or unfair, you can lodge an appeal. To do this, you should complete the standard appeal form which is available at [www.food.gov.uk/multimedia/worddocs/fhrsappealform.doc](http://www.food.gov.uk/multimedia/worddocs/fhrsappealform.doc) and send this to your local authority's lead officer for food – again you will be given the contact details for this officer when you are notified about your rating.

### **How long do I have to appeal?**

You must lodge your appeal in writing (you can send an email) within 14 days (this includes weekends and public holidays) of being notified of your food hygiene rating - you will be told the deadline for appealing when you are notified about your rating.

If you do not appeal within this time, your local authority will publish your food hygiene rating online at [food.gov.uk/ratings](http://food.gov.uk/ratings).

### **What happens next and when will I know the result?**

If you lodge an appeal, [food.gov.uk/rating](http://food.gov.uk/rating) will show that your food hygiene rating is 'awaiting publication'.

The lead officer for food or his/her deputy will review your case (in some circumstances a further visit to your premises may be required) and you will be notified of the result within a maximum of seven days from the date that the appeal was lodged and your hygiene rating will then be published online at [food.gov.uk/ratings](http://food.gov.uk/ratings).

### **What if I don't agree with the outcome of the appeal?**

You can challenge the local authority's decision by judicial review.

## **'Right to reply' explained**

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### **What is the purpose of the 'right to reply'?**

This lets you explain to potential customers any actions that you have taken after your inspection to improve hygiene standards at your premises or to say if there were unusual circumstances at the time of the inspection that might have affected your food hygiene rating.

It is not an opportunity to complain or criticise the food hygiene rating scheme or your food safety officer.

### **What should I do if I want to use my 'right to reply'?**

You should send your comments in writing (you can send an email) to the food safety officer that undertook the inspection of your premises - you will be given the contact details for the officer when you are notified about your rating. You can use the standard 'right to reply' form which is available at [www.food.gov.uk/multimedia/worddocs/fhrsrighttoreplyform.doc](http://www.food.gov.uk/multimedia/worddocs/fhrsrighttoreplyform.doc)

### **How long do I have to submit my comments?**

There is no deadline for this so you can submit your 'right to reply' at any time up until your next inspection when you will get a new food hygiene rating.

### **What happens next?**

Your local authority may edit your comments in order to remove any offensive, defamatory, clearly inaccurate or irrelevant remarks. Other than that, what you say in your 'right to reply' will then be published online together with your hygiene rating at [food.gov.uk/ratings](http://food.gov.uk/ratings).

## **Requested re-visits explained**

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### **What is the purpose of requested re-visits?**

You will automatically be given a new food hygiene rating each time your premises are inspected by your local authority - the frequency of these planned inspections depends on the risk to people's health. The greater the risk, the more often you will be inspected.

If you make the improvements to hygiene standards that the local authority food safety officer told you about at your last planned inspection you can ask for a re-visit before the next planned inspection so that the hygiene standards in your premises can be reassessed with a view to giving you a new and higher food hygiene rating.

### **Is there anything I should do before making a request for a re-visit?**

You are recommended to look carefully at the comments that the food safety officer made about the hygiene standards found at your last inspection in the report or letter you were given and make sure that you have taken appropriate action to address any issues raised. You can discuss anything you are unsure about with your food safety officer or ask for further help on how to make improvements.

This is important because you can only have one re-visit between the local authority's planned inspections of your premises. The officer will be looking at standards generally – not just at the specific areas you have been working to improve – so your hygiene rating could well go down and not up and you will not be able to get a new rating then until your next planned inspection which may not be for some time.

### **What should I do if I want to request a re-visit?**

You should put your request in writing (you can send an email) to the food safety officer that undertook the inspection of your premises - you will be given the contact details for this officer when you are notified about your rating. You can use the standard re-visit request form which is available at [www.food.gov.uk/multimedia/worddocs/fhrsrevisitform.doc](http://www.food.gov.uk/multimedia/worddocs/fhrsrevisitform.doc)

You must explain what actions you have taken on the issues raised at your last inspection and you should include supporting evidence, for example, receipts or photographs to show that work has been completed. This is important as the local authority could refuse your request if you do not provide sufficient information and evidence.

If the request is refused you will be given an explanation of why and advice on any action you need to take or evidence you need to provide before your request can be agreed. If you do not agree with the local authority's decision to refuse your request, you can raise the matter with the lead officer for food. If you cannot resolve matters with the lead officer for food, you can use the complaints procedure for your local authority, details of which may be found on the authority's website.

### **How long do I have to make my request?**

There is no deadline for this - you can ask at any time after you've taken action to make the necessary improvements that were identified at your inspection. You cannot, however, dictate when the re-visit will take place.

### **How soon will the local authority visit?**

Usually, the re-visit will not take place in the first three months following the inspection at which you were given your food hygiene rating. If, however, you were required only to make structural improvements or repairs or to upgrade equipment, your local authority may choose to carry out the requested re-visit sooner than this.

If you make your request during those first three months, you can expect a re-visit within six months of the inspection but you will not be told a specific date and time.

If you make your request later than three months after your inspection, you can expect a re-visit within three months but again you will not be told a specific date and time.

If you are still waiting for a re-visit after these times, you can ask the lead officer for food to investigate. If you cannot resolve matters in this way, you can use the complaints procedure for your local authority, details of which may be found on the authority's website.

**What happens next and when will I know the result of the re-visit?**

At the re-visit, the food safety officer will assess the standards of hygiene at your premises and you will be told in writing - either at the time or within 14 days (this includes weekends and bank holidays) - what your new food hygiene rating is. This could stay the same as before, it could go up, or it could down.

As with the original hygiene rating, you can appeal this if you think it is wrong or unfair or you can submit a 'right to reply' for publication online at [food.gov.uk/ratings](http://food.gov.uk/ratings).

**Will the re-visit cost me anything?**

Not at the moment but it is possible that this may change in the future.