

Business safeguards explained

Important note

This information note is for food businesses operating in **England** and **Northern Ireland** only. In Wales, the Food Hygiene Rating Scheme now operates on a mandatory basis, and there are some differences in the way the safeguard procedures operate. Food businesses in Wales should download a copy of the leaflet 'Food Hygiene is getting easier to spot in Wales' which provides details of how the safeguards operate there www.food.gov.uk/multimedia/pdfs/wales-business-leaflet-fhrs.pdf.

Introduction

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

- a right to appeal
- a 'right to reply'
- 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

What is the purpose of the appeal?

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 still want to appeal it.

If you do still think the rating given is wrong or unfair, you can appeal. Please note that any discussions you have do not change the deadline within which the appeal must be made – see the next question.

You must make your appeal in writing. You can do this by completing a standard form which you can download [here](#) or you can send a letter or an email.

You should send your completed form, letter or email to your local authority's Lead Officer for Food – 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 make your appeal in writing (see question above) within [21](#) days of being notified about your food hygiene rating. This period includes weekends and public holidays.

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

What happens next and when will I know the result?

If you make an appeal, food.gov.uk/rating will show that your food hygiene rating is 'awaiting publication'.

The Lead Officer for food or his/her designated deputy, or the Lead Officer or his/her designated deputy in another authority that is also operating the FHRS, will review your case. The officer that gave the rating will not consider your appeal.

In some circumstances, a further visit to your premises may be required.

You will be notified of the result of the appeal within a maximum of [21](#) days from the date that the appeal was received by your local authority.

Once you have been notified of the result of your appeal, your rating will be published online at 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.

Even if you decide to do this, your rating will still be published at food.gov.uk/ratings.

If you think that your local authority has not followed processes properly, you can use the council's complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate). You should be able to find details of how to complain on your local authority's website.

'Right to reply' explained

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

This lets you explain to your customers any actions you have taken to improve hygiene standards at your premises since your inspection or to say if there were unusual circumstances at the time of the inspection that might have affected your 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 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 do this by completing a standard form which you can download [here](#) or you can send a letter or an email.

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. The 'right to reply' will remain on the website until you are given a new rating.

Requested re-visits explained

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, if your local authority does not charge for the re-visit, you can only have one re-visit between the local authority's planned inspections of your premises. If

your local authority does charge for the re-visit – the local authority will usually inform you of this in the letter notifying you of your rating or when you submit your request - there is no limit to the number of re-visits you may request. However, to avoid paying for multiple re-visits you will wish to address issues before you submit a request.

During the re-visit 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 up, down or remain the same.

Will the re-visit cost me anything?

Some local authorities have introduced a charge to cover the cost of carrying out the re-visit and you will be notified of this in the letter informing you of your rating or when you make your request. If your local authority does not charge for re-visits at the moment it is possible that this may change in the future.

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 do this by completing a standard form which you can download [here](#) or you can send a letter or an email.

Where a charge is made for re-visits, your request should be accompanied by the payment. Your local authority may offer online and/or over the counter payment methods. The letter informing you of your rating will contain information about the options for payment.

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?

Where the local authority does not charge for the re-visit, it will not usually 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 or if your local authority charges for re-visits, 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.

**Food Hygiene Ratings Team
October 2016**